



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 06 Samhain 2014

Thursday, 06 November 2014

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Cathaoirleach: I have received notice from Senator Eamonn Coghlan 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 his intentions in regard to seeking planning permission for a co-located maternity hospital at the same time as planning permission is sought for the new children's hospital.

I have also received notice from Senator Colm Burke of the following matter:

The need for the Minister for Health to clarify the position in respect of Dublin hospitals which are unilaterally imposing very narrow catchment areas in respect of patients for whom they will provide medical treatment.

I have also received notice from Senator Lorraine Higgins of the following matter:

The need for the Minister for Finance to advise what steps have been taken to ensure that assets sold by the National Asset Management Agency to private equity companies achieve the best possible price and return for the Irish taxpayer.

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, Health (Miscellaneous Pro-

visions) Bill 2014 - Second Stage, to be taken at 1.45 p.m., with the contribution of group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes. The reason the Bill is not due to be taken until 1.45 p.m. is because the Minister is not available until then.

Senator Paschal Mooney: I am disappointed to hear that. If the Leader was aware of the unavailability of the Minister until 1.45 p.m. perhaps he could have taken the opportunity to include statements on topical issues for an hour prior to that. If the occasion arises in the future, and if the Leader has been given sufficient advance notice, he might give consideration to such a measure, in particular on a Thursday.

The release by the ECB of the famous letter from the then President, Jean-Claude Trichet, has raised very important and serious questions about the role of the ECB at a time when the country was facing economic collapse. The then Minister for Finance, the late Brian Lenihan, was aware of the threat implied in the letter that has been released, that funding would be withdrawn from Irish banks that would inevitably lead to a collapse of the banks and, by extension, serious damage to the economy, which was already in serious free-fall. I am sure the public will interpret the letter in such a way as to suggest that the then Minister for Finance, Brian Lenihan, had little choice but to bow to what I can only describe as the bullying of the President of the ECB.

One can compare it to a normal bank dealing with the extension of a customer's loan. It would be an appalling vista for any bank to not only provide the loan but to then say that one would have to sell one's house and to take certain steps insisted on by the bank before it would extend the loan. That is exactly what the country was facing at the time. The questions that have been raised by the letter indicate that at a very minimum, the ECB should now instruct Jean-Claude Trichet to appear before the banking inquiry that is currently under way in this country, and that he would answer questions about the time.

I also understand that the letter in question is the first in a series of letters. At least three other letters were written to the then Minister for Finance, Mr. Lenihan, by Jean-Claude Trichet in his capacity as President of the ECB at the time. I call on the Government to release the letters into the public domain so that the public will at last have a full understanding of the choices that were then faced by the Minister for Finance. The vote that was taken in this House yesterday was unprecedented not only in my time but in the decades this Seanad has been in existence. Not only did the dissenting Senators from the Government side cross the floor to support a Fianna Fáil motion but the entire Labour Party *en bloc* crossed the floor and voted against its Government and divided the coalition on that vote. I appreciate that the vote taken is not legally binding and that it has a moral rather than a legal force. I am aware, as the House will be aware, that legislation on a constitutional amendment cannot be initiated in this House and must be initiated in the Dáil.

Will the Leader explain to the House his intention and that of his Government to reflect the overwhelming voice of this House yesterday in regard to the holding a constitutional referendum? The Minister, Deputy Kelly, who has responsibility for water services, came to the House yesterday and acknowledged the importance of the vote, the will of this House and promised to convey that will to the Tánaiste and the Taoiseach. I understand that overnight the Minister, Deputy Kelly, was given a rap across the knuckles by the Taoiseach in regard to the indications of commitments he made that he supported the holding of a referendum.

An Cathaoirleach: The Senator is over time.

Senator Paschal Mooney: Will the Leader inform the House what is going on in Government Buildings? Are we facing into an early election? Is there a split between the two parties?

An Cathaoirleach: This is not relevant to the Order of Business.

Senator Paschal Mooney: People are asking what is going on. I respectfully ask the Leader to give us some indication of that in his reply

An Cathaoirleach: Before I call Senator Bacik, I am sure the Members would like to join me in welcoming to the Visitors Gallery Mr. Sonny Vu, who is a speaker at the web summit, and Mr. Nathan Bailey. They are very welcome and we hope they have a good stay in Dublin.

Senator Ivana Bacik: I also extend a welcome to delegates from the web summit here today. For next year's web summit, we might extend an invitation to delegates more generally to come into the Seanad, given that during the week we very much welcomed the fact the summit is taking place and is being attended by more than 20,000 delegates. We have commended the organisers. It is very good to see even a small number of delegates present.

In respect of yesterday's vote on the Fianna Fáil motion, the vote speaks for itself. The Labour Senators are very concerned that Irish Water would remain in public ownership. That is a concern shared across the Government. When the Minister, Deputy Kelly, came into the House to take the debate following that vote, he acknowledged the importance of the issue of public ownership. He gave a very firm commitment that Irish water would remain in State ownership and he said he would bring the decision on the motion back to Government and to the Economic Management Council, EMC, which is meeting this morning. We all very much hope and anticipate that a comprehensive package of measures will be announced on foot of the EMC meeting today and the ongoing deliberations to reassure people about the affordability of water charges and that Irish Water will remain in public ownership. That was the concern we had yesterday and the Minister acknowledged that, dealt with it very well and spoke eloquently in the debate. That was acknowledged by both sides in so far as we could during the debate given the high level of disruption. The Minister spoke very well and in his opening statement acknowledged the vote and said he would bring the decision on the motion back to Cabinet. He said that again later last night. That was a very clear undertaking by him.

In respect of the other matter Senator Mooney raised, the publication in today's edition of *The Irish Times* of Jean-Claude Trichet's famous letter to the then Minister, the late Brian Lenihan, I am not sure it was released. I think it was obtained by *The Irish Times* rather than being released formally by the ECB. I agree with the Senator that it would be very important, especially for the banking inquiry, to have sight of all these letters and that they would be put into the public domain. It was very instructive for anyone reading the newspaper this morning to read that letter in full, to appreciate the threatening tone of it and to see finally in black and white what it stated.

I thank colleagues who spoke on the debate on penal reform in the House last night on foot of a Private Members' motion I tabled along with my Labour colleagues calling on the Minister, Deputy Fitzgerald, to consider the two reports on penal reform that have been produced recently, one by the Oireachtas Joint Committee on Justice, Defence and Equality in 2013 and the other by the Minister's strategic review group. We had a very good debate. The Seanad was united in calling on the Minister to implement progressive recommendations in the report. The

Minister of State, Deputy Dara Murphy, who took the debate for the Minister, Deputy Fitzgerald, gave a very good response to the debate in which he laid out a number of commitments around implementation. I will be asking for another debate on this issue in perhaps six or eight months time to see what progress has been made in implementing the recommendations.

Senator Conway and I attended the launch yesterday of Ruhama's annual report for 2013 and I was privileged to launch the report in place of the Minister. It was very moving to hear the stories from front-line staff in Ruhama about working with women in prostitution who number 2,500 during the 25 years Ruhama has been in existence. We all joined in calling for a change in the law to ensure the purchase of sex is criminalised in line with the justice committee report from last year.

Senator Sean D. Barrett: Senator Bacik mentioned we might debate Irish Water again and I agree with what she said about the Minister, Deputy Kelly. If the approach he took had been the one adopted when this debate commenced, we would not be in the situation we are in now. When he introduced the Taxi Regulation Bill, he accepted many amendments and also tabled many amendments. Amendments to the water services legislation were comprehensively refused by the then Minister and we could see where that would end up. The notion of such equity investment off the balance sheet is a piece of economic hocus-pocus and I do not know why the Government bought into it. It is causing the problem. There are serious equity issues. A family of four on an income of €100,000 would pay approximately 19 times more income tax than a family on an income of €15,000. There is not that degree of progression in terms of the water tax, which is the reason people on low incomes with hardly any disposable income are protesting. It is regressive, it is like the poll tax and is based on economies of scale. The numbers in the McLoughlin report show that Leitrim, which is the smallest county, has one of the least leakages at 36%. Large counties such as Mayo, Galway, Donegal, Cork and Tipperary have ten to 15 percentage points more in leakages. If the Government is proceeding on the basis that small is ugly and big is beautiful and that we need one big organisation, that is not shown by the data. That aspect must discussed also.

I draw attention to the matters discussed at yesterday's meeting of the Joint Committee on Transport and Communications chaired by Deputy John O'Mahony. I am glad that delegates from the Web Summit are present in the Visitors Gallery. The postcode system that Ireland is adopting was dismissed by everyone yesterday as being massively expensive and useless. The numbers are not sequential, is hugely expensive and is outdated technology. We have the technology that can recognise where letters addressed to Clones should go. There is no need to add seven digits. Concern has been expressed by people, including Deputy Olivia Mitchell, about the tendering process and the continuous payment for this outdated technology to a company which apparently was a consultant on the project. Let us not have two scenarios like Irish Water happening at the same time. I ask the Minister, Deputy White, come into the House to address this. We asked the former Minister, Deputy Rabbitte, to come into the House before we signed up for this system to outline what it is supposed to do. The view of the Freight Transport Association, the industry involved, unanimously was that the system was of no use and that the numbers are not sequential. There are also views from those in the civil rights sector that it will disclose information about citizens which should not be available rather like the request for PPS number in the case of Irish Water. I call for a debate on the postcode system before it ends up as an another economic disaster.

Senator Martin Conway: I echo what Senator Bacik said about the launch of the Ruhama report yesterday. I know people are very busy and Irish Water is a very important topic but I

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was disappointed that only two Oireachtas Members attended the launch of this fundamental issue of human rights. Irish Water is an important issue but the way women in prostitution are treated and trafficked into this country is a much more fundamental issue. The launch was held down the road in the Alexander Hotel and there was no excuse for there not being a higher number of Oireachtas Members in attendance. Having echoed my disappointment about that, I commend Ruhama on the amazing work it has done during the past 25 years. I have no doubt it has saved the lives of many women and has helped many women get out of prostitution. It is my contention and the contention of studies internationally that no woman enters prostitution as a free choice. It is always due to circumstances that are outside that person's control. Unfortunately, the end result is drug abuse, violence and, in too many cases, young ladies losing their lives.

With this in mind, it is appropriate that the House should debate Ruhama's report and the work it has done for the past 25 years in order to put pressure on the Minister for Justice and Equality to introduce the legislation recommended by the justice committee that would criminalise the users of prostitution and decriminalise the unfortunate people who find themselves in prostitution. The committee published a ground-breaking report, but it has been sitting on the Minister's desk. I do not doubt her honour or integrity but, through circumstances outside her control, the lifetime of the Government might not be as long as we would like it to be. This issue needs to be addressed urgently.

Senator Terry Leyden: I agree with Senator Bacik, in that an invitation should be sent to the group to attend the Houses during next year's web summit. I am not referring to all of the 20,000 people. I met the group last night. The city was humming. Business has been created. I wish to pay tribute to Mr. Paddy Cosgrave who initiated the summit.

Senator Martin Conway: He is a great lad.

Senator Terry Leyden: The Government and President should commend him on his contribution. I met one of the exhibitors from Roscommon. She was networking in the city last night, in which regard we assisted her. Seeing that number of people displaying such good behaviour and with such spending power was a most exhilarating experience. Senator Brennan voiced his difficulty with hotels, which was fair enough, but people last night told me that the cost was competitive compared with other cities. We must allow for that as well. The web people have very deep pockets and are well funded, so I am sure that they are happy and enjoying themselves in Dublin.

I rise to discuss the letter published today by Mr. Cliff Taylor. The entire group of letters should be published by the Government, even though doing so would not seem to be in its interests. According to *The Irish Times*, Mr. Jean-Claude Trichet, then president of the European Central Bank, stated on 19 November 2010 that "further emergency liquidity assistance ... would not be provided for the Irish banking system unless Ireland applied for a bailout." On 18 November, Professor Patrick Honohan jumped the gun for his own reasons and appeared on "Morning Ireland" to pressure the Government into accepting Mr. Trichet's diktat. At that point, I believe-----

An Cathaoirleach: Is this relevant to the Order of Business?

Senator Terry Leyden: It is very relevant. The ongoing inquiry is a waste of funds, given how much information is becoming public. I was with Mr. Brian Lenihan when Professor

Honohan rang from Frankfurt demanding that a Cabinet meeting be called. Brian Lenihan was not the Taoiseach and could not do so. He returned to our table at that point. I know exactly how the event happened. Brian Lenihan was making a last ditch attempt to burn the bondholders, but that was refused by Mr. Trichet, who had previously indicated that he would give some concession. The Government was pushed into a bailout on 21 November. History will show what really happened. Some 58 members of the Fianna Fáil Parliamentary Party lost their seats as a result of those events.

Senator John Whelan: There were far worse consequences.

I echo the sentiments voiced by Senators Bacik, Mooney and Barrett regarding the House's debate yesterday on Irish Water. I commend the Minister for the Environment, Community and Local Government, Deputy Kelly, on the good grace, dignity, poise and humility he displayed. He put his hands up and acknowledged that unacceptable mistakes had been made in the establishment and conduct of Irish Water. The House marked itself out on what was an historic day. Yesterday showed that we could think for ourselves and were not just the Government's puppets, but it did not necessarily reflect a split on the Government side of the House. I am certain that my Fine Gael colleagues are every bit as committed to retaining Irish Water in public ownership as we in the Labour Party and others are. However, there is a difference of opinion as to how best to achieve that. I am not a legal expert, but some argue that public ownership should be enshrined in the Constitution. I agree with Mr. Jack O'Connor of SIPTU and others in that regard. Elsewhere, people argue that such a measure could lead to unacceptable, unfortunate and "unforeseen" consequences. I would argue that there could be terrible unforeseen consequences of not doing so.

Will the Leader reconvene the debate at the earliest juncture so that we might have a proper and full discourse? Some 20 Senators had indicated their wish to speak, but most were denied that opportunity due to a blatant abuse of privilege and the blackguarding by one particular Member of the Cathaoirleach and Leas-Chathaoirleach. That is not acceptable.

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

Senator John Whelan: Yes. Can anyone explain to me how we can fix or replace lead pipes, stop pumping raw sewage into our rivers, streams and seas, replace 490,000 septic tanks, secure a sustainable water supply for this city, build new reservoirs and ensure a safe supply of water for companies like those attending the web summit about which we have been boasting without investing in a creaking Victorian infrastructure that is breaking at the seams or establishing an entity like Irish Water, one that is run properly and applies a fair and affordable water charge? It would be reckless and politically dishonest to try to fool people into thinking one could get that money without setting up Irish Water or applying a fair and affordable charge.

An Cathaoirleach: The Senator could make those points during the debate.

Senator John Whelan: We should reconvene the debate so that the House might continue teasing out these issues.

Senator David Cullinane: Hear, hear.

Senator John Whelan: We do not all have to agree, but we should at least show respect for the other person's perspective until we arrive at the right solution for the country's good.

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Senator Feargal Quinn: I agree with a great deal of Senator Whelan's comments. Regrettably, many of us did not get an opportunity to debate the matter yesterday. I was impressed by the Minister, Deputy Kelly. He spoke well and was clear in what he stated.

I wish to address a specific point on which I want to reconvene the debate. According to the Minister, "over 800 km of the water pipes in Dublin are well in excess of 100 years old." It seems absurd that Irish Water plans to assign to customers responsibility for what is primarily a Victorian piece of infrastructure that has many leaks and could develop further ones. Irish Water has stated that it will repair a leak for free on one occasion, after which the householder is on his or her own. Anyone selling something must warrant it, be it a car, a television or a foodstuff. This policy should also apply to Irish Water and oblige it to give a ten-year guarantee on older pipers. Topics like this one have not been discussed but need to be. Whatever went wrong yesterday meant that many of us did not get a chance to do so. Many points could have been made. It is essential that the House get a chance to debate Irish Water in the near future.

It was correct of the Government to take steps to ensure that the ongoing scandals at some foreign language schools did not continue, but a number of legitimate schools have been hit as well. There seems to be a significant delay. One school with a large number of students has been waiting ten months for recognition. It will have to close this Christmas if it does not receive the permission it needs. There is no suggestion of the school not adhering to the rules and regulations that have been applied.

11 o'clock

This something to which we should draw the Minister's attention and perhaps we should also debate it in the House.

Senator Paul Coghlan: We all share Senator Mooney's concern about the letter to which he referred. It was allegedly marked "secret" and I do not believe it is in the Government's possession to release it. I hope the ECB will make a decision today that the four letters in the series will be released. As the Minister for Finance stated this morning, they will be vital for the banking inquiry which is proceeding. From what I read in Cliff Taylor's report this morning, the Government of the day had no choice. It had a gun to its head. Emergency funding would have been cut off unless we immediately applied for the bailout. The Government had no choice. No Government would have acted differently. The country was on the verge of bankruptcy. It was very difficult. The Governor of the Central Bank spoke at the time, some of which we heard this morning on "Morning Ireland". We should temporarily park it and see what the ECB decides today, after which perhaps it can be revisited. It will be of paramount concern to the banking inquiry. We will have to reflect on how to deal with it. It is not a matter for us today.

Senator David Cullinane: On four occasions since we returned from the summer recess, I have asked for a debate on water services. The Leader was kind enough to arrange the debate yesterday and the Minister came to the House to take what was to have been a two and a half hour debate. Many of us had developed a series of questions and put time and effort into preparing for yesterday's important debate. Those of us in opposition and many on the Government side had called for the debate but only four Senators had an opportunity to make a contribution, which is appalling. The blame partly lies with the fact we adjourned the Seanad for so long, but the primary responsibility must lie with the Senator who was disruptive, childish and irresponsible-----

Senator Ivana Bacik: Hear, hear.

Senator David Cullinane: -----and prevented us having the debate we should have had.

An Cathaoirleach: We will not discuss yesterday's business today. Questions to the Leader.

Senator David Cullinane: I do not intend to draw upon the Seanad a response from the Senator in question so I will leave it at that.

We need to reconvene the debate. I accept the Minister came to the House, spent time with us and made an open statement, but we did not have an opportunity to question him. It is not the fault of the Leader and it is not my fault, but we need to have another debate. Everybody accepts there is huge frustration and anger. We can disagree on many aspects of water services but we should at least have a respectful debate in the House and be in a position to question a Minister.

There seems to be agreement, at least on the face of it, on the area of public ownership of water. I cannot understand for the life of me why the political system as an entity cannot agree on how best to proceed on the issue. I commend the Labour Party on supporting the motion tabled yesterday. Next week, Sinn Féin will table a constitutional amendment Bill in the Oireachtas. I do not know whether the Government will support it. Whatever about the Bill, surely it is within the ability of all of the political parties to come up with a framework to protect the future of our water services. This is a question I would have put to the Minister, Deputy Alan Kelly, yesterday. I respectfully ask the Leader to reconvene the debate in the coming weeks because our questions have not gone away and will need to be answered.

Senator Colm Burke: With regard to yesterday's debate, an intern from the US is working in my office at present. His response to yesterday was to ask whether it was the normal way we carry on business in the House.

An Cathaoirleach: We are not discussing yesterday's business today.

Senator Colm Burke: It was wrong it occurred. It sent out the wrong message not only to the Irish people, but also to people abroad. I ask that it never occur again during the lifetime of this Seanad.

Senator Marc MacSharry: With regard to the letters mentioned, which we anticipate will be released today, irrespective of the banking inquiry of which I am a member they should be debated in the House. We should have a general debate not on advocating withdrawal, but certainly our participation in the euro. One of the many reasons for our economic collapse, in my view, was the fact that we had 8% growth levels with 2% money available. We are already beginning to see it again, and while it is welcome because we are coming from such a low base we have 0% money coming into financial institutions and 6% growth rates forecast for next year. As a result of how the European Central Bank does its business, interest rates will never be where we need them to be because they focus on inflationary concerns rather than economic concerns. We need to debate this and it needs to be considered.

In asking the Leader to rearrange a debate on Irish Water, five minutes per speaker was not acceptable. A longer period of time was required. What the Minister, as a former Member of the House, had to say yesterday was welcome and a breath of fresh air. As somebody who is now a member of the Executive, we will see whether he can walk the talk. With regard to the

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constant interruptions during my address, I am long enough here to be able to accept them. I support robust debate and participate in it. I make no apologies for it. If the debate was not long enough for colleagues, the matter should be raised with the Leader rather than with somebody who participated in the debate yesterday.

Senator Michael D'Arcy: Now that we are into the long dark winter nights, people find they are no longer safe in their homes and this is a real concern. The level of criminality in the Traveller community is now out of control. It is important to qualify this statement, because I do not want anybody to say I am against Travellers. I certainly am not. However, it is not acceptable that one sector of society seems to choose to ignore the boundaries by which we all live. The Traveller community today does not take responsibility for its own members. I have been informed by senior members of the Garda that very serious crime is occurring within the Traveller community at a level never before seen. I call on the Minister for Justice and Equality to come to the House to debate serious criminality, during which we can scope further the actions of the Garda to see whether they are able to impact on the level of crime in the Traveller community. It cannot be left unchecked because it is burgeoning and spiralling upwards in a way which is not acceptable.

Senator David Norris: Yesterday, Seanad Éireann distinguished itself in a number of ways. The most important was the passage of the vote on the referendum.

Senator David Cullinane: Hear, hear.

Senator David Norris: There is also the question of the behaviour of Members of the House, which was regrettable and resulted in a situation where only one person from this side of the House was heard, and that was mainly in the form of interruptions. I was not the only person involved in the mess, but it was a mess and undemocratic. With regard to water, no one wants to pay for water and no one agreed to pay for water. What they are paying for is the treatment and delivery of water. The rain that comes out of the sky is free, and if this is all one wants that is fine, one should just stand outside and open one's mouth. We already pay for this water through central taxation. This is an additional tax. In light of the Trichet letter, obviously people in this country feel very strongly that it is yet another austerity tax, and that is what it is. This is being imposed on a country where a large number of people are put to the pin of their collar and are not able. They do not have the money. One cannot get blood out of a stone.

Senator Mary M. White: Hear, hear.

Senator David Norris: A very strong answer should go to Trichet. At that stage of course we had room for manoeuvre. We could have said, as Deputy Adams so eloquently stated, "bugger off" and let the whole European system collapse and bring the whole bloody lot down with us. That is what we should have done. It was a game of chicken and we chickened out first. This is regrettable. James Joyce's masterpiece, *Ulysses*, pays tribute to the establishment and completion of the great Vartry water scheme in 1904. That is about the last time anybody did anything about it in this country, except for tinkering with maintenance. Here is another situation where we have got our independence and we have done diddly squat since the British left. It makes me wonder what we are celebrating in 2016. I will not be here for it as I am going abroad.

Senator Susan O'Keeffe: I wish to ask the Leader to invite the Minister for Education and Skills to discuss the future of the technological university. The subject has come up time and

again. It is important to have the debate at this point because we are still not making progress on technological universities.

Senator David Cullinane: Hear, hear.

Senator Susan O'Keeffe: There are a number of questions we ought to ask about how we want technological universities to be and even whether we want them. If we do, should they be markedly different from existing universities, and if so, how we make them different? We have a new Minister, and we agree there is probably a need for such universities. I live in Sligo and Sligo IT would like to be a lead partner in such a technological university. Questions must be answered as to how that might happen and whether the relationship between technological universities and industry is something we should develop more and allow universities as they are currently constituted to be places of research. We must examine how we can make the relationship work. I would welcome a debate on the matter.

If the Minister were to come to the House I would also like to raise a matter raised by other speakers, namely, the graduate medical programme and the difficulties facing graduates who now find the terms on which they got loans have changed and that they will be burdened with enormous loans they will struggle to pay. We will ultimately be the losers as young doctors will leave the country. That seems to me to be a terrible waste of good talent but also a very great difficulty for those people who would love to stay in Ireland and bring their expertise and education to bear on people in this country. One could ask why on earth would we contribute to something that makes it clear for them that they should not stay.

I appreciate they are separate issues but perhaps they could be addressed if the Minister is invited to the House. I am sure other Members might have other matters that might form part of the debate with the Minister.

Senator John Crown: It is timely that we would ask the relevant Minister, who, in truth, would probably be the Taoiseach, to come to the House at some stage for a broad-ranging debate on political reform. At the time of the Seanad referendum last year substantial and welcome attention was paid not only to the need to reform this House, but a broader debate on political reform. We have been promised by the Leader we will see relevant, but limited reform legislation come before the House some time in the next year.

I was very impressed with the article written by Deputy Eoghan Murphy in which he pointed out the difficulty which the current Whip system, Cabinet power and the de-fanging of back-bench Deputies is having on the conduct of public governance in this country. Those are issues which were very important to us last year because one of the key arguments which many of us on both sides of the House advanced last year in defence of the contention that the Seanad required reform and not abolition was the fact that until the Dáil was reformed, getting rid of this Chamber would not fix any of the substantive problems which were largely culpable for many of the difficulties we have found ourselves in recent years.

The Seanad is supposed to be a deliberative Chamber, one where less inflamed passions can sometimes inspire intellectual discourse on important issues. We did that a lot last year on the question of political reform at the time of the referendum and we should do it again. There is much to be said for blocking off a decent amount of time, in the cold light of day, perhaps some time in the new year for a debate on issues such as the Whip, the power of Cabinet, the role of economic councils, how we can encourage backbenchers from both Houses to take the oppor-

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tunity to speak independently and how they can contribute their sometimes very considerable talent to the ideas which we need to generate. I formally make that request to the Leader.

Senator Paul Bradford: In the aftermath of the release of the Trichet letter - the contents should not come as a surprise to anybody - there will be further recollection of the events of the summer and autumn of 2010 when the country reached its lowest economic point in many decades. It should lead us to reflect on what caused the problems in the period from 2006 to 2010, which was not caused by Europe, it was caused by domestic political decisions taken in this country. I refer in particular to a deliberately fuelled property boom which then became bust.

Senator Mary M. White: Senator Bradford's party did not object to it.

An Cathaoirleach: Senator Bradford should be allowed to speak without interruption.

Senator Paul Bradford: If I could be allowed, I will try to make a constructive point rather than a silly political point.

Senator Mary M. White: It is not a silly point.

An Cathaoirleach: Senator Bradford should be allowed to speak without interruption.

Senator Paul Bradford: We must try to learn from past mistakes. Anybody who read one of the main banner headlines in one of yesterday's daily newspapers in which we were informed that the Government coffers are being boosted once again by a property boom should think carefully as to whether that is good or bad news.

Senator John Crown: Hear, hear.

Senator Paul Bradford: One could ask whether we are going to repeat the same mistakes again. I will not refer to short-term political advantage as the electorate has copped on but the question is whether we will seek to devise a short-term economic model incorrectly manufactured by a property boom. I previously called for the Minister of State with responsibility for housing to come to the House. We urgently need a thorough debate, not on the construction industry but on housing for families and individuals. We must have a debate on how we as a nation want to house people, not how we want to grow an industry or turn property developers into millionaires. We must examine what is our policy on housing people. The Government has come up with a strategy and the Minister of State, Deputy Paudie Coffey, is the lead Minister. We must have a debate on the property market and how we propose to deal with the housing crisis. I would be frightened if we were to cheer-lead ourselves into another boom and bust property cycle which might give us two or three years of false security but lead us back to the very same crisis that we experienced during the so-called Celtic tiger. Such a debate is urgently required and I ask the Leader to try to facilitate it at his convenience.

Senator Fidelma Healy Eames: We need an economic debate in the House with the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton. Last Sunday's *The Sunday Business Post* carried a major feature on a financier speaking in this country at the weekend on the reason investors will not invest in this country. He gave two major reasons, one is because of our high level of debt-to-GDP ratio and the second one is because we are not able to keep talented youth in this country. He said that while we lose our youth we lose hope and DNA material we need for the future.

Let us contrast that with the fact that our growth is meant to be the highest in the eurozone

this year. It reminds me of when a number of years ago we were held up as being top of the class in Europe and then we found that our foundation was bottomless. Something is not hanging together. We are told things are improving - I want them to improve - yet it is very clear from the mood of the people, not least on water because as we know that is about much more than water, that growth is not being felt on the ground by people and they are hurting too much. I would like the Minister to inform us who is investing in Ireland, how strong is our growth, how strong are the fundamentals underpinning the growth, what the threats are to it and what hope we can give the nation. This must be balanced against the type of serious report in last Sunday's edition of *The Sunday Business Post* which stated the reasons investors are not confident to invest in this country. I ask for a serious debate on that issue.

Senator Maurice Cummins: Senators Mooney, Leyden, Coghlan, Bradford and others raised the important issue of the Jean-Claude Trichet letter which will certainly form part of the banking inquiry. In my view those letters should be investigated by the banking inquiry which I am sure will deal comprehensively with them.

In the House yesterday the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, asked about the vote. Senator Bacik explained her position on the vote taken yesterday. The Minister acknowledged the vote. He said that he would bring the matter to Government and I am sure he will do so. I understand from Senator Cullinane that a Bill will be introduced next week in the other House proposing a referendum on that matter. I wish to state clearly and put it on the record of the House in case of any doubt from any source that it is the Fine Gael position that we are totally opposed to the privatisation of our water supply. It is a case of deciding how to deal with it, whether by means of a referendum or by the strengthening of legislation. Yesterday I asked for time to allow the Government proposals to be put in place before having a vote but that was not what happened yesterday.

Senator Bacik spoke about yesterday's debate on penal reform and she called for a further debate. We can consider that debate in six or eight months' time.

Senator Barrett made a number of points about Irish Water. He questioned the postcode system which was debated in committee. He asked that the Minister, Deputy Alex White, come to the House to discuss the matter. I will inquire from the Minister whether he will come to the House to deal with that matter.

Senator Conway called for a debate on the Ruhama report. The matter was discussed in the House yesterday on the Order of Business. A number of Senators raised that matter. I understand the Cabinet may be discussing this matter and there may be a decision in a number of weeks.

Senator Leyden complimented the organisers of the web summit. On Tuesday we complimented the organisers and welcomed all the attendees. I may have been confused but Senator Leyden mentioned that he was with the former Minister, Brian Lenihan, when he got the call from Jean-Claude Trichet-----

Senator Terry Leyden: No, the call from Patrick Honohan.

Senator Maurice Cummins: That is good to hear. I am sure Senator Leyden will be called to give evidence to the inquiry in that regard.

Senator Terry Leyden: I am ready, willing and able.

Senator Ivana Bacik: He is ready to serve.

Senator Maurice Cummins: Senator Whelan spoke about the debate on Irish Water and he highlighted the need to invest in infrastructure. A number of Members have asked for a further debate on Irish Water. When the Government has finalised its plans I will ask the Minister, Deputy Kelly, to come to the House. It was regrettable that we did not have a comprehensive debate. There was no objection to the Order of Business proposal that every speaker would be allowed five minutes speaking time which would have allowed 20 Senators to contribute. Unfortunately, Members were prevented from having their five minutes because of the antics of some people in the House yesterday.

In reply to Senator Cullinane I will certainly try to have a further debate with the Minister, Deputy Kelly, once the Government's proposals are announced.

Senator MacSharry asked for a debate on our participation in the euro. I will consider his request. Senator D'Arcy is probably unfair in targeting any one section of the community where crime is concerned. Crime is committed by many sections of the community and it will need to be tackled. Elderly people have been in fear of their lives but this problem needs to be addressed by the Government because the protection of people in their homes is paramount.

Senator Norris said that we were already paying for water. I agree we are paying a certain amount for our water but up to now this country has been spending €1.2 billion to barely maintain the broken pipes which cause leakages of 40% to 50% of water. Dozens of treatment plants are inferior and many kilometres of pipe work are broken. We have to fix the water system. As mentioned previously, this time last year the web summit had no water. At least €10 billion needs to be invested in the period up to 2027 in order to fix the system. Solving this problem will safeguard the investment and help to create jobs. It is disgraceful that today more than 20,000 people are on boil-water notices. The Government intends to address this issue.

Senator O'Keeffe spoke about the future of technological universities. The Minister spoke about the situation in the south east when he was responding to an Adjournment matter last evening. I will ask the Minister to come to the House for a debate on technological universities and their connection with industry. I am sure their mission is different to that of the existing universities. For example, Taiwan has up to 100 universities and there is currently a discussion about having technological universities rather than their existing universities which are among the best in the world. I will ask the Minister, Deputy Jan O'Sullivan, to come to the House.

The graduate medical programme has been raised on the Order of Business on a number of occasions. It may have been raised during last Tuesday's debate - I am not sure - when the Minister was in the House for a debate on health.

Senator Crown asked for a debate on political reform. I will try to facilitate such a debate in the next term. Senator Bradford spoke about the dangers of the property boom and the difficulties that may recur. The Minister of State, Deputy Coffey, has responsibility for housing and he will be announcing a number of measures. I suggest we can have that debate when those proposals are in play.

Senator Healy Eames called for a debate on foreign direct investment with the Minister, Deputy Richard Bruton. This investment has been very significant in recent years and it has contributed to the growth of the economy. I agree the benefits have not filtered down to many parts of the country but the Government will certainly continue to press for more jobs. I have

invited the Minister to the House to discuss the action plan for jobs and I am sure the debate on foreign direct investment could be included.

Order of Business agreed to.

Sitting suspended at 11.30 a.m. and resumed at 1.45 p.m.

Health (Miscellaneous Provisions) Bill 2014: Second Stage

An Cathaoirleach: I welcome the Minister of State, Deputy Kathleen Lynch, to the House.

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

Minister of State at the Department of Health (Deputy Kathleen Lynch): I am pleased to have this opportunity to address the House on Second Stage of the Health (Miscellaneous Provisions) Bill 2014. This is quite a technical Bill, with 44 sections in total. The Bill has three main objectives. It will provide for the subsuming of the Opticians Board into the Health and Social Care Professionals Council; it will make certain efficiency amendments to the Health and Social Care Professionals Act 2005 and ensure consistency with the legislation governing other health regulators; and it will amend the Health Act 1970 to ensure statutory contributions are payable by recipients of residential support services who, while maintained, are not directly accommodated by or on behalf of the Health Service Executive.

The first objective, and the original main purpose of the Bill, is to subsume the Opticians Board into the Health and Social Care Professionals Council. This is in furtherance of the on-going programme of State agency rationalisation. The intention is to effect the amalgamation by transferring the regulation of the professions of optometrist and dispensing optician from the Opticians Act 1956 to the Health and Social Care Professionals Act 2005. The amalgamation of the Opticians Board with a more broad-based, multi-profession regulator will move the regulation of these professions into a modern regulatory regime where the primary and overriding focus will, however, continue to be on the protection of the public.

I pay tribute to the Opticians Board’s outgoing president, its members, its registrar and their predecessors who have been regulating the optical professions in Ireland for almost 60 years. The advice and assistance of the professional bodies, the Irish Association of Dispensing Opticians and the Association of Optometrists Ireland, over many years and, in particular, leading up to and during the current transitional phase has also been much appreciated.

The interim Optical Registration Board, which was established earlier this year and whose members will be appointed to the new statutory board when this Bill is enacted, is currently preparing the necessary by-laws to be made by the new statutory board. When these by-laws have been made the Opticians Act 1956 will be repealed and the regulation of the optical profession will pass to the new board under the Health and Social Care Professionals Act 2005.

I will provide the House with some background to the Health and Social Care Professionals Act 2005 which will apply to the optical professions on the enactment of this Bill. I will also update the House on the implementation of the Act to date. The Act currently provides for the statutory regulation of 12 designated health and social care professions. Regulation under the

Act is primarily by way of the statutory protection of professional titles by confining their use solely to persons granted registration.

The structure of the system of statutory regulation comprises a registration board for each profession, a committee structure to deal with disciplinary matters and a Health and Social Care Professionals Council with overall responsibility for the regulatory system. These bodies are collectively known as CORU and are responsible for protecting the public by regulating health and social care professionals in Ireland.

The Act provides for a two-year transitional or grand-parenting period during which existing practitioners must register on the basis of specified qualifications. After this period, only registrants of a registration board, who will be subject to the Act's regulatory regime, will be entitled to use the relevant designated title. As the optical professions are already regulated under the 1956 Act, no transitional period will apply to them and their transfer to the 2005 Act will be seamless.

To date, the registers of two professions, social workers and radiographers, have been established. The Social Workers Registration Board's two-year transitional period ended in May of last year. This means that all persons using the title of social worker are now obliged to be registered and are subject to the provisions of the Act. The transitional period for the profession of radiographer will end in October of next year.

The registers for the professions of speech and language therapist and dietitian were established by their registration boards last Friday, 31 October. The occupational therapists register is expected to be open for applications for registration very early next year. The remaining professions are following close behind and I expect that the registration boards of all 12 professions will be established by the end of next year.

From a public protection viewpoint, a crucial milestone in the regulation of the Act's designated health and social care professions will be the introduction of the 2005 Act's fitness to practise regime. This will involve the commencement of Part 6 of the Act to allow complaints about the conduct or competence of registrants to be investigated. Disciplinary sanctions, where complaints are substantiated, up to and including the cancellation of registration, may be imposed. This fitness to practise regime will be similar to that applicable to medical practitioners, nurses and midwives. CORU is currently putting in place the necessary legal and administrative arrangements to allow the new fitness to practise regime to be implemented. Arrangements are in train for the making of the necessary commencement order before the end of this year.

I am aware of other professions seeking designation under the Act. Creative arts therapists and audiologists, for example, have been making a case for regulation for some time. The immediate priority, however, is to establish the regulatory regimes for the 12 professions already designated and to transfer the regulation of the optical professions to the 2005 Act. The Minister also needs to make final decisions in 2015 on the details of bringing the regulation of counsellors and psychotherapists within the ambit of the Act. The first stage of the required consultation process is currently under way.

When all the registers have been established, towards the end of 2016, the Department will ask CORU to prepare a risk assessment, in terms of public protection, of the principal health and social care professions seeking designation, and to make recommendations concerning options for their possible future regulation.

The second objective of the Bill is to make certain amendments to the Health and Social Care Professionals Act 2005 in the interest of the efficient running of the regulatory system and to ensure consistency with the legislation governing other health regulators.

The Bill will divide, for the purposes of the Health and Social Care Professionals Act 2005, the designated profession of radiographer into the two designated professions of radiographer and radiation therapist. The Bill will also permit a registration board to regulate two or more designated professions. Under this objective, the Bill will introduce uniformity between the Act and certain provisions of other Acts which regulate medical practitioners, nurses and midwives.

The division of the designated profession of radiographer into two designated professions of radiographer and radiation therapist for the purposes of the 2005 Act is in response to the evolution of the profession into two professions for all practical purposes. Over time, the training, qualifications and scopes of practice of diagnostic radiographers, who take images, and radiation therapists, who apply radiation treatment, have continued to diverge. The division for regulatory purposes has been recommended by the Radiographers Registration Board and the Health and Social Care Professionals Council.

The existing 13-member Radiographers Registration Board will regulate the professions of radiographer and radiation therapist and the Optical Registration Board will regulate the professions of optometrist and dispensing optician. This is a new departure as up to now each profession had its own registration board.

The Bill also provides that newly-designated professions may, in the future, be regulated by an existing registration board. These measures will limit the number of new registration boards to be established as new professions are designated. Registration boards with two or more professions would still have 13 members, the existing balance between the number of lay and professional members would be maintained and each of the board's professions would have at least one professional member on the board.

The Bill also proposes to introduce uniformity between the Health and Social Care Professionals Act 2005 and certain provisions of other Acts which regulate medical practitioners, nurses and midwives. The Bill will amend the Act in a number of respects to bring its provisions into line with those of the Medical Practitioners Act 2007 and the Nursing and Midwives Act 2011.

The final objective of this Bill is to address an unintended lacuna in section 19 of the Health (Amendment) Act 2013, which came to light during the implementation planning phase. That Act modernised the contributions regimes in a wide range of residential settings so as to better reflect current models of residential care service provision in the disability, mental health and care of older people sectors.

Under the national disability strategy and A Vision for Change, there is an ongoing drive towards community-based living in the disability and mental health sectors. In line with this, the increasing trend - in particular in the disability sector - is for accommodation needs to be met by the agencies of the State, such as local authorities, responsible for addressing the accommodation needs of citizens generally. However, the 2013 Act, unintentionally, omitted situations where service-users are maintained, although not accommodated, in specified settings by or on behalf of the HSE. The primary purpose of Part 3 is, therefore, to ensure that affordable contributions towards ongoing daily living costs will apply to those maintained in such settings,

subject to appropriate safeguards. For example, the level of contribution will be reduced to reflect the extent to which service-users meet their accommodation and-or maintenance costs themselves.

I will now outline the main provisions of the Bill. The Bill is divided into 3 Parts. Part 1 has three sections which provide for the repeal of the Opticians Act 1956 and for the standard provisions relating to Short Title, commencement and expenses. Part 2 contains 37 sections relating to the amendment of the Health and Social Care Professionals Act 2005. It applies the Act to the professions of optometrist and dispensing optician. The primary sections in this regard are sections 6, 12, 17, 20, 22, 34 and 36.

2 o'clock

It also amends the Act, in sections 6, 12 and 21 of the Bill, to divide, for the purposes of that Act, the designated profession of radiographer into the two designated professions of radiographer and radiation therapist. Sections 6, 12, 13 and 16 will permit a registration board to regulate two or more designated professions.

Amendments to provide for the introduction of uniformity between the Health and Social Care Professionals Act 2005 and the Medical Practitioners Act 2007 and the Nursing and Midwives Act 2011, and consequential and other technical amendments, comprise the remaining sections of the Bill. The amendments required to align the 2005 Act with the 2007 and 2011 Acts may be broken down into the four main areas of governance, fitness to practice, registration and offences.

The principal governance amendments relate to the election of a deputy chairperson of the Health and Social Care Professionals Council, the role of the council's chief executive officer, quorums and the holding of certain meetings of the council and registration boards by video link or the circulation of papers.

The Bill amends CORU's fitness to practise regime to allow for the following: the cancellation of the registration of a registrant convicted of an indictable offence if it is in the public interest to do so; the appointment of persons to assist in investigating complaints against a registrant; the application for immediate suspension of the registration of a registrant on an *ex parte* basis; and the publication of the transcript of the proceedings of a committee of inquiry.

In regard to registration, the Bill provides for the charging of fees for approving education and training programmes and for attaching conditions to the registration of a registrant with a relevant medical disability. The Bill modernises the Act's provisions relating to the prosecution of offences and provides the Health and Social Care Professionals Council with new investigation powers similar to those of the Medical Council and the Nursing and Midwifery Board of Ireland.

Part 3 has four sections which, under subsection 1(3) of the Bill, will come into operation in tandem with section 19 of the Health (Amendment) Act 2013. The Bill provides, in section 42, for amending section 67A of the Health Act 1970 to define or redefine key terms. The thrust of the amended definitions provision is to ensure that the statutory contributions regime will address ongoing essential daily living costs such as food and utility bills where these are met by or on behalf of the HSE, irrespective of whether the service user is accommodated by or on behalf of the HSE.

The Bill also provides for a number of amendments to section 67C of the 1970 Act, including provision for the following: reducing contribution amounts automatically for those maintained but not accommodated by, or on behalf of, the HSE; and varying contribution amounts based on service users' income levels and-or levels of dependence or independence, and making appropriate transitional arrangements in relation to the new contributions framework if deemed necessary.

This Bill will modernise the regulation of the optical professions, it will ensure that all those maintained by the HSE and its agents in specified settings contribute within their means towards their daily living expenses while retaining a reasonable amount of income for personal use. It will also enable the Health and Social Care Professionals Council to continue to fulfil, in a more effective way, its objective to protect the public by promoting high standards of professional conduct and professional education, training and competence among registrants of the designated professions. I commend the Bill to the House.

Senator Labhrás Ó Murchú: Cuirim fáilte roimh an Aire Stáit. She is welcome to the House. Fianna Fáil broadly supports this legislation, in particular, the regulation of professionals. We have some concerns about Part 3 relating to the statutory contributions for residential support services. If I understand this correctly, in this context we are probably talking about older people with mental, intellectual or physical disabilities who have been decongregated and are now living in the community, probably in housing provided by a local authority or a housing agency. I had the privilege in recent weeks of being in the company of such people who were attending a social function and I was very impressed by the provision for people who find themselves in that situation.

There is a reference to contributions in the Health Act of 1970 and there is cap involved in that respect. It cannot be greater than 80% of the State non-contributory pension. Perhaps more detail is needed on the charges because they will impact largely on very vulnerable people who already have their challenges in life and we do not want to add to their stress in any way. I would have thought that a fundamental change such as this should be based on a very broad inclusive and consultative process.

I wish to refer to a communication I received from the Disability Federation of Ireland. It states there has been no consultation with the sector regarding what we are now debating. It further states it has come to its attention that a committee was established to examine this that had members from the Department of Health and the HSE but none from the disability sector. It also states it will call for the Bill to be withdrawn to ensure that there would be full consultation. I would like to hear the Minister of State's comments on this. The communication goes on to state that the Bill does not appreciate the complexity and the diversity of the disability sector. That matter is worth debating and teasing out in this House. The communication states that with decongregation a number of people with disabilities are living in social housing and association housing in the community and that it is unclear how these charges will impact on them. It states that charges like this could discourage people from moving into the community, therefore, stalling the implementation of time in respect of moving on from congregated settings. There seems to be some confusion, and it may be in my interpretation, about what categories of residential services are included in terms of the charging scheme and what ones are not included.

Irrespective of the purpose of legislation such as this, and we have been told that it is not about raising revenue and I accept that on face value, and if it is being introduced to improve services,

we need to be sure we go about this in a way that will ensure we will not have to revisit it at a later stage.

To return to my earlier point about having the privilege of being in the company of people who avail of these types of services, I am impressed by those who provide these services directly as distinct from receiving a grant aid or subvention from the HSE. I am impressed at what they are able to do for people who are so old that they could very easily be forgotten about and for people with mental or intellectual problems. I see the way those people develop in the community when they come into a social setting, as distinct from what might have happened in the past where they might have been locked away and people almost being embarrassed about them. That was another culture and we have moved on a long way from that but I am sure the Disability Federation of Ireland did not write that communication without giving it a good deal of thought. I am sure the federation did not write it just to be obstructive or confrontational in some way. Its members must be picking up vibes from those who are practitioners, including the professional people in the areas concerned. I am concerned, as are other members of Fianna Fáil, that in some way Members may be making their work more difficult because of the additional stress these provisions would put on people. I seek the Minister of State's comments in this regard because legislation is one thing and can be exceptionally prescriptive. However, behind that always must be the human aspect of the topic with which Members are dealing. The Minister of State has done a good job today in outlining the legislation for Members, but it is a completely different matter for the people on the ground and the recipients of those services about which Members are speaking because they do not think in legislative, legal or clinical terms. They simply ask themselves in what way their lives will be changed.

In the 1970 Act, it always was important that a small amount of money would remain for people. This was for themselves in the first instance, to maintain their dignity. However, one should bear in mind that there also are dependants, out in the real world, who still are involved. This is the point I wish to put forward to the Minister of State because I am sure that a lot of consideration already has been given to this issue. Nevertheless, to put their minds at ease, members of the Disability Federation of Ireland also should be able to hear this themselves. They should be reassured that Members would in no way take from the good work that is being done or from people's comfort of mind and above all else, from the voluntary input I can see being put into this area. I will conclude by observing that having got away from the archaic system of the past and in respect of those who make and have made their own contribution to life, I always have thought there is no such thing as a human being who does not make a contribution in some way, even by inspiring others by the manner in which he or she takes on board additional challenges. Therefore, my main concern is that it will be possible to reassure them that this is not about raising revenue but is about improving the service.

Senator Colm Burke: I welcome the Minister of State to the House and welcome this legislation. It is extremely complex legislation in the sense that it contains 44 sections and I note it proposes to amend a total of 19 different Acts. I pay tribute to the Minister of State, to the Department of Health and to those involved in drafting this legislation because it was not an easy Bill to draft. It is important that Members give recognition to the work that has been done. This welcome legislation provides that the Opticians Board, which was set up under the Opticians Act 1956, be subsumed into the Health and Social Care Professionals Council. The legislation in question is more than 50 years old and obviously has served its time. This Bill brings matters forward into the current state of play with regard to health care in Ireland and that is welcome. The Minister of State mentioned how 12 different professions will be brought

under a single umbrella and that is welcome. It is necessary and is about co-ordination of the health care sector and I certainly believe this legislation does that.

In response to my colleague across the floor who raised the issue about Part 3, I attended a conference yesterday at which a presentation was given by Professor Mary McCarron on some interesting research on people with disabilities, both intellectual and physical, and about the fact that they now are living a lot longer. This is the first study ever done of the ageing process with regard to that group of people. My understanding is that a lot of information has been made available on the website, *idstilda.tcd.ie*. It is well worth people's time to look at this welcome research because it examines the difficulties that exist, while also considering how this can be managed into the future.

I have suggested to the Chairman of the Joint Committee on Health and Children that Professor McCarron be invited to give a presentation to that committee because there is a lot of useful information to be gained. This goes back to the issue about Part 3. Previously, when people went into care, it was a structure that was permanent for seven days a week and for 52 weeks a year. We have moved on from that structure and it is important to realise that the cost of care continues to increase because the level of care being provided has continued to improve. It is important that a balance is reached both in respect of how that care is provided and about the sharing of the cost. I believe Part 3 of the Bill certainly deals with that issue where a contribution also is made by the recipient. Therefore, I certainly have no objection to the provisions in the Bill as set out.

It is important to note the Bill also provides for other areas. I refer to the level of specialties covered by the Health and Social Care Professionals Council, of which there are 12, which include clinical biochemists, dieticians, physiotherapists, radiographers, social care workers and social workers. There are other areas for which there is a need for regulation. For instance, there will be growing demand for and an expansion of home care and the question is whether Members should seek the registration of that sector. The Law Reform Commission published a detailed report in 2011 on that issue and Members should begin to consider it now because in the case of the aforementioned 12 services under discussion here, it is important to have proper regulation and scrutiny of the service being provided.

Similarly, in the case of home care, it also will be important to make sure that what is being offered reaches the required standard. This is a subject that Members should consider in the long term. I am unsure whether it will be possible to do that during the lifetime of the present Government but it certainly should be undertaken in the not-too-distant future. The population is ageing as people are living longer. I believe that at present, there are 585,000 people who are over 65 but within 17 years, that figure will reach 990,000, which is a huge increase. Therefore, there also will be an increase in demand for services. I refer to one thing from which we must move away and on which the Minister of State has a strong view. It is about making sure that people can be kept at home for the longest time possible. This is the reason Members must ensure there is proper regulation with regard to all the services that are then available.

I welcome this Bill and it is important to proceed with it. Thereafter, it will be important to take the various steps that must be taken to bring each of the 12 professions under proper structures. The Minister of State has set out the targets in this regard, which will be reached without too much difficulty. However, it is important that the legislative structure is in place and this Bill certainly accommodates all these requirements.

Senator John Crown: I welcome the Minister of State, Deputy Kathleen Lynch. During her tenure in health, she has been one of the most productive Ministers with whom to do business and I thank her for all her efforts. I broadly welcome the Bill. There clearly is a need for an enhanced degree of scrutiny, regulation, oversight and professional input into the regulation of those various incredibly critical allied health specialties, which bear so much of the burden of keeping the health service on the road, particularly a service that, as Members are aware, is constrained in respect of medical numbers, nursing numbers and so on. I believe this new entity, its new structures and the additions to the entity will offer a chance to learn from the experience of some of the more established boards. It always is a good time for a little bit of reflection. One thing I sometimes fear with organisations and in particular, although I do not say this pejoratively in any sense, Hydra-like organisations with multiple heads, is they sometimes tend to compete to an extent with one another and one can get a degree of mission creep and bureaucratic expansion. There is a huge responsibility for the safety of the public involved in the mission of these organisations.

Some of the professions represented in the legislation are not well paid historically. There is a need and requirement for those organisations to exercise a certain self-control in terms of their costs and the burdens they pass on to their members, some of whom will pay it out of pocket and some of whom, in some cases, will have it paid by the State or by tertiary employers.

There is no doubt that we should also acknowledge that some of the areas which are represented, and will be represented, were historically desperately under-provided in our health service. The general rule for people on the list of professions who are part of the organisation or board is as follows. If they work in hospitals they are usually desperately under-provided but if they work in some other setting they tend to be somewhat less under-provided which tells us something about the management practices in the hospital system which tends to impose great degrees of constraint.

We have an extraordinary shortage of physiotherapists which I have spoken about before. We have high quality physiotherapy education in this country which results in the majority of the graduates immediately emigrating. As I wrote in an article published in the newspapers some years ago, they also go to work in other areas in retail and in other parts of the economy. That is a shocking waste of an incredibly precious and well-trained human resource that is desperately needed.

A similar situation and limitation applies in the case of speech therapy and occupational therapy. These are particular areas where there are simply extraordinary shortages. The same applies to hospital-based social workers, dieticians and also, to an extent, scientists. People do not see this problem because it does not tend to be on the front line. There are tests and individual investigations that we would like to order for patients in the hospital that would guide more rational therapy and thus would save money and stop us giving treatments inappropriately. Sometimes for the want of a pair of skilled hands in a country which has quite a few science graduates, we do not have the ability to use those skills maximally and efficiently.

I am glad that the Minister of State is here because I know she takes things seriously. I have had particular representation about the following area. Before the Bill reaches the next Stage there is an absolute need for the Minister of State or whatever Minister is primarily responsible, but I presume it will be her, to sit down with the ophthalmologists - the medical doctors who treat diseases of the eye because they have real concerns about this legislation. We have an incredibly well-trained though small in number cohort of ophthalmologists here. We also have

an extraordinary good group of allied health professionals who are variously called opticians. Historically they were called optometrists and dispensing opticians but increasingly it is just ophthalmic opticians. They are a very skilled group of people whose main daily existence is based on testing eyes and correcting vision with spectacles.

We sometimes forget, like we sometimes forget physiotherapists, that they are often the group of people who are the first ones to notice a disease that requires treatment. I do not mean to be sectarian about my own specialty of oncology. However, I have a particular expertise in a particular kind of cancer which often arises in the eye. I know a very large number of those patients originally presented to an optician who was testing their eyes. During a routine eye test they look into the eyes with their ophthalmoscope and if they see something that should not be there, they refer people on to a specialist eye doctor who will then, in some cases, refer the patient on to somebody like me if it is a malignant tumour which requires some degree of treatment.

The medical scientists, the radiotherapists who were known historically as radiographers who supervised the treatment of cancer with radiotherapy machines, and the radiographers tend to work in intensely medically supervised environments. Physiotherapists tend to have a foot in two different camps. Some physiotherapists work in hospitals doing what is requested by medical doctors in consultation with them. There are independently practising physiotherapists as well who are a primary resource that patients can self-refer to. It is a similar situation with opticians because people can self-present to an optician. In the overwhelming majority of cases an optician is the correct person to approach.

Let me outline one little problem with the Bill which relates to the new governing councils for the different new specialties. Apparently they have the ability to define the scope of the practice of the specialists in those areas. That means, in theory, somebody could define their scope of optical practice as including areas which involve the treatment of diseases diagnosed in the eye. This may seem like a fairly theoretical concern but it is one that I know has, with no disrespect to opticians, been raised by the ophthalmologists. They are very keen that the Minister of State has a discussion with them and considers putting in an amendment which would place a mandate on opticians who notice a medical condition of the eye to notify patients and tell them that they should seek medical attention for same. There are many conditions that opticians treat with glasses, etc. There are many other conditions where, critically, they are the ones who make the diagnosis. If it was not for skilled opticians we would have far more blind people in this country. Very often the first person who diagnoses glaucoma, a very treatable eye condition, will not be an medical doctor. In the overwhelming majority of cases it will be an optician. There are other conditions such as inflammatory conditions in the eye which may be part of a multi-system disorder like rheumatoid arthritis or lupus. They can also be an indication of blood pressure, circulatory diseases, diabetes or thyroid disease.

We recognise the right of the new governing boards to make determinations about the scope of the practice. However, we think it is important for the protection of optical specialties, and critically for the protection of patients, that an obligation should be very specifically inserted into the legislation. I refer to the obligation that when a medical condition is suspected, the person will be recommended either to see his or her family doctor or an ophthalmic specialist. In most cases it will probably be the family doctor because that is the way our referral patterns tend to work.

I can see that the Minister of State is being advised by her officials. She is an extraordinarily

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courteous Minister and I shall just draw breath to give her a chance to hear her consultation.

I am not certain that a list of diseases, etc., needs to be prescribed because they can change over time or if there needs to be a more general statement or principle. I urge her to please make time to meet the ophthalmologists before Committee Stage. I have given them an undertaking that if the Government does not table an amendment to the Bill on Committee Stage, I am prepared to do so. It would be more appropriate if the amendment came from the primary sponsor of the Bill.

I commend the effort that went into this legislation. This is a complex undertaking and is important. I wish to mention a general principle which is not specific to this Bill. We need to make it a general principle that virtually every one of these specialties is somewhere between grossly and grotesquely understaffed here at this point in time. This morning we had an interesting time at the health committee because we talked about the extraordinary deficiencies in urology and neuro-surgical services. I said it this morning and I shall say it again here, we treat head injuries desperately badly in this country. We have people going to hospitals that are not set up to look after head injuries. Ambulances bring people with head injuries to hospitals where they cannot and should not be looked after. There is a real need for us to look at a lot of these areas.

I compliment the Minister of State on the good work she has done. My one request is that she makes time available to meet the ophthalmologists. Go raibh maith agat.

Senator John Gilroy: I welcome the Minister of State to the House. The Bill is fairly weighty as it comprises 44 very technical sections. As has been stated, it is a vastly technical piece of work, not least the fact that it attempts to bring together 19 legislative pieces.

By the time the fourth speaker in the House gets his or her turn most of the points will have been raised. Senator Ó Murchú has mentioned and clearly articulated some rather important concerns about Part 3. I would like to hear the Minister of State's response to them and look forward to exploring it in greater detail on Committee Stage.

The Bill is a welcome piece of legislative reform. It points again towards the work being done by Government to bring together legislation in order to be more efficient, coherent and clearer and I commend the Minister of State.

It is very welcome, overdue and a little surprising that it has taken since the 2005 Act until the present to achieve or bring forward proposals to create a statutory protection for professional bodies. The provision is important because it confines practice solely to those persons granted registration under the Act. That is very important and has some significant implications for other professions and emerging professions in the counselling and therapeutic area, particularly around mental health. We need to be cautious in how we proceed in this. The Minister of State mentioned one or two professions in her opening remarks and I would like her to address the status of progress in some of those other emerging professions.

The Bill provides that newly-designated professions may in future be regulated by existing registration boards. That presents some potential difficulties with how we create the proper match between a profession and its regulatory board. There are some concerns about this and perhaps the Minister of State could say a word or two on it.

I cannot allow the moment to pass without challenging the Minister of State to refute the

concern that Senator Ó Murchú raised about the finance-raising element of the Bill. I raise this in the context of the concerns of 89,000 active registered nurses who find themselves facing a 50% increase in their registration fees. It is certainly going to present a problem to us in the new year, when these fees fall due for payment. The representative bodies of the various nursing disciplines have advised their members not to pay. This is going to create an appalling vista in the new year when we may find that we have up to 89,000 active nurses who will cease to be registered. I would like the Minister of State to say a few words of explanation about this. As it happens, I am a psychiatric nurse and am on the active register, although I am not actively working, but I and many of my colleagues are at a loss to justify such a substantial increase in the registration fees.

I will of course be supporting the Bill and commend it to the House.

Senator Sean D. Barrett: I welcome the Minister for Health, Deputy Varadkar, in the House earlier in the week and he had many interesting thoughts, including his views on the ambulance service and how it might be adapted to treating people in their homes or in the ambulance, rather than being - without wishing to be derogatory - a taxi service to an already overcrowded accident and emergency unit. That was interesting thinking. He volunteered the Minister of State, Deputy Lynch, to come to the House and talk on mental health. I do not know if he has told her this yet but he did volunteer her to do this later on in the term.

The Minister of State mentioned, on the first page, the furtherance of the ongoing programme of State agency rationalisation. There is a danger, as Senator Crown said, that agencies become an end in themselves. Bureaucracy can have its own object, namely, to maximise its functions and its budget through mission creep and so on. The Department of Health and indeed central government, perhaps the Department of Public Expenditure and Reform, have to keep an eye on these agencies because they can just grow like Topsy. We had a bank regulator who mysteriously missed everything that was happening in the banks. He was recorded in the *The Irish Times* as having forgotten vital facts about 89 times. Putting something under a regulator may not always be the complete answer. We have had some unsatisfactory experiences in other fields of endeavour as well. Statutory regulation carries its dangers.

George Bernard Shaw wrote that “all professions are a conspiracy against the laity”, that is against the public interest. The professions devise new ways of keeping people out. That is something we have to watch out for. One example that particularly irritates me and the former Senator, Dr. Mary Henry, is the health professions admission test, HPAT, which seems to be a mechanism designed to prevent women from entering medical school when we need women doctors. It is as though the men in that profession decided on a new system because they felt that women were gaining far too many places through the leaving certificate points system. They have managed to get away with that, as far as I can see. That is on page 2.

The other danger I see is that when the State regulates a profession, the profession, with legal assistance, seems to assume that because the State regulated it, the State must provide compensation for every single mistake that it makes. That has a current cost of about €1 billion in the State Claims Agency. Our colleague, Senator Burke, has asked that there be compulsory insurance for people in cosmetic surgery, for example. I think he has a Bill before the House on that issue. Rather than say that the State regulates that profession and therefore the State must pick up the tab for incompetence, we should have a requirement that people have insurance in those cases.

The Minister of State mentioned that the Department of Health would ask CORU to prepare a risk assessment. The briefing document we got from the Oireachtas Library and Research Service quotes a statement from CORU that its name:

“...originates from an Irish word, “cóir”, meaning fair, just and proper. These are values that resonate deeply within our organisation and perfectly reflect our commitment to protecting the public by regulating health and social care professionals. CORU is not an acronym.

I have certain reservations when people call themselves “the caring professions” in that way. We all care. Everybody in Leinster House cares, in the Dáil and the Seanad. Families care. Even dismal scientists and economists care. There is a certain sanctimonious content when bodies issue those kinds of statements about themselves.

There are misgivings, of which the Minister of State may be aware, on ophthalmology and the opticians. Senator Crown has referred to those. The president of the Irish Association of Dispensing Opticians expressed a fear that the reference to the selling of glasses could deregulate the more professional and technical areas as well. I am sure that is something the Minister of State will be thinking about between now and the next Stage.

As has been stated, the Bill does command wide support in the House. Senator Crown has spoken on behalf of the university panel. It is the right way to proceed. A point has been raised about the reference on the first page to the consolidation and furtherance of the ongoing programme of State agency rationalisation. We found that in a lot of cases there were no savings. That is a pity, because the less we can spend on bureaucracy, the more we have for the objectives that we all share and that the Minister of State wishes to promote. Notoriously in the case of water, we were supposed to save money by putting 34 bodies together and they went and recruited 900 extra staff. There must be some way in which the Cabinet can say “the case has been made that there will be a programme of rationalisation of bureaucracies and agencies so let us see the savings now”. I hope there will be a stronger emphasis on that because just allowing bureaucracies to grow when we have so many vital national priorities is too expensive a way to proceed.

I thank the Minister of State for coming to the House and wish her well with this legislation.

Senator David Cullinane: I support the thrust of the Bill. As previous Senators have said, there are a number of technical concerns that we have and that various organisations have raised with us. I will raise them again and will try to correct some of them on Committee Stage. This is largely a technical Bill, but it contains some important elements that need to be examined as they will have a significant effect on certain healthcare practitioners and professions as well as on the public at large. The Bill proposes to subsume the Opticians Board into the Health and Social Care Professionals Council, CORU, and to divide the profession of radiographer into two professions of radiographers and radiation therapists. It also seeks to ensure contributions are payable by recipients of residential support services who are maintained by, or on behalf of, the HSE.

The Federation of Ophthalmic and Dispensing Opticians Ireland has expressed concern about section 34 of the Bill, which proposes to insert new sections 81A and 81B into the Health and Social Care Professionals Act 2005. These sections provide that spectacles may not be dispensed or sold by someone other than “a registered medical practitioner or a registrant of the

designated profession of optometrist or dispensing optician". I might ask whether this Bill aims to change the current practice with regard to the sale of spectacles.

Sinn Féin has also received correspondence from the Irish Society of Chartered Physiotherapists, which has requested that the title of "physical therapist" be included in this legislation. The World Confederation for Physical Therapy has suggested that the titles of "physiotherapist" and "physical therapist" can be used interchangeably and are the sole preserve of people who have qualifications approved by the national professional bodies which are members of the confederation. This is not the case in Ireland, however. The Irish Society of Chartered Physiotherapists has been recognised by the World Confederation for Physical Therapy as the sole authoritative body for physical therapy in Ireland. The title of "physiotherapist" is currently protected under Irish law. This is not the case with the title of "physical therapist", however. This situation does not exist in the other 100 members of the global professional body. It could lead to people confusing the two roles in Ireland, and thereby losing confidence if one of the roles does not meet their expectations. Indeed, evidence received by the Irish Society of Chartered Physiotherapists, which has been provided, suggests that the public is unaware of the differing roles of physiotherapists and physical therapists in Ireland.

Part 2 of this Bill divides the profession of radiographer into two separate professions of radiographer and radiation therapist. This issue has already been raised. As the two roles have somewhat specific focuses, I welcome the distinction that is being drawn. I hope it will further the development of these roles and increase public confidence in them.

The Health and Social Care Professionals Council is to be given new investigative powers, similar to those of the Medical Council and the Nursing and Midwifery Board of Ireland. While we can trust the vast majority of those working under this council, we must also be able to reassure the public that rogue practitioners will not be tolerated. Any reduction in the contribution amounts that cover essential daily living costs for those maintained by the HSE, but not accommodated by or on behalf of HSE, would be of concern.

As I said at the outset, we support the Bill and the principal thrust of it. While it focuses on the necessary regulation of health care professionals, unfortunately there is a great lack of those practitioners. I refer particularly to occupational therapists, physiotherapists, physical therapists, social care workers and speech and language therapists. It is unfortunate that this was not addressed in last month's budget. My party's alternative budget suggested that extra funding of €31.3 million should be provided for community physiotherapists, speech and language therapists and occupational therapists. Despite this and other elements of the Bill, we will be supporting it. I look forward to hearing the Minister of State's response to the concerns that have been raised by the various organisations that have been in contact with us all.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I would like to thank everyone who contributed to the debate on this technical Bill. I suggest we should begin from the premise that the legislation is essential in the interests of public safety and registration. I fully accept that most medical professionals start from that premise. I have always believed that. If we start from that premise, it will be evident that this legislation is worthwhile. It is something that we should be doing on an ongoing basis. Practice and theory will change as we make progress and as our knowledge increases. That is why flexibility is needed in legislation and within the boards that are charged with registering and monitoring how the service is delivered to the public. I think everyone accepts that fully.

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I will take on board what Senator Ó Murchú had to say about Part 3 of the Bill. I know he has a particular interest in a wide range of disability issues, including the intellectual, physical and mental health difficulties that people encounter as they live their lives. Part 3 of the Bill is not a finance-raising exercise. We have done a degree of consultation, not with the various organisations but with the people who deliver these services to those who need them. When we dig even deeper, we will probably find that the circumstances of those who receive these services will improve. Senator Ó Murchú and other Senators will be well aware that at present, some 80% of the income of people who live in congregated settings and in different institutions is paid as a contribution towards their maintenance and upkeep. With this addition to our legislative process, we are trying to ensure people who gain a greater degree of independence will have that recognised. This legislation will ensure that in such circumstances, the contributions they make will be reduced in a way that allows them to fund from within their own resources the type of social interaction we would like them to have.

I would like to reassure people that this is not about additional revenue to the State. It is about ensuring people have the right to a more independent life regardless of the nature of their disability. Equally, it is about enabling people to feel they are making a contribution and appreciate they have a right to expect more from those who are delivering the service on the basis that they are now equal members of society and are contributing towards their own keep. I hope that clarifies the matter. I hope people will accept my bona fides when I say that when it comes to people who have difficulties in life, it is always my intention to make their lives better, as opposed to what might be suspected. I hope that would be the intention of all of us. I know that it is, even if there are times when every one of us cannot do everything we would like to do.

I assure Senator Crown that we have consulted the optometrists, who are a vital and key part of this service. I know from personal and family experience and from experiences generally that they are often the first people to spot that there are difficulties. We sometimes do not see these difficulties ourselves. We have consulted them. We believe the questions they sent into the Department have been fully answered. I accept that may not be the case. In addition, they will be part of the consultation in relation to how the board is-----

Senator John Crown: Is the Minister of State referring to the ophthalmologists - the medical doctors - as opposed to the optometrists?

Deputy Kathleen Lynch: Yes, the ophthalmologists.

Senator John Crown: The ophthalmologists are not the ones who are regulated. They are worried about regulation.

Deputy Kathleen Lynch: I will check that for the Senator.

Senator John Crown: I appreciate that.

An Cathaoirleach: The Senator can raise this point on Committee Stage.

Senator John Crown: We need to know now so that we can submit amendments on Committee Stage.

Deputy Kathleen Lynch: It is important to be absolutely certain that we are talking about the same thing. I am informed that the ophthalmologists have written to us. We believe we have answered all of the questions they asked in a frank and upright way. If we have missed

something - they may have written again to the Minister, Deputy Varadkar - we are quite prepared to go back and look at it again.

Senator John Crown: I thank the Minister of State.

Deputy Kathleen Lynch: There is no point in doing this if we cannot do it properly. It is not about excluding people. First and foremost, it is about ensuring the health and safety of the public is safeguarded. Equally, it is about ensuring those who are charged with delivering the service can do so in a practical way. It is not our intention to exclude anyone. I assure Senator Crown that if anything further needs to be done, we will not have a problem in taking a look at it. I hope that will satisfy, but we will go back and take another look.

There were concerns in regard to an aspect of the Bill about non-registered sales assistants in the selling of spectacles. We have taken that amendment on board. We have made it now beyond doubt and explicit that those who are not registered can continue to assist in the sale of spectacles after the prescription has been filled. I hope that answers the questions raised.

Senator Gilroy asked about the increase in the registration fees of both nurses and midwives. I am not certain I can answer that now. It is not an issue for the Bill but it is an issue for the registration board. I am aware of it. I am sure that negotiation goes on. I would fully accept the Senator's point, that if 9,500 nurses fail to register next year it would cause a problem that we do not want to have. The Senator's concerns will be conveyed to the Minister, but I am not certain what we can do about it in terms of this Bill. As the Senator will probably be aware, I am a great believer in solutions. There is a solution to everything, as far as I am concerned. I hope that problem can be resolved because it is not a situation that we want to see.

Question put and agreed to.

An Cathaoirleach: When is it proposed to take Committee Stage?

Senator Colm Burke: On Tuesday next.

Committee Stage ordered for Tuesday, 11 November 2014.

An Cathaoirleach: When is it proposed to sit again?

Senator Colm Burke: At 2.30 p.m. on Tuesday next.

Adjournment Matters.

National Children's Hospital Location

Senator Eamonn Coghlan: I want to address something which I have raised here in the Seanad on a number of occasions. Before I put the question to the Minister of State, Deputy Kathleen Lynch, I want to put on record that I have been very much involved with the Children's Medical and Research Foundation in Crumlin for 29 years, being on the board in the United States as a volunteer and also as an employee, as director of fund-raising development.

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Over the years, between our golf, marathons, cycles, direct marketing campaigns, corporate and philanthropic work, we have raised many millions of euro between building the new accident and emergency unit, the burns unit, the €14 million new medical tower, the new cardiac ward that is presently underway and almost complete, and the new cancer unit. Only last week, I was in New York city with our New York board establishing a new fund-raising campaign for next year where we hope to raise in excess of €1 million towards the hospital. However, this is all about the new children's hospital to which I refer.

The national paediatric hospital website states:

The new children's hospital is the largest, most complex and significant capital investment project ever undertaken in healthcare in Ireland. ...

It will be tri-located on one campus with St James's Hospital and a planned maternity hospital. This tri-location model of service delivery is being undertaken to ensure the best outcomes for our children and young people, for mothers and for infants.

[It] will be a world-class facility.

On tri-location, it states:

Tri-location of paediatric, adult and maternity services has benefits for children and young people, for neonates and for mothers. It allows specialist expertise to be shared across all three hospitals, along with a campus-wide approach to sharing non-clinical services and infrastructure. And it provides the scale and scope for shared learning in clinical practice, research, innovation and education.

On 24 September last, the Minister, Deputy Varadkar, stated:

Today marks another major milestone for the new children's hospital. It's full steam ahead ... Ireland's children deserve a world-class hospital. We've been promising it and talking about it for far too long. Let's get building.

The concern and issue I have, a concern which is shared by many paediatricians from all over the country, is that it is all well to be co-located with an adult hospital for the reasons of the specialties that are in St. James's Hospital, but their emphasis is on maternity hospitals. My questions in the past have been: is the new paediatric hospital planning to seek planning permission for the maternity hospital at the same time it seeks planning permission for the new paediatric hospital in St. James's Hospital, and if not, why? It would be unfortunate if it took another 20 years, similar to the period from 1936, when Crumlin was designed, to 1956 before it was built, and that of Tallaght hospital, which was almost 18 years from design to planning. I only hope that this tri-location will be covered at exactly the same time and planning permission is being sought for both the paediatric and maternity hospitals.

Minister of State at the Department of Health (Deputy Kathleen Lynch): As Senator Eamonn Coghlan has probably gathered, I am taking this matter on behalf of the Minister for Health, Deputy Varadkar. I am responsible for many things but, fortunately, acute hospitals is not one of them.

I thank the Senator for raising this important issue in which we all have an interest. As

decided by the Government in November 2012, the new children's hospital will be co-located with St James's hospital in Dublin 8. The National Paediatric Hospital Development Board has responsibility for planning, design, building and equipping the new hospital. A project brief has been approved and a design team is in place. The aim is to make a planning application in June 2015.

The Government's intention is that a maternity hospital will be developed on the campus in the future, achieving tri-location of adult, paediatric and maternity services. This is consistent with the recommendations of the 2008 KPMG report, Independent Review of Maternity and Gynaecology Services in the Greater Dublin Area. That report proposed that the National Maternity Hospital be relocated to St. Vincent's, the Coombe to Tallaght and the Rotunda to the Mater, achieving co-location of maternity and adult services in all cases, and tri-location of adult, paediatric and maternity services at the Mater. With the decision to move the children's hospital to the St James's campus, these previous plans must be reviewed in respect of the Coombe and the Rotunda - the relocation of the National Maternity Hospital is already underway. That review is now being commenced and will be completed in early 2015. This is a first step in progressing the future tri-located maternity hospital.

Given the ultimate aim of tri-location, the Minister wished to examine the feasibility of seeking planning permission for both the maternity and the children's hospital at the same time. He was very conscious, however, of the need to avoid any delay in the children's hospital. Accordingly, he asked the National Paediatric Hospital Development Board for its view on whether an outline planning permission application for a maternity hospital could be prepared by June 2015, in line with the children's hospital schedule. The development board's planning experts have advised that for a project of this scale, any planning permission application would require significant preparatory work. This would include: development of a design brief, setting out capacity and accommodation; procurement of a new design team; and design development. In the board's view, this could not be done by June 2015 and would require at least an additional six to nine months. The Minister has no intention of introducing a delay to the children's hospital project, and accordingly does not intend to request the board to seek planning permission for a maternity hospital at this stage.

The development board has advised that in submitting its planning application for the children's hospital, it intends as a matter of good planning practice to provide full information on all known future developments for the St James's campus, including the maternity hospital. This will enable An Bord Pleanála to consider the children's hospital planning application in the context of future plans for the campus. The Minister is fully committed to tri-location of adult, paediatric and maternity hospitals on the St James's campus.

The first priority is ensuring that the new children's hospital proceeds to schedule and is delivered on time for the children of Ireland. In parallel, the review of maternity hospital locations for the greater Dublin area will be completed, as a first step in progressing the future maternity hospital.

3 o'clock

I think that answers some of the Senator's questions.

Senator Eamonn Coghlan: Yes. It will not receive planning permission at the same time, and it may be a long time before they will even consider a maternity hospital there.

Deputy Kathleen Lynch: That is not what we are saying. We are saying that if we were to try to proceed with the planning application for the maternity hospital at the same time as the children's hospital, we would delay the children's hospital. From my knowledge of planning, what is important is that all future developments on that site will be notified to An Bord Pleanála in order that it can take into consideration all the preparatory work that is being done. In my experience of planning, that is always a help. It means it will not be completely new to An Bord Pleanála and it will not be a surprise. It will, in fact, ensure that when the application for the maternity hospital at that location occurs, An Bord Pleanála will probably already have some of the preparatory work done.

Hospital Appointments Administration

Senator Colm Burke: I thank the Minister of State for dealing with this matter. The matter I wish to raise relates to work being referred to Cork University Hospital. I will read from something that was sent to me:

Two of the large Dublin hospitals, namely St James's & St Vincent's hospitals, are unilaterally imposing very narrow catchment areas and returning letters to GPs with 'Out of Catchment' or 'Deflect' stamped on them. This means that the GP is then forced to re-refer the patient to a hospital that does not operate catchment areas although that hospital may be much further from the patient's home. A recent example of this is a patient from Enniscorthy, Co Wexford referred to St Vincent's, the letter is rejected and returned to the GP who then has no choice but to refer to Cork University Hospital where there are much longer waiting lists and is without a public transport link to Wexford.

It is in that context that I have tabled this motion on the Adjournment about the imposition of catchment areas. People from the Wexford, Kilkenny and Waterford areas are all coming into Cork in some categories. Who has given the authority for the two big hospitals in Dublin to impose narrow catchment areas from which they will accept patients? That issue must be clarified. In particular, some services have been withdrawn from Waterford and that is now putting huge pressure on the system in Cork.

Deputy Kathleen Lynch: On behalf of the Minister for Health, I thank Senator Burke for raising this important issue and for the opportunity to update the House on the issue of hospital referrals and catchment areas. It is important to note that there is no statutory basis for hospitals imposing catchment areas. However, they have been part of custom and practice within the health service in general for many years. The Minister has been advised by the HSE that it has not altered or changed its national policy on catchment areas. In particular where hospitals traditionally accepted a referral volume to its hospitals from a geographical area, it is expected to continue this acceptance within certain volume referral limits. Furthermore, hospitals from time to time advise GPs on the most efficient referral routes for particular treatments if their capacity in a region increases due to the recruitment of a new consultant or changes due to the reorganisation of clinics or services across a network of hospitals.

In relation to the specific issue of dermatological services for patients from the Wexford area, University Hospital Waterford provides the catchment area referral services for dermatological patients within the south east, which includes Wexford General Hospital. The Minister

has been advised by the HSE that there have been some staffing challenges in the dermatology department at University Hospital Waterford and, as a result, the hospital is temporarily unable to accept routine dermatology referrals. Efforts are continuing to recruit replacements for the vacant consultant dermatologist posts at Waterford. An interim arrangement is in place with South Infirmary Victoria Hospital in Cork to maintain provision of services for patients from the south east pending resolution of the staffing issues at Waterford. In addition to this arrangement, University Hospital Waterford is ensuring an ongoing and close linkage with the dermatology department at St Vincent's Hospital and, from 13 November, Waterford will also have a weekly attendance from a consultant dermatologist from Cork who will oversee provision of a service to non-urgent cases in the system. The hospital is also endeavouring to make arrangements with other hospitals in the surrounding regions to take some of the dermatology patients. The foregoing arrangements will be subject to review. The HSE is working with all hospitals to target specific improvements in waiting lists and times across all specialties, including dermatology. The HSE acknowledges that some hospitals will not be in a position to provide capacity for a referral from outside its local geographical area. All referrals are prioritised in line with the HSE's outpatient management guidelines to ensure appropriate scheduling of urgent referrals.

Senator Colm Burke: While I fully accept the Minister of State's response and the response from the HSE, the logistics of someone travelling from Wexford to Cork are not practical. The natural area for Wexford should be towards Dublin. The reason I am raising this issue is not so much that I am concerned about patients from Wexford, although I am concerned about them, but rather about the overloading of the system in Cork, where there is already huge pressure on the hospital, including on urgent issues like skin cancer, with which they must deal. They now find they are coming under increasing pressure and just cannot deal with even the urgent matters because of the volume that is coming in. There is a problem with Waterford, and I will talk to the Minister of State later about why the problem arose in Waterford. It is very important the vacancies there are filled at the earliest possible date, but the hospitals in Dublin should be asked to share the problem rather than passing the buck, as is happening at the moment.

Deputy Kathleen Lynch: I will ensure Senator Burke's remarks are passed on to the Minister for Health and we can speak at a later stage about the need to ensure the posts that are vacant are filled. I have to say that it is not just in this area there is a difficulty in recruitment. Senators Crown and Burke have a particular interest in this. We have a serious issue with both replacing and retaining medical professionals.

NAMA Property Sales

Senator Lorraine Higgins: I welcome the Minister to the House and thank him for taking this matter on the Adjournment. It was reported in the national media in recent weeks that a property sold at Sir John Rogerson's Quay, Dublin for €7.5 million in 2012 was flipped, so to speak, just over a year later for €18 million by NAMA, representing a 136% increase in price. This is astounding and not reflective of the commercial property price increases that have been recorded in the past year or two.

I am not from a corporate background but when all the forecasts suggested the Irish property market would improve, when there was a limited amount of this type of property for sale in the Dublin docklands region and with so many international investors looking to invest here, the question arises as to whether the property in question was sold under value in the first instance.

If this is the case, why are we allowing corporate raiders, to come to this country, asset-strip and sell on property, making a huge profit at the expense of Irish taxpayers?

What is worrying is that I read in the *Financial Times* recently how a pension fund in the United States alleges that Blackstone, a company with which NAMA does a lot of business, although not in this case, entered into an agreement with another private equity company for the purpose of ensuring they would not compete with one another for the purchase of property, thus keeping the prices of properties down. They had set up a special purpose vehicle for that purpose. This is very much a feature of this corporate world and it is part of proceedings in the United States of America.

At a time when a report compiled for the agency by investment bank UBS reveals that “losses ranging from €1.4bn to €2.6bn would arise if an accelerated liquidation or fire sale” took place, what measures does NAMA have in place for dealing with those types of risk as they arise in order that the Irish taxpayer can be assured of maximum bang for their buck when it comes to selling off property?

Deputy Kathleen Lynch: I thank Senator Higgins for raising this matter and while these issues can be extraordinarily technical, that is no excuse for shying away from further scrutiny of them.

NAMA’s policy is that the sale of all loans and properties by debtors and receivers should be openly marketed to ensure the best price available in the market is achieved in all instances. NAMA enjoys a strong reputation in the market for the quality of information it provides as part of its open market loan sale process and for the transparent and professional manner in which such transactions have been completed to date. Its sales processes are built on international best practice and it uses experienced advisers to ensure transactions are executed to the highest market standards and that bidders are treated equally by mapping out a clear and rigorous process to be followed in each sale. NAMA requires sales agents to prepare final reports and recommendations. Included in these reports is a summary of the marketing campaign undertaken; a list of all parties who expressed interest in the loan or real estate or were contacted during the marketing campaign; a recommendation on whether to accept the terms of the purchaser’s offer as the best price reasonably obtainable; confirmation that the agent has reviewed the purchaser’s confirmation relating to connected party sales; and a statement disclosing any commercial relationship between the agent, debtor, purchaser or purchaser’s ultimate beneficial owners in the past five years and how any actual or perceived conflict of interest was managed during the sales process. This process ensures all interested parties are given equal opportunity to bid for and to purchase loans or properties sold by NAMA or by NAMA debtors and receivers.

The Senator may be aware that the NAMA board is obliged under section 10 of the National Asset Management Agency Act to obtain the best achievable return for the State. Ultimately, over its lifetime, NAMA aims to achieve this by generating sufficient cash from its loans and the property securing them to redeem all its debt and potentially to generate a surplus for the Exchequer. This necessarily involves a constant process of business decision-making as to which assets to sell and when to do so. Having made a decision to sell an asset, the best assurance NAMA can get that it is achieving the best available market price is that it ensures that all sales are openly marketed wherever possible in order that all potential purchasers have an equal opportunity to bid for the asset concerned. This is very much the cornerstone of NAMA’s sales processes.

To date, NAMA's strategy in each of its main markets has been to release assets for sale in a phased and orderly manner consistent with the level of demand, the availability of credit and the absorption capacity of each market. In 2013, the Irish market stabilised and commercial yields were at levels which began to attract the attention of serious investors. The patient strategy adopted by NAMA in earlier years has contributed to the robust recovery that is now evident in the market, a recovery which in turn has enabled NAMA to increase the flow of assets for sale and to sell loan portfolios and properties at very competitive prices. Against the backdrop of recovery in the Irish property market, earlier this year, NAMA announced that, in line with its obligations under section 10 of the NAMA Act, it considered that the best financial outcome for the State would be achieved through a managed process of accelerating disposals in an orderly way with the target of redeeming 80% of senior debt - a cumulative €24 billion - by the end of 2016. Following on from the section 227 review of NAMA, which was conducted by the Department of Finance, the Minister for Finance fully endorsed NAMA's strategy of seeking to take full advantage of strong market conditions to reduce the contingent liability on taxpayers represented by NAMA's senior, State-guaranteed bonds. The Minister is fully satisfied that both the strategy informing the NAMA sales process and its requirement that sales are openly marketed and implemented in a professional and transparent manner ensure it maximises the return on its acquired assets so as to repay its debt and therefore reduce and ultimately eliminate the contingent liability of taxpayers.

Having said all that, as with every process that is in place, there will always be people who find ways around it.

Senator Lorraine Higgins: I thank the Minister of State for her response and take her views on board. I note her reference to openly marketing properties, but I was referring to the fact that a new company was set up with new directors who had no prior corporate relationship and, therefore, the question of a conflict of interest did not arise. There could not be a conflict of interest because they had no established relationship by virtue of limited liability. That is the issue, as well as the fact that NAMA does not seem to be engaging in any risk management in the context of such scenarios. Everyone in this House would agree that an increase of 136% in the price of a property in less than 18 months bucks every market trend.

Today I received correspondence from a man who wanted to buy a property. In order to be able to make a bid on that property, he had to view it. He was told that he could view it on a particular day during office hours. Unfortunately, he could not get to see it at that time so he could not make a bid on the property. The restrictive viewing time precluded him from even attempting to purchase the property. He was then informed that the property was sold without getting the opportunity to make a bid for it. He looked at a second property and the same thing happened. He then went to look at a third property but was subjected to the same treatment. All three properties were sold before he had an opportunity to make a bid. This man was a bone fide buyer and was trying his best to acquire a property in the north of Dublin. Unfortunately, he did not get that opportunity. I fear that he would have given more money for those properties than what they were actually sold for but he was not given the opportunity by NAMA to bid for them. He has been unfairly treated - there are no two ways about it. These practices need to be stamped out.

We read about NAMA in the newspapers in the context of social housing it will make available and the extra housing that it will build in Dublin. It is wonderful that NAMA has some social responsibility but if it is not looking after the pennies, how will it mind the pounds?

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Deputy Kathleen Lynch: It is very difficult for me to comment on that case. Clearly the man in question has a grievance and I will ensure the Department of Finance hears of it. On the other hand, we do not know that everyone else involved in the sales process for those three properties was treated in the same way. That is the difficulty. We must assume they were all treated in the same way.

On the first issue that Senator Higgins raised regarding the shelf company, it is very difficult to weed out or ferret out that kind of activity unless it becomes absolutely crystal clear-----

Senator Lorraine Higgins: It was the subject of court proceedings in America-----

Deputy Kathleen Lynch: Once it does become clear that such is the case, note should be taken of it. I will convey Senator Higgins' concerns to the Department and to the Minister himself.

The Seanad adjourned at 3.20 p.m. until 2.30 p.m. on Tuesday, 11 November 2014.