



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

Business of Seanad . . . . .	378
Commencement Matters . . . . .	379
Irish Prison Service . . . . .	379
Domestic Violence . . . . .	382
Spent Convictions Legislation . . . . .	384
Death of Russian Politician . . . . .	386
Order of Business . . . . .	389
Succession (Amendment) Bill 2015: First Stage . . . . .	401
Public Health (Standardised Packaging of Tobacco) Bill 2014: [Seanad Bill amended by the Dáil] Report and Final Stages . . . . .	402
National Car Testing System: Statements . . . . .	411
Mid-Term Review of Europe 2020 Strategy: Statements . . . . .	425

## SEANAD ÉIREANN

*Dé Máirt, 3 Márta 2015*

*Tuesday, 3 March 2015*

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

---

*Machnamh agus Paidir.*  
***Reflection and Prayer.***

---

### **Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator John Whelan that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Justice and Equality to direct the Irish Prison Service to enter into meaningful consultation and negotiations with the Prison Officers Association on working conditions, management culture and the safety of prison service personnel.

I have also received notice from Senator Tony Mulcahy of the following matter:

The need for the Minister for Justice and Equality to outline the proposed roadmap for the domestic violence legislation.

I have also received notice from Senator Ivana Bacik of the following matter:

The need for the Minister for Justice and Equality to inform the House when she proposes to address the ongoing problems experienced by individuals with criminal records in disclosing only an old conviction or a small number of convictions for minor offences, in the light of the absence of any system to support these individuals to enable their convictions to be considered spent for the purposes of job or visa applications.

I have also received notice from Senator Paul Bradford of the following matter:

The need for the Government to express Ireland's revulsion of the recent killing of the Russian politician, Mr. Boris Nemtsov, and concern about the ongoing expansionist policies of the President of Russia, Mr. Vladimir Putin.

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

The need for the Minister for Justice and Equality to outline the reason speed vans are not located at dangerous driving black spots but appear to be placed instead in areas where speed limits decrease, thus prioritising revenue collection over enabling positive driving

behaviour.

I have also received notice from Senator Katherine Zappone of the following matter:

The need for the Minister for the Environment, Community and Local Government to outline his Department's strategy to mobilise those not on the register of electors to be included in the supplement to the register of electors in order to be able to vote in the forthcoming referendums.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators John Whelan, Tony Mulcahy, Ivana Bacik and Paul Bradford and they will be taken now. Senators Fidelma Healy Eames and Katherine Zappone may give notice on another day of the matters they wish to raise.

## **Commencement Matters**

### **Irish Prison Service**

**Senator John Whelan:** I thank the Cathaoirleach for selecting this matter which is of great urgency. I am particularly heartened to see the Minister for Justice and Equality here. She has a reputation for being considerate, caring, courteous and credible and I appeal to these attributes. I ask her to intervene personally, as the Minister responsible, in a festering dispute between the Irish Prison Service and the Prison Officers Association, POA. Prison officers believe they are being backed into a corner and have no option but to take a stand and ballot for industrial action. I agree with them. They have given everything possible. They have made savings of €21 million, under the Croke Park agreement, which the Minister's predecessor and the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, can verify. Under the Haddington Road agreement they have made further verifiable savings of €11.5 million. They are not afraid of reform or change.

It is now, however, hard to distinguish in the prison system between who is serving the community, serving the country and serving time. Prison officers believe their health, safety and well-being are being put at risk by attempts to unilaterally introduce new work practices and changes without proper recourse to negotiation and reasonable, meaningful consultation with their representative body, the POA. There is a belief, which is not posturing, among the prison officers on the ground that there is an attempt by elements within the Irish Prison Service to sideline and marginalise the POA in order that it has no function or role in proper, adequate and reasonable negotiation for any change. That is not acceptable.

Will the Minister call off the attack dogs within the Irish Prison Service who are putting prison officers' health and safety at risk by their attitude to what would normally be addressed through meaningful consultation and negotiation? There are security staff on the Luas wearing stab vests and equipment. At Heuston Station, a peaceful concourse, there are security staff with better equipment and stab vests than the prison officers have when dealing with serious criminals who are becoming increasingly violent and vicious. This is not acceptable but the industrial action which is looming in prisons will be dangerous. The country does not need

this. It is not a question of stab vests but of prison officers believing, not without foundation, that they are being stabbed in the back by elements within their own management who are putting their safety, well-being and welfare at risk, perhaps to further their own careers within the Department and the Irish Prison Service.

This issue can be defused and solved if the Minister intervenes because all it requires is common sense and fair play to acknowledge and accept that the prison officers are involved daily in a very attritional, dangerous, difficult and challenging working environment. They do not need to be backed into a corner and for their job and stress to be added to by their own management which has a duty of care and responsibility to ensure their health, safety and welfare seems to be at odds with this and drawing the POA into confrontation. The POA has no choice in this instance but to ballot for strike action. I strongly urge the Minister to intervene and defuse the issue.

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I thank the Senator for raising this issue and affording me the opportunity to address the House and outline some details and factual points relating to the issues he mentioned and the staffing of the Irish Prison Service. I acknowledge the work done by everyone in the prison system and many of the reforms that have been carried out in recent times. I pay tribute to everybody who has been involved in that regard.

I refer to staff numbers. The factual position is that prisoner numbers have reduced by 814, or 18%, since February 2011. We have had a 3% reduction in prison staff over the same period. As I said, I accept the point that significant reform has been implemented in the Irish Prison Service. That has served to modernise the service and anyone who visits our prisons can see this. We have also had quite serious capital investment in our prisons, which is ongoing and has led to significant improvements, something which is acknowledged not just nationally, but internationally. The goal has been to modernise the service so that it operates in the most effective and efficient way possible while allowing the service to operate with reduced staffing levels and ensure the safety of all prison service personnel. I will say more on that issue shortly.

I pay tribute to all involved in these important changes. The driving force behind the progress made to date has been the constructive engagement and consultation between management and the Prison Officers Association on all aspects of the reform process under the joint task reviews, as has been agreed under the Croke Park agreement. I have heard what the Senator had to say and want to see the constructive engagement and consultation continue. It would be in the interests of everybody who works in the service and the country, as well as having a properly functioning Irish Prison Service. I have discussed this matter with management and Irish Prison Service management is fully committed to ensuring that staff have a safe and dignified environment in which to work in order to carry out their important duties. They have to take difficult decisions, which I acknowledge. Much of the work is based on critical risk assessment on an ongoing basis by all involved.

A key commitment in the strategic plan of the Irish Prison Service for 2012 to 2014 is the dignity at work programme. It was a major change programme concerned with improving the workplace to the benefit of staff. A number of areas have been addressed under it, including communication, professional development, training, equality and diversity, well-being at work and acceptable behaviour. There have been quite a number of initiatives under the programme, including a well-being at work policy, a framework to promote the well-being of staff; the establishment of local workplace forums; and improving communication and consultation with

3 March 2015

front-line staff. That is what I want to see happening and what will lead to the best workplace atmosphere for all concerned. I recognise these achievements, but the fact remains that significant savings and reforms, as set out in the Haddington Road agreement, have yet to be achieved to ensure the sector delivers on its commitments. As the Senator knows, there is a whole-of-government approach to the agreement and making sure what was agreed is delivered. How we move forward in respect of the outstanding issues is probably the crux of the matter.

A number of implementation issues have arisen in respect of the Croke Park and Haddington Road agreements in recent months, but I assure the Senator that management has at all times continued to engage with the Prison Officers Association on these issues through the well established mechanisms contained within the agreements which provide the appropriate framework for parties to address and resolve issues of implementation as they arise, including extensive discussions under the chairmanship of the LRC. I am keeping these matters under review and discussion with the director general of the Irish Prison Service and his management team. I have had contact with the general secretary of the Prison Officers Association in which I reaffirmed the commitment of Irish Prison Service management to continuing to engage with the association. The Senator said the Prison Officers Association was not afraid of reform or change and I welcome that comment. I repeat that management is committed to working with the association. I want to see a continuation of the engagement and consultation which has been taking place.

The Senator used some phrases relating to the management position which are not accurate. I do believe management is interested in fair play and working with the association and I do not want to see further confrontation between prison officers and management. I would like to see both sides engaging and working together constructively to bring about a resolution of the outstanding issues under the Croke Park and Haddington Road agreements.

I thank the Senator for giving me the opportunity to deal with the issues and outline the position from my perspective.

**Senator John Whelan:** I have every confidence in the Minister and trust her bona fides and perspective in the matter. I urge her to hold a direct meeting with the POA at the earliest opportunity. I accept that I used strong language, but I do not do so lightly. It is informed by ongoing representations I am receiving from prison officers in Portlaoise and across the country. I do not want to be inflammatory but in some cases they are fearing for their lives such is the attritional, dangerous and violent character of the prison regime as it has now become. A reduction in prisoner numbers is not, in itself, the issue. I am heartened to hear that the Minister is committed to ongoing consultation and change by negotiation because the POA does not get that sense from elements within the Irish Prison Service at this juncture. Trust has broken down and needs to be restored.

**Deputy Frances Fitzgerald:** I urge the Prison Officers Association to continue to work in a collaborative manner and hope the Senator will encourage it to do so in the course of his dealings with it. Some of his language is very strong and is not reflective of the management position. Management is committed to consultation and discussion on the outstanding issues. It is extremely important they continue to work together to deal with the outstanding issues.

On safety, I realise there was an incident recently. The safety and security of staff in the prison service are of paramount concern to me. I have asked for a full report on the incident which I will review to see if there are further actions we can take to make sure we have the ap-

appropriate security measures for all staff.

### **Domestic Violence**

**Senator Tony Mulcahy:** The question is straightforward. It asks what are the proposals to bring forward domestic violence legislation this year. I will speak on behalf of the many thousands of victims and victims-to-be who are looking for a permanent solution.

A number of things have happened in the past number of months. The report of the Joint Committee on Justice, Defence and Equality should be implemented in its entirety. The report of the Garda Inspectorate showed serious deficiencies both in the recording of crimes and the actual reading two hours later.

The DASH system in the North of Ireland records all crimes of sexual or domestic violence. I have recently sent a copy to the Minister and the new Garda Commissioner, Ms Nóirín O'Sullivan. I do not believe using a black notebook, like we used to do in the old days, or putting the details up on the PULSE system is the way to do business in this area. We have a terrible habit in Ireland of trying to reinvent something. I have a cousin who works for the PSNI who has told me it already has this system in the North of Ireland. It is what we need to implement here.

The implementation of the EU victims' directive must happen this year. There must be ratification this year of the Istanbul Convention on domestic violence, but above all, proper legislation must be put in place. Friends of mine in the Garda pointed me to the 2002 children's welfare Act and the Animal Health and Welfare Act 2013. They have outlined that the animal welfare legislation provides for penalties, including powers of detention, imprisonment and fines. If I give a dog a kick up the backside, I can be detained for seven days with a fine of up to €250,000, but there is little or no provision to protect someone over the age of 18 years, either male or female. We already have the powers in the Acts. I plead with the Minister to ensure we introduce the legislation this year.

**Deputy Frances Fitzgerald:** I thank the Senator for raising the issue of domestic violence. I am conscious of his interest in this issue and his contribution to the report last October of the Oireachtas Joint Committee on Justice, Defence and Equality on domestic and sexual violence.

The Government is committed to the introduction of consolidated and reformed domestic violence legislation to address all aspects of domestic violence, threatened violence and intimidation in a way that provides protection for victims. In addition, the heads of the sexual offences Bill was published recently. The draft general scheme of the legislation is being finalised in my Department. It is intended to introduce approximately eight new sections to strengthen the legislation. We are consolidating the legislation to date. It is important that we would have one consolidated piece of legislation rather than the various Acts introduced in the past. My intention is that the draft general scheme will be considered by the Government shortly after Easter. Following approval by the Government of the general scheme of the Bill, I will forward it to the Joint Committee on Justice, Defence and Equality for pre-legislative scrutiny. That will give an opportunity for further consultation with stakeholders on the Bill, following on from their inputs into the joint committee's hearings on domestic and sexual violence in February 2014. My aim is that the Bill will be enacted this year.

3 March 2015

I contributed to a debate in Dáil Éireann in December last year where I said that “domestic violence does not go away”. While domestic violence does not go away completely, I agree with the Senator that we can and must do more to assist those affected by it, and to punish those inflicting the pain and misery associated with it. I believe we have a good structural base with which to work and that we can improve it with the proposed legislation. The Istanbul Convention will also provide for the highest standards to be met in addressing domestic violence. I am pleased to inform the Senator that I have now received a response from every Department on the provisions of the Istanbul Convention, which means that we now have the summary proposals from Departments, which allow us to go ahead and sign the convention in the first place and then to publish an action plan towards ratification. I intend to bring proposals to the Government for approval to sign the convention early this year.

In tackling the difficult issue of domestic violence, legislation can provide a framework for victims and An Garda Síochána, but as the Senator said, it must be complemented by operational policing on the ground. The Garda Commissioner has announced plans to develop a system of risk assessment for victims of domestic violence who come to the attention of An Garda Síochána. That is very important, in particular following on from the Garda Inspectorate report where a number of very serious issues were identified in terms of the investigation of domestic violence and domestic abuse. The Garda Commissioner has announced a series of initiatives on the reorganisation of how child protection and sexual and domestic violence are dealt with by An Garda Síochána. That will also help to deal more effectively with reports of domestic violence and domestic abuse, as well as the decision to allocate two officers in every division with responsibility for victims. That is an extremely good initiative.

There are many cases of members of An Garda Síochána extending themselves above and beyond the call of duty to assist victims of domestic violence. That is acknowledged by all. There has been a sea change within An Garda Síochána on the issue but more remains to be done. That has been acknowledged both as a result of the findings of the Garda Inspectorate report but also the actions taken by the Garda Commissioner, which indicate the seriousness with which the issue is being taken. Incidents of domestic violence are not always straightforward. A risk assessment system, which is tuned to the realities of operational policing, can help An Garda Síochána to better protect victims from more serious revictimisation in the future. I again thank the Senator for raising the issue.

**Senator Tony Mulcahy:** I thank the Minister for her comprehensive response. We have to do this this year. The Minister knows it is an issue that is close to my heart. It is not a criticism of the Garda but an observation of its recording system. It is only 70 miles to Newry where the PSNI do it differently. I sent a template for it to the Garda Commissioner and the Minister’s office last week. I made the point at the Joint Committee on Justice, Equality and Defence that the scene of the crime is the first place we must record the right information. That is not happening. In terms of the women, children and men who find themselves in this situation, we need to record the information properly and the DASH system used by the PSNI is from where we need to start. The legislation on punishments and so on can come in at the back end, but I hope the template I sent will be put in place in a pilot programme. I have no doubt that the Garda Commissioner takes this matter seriously. I also welcome the changes made last week.

**Deputy Frances Fitzgerald:** As I said, the Commissioner has reorganised the structure of the force’s approach to domestic violence with the appointment of the chief superintendent to oversee the new child protection, domestic violence and human exploitation unit under the auspices of the national support service. The operational points the Senator makes are critical

and I have no doubt that given the findings on crime investigation in the Garda Inspectorate's report, the matter will be followed up by An Garda Síochána not just with regard to domestic violence but equally with regard to the investigation of other serious crimes. That is a very real issue for the force to examine.

I will examine the material the Senator sent me on initiatives being taken in other forces and ask An Garda Síochána for a response to it.

### **Spent Convictions Legislation**

**Senator Ivana Bacik:** I welcome the Minister. I support my colleague, Senator Tony Mulcahy, in his request. I was part of the justice committee he mentioned and present when he made his powerful contribution. I am very glad to hear, as I know that he is, about the good news on the Istanbul Convention, which is a serious issue for non-governmental organisations and so on. Everyone will be very glad to hear it.

The issue I raise is when the problem for people with criminal records will be addressed. This relates to the issue of spent convictions which, as the Minister is aware, is a black spot in terms of the Irish criminal justice system in that this is now the only country in the European Union and one of very few in the Council of Europe area which does not have legislation generally allowing for convictions to be considered spent following a set rehabilitative period, other than the small number of convictions covered by the Children Act 2001.

The Seanad passed the Criminal Justice (Spent Convictions) Bill in 2012, but the legislation is stalled in the Dáil. I understand it has not yet passed beyond Committee Stage.

**An Cathaoirleach:** It is ordered for Report Stage.

**Senator Ivana Bacik:** Report Stage has been ordered, but it has not yet commenced that Stage.

I have been approached by quite a number of individuals, as I know other colleagues have, in particular my colleague, Senator John Kelly, who are very much disadvantaged by the failure to enact legislation on this issue because as we know, having a criminal record can present obstacles to employment, education or training, insurance, volunteering and travel abroad.

The Irish Penal Reform Trust, IPRT, has worked for a long time for a scheme such as this one and welcomed the Criminal Justice (Spent Convictions) Bill. I am grateful to it for arranging with me a seminar on the issue of spent convictions on 4 February. Quite a number of colleagues from the Dáil and the Seanad attended that seminar because there is a great deal of concern about this issue. Many of us are being approached by people who are very much affected by it. We heard eloquent and powerful testimony from a director of Unlock, the national association of reform defenders in Britain, and from Irish individuals, including Ms Deirdre Malone, the executive director of the Irish Penal Reform Trust, who spoke about the effect the absence of any such framework for spent convictions has had. We heard, in particular, that once the Bill was recommenced - I hope that will happen very soon - there were two areas we might want to examine again, particularly in the light of recent changes in Britain. The United Kingdom recently raised the upper limit for a sentence that could be considered spent to 48 months, or four years.

That is quite a significant change compared to the 12 months maximum sentence provided for in the Bill. We might want to look at that period to see if we could increase it also.

The other point that was made forcefully to us was that at present the Bill would only allow for convictions to be spent where there are two or less convictions. From  
*3 o'clock* my background in criminal justice practice, I am aware that in their early or late teens, many might have picked up three or four public order convictions or minor convictions arising out of one incident but, because there are three or four of those minor convictions, they can never be considered spent under the Bill. Can this be reviewed when the Bill moves to Report Stage?

The most pressing issue is a timeframe in which we can reassure those involved that they are likely to see their convictions considered spent. One young man who approached me recently had been offered a job and, because of a minor conviction that he had picked up in his late teens, he is fearful that he will not be able to take up the job. There are many others in Ireland who are facing similar disadvantages in employment, in travelling abroad, etc., and this legislation is a lifeline for them.

**Deputy Frances Fitzgerald:** I thank the Senator for raising this issue and giving me an opportunity to update the House on it.

The Criminal Justice (Spent Convictions) Bill 2012 has passed Committee Stage in the Dáil, having passed all Stages in the Seanad. However, before the Bill could be taken on Report Stage, a 2013 UK Court of Appeal judgment necessitated a review of the disclosure provisions in both the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and the spent convictions Bill. That Court of Appeal case, known as the case of R (on the application of T) v. Chief Constable of Greater Manchester, found that the indiscriminate disclosure of all old, minor criminal records is incompatible with Article 8 of the European Convention on Human Rights.

Pending the amendment of both the spent convictions Bill and the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, an administrative filter for Garda vetting disclosures has now been introduced. This provides that certain minor offences that are over seven years old are no longer disclosed. I should, therefore, state we now have procedures in place that are more generous provisions than those contained in the spent convictions Bill. This is because the number of motoring offences or public order offences which are not disclosed is not restricted to the two offences currently envisaged in the spent convictions Bill. In accordance with the provisions of this filter, over 80% of District Court convictions now become spent after seven years and are no longer being disclosed in Garda vetting disclosures.

This filter provides the basis for amending the spent convictions Bill, with a few alterations. I am mindful that a Circuit Court conviction which results in a penalty of 12 months imprisonment could become spent under the current provisions of the Bill. I intend to retain a provision in the Bill which will allow one such Circuit Court conviction to become spent after seven years.

The UK case and a related report, known as the Mason report, have recommended that any regime of non-disclosure must be proportionate and “should be both simple and understandable to individuals who are users and/or customers of the disclosure service”. I fully agree with that recommendation. However, the spent convictions Bill currently has 24 categories of offences

with 24 relevant periods after which that category of conviction is spent. This is an unnecessarily complex and confusing aspect of the Bill. Accordingly, I intend to amend the Bill to mirror the simpler provisions already contained in the administrative filter. I intend to have a common standard for minor convictions becoming spent after seven years. This will provide a clear, easy to understand procedure.

The amendments are being finalised and I intend to bring the amendments to the Bill before the Oireachtas as soon as possible and certainly to have the Bill enacted before the summer. The Office of the Parliamentary Counsel is finalising work on the amendments. I should state however, that the spent convictions Bill does not apply to visa or job applications in any other state, as we simply cannot legislate in this state for such matters.

**Senator Ivana Bacik:** I am grateful to the Minister for her comprehensive response.

I was aware of the T case. At the seminar with the Irish Penal Reform Trust, we discussed the case and its implications and we were conscious that the legislation would need to be reviewed in the context of that judgment. All of us appreciate this. It was merely the length of time it had taken.

I am grateful to the Minister for setting out the development of the administrative filter. I am grateful also to her for clarifying that a more simplified process will be put in place because that was one of the criticisms of the Irish Penal Reform Trust, that the proposed metrics in the current version of the Bill in Schedule 2 is particularly complex and a simplified version would assist in providing legal certainty. I am also glad to hear that the two-offences restriction will be lifted, at least in some cases, thereby enabling people to have their convictions considered spent, even when there are more than two. I am grateful to the Minister for that clarification. I look forward to the Bill coming back to the Seanad in order that we can approve the amendments that went through the Dáil before the summer.

**Deputy Frances Fitzgerald:** I realise the importance of this legislation and its implications for individuals. As the Senator said, offences which often may have been committed much earlier in a person's life become an impediment to taking up a job. I realise the urgency of this legislation and will be introducing the amendments as soon as they are finalised. I intend to have the Bill enacted before the summer.

### **Death of Russian Politician**

**An Cathaoirleach:** I welcome the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan.

**Senator Paul Bradford:** I also welcome the Minister.

I raise the unravelling, as I see it, of democratic life in Russia. I am speaking in the context of the murder at the weekend of the opposition political figurehead, Boris Nemtsov. The murderous killing of Mr. Nemtsov which is being investigated but which will presumably not lead to a conviction is the most recent manifestation of the difficult life of Russia's political opposition. We are reaching a situation where the Russian people are facing a one-party state. It could be said Mr. Putin is on the verge of recreating the Soviet Union without socialism. He appears hell-bent on using his political power and influence to crack down completely on any degree of

3 March 2015

political opposition in Russia. The knock-on effect is being seen not just on the domestic stage but also on the international one.

How will the Government and the European Union respond to the dangerously political and military interventions which are now being planned and carried out in Georgia, Crimea and Ukraine by Mr. Putin and his associates? Where will it stop? The murder of an opposition politician can be seen in conjunction with the Russian Government's new expansionist policy.

Both the Irish Government and the European Union need to be much stronger and aggressive in their condemnation of the internal political problems in Russia, including the attacks on opposition figureheads. Every EU government has links with Russia, but we should demand that the Russian authorities respect democracy. It certainly is not being respected. Together with his EU colleagues, the Minister will have to be stronger in tackling Russian advances in Georgia, Crimea and Ukraine. The question is what will be next? I do not think the West is acknowledging sufficiently the threat posed by the new Putin policy in Russia. President Obama is not responding with sufficient vigour.

We must learn the lessons of history. If figures such as Vladimir Putin are allowed literally to do as they wish, the question is where will they stop? Tragically, the lessons of history show where it leads to. He got away with it in Georgia and Crimea and is getting away with it in Ukraine. He is using new political allegiances and oil revenue to become almost a bully on the international stage. The EU sanctions regime is clearly not working. There are significant trade links between Russia and every EU country, including Ireland, and we must reflect on the cost of these links, including the long-term costs, if they allow Russia to become not just a super-power, as of old, but a bullying super-power.

I ask the Minister to be very strong in his condemnation of the murder at the weekend and ensure there is a very strong Irish and EU protest that goes beyond protest and words to actions. We must recognise the threat posed by the current Russian administration - I hope I am not exaggerating - to peace and security in Europe. The long-term plan of the Russian Administration certainly does not seem to be of a very peaceful or neighbourly nature. It seems to be about recreating the old threatening Soviet view of eastern European domination. If the Minister speaks to his colleagues in the Baltic states or Poland, I am sure they will give him a much stronger version of things than I could possibly do. We must recognise that we are dealing with a very threatening political figure. I do not think he speaks for or reflects the average Russian citizen or the people of Russia but he is the person in political and military control of his administration and we need to stand up to him.

**Minister for Foreign Affairs and Trade (Deputy Charles Flanagan):** I thank the Senator for raising this important matter. The murder of the prominent Russian opposition leader, Boris Nemtsov, in central Moscow early on Saturday morning was a brutal and cowardly act which was met with widespread shock and disbelief. I have already expressed my sadness at Mr. Nemtsov's death and extended my sympathy to his loved ones. His murder highlighted the vulnerability of opposition figures in Russia where any form of criticism of the government is seen as an act of disloyalty.

Tributes have poured in for Mr. Nemtsov who served his country with distinction in many roles, including as former deputy Russian Prime Minister under President Yeltsin. He was a courageous champion of democratic reforms and a strong advocate for a more open and tolerant Russia. His loss will be deeply felt not just in Russia but around the world. The high esteem

in which Mr. Nemtsov was held was evident in the size of the crowd that attended a vigil in his honour on Sunday. Tens of thousands of people across a wide range of political parties and movements turned out to mourn his loss and pay tribute to his legacy as a fearless reformer who was not afraid to speak out against the direction that Russia was taking and the policies being pursued by the current government. Large numbers of mourners also attended his memorial service and funeral earlier today. Ireland was represented at both of these events by our ambassador to Russia.

A spokesperson for President Putin said he had written to Mr. Nemtsov's mother promising that he would personally oversee the investigation into her son's murder. Much speculation surrounds the motives for Mr. Nemtsov's murder. For this reason, it is all the more crucial that the Russian authorities promptly conduct a full and transparent investigation into his killing and that the perpetrators of this callous crime are brought to justice. There should be no culture of impunity in the face of such a crime.

It is also important that the rights to freedom of assembly and expression that Mr. Nemtsov fought so fearlessly to defend are recognised and fully protected. He had been a vocal critic of Russia's actions against Ukraine. In fact, the vigil on Sunday in honour of Mr. Nemtsov replaced an opposition demonstration which he had been instrumental in organising to protest against the state of the economy and Russia's role in the destabilisation of Ukraine. That destabilisation has included the illegal annexation of Crimea and the city of Sevastopol last March. While Russia has officially denied any involvement in the conflict in eastern Ukraine, there is ample evidence that Moscow has been facilitating the supply of fighters and weapons across the border with Ukraine to the rebels.

The European Union has been at the forefront of international efforts to resolve the conflict in Ukraine and Ireland has participated actively in shaping the Union's approach. We have consistently called on Russia to use its considerable influence on the separatists to end the violence in eastern Ukraine and to support the search for a political resolution to the crisis.

I firmly believe carefully targeted sanctions are an effective means of encouraging Russia to play a more constructive role in reaching a peaceful settlement to the conflict in Ukraine. This is why Ireland supported the European Union's unanimous decisions to introduce economic sanctions against Russia in July and to further strengthen these measures in September. We have always said that the restrictive measures are scalable. They can be strengthened or eased depending on developments on the ground and progress towards the objectives set by the European Union when we put the existing measures in place.

The issue of Russia and Ukraine has been a regular feature of European Union Council meetings and is likely to remain so for the weeks and months ahead, foreign Ministers will return to the matter at their informal meeting in Riga this weekend. Heads of State and Government will also discuss the issue at the next meeting of the European Council on 19 and 20 March in Brussels.

**Senator Paul Bradford:** I thank the Minister for his reply. Notwithstanding that it would not produce any dramatic outcome, would the Minister consider summoning the Russian ambassador to his office to have face-to-face talks and express very firmly and very vocally on his behalf and on behalf of the Government and the people his condemnation of the killing and his concern at the ongoing situation, particularly in Ukraine? I appreciate there are Heads of State meetings, foreign Ministers meetings, letters, motions, etc. However, we need to show our ab-

3 March 2015

solite strength of conviction on this issue. I request that the Minister consider summoning the Russian ambassador to let him know in no uncertain terms of his concerns.

**Deputy Charles Flanagan:** As I noted, the murder was an appalling act that must be fully and effectively investigated. A failure to find and prosecute the killers would raise serious questions about the criminal justice system in Russia. As I said, a culture of impunity must not be allowed to develop in Russia and cannot be tolerated.

With regard to the situation in Ukraine, I agree with the Senator. The package of measures agreed at Minsk on 12 February and signed by the parties to the conflict offers hope for a peaceful resolution to the conflict in Ukraine which has already claimed 6,000 lives and forced more than 1 million people to flee their homes.

I will be in Riga later this week and, as always, Ireland will actively contribute towards finding a resolution. In this regard, I stress the need to have a non-military solution. All sides must take immediate and concrete steps to honour the commitments they signed up to in Minsk. It is deeds, not words, that will ultimately demonstrate the extent to which the separatists and their Russian backers are genuinely interested in agreeing a peaceful settlement.

The EU sanctions are having an impact. I assure the Senator that the callous and brutal murder of an opposition leader as occurred in Moscow in the early hours of last Saturday is to be utterly condemned. I do not believe any democrat would do other than condemn this in the most forceful terms and let the Russian authorities know that this is intolerable. I thank the Senator for raising the issue.

*Sitting suspended at 3.20 p.m. and resumed at 3.35 p.m.*

### **Order of Business**

**Senator Maurice Cummins:** The Order of Business is No. 1, Public Health (Standardised Packaging of Tobacco) Bill 2014 [*Seanad Bill amended by the Dáil*] - Report and Final Stages, to be taken at the conclusion of the Order of Business; No. 2, statements on the national car testing system, to be taken at the conclusion of No. 1 and conclude not later than 6 p.m., with the contributions of Senators not to exceed six minutes; and No. 3, statements on the report of the Oireachtas Joint Committee on European Union Affairs entitled, Political Contribution on Mid Term Review of the Europe 2020 Strategy, to be taken at 6 p.m. and conclude not later than 7.30 p.m., with the contributions of Senators not to exceed six minutes.

**Senator Marc MacSharry:** I call for an urgent debate on the issue of repossessions. As far back as 2008, when I was on the Government side of the House, I commenced the debate on the need to prepare for this issue. Senator Thomas Byrne and I put forward the Family Home Bill in July 2011 in an effort to afford some level of support and protection to the family home. On that occasion, the Bill was voted down by just three votes. In both the Dáil and the Seanad we have since put forward the Mortgage Resolution Bill 2013. The Insolvency Service of Ireland has had such a fantastic impact that it has done just 199 deals for people to deal with their debts since it was established in 2013. It is interesting to look at the number of repossession orders in Limerick last Friday, which was 208. We have facilitated a situation where the foxes are permitted to ravage the henhouse, with the full support and assistance of the Government of the day.

As Members might be aware, Deputy Michael McGrath and Fianna Fáil will put forward a Bill in the Dáil this evening to try to remove the bank veto in order that people will have some solace in the fact that an independent body might be the final arbiter on whether a house is repossessed. Senator Thomas Byrne and I will put forward a Bill later this month which tries, once again, to afford protection to people's family home. Many of us have family members who work in the banks, but as institutions they are acting in a despicable fashion. They care nothing for the sacrifices made on their behalf by the families throughout Ireland. I am dealing with a specific case, not to mention names, in the St. Brigid's area of Sligo town. I have tried to act as a mediator with the body for the family to try to maintain their home. They were given an undertaking verbally that they would be afforded the opportunity to avail of a split mortgage, but that was not the case. Despite the fact that they have paid since, regrettably, the agreed sum of money, they have now been told that the intention is to sell their house or they can use the mortgage to rent option whereby they can live as a tenant in their own home but they will lose all rights of ownership of their house. I have again tried to correspond on their behalf. IBRC which was owned by the people has since been liquidated and that portion of that loan book has been sold to some other crowd called Mars Capital.

The reality is the Government has to take some cognisance of this issue which is gaining serious momentum. One day in February there were 271 orders for repossession in Donegal, which is 80 more than the Insolvency Service of Ireland has dealt with in a two-year period. On this very day, in the other House, the Taoiseach is saying we are making progress, it is going to be great, we would like to see more and, while we are disappointed we have not, we will. That is simply not good enough. The Government looks as if it is in reverse compared with the autopilot of the previous Government. Is the systemic nature of the people going to be prioritised by the ship of Government? I do not care who is there but I care about the people and the neglect of them that has been shown. The banks are in absolute control. Again, I say we have put the fox in charge of the henhouse, and not just in charge of it, but have facilitated him in ravaging it.

I again call for an early debate on the issue of health. I know our previous Private Members' Bill was on the issue and the Minister for Health kindly made himself available, but again it is autopilot in the extreme. Today we are talking about €25 million being made available to give millionaires' children free doctor care. There are 550 people on trolleys throughout the country today, which is not new as it was predicted in the three-page letter by Mr. Tony O'Connell back in September. The Government wants to give money to free doctor care for millionaires' children when we do not have the money to care adequately for elderly and infirm people in accident and emergency departments.

**An Cathaoirleach:** The Senator is way over time.

**Senator Marc MacSharry:** Surely the Leader sees the futile nature of these ridiculous vote-winning proposals.

**Senator Ivana Bacik:** Fianna Fáil presided over lengthy waiting lists, disastrous initiatives in the health service, including the establishment of the HSE-----

**Senator Marc MacSharry:** That was the previous Government. The Labour Party is in government now.

**Senator Ivana Bacik:** -----and the long and quietly shelved project it would prefer everyone to forget about.

3 March 2015

**Senator Marc MacSharry:** Was the Senator elected as an Independent?

**Senator Ivana Bacik:** That project was co-location about which Fianna Fáil has tried to forget.

**Senator Marc MacSharry:** It was done by a party which no longer exists. Perhaps that is something the Senator might be familiar with after the next general election.

**An Cathaoirleach:** Senator Ivana Bacik to continue, without interruption, please.

**Senator Ivana Bacik:** It is interesting to note the selective memories of Fianna Fáil people when they speak about health matters.

**Senator Marc MacSharry:** The Labour Party's way is to provide €25 million for the richest children.

**Senator Ivana Bacik:** I welcome the announcement made today by the Minister for Public Expenditure and Reform that a forum will be established by the summer that will look at tax, pay and spending priorities. It will involve stakeholders and representatives of unions, employers and so on. This is a welcome development. It is part of a process being embarked upon by the Government, following the spring statement that will be announced, to enable greater transparency and greater consultation in the pre-budget process. It is something we have often commented on in this House. Both sides of the House have commented on the need for greater transparency and greater inputs from different stakeholders at the pre-budget stage of the process. I welcome the initiative. I ask the Leader if we might have a debate in this House, once the forum has been established, on the work of the forum over the summer months, and June and July would be an appropriate time.

I welcome the announcement by the Tánaiste and Minister for Social Protection, Deputy Joan Burton, at the Labour Party conference at the weekend in Killarney. I refer to the Government's proposal to introduce two weeks paid paternity leave. It is welcome and is something for which many of us have campaigned for some time. It is not just my party that has campaigned for it but also Senators from across the House, in particular Senator Mary White, who has called for the provision. It will mark a welcome recognition of the rights of fathers in the workplace. The idea is that this leave will only be capable of being availed of by fathers on the birth of their child. It is welcome, as is the announcement in respect of the extension of the ECCE scheme.

I welcome the announcement by Dublin City Council that it has approved the redevelopment of the fruit and vegetable market at Smithfield. It will resource a major redevelopment of this market which is a really beautiful structure located in the north inner city. The regeneration of that market could see a real regeneration of the area. The initiative is welcome.

I welcome the announcement today by the Minister of State, Deputy Michael Ring, of an additional €500,000 plus for 187 local festivals and events throughout Ireland as part of a tourism initiative. This follows the announcement of a much greater sum of money, over €2 million, for 27 large national festivals throughout Ireland this year. I note that the local festivals are important in different areas in bringing in tourism and visitors. Bloomsday, which Senator Norris has been involved in for so many years, the hard working class heroes event in Dublin city centre and the Dalkey book festival are some of the events that will be funded by this. We all know the benefit that these festivals bring in terms of cultural and artistic benefits, as well as the benefit in terms of tourism and extra revenue. That is welcome and I look forward to

attending many of the festivals.

**Senator Sean D. Barrett:** In view of the concern expressed on both sides of the House on the withdrawal of certain bus services from rural areas, I call for a debate on rural transport. There are many options. The school bus service ends soon after 9 a.m. each morning. A total of 114,000 children travel on the service every day, amounting to 42 million trips per year on 6,000 routes. There is an independent bus sector, which has most of the 8,500 large public service vehicles licensed to operate, but those in the sector do not have route licences. The post office goes to every house in the country. We had a post bus service in Clare that was shut down, but it is a large operator in Austria and Switzerland, carrying 100 million passengers per year there.

I am concerned that there are again rumours that university entry requirements should be relaxed in respect of languages and mathematics. The initials of the group concerned are TEGRUSE, although I could not find out what it actually means. Ireland a member of a multi-lingual European Union and mathematics is at the core of our wish to develop science, technology, engineering and mathematics subjects.

I call on the Leader and the House to join me in wishing our great Olympian, Ronnie Delany, a happy 80th birthday on Friday. Some 65 years ago he wrote to the provost asking whether he could train in college park. From behind those railings came a man who has been a splendid ambassador for Irish sport and for the country. I am sure, particularly with Senator Eamonn Coghlan in the House, we will all agree to wish him well and thank him for the honour he has brought to this country at all times.

**Senator Hildegarde Naughton:** I, too, welcome today's announcement of €564,000 for 187 local festivals throughout the country. A significant portion of the investment is going to products along the Wild Atlantic Way and festivals along the west coast, including the Clifden arts festival, the Galway food festival, the Connemara festival, as well as other festivals such as cruinniú na mbád. This is critical for the successful development of the tourism industry. Festivals are the backbone of the economy and this will greatly help to encourage greater numbers of tourists coming from abroad. Last year we saw the success of the Wild Atlantic Way and an increase of 10% in tourism numbers. This 2,500 km trail is proving to be beneficial for the rural communities of Ireland and I welcome today's announcement.

**Senator Averil Power:** I call for a debate with the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, on the job cuts announced by Cadbury last week. A total of 145 of the 220 job losses will be in Coolock alone, an area which already has a high rate of unemployment. The job cuts came as a major shock last week to employees in Coolock and to those in County Kerry and Tallaght also. However, it is evident that the Minister knew about these cuts in advance. Employees deserve to know what the Minister knew, when he knew it and what efforts he took not only through the State agencies but also directly to try to prevent them. The last time jobs were under threat in Cadbury in 2010, the then Minister, Mr. Batt O'Keeffe, met not only the head of Cadbury in Ireland but the head of Cadbury in Europe directly. He managed to persuade the company to protect jobs in Ireland. Employees in Coolock, County Kerry and Tallaght deserve to know whether the Minister, Deputy Richard Bruton, took the same steps. I have just come from a meeting with the Minister where I asked him this question directly, but he did not answer directly. He said he had had contact with the company at a high level but would not say with whom. I asked if he had reached out to the European management and he refused to answer. We can only assume, unless the contrary is made clear, that he did

not. That is a shame. When there are jobs to announce or there is a ribbon to be cut, Ministers fall over themselves to do it, but when jobs are at risk and they need to roll up their sleeves and protect them, they are missing in action. More needs to be done to protect existing jobs. It is good that there have been positive job announcements from other companies in the past few weeks but we need to protect the jobs we have. I was very disappointed to hear at that meeting that the Government had not put in place any research and development investment with Cadbury in the past few years. I appreciate that we cannot subsidise jobs directly to improve competitiveness on wage costs but we can engage with companies on research and development, and IDA Ireland and Enterprise Ireland have the scope to do so.

I also call for a debate on the announcement by the Health Service Executive, HSE, this morning about the Dublin Fire Brigade ambulance service. I was shocked to hear the announcement because the Minister gave a commitment three weeks ago that no decision would be made without consultation with Dublin Fire Brigade. The HSE announced today, however, that the fire brigade service was to be discontinued. It announced that unilaterally, without any contact with the fire brigade. I am extremely worried about this move. I have met representatives of the fire brigade service in the past year. This seems to be more of a cost-cutting exercise than an attempt to improve the service. There is a problem with response times in Dublin that needs to be tackled. We need to make sure we get the best service we can. It is very worrying to see something this big, especially in an area where patient safety is so important, being announced unilaterally rather than after consultation. It is essential that the Minister for Health come to the House to address the issue.

**Senator Eamonn Coghlan:** I endorse the sentiments of Senator Sean D. Barrett who referred to the 80th birthday of the great Ronnie Delany this Friday. When I was a child, Ronnie inspired me to pursue his records and go to the Olympic Games and try to win gold as he did in 1956. Unfortunately, I finished fourth. I read the Bible the night before and the Lord said, "Come forth," and I came fourth instead of first.

Yesterday, St. Patrick's Day came early. I congratulate the great Pádraig Harrington on his fantastic win in the Honda Classic. It showed his resilience, determination and character that he fought back when things were not going so well for him. On Saturday, the Irish rugby team had a great win over England in the Six Nations tournament. Our cricketers continue to represent us at the Cricket World Cup in Australia. These sportsmen are wonderful ambassadors for Ireland. The sports they represent show wonderful cross-Border co-operation. Today, the Northern Ireland Minister for Health, Social Services and Public Safety, Mr. Jim Wells, formally indicated in Stormont that Our Lady's Children's Hospital Crumlin will become the national centre in Ireland for paediatric cardiac surgery, another example of the co-operation between health services, North and South. Over 140 children in Northern Ireland and over 400 in the South require open heart surgery annually. It is wonderful to see this co-operation between the two. The Royal Victoria Hospital will continue to give pre and post-surgery care to those children. I congratulate the Minister for Health, Deputy Leo Varadkar, on co-ordinating the services, North and South, to help children with serious heart conditions.

**Senator David Norris:** I welcome the remarks of Senator Ivana Bacik about the festivals and, in particular, her gracious remarks about my own participation. I remember when Bloomsday was not very popular. I am very glad to say we have saved 35 North Great George Street. It is in splendid, sparkling condition. I am no longer chairman, but I am a member of the board and I attended a board meeting there this morning and all the news was very positive.

I can remember well when Ronnie Delany won that Olympic medal. I remember listening to the race relayed by the BBC from Australia on an old crackling wireless set and being so thrilled. It turned out that he was just giving thanks to God for his victory. He was a neighbour who lived not too far away. All of us in Dublin 4 joined up and started running. We all fancied ourselves as young Ronnie Delanys.

With regard to evictions, I agree very much with Senator Marc MacSharry. We should have further discussion on this issue. I have been pushing this since before the first evictions. I warned about it and looked for a Department to be established to give people security in their homes. I am interested in the O'Donnell situation on the Vico Road. I understand a judgment finding against the couple has been handed down by the High Court. What interested me is how on earth a solicitor and his wife were permitted to run up debts of €71 million. That is the astonishing thing. Why were the banks handing out not just shovelfuls, but lorry loads of money all over the place? They have some complicity in this. It is not just the greedy individuals themselves; it is also the financial institutions who displayed an awful lack of morality.

**Senator Michael Mullins:** I join colleagues in extending our good wishes to the great and wonderful Ronnie Delany, a gentleman and wonderful ambassador through the decades for Irish sport. I compliment the Irish rugby team on its fantastic performance on Sunday. The great Pádraig Harrington showed a true return to form which, it is to be hoped, will see him win another major before the year is out.

I would like to mark the passing of the great Tony Reddin. Those with an interest in hurling would know of him. He was a great Galway man who was born in Mullagh outside Loughrea in County Galway. He won three all-Ireland medals with Tipperary in 1949, 1950 and 1951, and also featured in the team of the century. I would like to extend our sympathy to his family.

I am sure every Member of the House will join me in condemning in the strongest way possible the murder of the opposition leader Boris Nemtsov. It was a most appalling and horrific murder. He was a much respected politician who made a major contribution to political life in Russia over the years. We would all call for a full and transparent investigation into his murder and hope the perpetrators will be brought to justice in the very near future. All democrats throughout the world want to ensure there is freedom of assembly and freedom of speech. We share the growing international concern at the direction that Russia is taking. The situation in Ukraine, where 6,000 people have lost their lives and 1 million people have fled their homes, is of grave concern. The current very fragile ceasefire must be worked upon and there must be full implementation of the agreement signed in Minsk. I ask the Minister for Foreign Affairs and Trade and other European leaders to consider calling in the Russian ambassador for discussions on this appalling situation and to impress upon him the concerns of the Irish people and our desire to see a full, frank and transparent investigation into this appalling murder. All of us who respect democracy, freedom of speech and freedom of association must condemn, in the strongest way possible, this appalling and unwarranted act.

**Senator Paschal Mooney:** I find it rather instructive that the Government side seems to be a little like the cat that got the cream, in terms of some of the announcements being made. Let us put one thing in perspective about the €500,000 for events and festivals across the country. As a former chairman of north west tourism, we did not quite get that amount, but we received a substantial amount up to some years ago. The funding has been cut drastically and €500,000 for 187 festivals works out at €2,500 per festival, according to our Whip who is a mathematical expert. I wish Senator David Norris well in his remarks on the Bloomsday festival.

I must say the €2,500 will go a long way. What a miserly sum of money for important festivals and events throughout the country.

Some comments were made in reference to the Minister for Public Expenditure and Reform, Deputy Brendan Howlin. As my colleague in the Dáil, Deputy Barry Cowen, said, the Minister was crying crocodile tears about the lack of democracy at local level. He said it was time for reform and a return to democracy in towns and cities throughout the country. I remind the Leader, because he was personally involved in this, that this is the same Minister who consistently and persistently refused to enlarge and expand the conditions under which Members of this House could go about their democratic work by refusing to expand and improve the conditions under which the vouched parliamentary allowance of €12,500 was introduced some two years ago. People say we should not talk about money and allowances for fear of the media coming down upon us but I could not care less. As I have said before, all we are looking for as Senators is to be given the same rights as Deputies, or at least going half way to getting the same rights. The Minister has refused point blank to change the current regime because he says he is afraid of what the *Irish Daily Mail* and other newspapers might say. This is not about increasing the amount of money available but using the existing amount of money in order that Senators can go about their work. Many of them do quite a lot of constituency work and some of them will be looking to be elected to the other House. Even if that is not the case, they are entitled under the laws to be able to work to their maximum capacity and the resources for their work to be fairly distributed, which is not the case. I found it extraordinarily hypocritical of the Minister to talk about democracy when he has refused to tweak a line in a regulation that would allow Senators to maximise the amount of representations they can make on behalf of constituents in the areas in which they live.

**Senator Feargal Quinn:** I propose an amendment to the Order of Business, that No. 13 be taken before No. 1.

**Senator Trevor Ó Clochartaigh:** Tá mé as seasamh inniu ag ardú ceiste a d'ardaigh mé roimhe seo ach tá cora tagtha sa scéal ó thaobh chúrsaí cothromaíochta de sna hinstitiúidí tríú leibhéal. Ceapaim go bhfuil géarghá le díospóireacht faoi seo ag an leibhéal is airde. I have raised previously issues of equality in third level institutions, which we need to look at again. There are specific issues at NUI Galway, but this is not a stand-alone institution in this regard. Outrageous information came to light last week about a questionnaire sent to two employees in the university which asked some very invasive questions. The issue relates particularly to female candidates looking for positions at the university. A task force to look at equality issues is being announced by the NUIG governing body on Friday. There have been calls for any investigation into equality issues at NUIG to be carried out in an independent and transparent manner, but the task force which has been put together has an awful lot of insiders and management types in its ranks, while there is no recognition whatsoever of unions or employees. I note that even the student representative will be tagged on at a later date. This calls into question the ability of NUIG to investigate itself. They have decided that they will investigate themselves as An Garda Síochána and other institutions have done, and this is completely unacceptable. We should ask the Minister for Education and Skills, Deputy Jan O'Sullivan, to come in to discuss equality issues across third level. When I asked representatives of the Higher Education Authority if they were they concerned about the issues, they said this was an issue across third level. What is happening in NUIG is regrettable and the make-up of the task force is unacceptable in any shape or form. We need an independent review and the judgment of the governing body and the president have to be called into question in this situation.

**Senator Catherine Noone:** I was truly shocked by figures released yesterday by Temple Street Children's Hospital showing more than 100 children under the age of 17 years were treated for alcohol poisoning since 2012. The statistics revealed that 22 children aged under 16 years presented with alcohol poisoning last year alone; five in the past three years were as young as 12 and one was 11. More than 70 of the overall figure of 114 children treated since 2012 were girls. The stark increase in alcohol consumption, especially among young girls and pre-teens, is very alarming. I previously highlighted the rising tide of liver disease in young Irish women and men in their mid-20s and have urged the inclusion of a minimum price alcohol policy in the upcoming public health Bill to which the Government has committed. The biggest difference between this country and countries such as France is that in Ireland, Scotland and England the incidence of mortality from cirrhosis of the liver is dramatically increasing while in other countries it is reducing. As shocking as the statistics from Temple Street Children's Hospital are, they are representative of only one facility. As such, I call on the Minister to release the total figure of Irish children admitted to hospital with alcohol poisoning. The full extent of this new phenomenon must be revealed and tackled head on as a matter of urgency.

**Senator Gerard P. Craughwell:** I support Senator Averil Power with respect to the Dublin ambulance service. Having had the pleasure or displeasure to travel in the back of ambulances run by both the health service and by the fire service, I have always been well looked after and I would be slow to change the existing system. I live where I live purely because it is close to St. Vincent's University Hospital should I need to go there in a hurry.

I refer to Circular 18 of 2015 which was issued today. To my mind, it attempts to influence democracy with respect to the boards of education and training boards, ETBs. Section 3.17 of the circular states the selection of the chairperson is a matter for the board in accordance with the governing legislation. However, it is considered best practice that to maintain a clear division of responsibility between the running of the board and the day-to-day management and operation of the ETB, the chairperson should not be a member of staff of an ETB and-or a person connected to a member of staff of the ETB. Down through the years, in vocational education committees, VECs, throughout the country, staff members have contributed a huge amount to their boards. It is absolutely outrageous that somebody in the Department of Education and Skills would draft such a letter, attempting to influence a board and prevent it from appointing a member of staff of the ETB, namely, a teacher or administrative worker, to the position of chairperson. There are two chairpersons of whom I am aware who are members of staff of an ETB and at least two more who are deputy chairpersons of an ETB. We need an urgent debate in this House to discuss who drafts such letters. I ask the Leader to take the issue on board.

**Senator Terry Brennan:** Déanaim comhghairdeas le hAogán Ó Fearghail a toghadh mar uachtarán an chumann luthchleas gael an Domhnach seo caite. Is an chéad uachtarán as Contae an Cabháin é. Is onóir iontach é d'fhear a d'oibrigh go dian dá cheantar agus don chumann luthchleas gael. Is onóir iontach ar fad é dá chlann uilig. Ba chúis bhróid é don tír an méid a rinne ár lúthchleasaithe an deireadh seachtaine seo caite. Bhuaidh an fhoireann rugbaí cluiche iontach san Aviva. Is imreoirí iad ó cheithre cúigí na hÉireann. D'éirigh go maith leis an bhfoireann cruicéid san Astráil agus bhuaidh an dornálaí Carl Frampton craobh an domhain an Satharn seo caite i mBéal Feirste. Déanaim comhghairdeas le John Giles ar a bronnadh saoirse chathair Bhaile Átha Cliath. Peileadóir iontach le fada ab ea é freisin. Is maith an fear é. Is ambasadóirí spóirt iad go léir. Déanaim mo comhghairdeas leo go léir.

**Senator Mary Ann O'Brien:** I empathise with what Senator Averil Power said about the loss of jobs in Cadbury, but I also recognise that the global giant Mondelez, the *raison d'être*

of which is profitability and the bottom line, is investing €11.7 million in automation. The jobs are going into robotics and automation. There have been many interesting articles and some research done by Deloitte in Oxford in the past year on the future in terms of the next ten or 20 years. Could we have a debate on the people's adaptation to change and how we should strategise and plan for the future? We may think the Industrial Revolution was a big change in the evolution of mankind. For me, the Internet was a huge development. None of us could have imagined we would be able to download movies and connect with our friends in Australia through the speed of the Internet, but they say the Internet is nothing compared with what we will see in the next ten to 20 years and what artificial intelligence and robotics will bring about, mainly in the lower paid sector where 35% of the jobs as we know them will disappear forever. Clerical duties, administration, construction, mining, farming and any sort of manufacturing we can think of will disappear. It is about upskilling and re-educating people. Not everyone can work in science and computing. It is about thinking about our future. We should observe also the policy of global giant, Walmart, of raising wages. Perhaps the people there know something the rest of us do not know. They might be able to cast some of their workers aside in the future thanks to robotics.

**Senator John Crown:** I have noticed substantial speculation in recent days which is a result of the welcome attention that has been placed on a very unwelcome problem, namely, the question of overcrowding in emergency rooms and the ultimate cause of the bottlenecks that prevent people in need transitioning through emergency rooms into more appropriate inpatient beds, if they are not suitable for discharge to community care. Much attention has been focused on one particular part of the problem, namely, a group of patients who have been designated now as delayed discharged. They are patients who no longer are felt to require acute hospital care of the kind for which acute hospitals are set up and who are instead supposed to be discharged to intermediate or longer care facilities and, in many cases, nursing homes under one or other of the State-sponsored schemes such as the fair deal scheme.

It is being suggested seriously - most of my fellow professionals were incredulous to hear this - that much of the delay is purely bureaucratic and that if there was a more rapid processing of applications and a more rapid accessing of moneys designated for long-term care such beds that are blocked - I use that word not in any sense disparagingly towards the people who have every right to be in them failing a more appropriate place for them to go to - would be freed up for the use of acute care patients. Various discrete sums of money are being suggested as providing a fix for this problem, which is in many ways the poster child for all that is wrong in the health services and in many ways the shop front for that enterprise, which, unfortunately, is the mediocrity of care. Those who suggest this are wrong. The problem is much more profound. It is found in every bed, X-ray department, operating theatre and outpatients clinic. It is the lack of linkage of activity to resourcing and the problem of zero-based prospective global annual budgets. Trust me when I say it will not work. The only way to fix the bed crisis, which is not a primary problem but a symptom of a bigger problem, that is, the incentivised inefficiency in use of hospital beds, is to fix the way we fund and manage the health service. That brings me back to the pre-election promise of Fine Gael before the 2011 general election, a promise which won me over to its cause and to advocate for its election and one I still believe in, that the new health administration needed to be implemented if we were to fix this problem.

I join in the condolences expressed to the family of Mr. Nemtsov and the Russian people following his murder and note with concern that the Russian Government has prevented fellow European Union ambassadors from attending the funeral service in Russia for reasons which

appear to be entirely spurious. Coming up to the season of St. Patrick's Day which has so many resonances for the Irish-American community, I wonder whether it would be appropriate to consider inviting Ms Samantha Power, the Irish-born accomplished Pulitzer Prize-winner who has become a world expert on genocide and who is the United States ambassador to the United Nations, to address this House on one of her visits to Ireland and to share her thoughts with us on how we can prevent-----

**An Cathaoirleach:** That is a matter for the Committee on Procedure and Privileges. I am sure the Senator's representative on the committee will take it there.

**Senator John Crown:** I am formally asking the Leader of the House to consider it today. I also support Senator Feargal Quinn's motion.

**Senator Diarmuid Wilson:** I join Senator Terry Brennan in congratulating my fellow Cavan man, Aogán Ó Fearghail, on his installation as president of the GAA. It is a proud occasion for Aogán and his family, for his local club in Drumgoon, for the people of County Cavan and for the people of Ulster. He is the first Cavan person to hold this position in the 131-year history of the GAA. I am sure he will do an excellent job in the next three years.

I join Senator Gerard P. Craughwell in asking the Leader to invite the Minister for Education and Skills into the House, not only to discuss the circular to which he referred on what ultimately is a diktat from the Department as to who the chairperson of the ETBs should be. There has always been a democratic process that the membership of the VECs, now ETBs, selected their own chairperson. In the main, those chairpersons have done an excellent job in representing the educational board for which they were responsible, whether those concerned were members of staff or not. Generally, they are not members of staff. I agree with the Senator that members of staff or, if I heard him correctly, anyone associated with a member of staff, should not be prevented from being chairpersons of these boards. We are living in what is left of a democracy and that should be left up to the membership of the ETBs.

I ask the Leader, when he is inviting the Minister for Education and Skills, Deputy Jan O'Sullivan, to the House, that she also address the position on the proposed changes to the junior certificate programme. She has now taken a decision to go ahead with implementing these changes while ignoring the practitioners, namely, the teachers, who will have to implement them. This cannot work unless the teachers are on board. That is the reality. If the Minister thinks she can railroad it through without the co-operation of the teachers, she is totally out of touch with reality. It is important that she come into this House to outline exactly what she is proposing to do and what other proposals she has to address the concern of the practitioners who, after all, are the most important cog in the proposed implementation.

**Senator Maurice Cummins:** Senator Marc MacSharry raised the question of mortgage arrears and insolvency arrangements. No doubt the Government understands the real pressure many families are under in this regard and is doing everything possible as the recovery deepens in order that nobody is left behind. Each case is different and needs an individual solution to meet the needs of a particular family, but it is clear that there is a solution for everybody. Our primary focus as a Government is on the solutions that keep families in their homes. We are making headway, despite some of the facts Senator Marc MacSharry mentioned. The most recent figures show a significant improvement in the level of arrears, particularly on family homes. The Central Bank's figures underline this progressive trend, with the number of families in arrears having fallen in the past five quarters. Figures from the Department of Finance

for the six main banks show that the number in arrears for in excess of 90 days has fallen by 17,500 accounts compared with the number at the start of 2014. That represents significant progress. In August 2014, 2,500 split mortgages were put in place by the six main banks, whereas now there are 20,500. That is progress, but obviously there is a lot more to be done. During the same period the number of permanent restructures on family homes by the six main banks increased from around 41,000 to 91,000. However, we do not see the same progress being made in the most difficult cases in arrears for possibly more than two years. Senator Marc MacSharry mentioned one of these difficult cases. That is why the Government has examined the arrangements in place to ensure a viable route forward for anyone who wants to seek help. It has been working with the banks which have been meeting targets set for them by the Central Bank under the so-called mortgage arrears resolution targets, MART, process. However, we must consider whether the current approach will really help to move forward the most difficult cases. It is not right that people live under the extreme pressure of debts they cannot repay. Such pressure is damaging the mental health and family lives of individuals throughout the country, as Senator Marc MacSharry said. It is a source of serious concern for the Government. We have been responsible for the most radical overhaul of how debt is managed in the State. We have rewritten laws on bankruptcy to move away from the old Victorian approach which was draconian. We have also put in place a range of options for ordinary people who find they cannot pay their debts, including mortgages. The Government is doing its best and will continue to progress policies to help people in difficulties. I assure the Senator that the position is being monitored constantly by the Government.

As regards health services, the Minister for Health, Deputy Leo Varadkar, was in the House twice for wide-ranging debates on the health service plan, including last week. If Senator Marc MacSharry has a specific item in mind, it could be raised as a Commencement matter because we are unlikely to get the Minister into the House again in the very near future, unless it concerns legislation. He has already dealt with the vast majority of matters Members have raised.

Senator Ivana Bacik has referred to the issues of tax and pay and the proposed forum which will bring the social partners together. This time, however, it will be in an open forum, not behind closed doors. That is an important part which was emphasised by the Minister for Public Expenditure and Reform, Deputy Brendan Howlin. Senator Ivana Bacik also welcomed the proposals for two weeks paid paternity leave, an issue which has been raised by many Members.

I note Senator Sean D. Barrett's comments on rural transport. Several other Senators joined him in wishing Ronnie Delany, our Olympic gold medalist, well in celebrating his 80th birthday. I am sure we would all like to be associated with those remarks.

Senator Hildegard Naughton stressed the importance of local festivals and welcomed the new funding for them.

Senator Averil Power referred to job cuts at Cadbury's, which were most regrettable. However, the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, has emphasised that the protection and retention of jobs is a priority for the Government. His record in that regard stands up to scrutiny and he intends to keep monitoring the position. He has always emphasised the importance of retaining jobs, in addition to investment in research and development, which is of key importance in this regard.

Senator Averil Power also spoke about Dublin Fire Brigade and ambulance services, on which issue HIQA produced a report. While it must be addressed, it has been emphasised

that there will be no cuts in manpower or the numbers of ambulances that will be provided by Dublin City Council. There is a long way to go in dealing that issue and there needs to be long negotiations on development of the service. Patient safety is of paramount importance and HIQA's report must be dealt with, as it will through negotiation.

Senator Eamonn Coghlan congratulated many of our sporting heroes, particularly Pádraig Harrington who won again after a number of years and our rugby team who enjoyed great success over the weekend against the old enemy. I congratulate Kevin Phelan, a young golfer from Waterford, who finished second in the Joburg Open. We enjoyed tremendous success over the weekend. Senator Eamonn Coghlan also welcomed the co-operation between the North and the South in health services, particularly for sick children. Such co-operation is to be welcomed.

Senator David Norris spoke about insolvency, the fact that banks had shovelled out money during the Celtic tiger era and that many individuals had suffered as a result, about which there is no question.

Senator Michael Mullins lamented the passing of Mr. Tony Reddin who was a great goalkeeper on the team of the century. The Senator also condemned the murder of the Russian opposition leader, Mr. Boris Nemtsov, which he saw as an attack on democracy. Senator John Crown also raised this point. Mr. Nemtsov had spoken out strongly against Russia's annexation of Crimea and its involvement in Ukraine. It is regrettable that a number of ambassadors were denied access to Russia to attend the service for the late Opposition leader.

Senator Paschal Mooney spoke about the allocation of €500,000 for 187 festivals. He is right that it works out at probably about €2,500 to €3,000 per festival, but the money is in addition to the €2.3 million for festivals already announced by the Minister for Arts, Heritage and the Gaeltacht. Therefore, one can do the calculations again.

In response to Senator Feargal Quinn, I will accept the proposed amendment to the Order of Business that No. 13 be taken before No. 1. The Bill is laudable and very topical and I hope the Government will see its way to accept it.

Senator Trevor Ó Clochartaigh spoke about equality in third level education, with particular reference to NUI Galway, and stressed the fact that the task force should include a union or staff representative. I am very surprised that a task force set up to examine equality issues does not contain a union or staff representative. I will certainly bring the matter to the attention of the Minister for Education and Skills.

Senator Catherine Noone outlined the fact that since 2012, 100 children under the age of 17 years had been treated at Temple Street Children's Hospital for alcohol poisoning. That is a shocking statistic. The Senator also called for the Minister for Health to release the statistics for all other hospitals. I will bring the matter to his attention. He is very concerned about the statistics announced recently.

Senators Gerard P. Craughwell and Diarmuid Wilson spoke about the circular issued by the Department of Education and Skills on ETBs. As someone who served on a VEC, I must say staff members have contributed with distinction for many years on many VECs. Suggesting now that staff members or relatives cannot be made chairmen is regrettable. The boards have been very good at selecting chairmen and I hope that will continue to be the case. The Senator might table the matter for discussion in the Commencement debate to ask the Minister for Education and Skills whether this is coming from her or an official. I am certain she would be

quite willing to explain.

Rinne Senator Terry Brennan comhghairdeas le hAogán Ó Fearghail, uachtarán Chumann Lúthchleas Gael. He also commended Mr. John Giles for attaining the freedom of the city of Dublin. He pointed to the success of other sportspersons, including Carl Frampton in the boxing arena over the weekend. We enjoyed tremendous success on the sports front in recent days and long may it continue.

Senator Mary Ann O'Brien asked for a debate on the subject of adaption to change and suggested all manufacturing would disappear within ten or 20 years.

**Senator Mary Ann O'Brien:** Not all of it.

**Senator Maurice Cummins:** I hope that never comes to pass. I am sure the Minister for Jobs, Enterprise and Innovation will come to the House to debate the matter. He has stressed the need for competitiveness and research and development, especially in manufacturing. I am sure he will come to the House to have a debate on the issue in the near future.

Senator John Crown spoke about overcrowding in accident and emergency departments and delayed discharges. He suggested the Government but especially Fine Gael go back to what had been suggested about funding before the last general election. I will certainly take the matter on board. The Senator also spoke about the Russian Government preventing some ambassadors from attending the funeral service for the opposition leader, a matter I have mentioned.

Senator Diarmuid Wilson also congratulated his fellow County Cavan man on becoming president of Cumann Lúthchleas Gael. He echoed what Senator Gerard P. Craughwell had said about ETBs and called for the Minister for Education and Skills to come to the House again to debate the junior certificate programme. I do not agree with the Senator that the Minister is ignoring the practitioners. She has come a long way in negotiations and obviously there will be further negotiations on the matter. She has come to the House to discuss it on a number of occasions.

**An Cathaoirleach:** Senator Feargal Quinn has proposed an amendment to the Order of Business, "That No. 13 be taken before No. 1." The Leader has said he is prepared to accept the amendment. Is it agreed to? Agreed.

**Senator Maurice Cummins:** I wish to clarify a number of items. On No. 2, the Minister is to be called on to reply to the debate not later than 5.55 p.m. On No. 3, the Minister is to be called on to reply not later than 7.25 p.m. I did not indicate the times at which the Ministers would respond.

Order of Business, as amended, agreed to.

### **Succession (Amendment) Bill 2015: First Stage**

**Senator Feargal Quinn:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Succession Act 1965 so as to provide for the assignment of property rights deriving from a joint tenancy in circumstances where one co-owner is unlawfully killed by another co-owner and for that

purpose to amend the Succession Act 1965.

The Bill is worthy of consideration urgently because the number of cases to which it would apply require a great deal of attention.

**Senator John Crown:** I second the proposal.

Question put and agreed to.

**An Cathaoirleach:** When is it proposed to take Second Stage?

**Senator Feargal Quinn:** Next Wednesday, 11 March 2015.

**An Cathaoirleach:** Is that agreed? Agreed.

### **Public Health (Standardised Packaging of Tobacco) Bill 2014: [Seanad Bill amended by the Dáil] Report and Final Stages**

**An Cathaoirleach:** I welcome former Councillor Frank Kilbride from Longford to the Visitors Gallery.

This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 118, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question, “That the Bill be received for final consideration,” the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. The only matters, therefore, which may be discussed are the amendments made by the Dáil. For Senators’ convenience, I have arranged for the printing and circulation of the amendments. The Minister will deal with the subject matter of the amendments in the first group. I have also circulated the proposed grouping to the House. Senators may speak only once on the grouping. I remind them that the only matters that may be discussed are the amendments made by the Dáil.

Question proposed: “That the Bill be received for final consideration.”

**An Cathaoirleach:** I ask the Minister to speak on the subject matter of the amendments in the first group.

**Minister for Children and Youth Affairs (Deputy James Reilly):** The amendments I am bringing to the Seanad today relate to technical drafting issues. In Part 4 of the Bill there are references to the full Short Title of the proposed Act, namely, the Public Health (Standardised Packaging of Tobacco) Act 2014. There is also a reference to the full Short Title of the Public Health (Tobacco) Act 2002. The full Short Titles are being amended to more appropriately refer to the Act of 2015 and the Act of 2002. These amendments are reflected in the amendments from amendment No. 2 through to amendment No. 14. To accommodate these amendments, a new definition is to be inserted by amendment No. 1. The definition of the Act of 2015 is being inserted in the 2002 Act definitions section.

**Senator Paschal Mooney:** I welcome the Minister back to the House. As all of us here know and as the Cathaoirleach said, this is a Seanad Bill. What disappointed me somewhat was

3 March 2015

that when the Minister introduced this Bill to the House and there was a long debate, it received very little media coverage at the time, although it got some. Perhaps that was because it was the summer, but I would like to think it has as much to do with the fact that, as often happens with Bills initiated in the Seanad, the media suddenly find out that there is a Bill six months later when it is introduced in the Dáil. I would make a plea to the media that they would do a little more research. In fact, in all of the coverage that has taken place in regard to this legislation and all of the amendments that are made in it, this was done out of context in that there was no context to much of the reporting, in particular in *The Irish Times* and the *Irish Independent*, which talked about the Bill as if it was brand new.

I compliment the Minister on holding fast and being resolute against very stiff opposition from the tobacco industry. It affords me an opportunity to outline what these evil people are doing. Senator John Crown referred to them several times as the enemy and he is right: they are the enemy. This is about people's lives. The Minister is fully aware, as a practising medical doctor, of the impact smoking has had on patients.

I highlight the tactics being used by the tobacco industry which most recently, shamefacedly, attempted to intimidate the Minister and the Government by threatening legal action. This is nothing new. A World Health Organization report states:

The tactics used by the tobacco industry to resist government regulation of its products include conducting public relations campaigns, buying scientific and other expertise to create controversy about established facts, funding political parties, hiring lobbyists to influence policy, using front groups and allied industries to oppose tobacco control measures, pre-empting strong legislation by pressing for the adoption of voluntary codes or weaker laws and corrupting public officials. Formerly secret internal tobacco industry documents provide evidence of a 50 year conspiracy to "resist smoking restrictions, restore smoker confidence and preserve product liability defence". The documents reveal industry-wide collusion on legal, political and socially important issues to the tobacco industry and clearly demonstrate that the industry is not disposed to act ethically or responsibly.

Lobbying by the alcohol and tobacco industries, in particular, and other sectors is extensive.

I found the following gem of a quote from Mr. David Cameron prior to his becoming British Prime Minister, "We all know how it works, the lunches, the hospitality, the quiet word in your ear, the ex-Ministers and ex-advisers for hire, helping big business find the right way to get its way."

EU Council Directive 98/43/EC introduced in the early noughties by the then European Community sought to end all tobacco advertising and sponsorship in EU member states by 2006. Initially proposed in 1989, the directive was adapted in 1998 and was annulled by the European Court of Justice in 2000 following a protracted lobbying campaign against the directive by a number of interested organisations, including European tobacco companies. The tobacco industry lobbied against directive 98/43/EC at the level of member state governments, as well as on a pan-European level. The industry sought to prevent passage of the directive within the EU Legislature, to substitute industry-authored proposals in place of the original directive and, if necessary - this is relevant to what happened here in the past few weeks - to use litigation to prevent implementation of the directive after its passage. The tobacco industry sought to delay and eventually defeat the EU directive on tobacco advertising and sponsorship by seeking to enlist the aid of figures at the highest levels of European politics, while at times attempting to

conceal the industry's role. An understanding of these proposed strategies can help European health advocates to pass and implement effective future tobacco control legislation. I am sure the Minister by now is very much aware of these strategies.

*Tobacco Control* is an online international peer review journal covering the nature and consequences of tobacco use worldwide, tobacco's effect on population, health, the economy, the environment and society, and efforts to prevent and control the global tobacco epidemic through population level education and policy changes, the ethical dimensions of tobacco control policies and the activities of the tobacco industry and its allies. Its conclusions, following quantitative text mining techniques, were as follows:

We observe that tobacco industry lobbying activity at the EU was associated with significant policy shifts in the EU tobacco productive legislation towards the tobacco industry submissions. In the light of the framework convention on tobacco control additional governance strategies are needed at European and at national levels to prevent undue influence of the tobacco industry on EU policy making.

In terms of its key findings in its investigations of lobbying it states:

The dominant approach used was to nurture and sustain long-term relationships with policy makers, within which subtle forms of influence were exercised. This reinforces and is reinforced by the industry narrative that they are key stakeholders in the policy process whose voices should be heard.

How many times have we heard, "we are key stakeholders; listen to us"? It continues:

Where these long term relationships fail to secure a favourable regulatory environment, however, industry actors will lobby key decision-makers forcefully on an issue by issue basis, including both Government Ministers and Opposition TDs. Where this proves unsuccessful they will pursue their interests through other means, including threatening and conducting legal challenges under national and international law. This underlines a highly pragmatic approach to policy influence in which long term relationships are favoured but where the partnership approach is abandoned if circumstances demand it.

I say all of this in order that people will know what it is we are dealing with. We are dealing with an industry that has absolutely no scruples or ethics when it comes to changes or proposed changes in the law. I do so also to reinforce the support on this side of the House for the Minister's initiative.

I applaud him once again for what he has been doing and hope to ensure this House will fully support the efforts he has brought forward. We hope it will be effective legislation. I have no doubt that if it results in the saving of even one life, that one life would make it worthwhile for the rest of us.

**Senator David Norris:** I came here this evening to simply salute the Minister and say this is a very important part of his legacy. He has demonstrated extraordinary determination and courage in taking on one of the wealthiest and most unscrupulous lobbies we have seen on this planet. I welcome the Bill but I also utterly condemn attempts by sections of the tobacco industry to challenge the right of this national Parliament to pass legislation. It is a monstrous and impertinent intrusion into the proper working of democracy and those people should be thoroughly ashamed. The legal representation aspect is tricky as some of the people involved

have had interactions with the State of one kind or another and the advice has not always been terribly good or in the State's interest. The Minister will have to take the Attorney General's advice on this, as lawyers are simply guns for hire. That is the way the law works in our system and they have to be allowed ply for their trade.

I understand where the Minister is coming from in an emotional sense and he wants to have nothing to do with these blackguards who fight the unworthy fight of the tobacco industry. With regard to legal effect, the issue is where there is a conflict of interest in the operations of the firm representing the tobacco industry. For example, this may occur where there is a health implication in legislation or an issue with the administration of the law as passed by these Houses. I understand and completely sympathise with the Minister's wish to have nothing whatever to do with those firms that represent the tobacco industry but with the legal position, it may not be possible to realise that goal, except in those areas where there is a conflict of interest. The law is what it is, and it is a stranger to the feelings of Ministers and the public. These firms should be held up to public odium for acting in this way and the Minister may certainly do this even in circumstances where he cannot preclude them from working for the Government.

This is a good day for the people of Ireland and the Minister. This will be only the second country in the world to introduce this kind of legislation; therefore, I say "Well done" to the Minister. The tobacco companies should take note that there has not been a single dissenting voice in either House; this is a united Parliament on the issue. I am particularly glad that this was a Seanad Bill, referred to the Dáil, and we are hearing of the Dáil amendments today. I again say "Well done" to the Minister and the civil servants. We stand four-square behind them.

**Acting Chairman (Senator Diarmuid Wilson):** I welcome a former colleague to the Visitors Gallery, Ms Kathleen O'Meara.

**Senator Imelda Henry:** I congratulate the Minister. I have no doubt he will go down in history in the State for bringing forward this legislation. It is true to say "Smoking kills", although these are two very strong words. I am so proud of the Minister's actions in this legislation. As Senator David Norris indicated, the Minister has had support across all parties in both Houses on the issue. The only negative that might be aired relating to the legislation is from some retailers. However, deep down they know that what the Minister is doing is right.

The Government must deal with the illegal selling of tobacco and take that issue very seriously. My worry is that the sale of illegal cigarettes might increase. The Government must take serious action in that regard. However, I say "Well done" to the Minister for having the courage to do this. As we know what the tobacco industry is like and what it is capable of, we are all very proud of him.

**Senator John Crown:** I echo some of Senator Imelda Henry's remarks. The Minister deserves great credit for taking this cause on board. As we have heard repetitively, but correctly, Ireland has been a leader in this area, first through the legislation introduced by Deputy Micheál Martin and then through the various Bills brought forward by the Minister, Deputy James Reilly.

I am not even a little concerned about an increase in illegal sales. People who study this know that most of the product which is sold illegally is product that is manufactured legally. It is the companies' product, not some type of counterfeit, knock-off product. All of this crawling, hypocritical breast beating we are hearing from the companies on the issue of smug-

gling does not resonate true. The reality is that they love smuggling-----

**Senator David Norris:** Exactly.

**Senator John Crown:** -----because the smuggled product is cheap and it is a cheaper way to hook children on cigarettes. They will do anything to make cheaper product available. When we see the internecine webs of convoluted and highly implausible sales routes that have been plotted by the major companies through tiny countries, where cigarettes are being imported in such numbers that it would suggest every citizen down to the lowliest newborn baby is smoking several packs a day, to justify the fact that they are being shunted on to other larger markets via illegal, illicit and smuggling routes, we realise that this is a spurious argument.

All of the arguments being advanced by the tobacco industry and its sympathisers are an attempt to row back the regulation of tobacco sales and consumption. The tobacco companies are in a battle. They realise that in our hearts our ambition for their industry is bankruptcy. We want them out of business.

**Senator David Norris:** Absolutely.

**Senator John Crown:** We want them either to have the smarts and intelligence to take up an alternative line of business or to go out of business. If they are going to insist on working in businesses which have as their business plan the simple four words “addict children to carcinogens” we want them to fail. In no sense are they partners of ours. The Minister has been a noble exception but other members of the Government made a mistake in allowing representatives of that industry, through well-connected lobbyists, to come to Government Buildings and, in truth, to lobby on behalf of their product and its sales, when they alleged they were doing something entirely different.

I was born in the United States to Irish parents. We immigrated here, emigrated back to the United States and then immigrated back here again, perhaps not for the last time; therefore, as a quintessential Irish-American, it is a source of great pain to me that not only the US Chamber of Commerce but also individual, democratically elected American politicians have tried to influence our Government’s attempts to legislate on behalf of its citizens. In a few weeks many of the Minister’s colleagues in the Government will be attending receptions, functions, parties and parades across the United States. I wonder if it is too late to develop some type of little logo for St. Patrick’s Day, with a shamrock and stubbed out cigarette or something similar, that all of them could wear.

The Taoiseach will go to Washington, which is just across the Potomac from Virginia where the former governor was lobbying against our attempts to protect our citizens before he lost his liberty some time ago. The Tánaiste and Minister for Social Protection, Deputy Joan Burton, will be in Pittsburgh and Philadelphia; the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, will be in New York; the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, will be in San Francisco; the Minister of State at the Department of the Taoiseach, Deputy Paul Kehoe, will be in Houston; the Minister of State at the Department of Transport, Tourism and Sport, Deputy Michael Ring, will be in Phoenix, while the Minister of State at the Department of the Environment, Community and Local Government, Deputy Paudie Coffey, will be in St. Louis. Furthermore, the Minister for Public Expenditure and Reform will be in Japan, headquarters of Japan Tobacco International, one of the companies which attempted to influence our legislation. They should forthrightly use each of those occasions as

an opportunity to tell the people in those locations that this is an unwelcome interference in our sovereign rights. This is not something people should fear politically. In all of these countries the majority of people are anti-smoking. Study after study shows that the majority are in favour of further reining in this industry.

The issue of legal representation is a thorny one. Everybody has the right to a lawyer but representation needs to be looked at. My own sense is that there would be considerable Government discretion shown in the choice of where legal contracts go. People have, historically, used all manner of considerations in deciding where such contracts would go and I am sure such consideration exists. I strongly urge the Government and its agencies or public bodies have nothing to do with any public relations company that works on behalf of the tobacco industry. That is very simple. My own sense is that the Government and its agencies should not have anything to do with public relations companies. Every public representative should be made to stand or fall on his or her own reputation. Every public or civil servant, above a certain grade, should be put on a rotation where once a month, or once every two months, they are the ones who answer questions from the press. We do not need to hire people to make public servants look good. We need such servants to communicate effectively what job they do.

I say “Well done” to the Minister. I urge him to ask his Cabinet colleagues not to lose the opportunity of speaking, especially in the United States on St. Patrick’s Day, and to let people know what is happening. The average American would be horrified to know that the same chamber of commerce which supports American trade and jobs is trying to tell a small country it cannot legislate against tobacco. Let us imagine what would happen if we made cocaine in Ireland, if Irish cocaine was being sold in the States and if the Irish Government tried to stop the American Drug Enforcement Administration from bringing in Irish cocaine. Can Members imagine the outcry there would be if that happened? Can they imagine the level of outrage there would be if the Colombian, Venezuelan or Mexican Government tried to stop the United States from selling drugs which are probably less lethal than the drug which American companies sell in this country? There would be real outrage that would resonate with Americans, American politicians, American regulators, American ambassadors, the Irish-American community and with most of the American investment community. That is a message which needs to be given.

**Senator John Kelly:** I welcome the Minister. As a smoker - I now do a bit of vaping and smoking - I support almost everything in the Bill. I applaud him for taking on big business. There are other big businesses, right across the divide, that Governments should challenge also. I agree with Senator Pashcal Mooney that even if one life is saved, the Minister will have achieved a lot.

I have one area of concern and that is the possible loss of jobs in the cigar manufacturing sector, particularly in the export of cigars to other European countries. When we import cigars manufactured in the likes of Germany, do they come into this country as plain packaged cigars? I am unclear about this. A cigar factory which employs 100 people is located in my town. If that company is unable to market its product in Europe then 100 jobs may be lost. Is there time to reconsider that specific area? Does the Bill afford those jobs any protection?

**Senator Gerard P. Craughwell:** I am delighted to add my name and voice to the others in this House. I smoked my first cigarette when I was 12 years old. By the time I qualified to smoke properly I was able to smoke 100 cigarettes a day. In fact, there were times when I got up in the middle of the night to smoke a cigarette. The great legacy with which that habit has left me is three lesions from coronary artery disease in my heart and, therefore, I owe the

tobacco industry nothing.

It might surprise the Minister to know that I have managed to give up cigarettes three times in my life. Once I managed to stay off them for 15 years, another time I stayed off them for two years and I am now off them since the year 2000. There is not a day of my life - when I walk into a shop and see the old brand that I used to smoke - that I do not think I will buy just one packet. There was something about having a cigarette in my hand and opening a packet that has never left me. I still see them. Thankfully, packets are now stored in a dispensing machine and I can no longer see great big packs of 20 cigarettes stacked up in front of me.

**Senator David Norris:** God, the Senator has me dying for a fag.

**Senator Gerard P. Craughwell:** Thankfully, I can no longer see stacks of cigarettes.

One of the great things the Minister is about to introduce is plain packaging, because when the packaging goes, my desire to have that recognisable box in my hand may cease. It is 15 years since I held such a recognisable box. My desire to have that box in my hand may cease when the colour or whatever else is on the package that attracts me to it is gone. It is important that we send out a message that there is no place in this society for the cigarette industry and all the horrors it brings to us. There is not a family in the country that has not buried somebody as a result of cancer. We do not want the cancer that these companies bring to this island.

I commend the Minister for what he is doing. He is extremely brave and will go down in history like those before him who managed to ban cigarette smoking from our bars and restaurants. I congratulate and support the Minister 100%.

**Senator Michael Mullins:** I add my words of congratulations and applause to the Minister for his courage and determination in bringing forward this very important legislation. It came as no surprise to us that the tobacco industry, which is a multi-billion euro industry, would use all its resources and tactics to try to stop the passage of this legislation. The Bill being passed, which was initiated in the Seanad, is a very significant initiative. As stated, Ireland is the second country to introduce this type of legislation. In years to come, the Minister will be judged on the significant positive impact this legislation will have on the health of the nation. I have no doubt that 4 March 2015 will be referred to as a very significant date in helping to improve the health of the nation.

At the start of the debate the Visitors Gallery was full of young, healthy students who had probably never smoked. How do we get the message across to those young people that they should not take that first cigarette and go down the road of smoking? We look to Ms Kathleen O'Meara in the Visitors Gallery and other organisations who have consistently highlighted the risks. Government resources should be put into highlighting the dangers and ill effects on health due to tobacco consumption. I look forward to the day when the country might be tobacco free, something to which Senator John Crown aspires. We would all like to see that happen by 2025, if possible.

I support also what Senator John Crown has said in respect of the Government using public relations companies that are closely linked to the tobacco industry. Like Senator David Norris, I am concerned as to how the use of legal firms might play out, but I will not go down that road today. This is a highly significant occasion. The Minister has shown that he is a man of steel. He persisted against the most appalling intimidation and pressure from a very wealthy

organisation, for which I congratulate him. I hope many lives are saved as a result of the passing of this legislation and that resources will be freed up in the health services that can be put to other areas of preventative medicine. I say “Well done” to the Minister and congratulations to every member of the Oireachtas who supported the Bill without exception. It must be unique that there was not one dissenting voice in either House of the Oireachtas against this legislation.

**Acting Chairman (Senator Diarmuid Wilson):** Two more Senators are offering and then the Minister wants to make a brief reply. I am against the clock and another Minister is waiting to come in on other legislation. This is a very important issue and I am allowing flexibility and latitude.

**Senator Colm Burke:** I welcome the Minister whom I fully support in bringing forward the legislation and spearheading the issue of plain packaging, which is long overdue. Given that more than 50 years ago a Surgeon General of the United States identified that smoking was a real health problem and a real health risk, it has taken us a long time to react. In fairness, many campaigns have been conducted over the years and all the organisations, Ms Kathleen O’Meara, Senator John Crown and people in the medical profession have consistently highlighted the risks, particularly in the past 25 to 30 years. This is a welcome step. Given that more than 700,000 people still smoke in Ireland, that is, 19.5% of the population over 12 years of age, it is still a major challenge to deal with the issue. Standardised packaging and highlighting the risks that people take on by smoking and continuing to smoke are important.

An issue we have not touched on is the actual cost to households. If a person smokes 20 cigarettes per day at a cost of €10 per day, that amounts to €3,650 per year, which is a lot of money that could do much for families within a household. We are having a major debate about paying for a service to our houses which will cost €250 to €260 per year and yet we are talking about ten times and 15 times that amount being paid by people to buy cigarettes which are damaging their health. This is a serious issue and one that needs to be highlighted. Given that 19.5% of the population over 12 years of age still smoke, let us hope that percentage can be reduced by 50% in the next five years and then reach the 5% target set by the Minister. In fairness, as other Senators have pointed out, for anyone who is still smoking it is very difficult to move away from it. It is a drug. Those who want to give up smoking should be given the support they require and every possible help to assist them in kicking the habit.

I thank the Minister for bringing forward the legislation and look forward to it being fully implemented. In the event of any legal challenge we are up for that fight. It is important that we have the best legal teams. It is not about taking on the tobacco companies but about protecting people’s health. By employing a legal team to fight this issue, we are employing a legal team to protect people’s health. That is what the issue is about.

**Senator John Gilroy:** I congratulate the Minister on bringing forward this legislation. I point to the fact that younger people who do not smoke are more likely to continue in sport and in other life-affirming activities. An added benefit that we have not noted is that young people who do not smoke are less likely to consume other products such as cannabis or other drugs because of the inhaling motion required and the reflex needed that people who smoke cigarettes can get used to. We know the difficulties to which that leads. Not only is there a direct benefit to health in the most obvious way, there is also a huge knock-on benefit to the public good in what the Minister is doing.

**Acting Chairman (Senator Diarmuid Wilson):** Does Senator Averil Power wish to come

in on this issue?

**Senator Averil Power:** May I come in after-----

**Acting Chairman (Senator Diarmuid Wilson):** It will have to be now because I have to finish the debate.

**Senator David Norris:** At what time?

**Senator Averil Power:** Can I speak-----

**Acting Chairman (Senator Diarmuid Wilson):** Immediately after this

**Senator Averil Power:** May I speak on the Bill after it is passed?

**Acting Chairman (Senator Diarmuid Wilson):** We will not have time. I am against the clock.

**Senator Averil Power:** I strongly welcome the fact that this legislation will be passed today. It has taken much personal leadership on behalf of the Minister. It has inspired all his initiatives in the tobacco area. This is a horrible, cynical and dangerous product and the more we can do to help people quit smoking, the better. I congratulate the Minister. It is welcome that the Bill started in this House and that the Minister has brought it through the Dáil and back to this House today. As the Minister is aware, Senator John Crown and I published another Bill recently on e-cigarettes. We hope to engage with the Minister on the matter because tobacco is a major killer and something on which we should have cross-party co-operation. Certainly, the Minister has my backing and that of our group in tackling this area.

**Senator Jillian van Turnhout:** I reiterate my full support for the Bill. One of the figures that stood with me as we went through the debate was the reference to the tobacco industry in Ireland needing 50 new smokers a day, almost 80% of whom are going to be under 18 years. It is great to see the Minister for Children and Youth Affairs bringing this Bill into law.

Question put and agreed to.

Question proposed: "That the Bill do now pass."

**Minister for Children and Youth Affairs (Deputy James Reilly):** I thank all Senators for their kind comments and, more importantly, for their support. I will make some comments on some of the issues raised. Senator John Crown mentioned all the visits taking place over the St Patrick's Day period. It is a great opportunity for this country to advertise itself in a way that no other country has the opportunity to do. For my part, I will be going to Abu Dhabi and India. While in Abu Dhabi I will be addressing the World Health Organization plenary session on this issue. I consider this to be a great honour for me and for the country.

Senator John Kelly raised concerns around cigars. All products sold here will be subject to plain packaging, including cigars, wherever they come from. I do not mean to be in any way confrontational, but I believe it behoves all of us to always put lives before jobs, in particular, the lives of our children in the future and those of future generations.

Since the economic crash, there has been much public discussion on how the political system let us down as well as suggestions about how it could be changed and strengthened. While there are weaknesses in our system, there are also great strengths. Many parliaments have

3 March 2015

tried to introduce plain packaging legislation only to see the tobacco industry swing into gear. Parliaments have ended up delaying or abandoning their plans. This has not happened in the Oireachtas, either in this House or in the Dáil. Not one word of this Bill has been changed on foot of pressure from the tobacco industry. The Bill has not been delayed by one day on foot of pressure from the industry either. The Oireachtas has proved to be impenetrable to tobacco industry influence and we should be proud of this. Today, this will become only the second parliament in the world and the first in Europe to pass legislation introducing standardised packaging. It is a credit to the Dáil and the Seanad, Government and Opposition parties and all the Members of this House.

No conversation about tobacco is complete without mentioning that every year 5,200 Irish people die prematurely from smoking. This year alone, more people in this country will die from smoking than died during 30 years of the Troubles in Northern Ireland. Some 21 years ago it seemed an aspirational dream that Northern Ireland could live in peace. However, with cross-party support and political priority, that was achieved. We have the same cross-party consensus on tackling smoking. This cross-party support has endured through successive governments. There was cross-party support for the ban on smoking in the workplace, the point-of-display ban and now there is cross-party support for the introduction of standardised packaging. If this public health epidemic is given the political priority it deserves, with cross-party support we can achieve our aim of a tobacco-free Ireland by 2025. Standardised packaging of tobacco is the next step towards achieving this aim.

I express my appreciation to the officials in the Department of Health who have been working on this legislation for over two years. I hope they share in the sense of satisfaction at seeing this Bill pass through its final Stage in the Oireachtas. I thank the Attorney General for the commitment and energy that she and her staff have dedicated to the Bill. Without their legal expertise it would not have been possible to proceed with such a Bill. I thank the many non-governmental organisations, representatives of which are in the Gallery, including representatives from the Irish Cancer Society, the Irish Thoracic Society, the Asthma Society of Ireland and the Irish Heart Foundation as well as many others who have stood foursquare with us on this matter.

Many Members will know of Gerry Collins from the HSE's powerful anti-smoking advertisement. When diagnosed with terminal lung cancer, he bravely volunteered to spearhead a campaign to inform the public of the real consequences of smoking. Sadly, Gerry, a father of three, passed away from lung cancer one year ago yesterday at the age of only 57 years. I believe it is appropriate that I conclude the passage of this Bill through the Oireachtas by quoting Gerry's final line in that anti-smoking advertisement:

I'm going to die soon, from smoking. I'm not dying from anything other than cigarettes...

Don't smoke. Don't start, and for those who have, stop.

The message is simple: smoking kills. We owe it to children to protect them from it and today we will do so. I commend the Bill to the House.

Question put and agreed to.

**Acting Chairman (Senator Diarmuid Wilson):** We will now hear statements on the National Car Testing System, NCTS. I welcome the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, and invite him to make his contribution.

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** I thank the Acting Chairman. In a break with tradition, I first acknowledge the presence of Sarah Davis-Goff and Lisa Coen in the Visitors Gallery, founders of Tramp Press, a new publishing company that has only been up and running for a short while. They have been publishing novels by new Irish writers. They are in the House this afternoon because I will be using some of their books when I am launching my St. Patrick's Day programme. I will be presenting their books as an example of new Irish writing and culture to people I will be meeting next week. I wish them the very best of luck in their endeavours. They became involved in publishing books by Irish writers at a time of difficulty and I wish them every success with their endeavours in the years to come.

I will now move from that literary note to the reason I am here. In December last, when dealing with the Road Traffic (No. 2) Bill 2014, I undertook to come back to this House for a discussion on the National Car Testing Service, NCTS, its centres and their operation. As Senators will recall, we had just made a number of changes to road traffic law, including the introduction of some new penalty point offences under the Road Traffic Act 2014. Those changes came into effect on 8 December last. Before focusing on those changes and their consequences, I would like to give the House an update on the position with regard to general matters of road safety.

I am sad to say last year was the second consecutive year in which there was an increase in the number of fatalities on our roads. While we can all agree that the penalty points system has played an important role in making the roads safer, the number of people losing their lives on our roads is still too high. During the 1970s, road fatalities averaged 50 per month. The situation improved somewhat over the 1980s and 1990s but road deaths still stood at over 400 in 2001, the year prior to the introduction of penalty points. Last year, this tragic statistic stood at 197. I am very conscious of the fact that progress is a word that we must use very carefully, given the unacceptably high number of people who lose their lives on the roads. We are still in pursuit of the culture change that is necessary to eliminate death and serious injuries on the roads. For example, it is almost beyond comprehension that some people still see nothing wrong with driving without a seat belt. Among one of the most depressing statistics of last year was the fact that almost one fifth of the drivers and passengers killed on the roads were not wearing seat belts. Furthermore, while we have made substantial progress since the days of casual acceptance of drink driving, hundreds are still arrested every month on suspicion of drink driving. Clearly, the human capacity for self-deception and the tragic consequences that flow from continuing careless and reckless behaviour cannot be underestimated.

The NCTS has made a significant contribution to road safety since its introduction 15 years ago. The days of having large numbers of unsafe vehicles using the roads are largely gone as cars are tested to the highest international standards. In recent weeks Senators will have received an update from the Road Safety Authority, RSA, on road safety matters in 2014 and an outline of some of the authority's priorities for the current year. I have mentioned that prior to the most recent changes to the penalty points regime last December, it was already an offence to use a vehicle on public roads without a valid NCT certificate. That offence has been in place

since 2009 and involved a direct summons to court and the assignment of five penalty points on conviction. The change that I introduced in December simply brought this offence within the fixed-charge notice system and actually reduced the number of penalty points to three on payment of the €60 fixed charge. Of course, it remains the case that drivers continue to have the option of going to court where the five points will still apply on conviction. There was no change to the fact that it was, and remains, an offence but the change to the fixed-charge notice system should be welcomed by motorists. It is now possible to pay a fixed-charge fine and receive lower penalty points than are applicable on conviction in court.

Senators will be aware that the first quarter is traditionally the busiest time for the NCTS because the majority of cars are purchased in the first few months of any year. The vast majority of people take their responsibilities seriously and have their cars tested prior to the expiry of their current NCT certificate. However, many others have been late in doing so. Although well over 90% get their tests carried out eventually, the RSA estimates that over 200,000 cars out of a national fleet of around 1.9 million have an out-of-date NCT certificate at any time. The publicity around the introduction of fixed-charge notices for NCT certificates has undoubtedly had the benefit of improving the timeliness of testing and I understand from the RSA that it is seeing a substantial improvement in on-time compliance as a result. During the week commencing February 16, for example, 41% of the cars tested were tested early and 29% within 30 days of their test due date. However, 30% of the cars tested that week were late for their test. I am informed that we have never had such high levels of on-time compliance previously in the history of NCTS. Even as recently as early December, when the penalty points changes were introduced, 41% of cars were presented late for their test. Compared to this time last year, there has been a 100% improvement in compliance and this will undoubtedly contribute to improved safety on the roads.

It is good news for road safety that more cars are now having their roadworthiness test earlier. As evidence of this, in the last three months of 2014 approximately 56,000 more cars were tested than in the same period the previous year, an increase of 26%. This increase has been accommodated by NCTS. In January last, the NCTS recruited over 65 additional vehicle inspectors and it has increased its call centre staff by over 50% compared to last year. It is flexible in its deployment of staff who work longer hours during this busy period. To facilitate motorists, tests may be booked up to 90 days in advance of the test due date without affecting the expiry date of the certificate issued. The RSA has been encouraging customers to use this advance booking option. Over 90,000 people whose test was due in January 2015 heeded this advice, took advantage of this facility and got their cars tested during the final quarter of last year. However, the RSA concedes that there have been difficulties with the online booking system during periods of high demand. Last year, over one third of customers booked their NCT test online but this has now fallen to around 20%. The difficulty in finding suitable test slots online has created the mistaken impression that there are no test slots available. This, in turn, is what gave rise to confusion among the public that the system was bunged up and claims in the media of three-month waiting lists. That was never the case for the vast majority of owners.

As the RSA's recent letter to public representatives explains, the NCT online booking system does not provide a full picture of test availability. Anyone who cannot find a suitable appointment online is advised to request a test booking by making direct contact with the NCTS, either by telephoning the call centre directly or by logging a request through the website. Such an individual will be put on the priority list for a test and can expect to be contacted within ten to 14 days with an appointment. In the vast majority of cases - well over 90% - that appointment

will fall inside 28 days of the day the person first contacted the NCTS. The facility to request an appointment online, as an alternative to phoning the call centre, has already been added to the NCTS website and I expect further improvements in the coming weeks. It stands to reason that people who leave it until the last minute to book a test cannot expect to be instantly accommodated.

The NCTS is currently introducing a number of further measures to improve service to customers. These include the provision of new test lanes in four test centres and the extension of opening hours at a number of others, including Galway, Ballina, Enniscorthy and Killarney, from 7 a.m. to 11.30 p.m. four days per week. The majority of test centres have late openings on three days per week until 10 p.m. and 20 centres have extended opening on four days per week. As stated earlier, the number of vehicle inspectors, at 580, is the highest ever in the history of NCT. Additional staff and facilities have also been put in place to deal with the level of demand relating to the call centre. This has ensured that, following a challenging few days at the beginning of the year, the normal high service levels that customers expect are being achieved again. A further innovation that was introduced yesterday is the provision, for four days each week, of the first 24-hour NCT service in test centres in Dublin and Cork. In Dublin, this service will be shared between the test centres at Northpoint and Deansgrange. In Cork, it will be provided at the centre in Little Island. This new facility will also be available for anyone requiring an urgent appointment. NCTS already offers a seven-days-per-week service, and in many cases for 17 hours each day, at the vast majority of test centres. I very much welcome these initiatives.

Public services need to be responsive and as flexible as possible and facilitate people outside of the normal nine-to-five model. However, all customers seeking tests, including those who have left it late and require an early test, will be accommodated in the coming weeks. Anyone who has a test date further out and who needs an earlier test should contact NCTS again and ask for a suitable appointment. The advice from the RSA and the NCTS to customers remains the same - one should book early for the test and keep one's car roadworthy at all times. If someone needs an earlier test, he or she should contact the NCTS directly again and ask for a suitable appointment.

Before concluding, I wish to briefly mention the forthcoming new road traffic Bill. The principal focus of this legislation will be on the testing of drivers for intoxication due to the use of drugs. In line with the Government's policy on pre-legislative scrutiny, I forwarded the general scheme of the Bill to the Oireachtas Joint Committee on Transport and Communications last week. I look forward to the outcome of the committee's consideration of these important proposals.

Safety on the roads is not just my responsibility or that of the Government. Everybody - drivers, passengers, motorcyclists, cyclists and pedestrians - all have a responsibility in this regard. Changing the culture of careless or reckless behaviour remains the biggest challenge in eliminating deaths and serious injuries on the roads. I thank the Seanad for giving me the opportunity to address it today and honour the commitment I made. I look forward to the contributions and questions of Senators.

**Acting Chairman (Senator Diarmuid Wilson):** I take the opportunity to also welcome the Minister's officials.

**Senator Ned O'Sullivan:** It is nice to welcome the Minister back to the House. We all support his efforts to improve road safety in every way possible.

3 March 2015

As someone who drives approximately 1,000 km per week, speed is the single biggest factor in road accidents. Thankfully, I have never been involved in a serious accident and I do not have penalty points. In addition, I am able to drive from Dublin to County Kerry in a reasonable time and without breaking the speed limit. I am no slouch but I become infuriated when I am overtaken by cars that are obviously being driven at in excess of 150 km/h, sometimes on motorways and on other occasions on roads that are just not suitable for accommodating vehicles travelling at that type of speed. This is my personal view and it is obvious that drink, drugs, etc., are also factors. However, I remain convinced that speed is the single biggest factor in road accidents. We must invest more in combating motorists who drive at speed. There are occasions when I would love to have some form of device in my car to allow me to record other vehicles as they speed past. Even though we Irish have a difficulty when it comes to informers, I would have no hesitation in reporting cars and other vehicles being driven at excessive speed if I got the opportunity to do so and if action could be taken on the spot. Given the age in which we live and in view of developments in electronics, perhaps the day will come when I will be in a position to do so.

I received a large amount of unsolicited correspondence on the national car test. One individual informed me via letter that significant delays at NCT testing centres had placed him and, he is sure, many others at a disadvantage. He also referred to the fact that as a result of changes to the road traffic legislation, it is no longer acceptable to show proof of a booking for an NCT when stopped by the Garda and that driving with an out of date disc means automatic penalty points. The man in question indicated that he tried to book a test online at the beginning of February but that the earliest appointment he could obtain was for mid-May. His letter is typical of other communications, including e-mails, I have received. I am sure other Senators received similar correspondence. There is a need for us to focus on the problems.

We accept that the Minister has strengthened the position and tidied matters up in a number of areas and we look forward to the introduction of the new road traffic Bill, which will facilitate the bringing forward of further safety precautions and procedures. However, the primary issue relates to the gap. The Minister is going to have to increase the efforts being made to reduce the waiting times relating to the NCT. While waiting times at some centres are below the maximum 28 days, in several parts of the country motorists seem to be experiencing waiting times of three months and upwards. This is unacceptable, particularly in view of the fact that motorists are liable to a fixed penalty notice and three points if they are not in possession of an up-to-date NCT. The figures the Minister provided indicate that of the order of 200,000 people are driving around without valid NCT certificates.

The second and perhaps more worrying issue concerning the operation of the NCT system relates to the significant variations in the pass-fail rate for cars at different centres throughout the country. According to an investigation carried out by *The Irish Times* last month, the most recent figures show a variation of almost 30% in pass-fail rates across the 47 test centres nationally. One of the highest pass rates, 67%, was recorded in Cahirciveen, County Kerry, while one of the lowest, 39%, was recorded at Carrick-on-Shannon, County Leitrim. This variation between centres is extremely worrying because no one could state that there is any great difference in the quality of the roads at the two locations-----

**Senator Pat O'Neill:** They have better cars in County Kerry.

**Senator Ned O'Sullivan:** -----the types of car being tested are very much the same. This matter must be investigated because there has to be a reason for the level of variation. I ask the

Minister to ensure the position is examined.

The national car test is mandatory for cars which are more than three years old. The levies relating to the test has risen sharply in recent years, with a full test costing €55 and a retest, €28. Obviously, this is quite lucrative for the Government. In 2013 tests were carried out on a record 1.17 million private cars. When the NCT was introduced in 2000, only 309,000 tests were undertaken. At that time the pass rate for drivers on their first attempt was only 4% compared with 70% in 2013. That is a good sign and an improvement which means people are realising that their vehicles must be fit for purpose. Most drivers get them well serviced prior to going for their NCT. If the NCT system were not in place, it is likely that many of those drivers would not bother to get their cars serviced, rather they would wait for something to fall off their cars first.

The question of gardaí having some discretion in dealing with drivers who do not have a current NCT disc displayed on their cars needs to be teased out. As we all know, gardaí have enough troubles in dealing with discretionary activities in terms of the cancelling of penalty points and so on. It puts them in an unfair position to have to decide whether a chap should be prosecuted for not displaying a current NCT disc, even though he may have a letter indicating that his application is in a queue and that his car will not be tested for up to perhaps a month. Ultimately, it is the responsibility of the owner and user of the vehicle to ensure that their vehicle is in compliance with the law. The Garda would need direction on this. As the Minister stated, the first quarter of the year is always the busiest time for car sales and everything related to cars and we hope that the numbers for testing will even out a little now. For instance, in the week commencing 24 November last year, a total of 25,000 tests were carried out and, of those, 9,000 were late or very late, meaning that their due test date was a date in the past. A further 1,450 related to tests that should have been carried out in 2013 and 13,200 of these were early compliant requests, that is, as has been encouraged by the Minister, to take advantage of the facility instituted in September.

**Acting Chairman (Senator Diarmuid Wilson):** Thank you, Senator.

**Senator Ned O’Sullivan:** I will conclude as we are under time constraints. A few years ago “Prime Time Investigates” revealed the incidence of fraud and the bribery in the NCT system. It was very limited and confined but nonetheless it was a very serious issue. I would like the Minister to indicate if that has been followed up. What level of oversight is taking place to make sure that nobody is taking backhanders to pass unfit vehicles as that would destroy the integrity of the entire system.

**Senator Pat O’Neill:** Before I speak about the national car testing system, I join the Minister in wishing Lisa Coen and Sarah Davis-Goff the best in their business venture. It is said the best gift for any person is a book and the fact that they are supporting Irish authors is a great bonus for Irish authors. I wish them every success.

As the Minister outlined, the reason we need an NCT system is to ensure vehicles are in sound, working order. As he stated, the NCT system commenced in 2000 when cars over eight years old had to be tested. In 2002, any vehicle over four years old had to be tested every two years. Now cars over ten years old have to be tested annually. As the Minister said, we have 47 centres nationwide with four new centres due to open. He announced that two centres in Dublin and one centre in Cork are offering a 24-hour service, four days a week. It is amazing to think we have garages, supermarkets and now an NCT centre offering a 24-hour service. Therefore, there is no excuse for any person to say they could not get an NCT test carried out on time.

3 March 2015

The NCT test is an essential part of the overall road safety strategy and it has helped to improve the safety standard of vehicles on the roads. As the Minister said, last year was a bad one in regard to the number of deaths on the roads. Some 190 people were killed on our roads, which is an increase of 28 compared with the 162 people who lost their lives on the roads the previous year. If we look back to the 1980s when approximately 500 people died annually on the roads and to the 1990s when 400 people died annually on the roads, we can see that the safety measures that have been put in place have most certainly helped to reduce the number of fatalities.

The NCT is one of a number of safety measures which has been brought in over the years, together with the Road Safety Authority, the changes in legislation and the awareness campaigns through advertisements that highlight the dangers of speed, drink driving and, more recently, driving while on a mobile phone or being under the influence of a controlled substance. The combination of all these safety measures has been a major factor in reducing the number of fatalities and making the road safer for all.

Out of more than 1 million vehicles tested last year, 52% failed the NCT, which is approximately 650,000. We all know that cars can fail for various reasons, from a minor fault such as a broken registration plate bulb to more serious reasons. More than 2,000 cars failed the NCT due to problems with their tyres, suspension, faulty brakes or brake lines, or faults that fall into the more serious category. These are cars that are on our roads that could cause a serious accident and contribute to accidents causing serious injury or fatalities.

More than 2,300 vehicles were deemed dangerous at the test centres. This means they should not be on the roads. It is an offence to drive such a vehicle and the penalties, if this is discovered, include fines of up to €2,500, the awarding of penalty points and up to three months in jail. However, if a test deems a vehicle to be dangerous, the Garda must be informed and it should make sure that the vehicle is not allowed on the road until the fault is rectified. Statistics show that the highest percentage of fatalities on our roads involve young males between the ages of 17 and 35 years and eight out of ten fatalities are male. Young men when buying their fast car do not buy a new car. They buy older models, often over ten years old. It is important that these cars are tested annually.

Applus, the company running the NCT centres, is phasing out written notifications for testing vehicles. This is unsatisfactory. We receive notifications of our car tax, insurance and so on. The NCT notification is more important than any other as it determines the safety aspect of one's vehicle. I ask the Minister to intervene and request at a minimum that a text message would be sent to replace the notification as a reminder to all.

As the Minister stated, the new legislation we passed last year imposes five penalty points on a driver who has not had their vehicle tested. It is welcome that a fixed charge is now in place comprising three points and a €60 fine, but the implementation of this law is a problem as gardaí are often too busy with other duties. It is to be hoped that with the new recruitment drive in the Garda Síochána, checking to ensure motorists have a valid NCT will be fully policed because failure in this respect could literally be a matter of life and death. The concept of having all vehicles tested is necessary. If the Minister were to instruct the RSA to mount an advertising campaign about the need for an NCT and ask Applus to continue to notify drivers of their due test date, it would help to make our roads safer.

**Senator Maurice Cummins:** I propose an amendment to the Order of Business that rather

than finishing at 6 p.m. we conclude the debate at 6.30 p.m., if not previously concluded.

**Acting Chairman (Senator Michael Mullins):** Is that agreed? Agreed.

**Senator David Norris:** It would be much better if we observed the orders of the House. I have an engagement to launch a book and I am up against time now because of the way people farted around. I wish to make a few points and will share my time with Senator Feargal Quinn.

**Acting Chairman (Senator Michael Mullins):** That is agreed.

**Senator David Norris:** My first point relates to taxis. I drive a 20 year old car and it is the most immaculate car in the car park both mechanically and every other way. I do not see any reason taxis must be changed when they are nine years old. Can the Minister explain that to me? It makes the whole car test a complete nonsense. If a taxi is tested and it turns out to be mechanically perfect and then it is also tested by the taxi people to see what the inside is like and that is perfect, why can it not stay on the road? It is an absolute imbecility. I ask the Minister to take this up as a matter of urgency.

The final point I would like to make is to ask somebody to have a word with Mr. Keegan, the Dublin city manager. He hates cars; it is as simple as that. To take one example, at Lincoln Place at the back gate to Trinity, there is a complete nonsense in terms of traffic there. It is deliberately calculated to clog up the traffic in a most dangerous way with spikes sticking up out of road. There is one little stretch of ten yards to turn in; it inhibits the flow of traffic all the way. It is the same on O'Connell Street where the footpaths have been squeezed out, there are two traffic lanes but one of them is for buses only and tour buses are parked all the way along the street. When the tour buses come out, the traffic is occluded. It is not appropriate for a city manager to have an anti-car policy in a capital city in Europe.

**Senator Feargal Quinn:** I welcome the Minister. We saw a lot of Deputy Paschal Donohoe when he was a Member of this House, but we do not see quite as much of him nowadays because he is doing a lot of work elsewhere.

We need to put the National Car Testing Service in a wider context. Its main aim is to prevent accidents. Does the Minister have figures for how many accidents are caused by mechanical failure? Is there a figure for this? It is extremely important to get that information as a starting point. In some countries, it is estimated that only 1% of accidents are caused or partly caused by technical faults. In the state of California, for example, which is considered to have one of the top ten economies in the world, a car test does not involve technical checks but simply an emissions test. People drive rusty cars, duct-taped cars, cars with missing windows and so forth, but as long as the car is drivable, the police in California simply do not care because such vehicles rarely, if ever, contribute to accidents. In Ireland, on the other hand, cars are being failed for what some might consider very arbitrary reasons, such as side reflectors not being red enough. There has been much talk of EU regulations requiring a road test. However, a car test certificate in France is valid for two years, while it is only valid for one year here. That does not make sense.

One of the best ways to improve road safety would be to improve the roads, as Senator David Norris has pointed out. In particular, we should focus on those badly designed roads which actually contribute to crashes. In the United Kingdom, research has shown that investment in safe road infrastructure projects could yield a reduction of up to one third in road deaths, saving as much as £6 million per year. That is the real issue. I have spoken to engineers who are stag-

gered by some road design in this country, saying that it would not be allowed in places such as Germany. Perhaps this is not the responsibility of the Minister, but the Government should commission a survey of badly designed roads and initiate improvement works on them.

I was delighted to hear the Minister express confidence in the changes that are taking place, because much concern has been expressed about the NCTS. Given that over half of cars tested must be retested, the NCTS should be more up front with people and tell them that the true cost of the test is more likely to be €83, with the retest fee included, as opposed to the €55 fee that is advertised. The lower fee is disingenuous; the €83 figure is the one that should be advertised to the public, because that is the fee that the majority of people will pay. That would be fairer to the consumer.

I am also concerned by the NCTS website, which states one of the benefits of the NCTS is that it has offered employment to approximately 550 people. I am very worried by anything that is run on the premise of offering jobs. It seems like a very strange point to make in justifying its existence. On a related note, the RSA employs nearly 300 people, which seems to me to be a huge number. I know it is a quango but it is very difficult to criticise an organisation that hides behind slogans such as “Saving Lives”. How does one criticise that? We could learn a lot from our European neighbours when it comes to the NCT. We could follow the example of France and make the test certificate valid for two years, or of Sweden, where the vehicle tester points out faults to the customer as a first step, which would improve transparency. It is very clear that there are many areas on which both the NCTS and the RSA can improve. I am interested to hear what steps will be taken in the near future by the Minister. A number of initiatives can be taken, and I know the Minister’s heart is in the right place in this regard.

**Senator Denis Landy:** I welcome the Minister. I listened closely to his opening address and was pleased by a lot of what I heard. I raised this issue with the Minister in the House last year in the context of the Road Traffic (No. 2) Act of 2014 and some of the changes proposed therein. I note that a lot of work has been done in terms of the general provision of facilities for car tests to be carried out. The Minister made reference to additional test centres, a 24-hour service and the provision of information on the NCTS website. However, I still have a number of concerns and perhaps the Minister will address them in his reply.

Senator Ned O’Sullivan made reference to the stopping of motorists who had an out-of-date NCT certificate and who had attempted but failed to get a test. The word “discretion” constantly comes up in replies to parliamentary questions on this issue and indeed, the Minister used it in his address to the House today. Does the Minister have evidence that members of An Garda Síochána have used discretion in such instances and have allowed people to go ahead and get a test and present the results at their local Garda station? That would be the normal procedure if one was stopped and one did not have up-to-date car insurance, for example. I am interested to know, three months on from the introduction of this provision, how it is working out in practice. It was brought to my attention last November that this provision would be introduced, but I have not heard anything negative from those who expressed concern to me at that time, which is a good indicator as to how the system is working out.

I note from information provided by the RSA that over 1 million cars are tested annually, with approximately 50% passing on the first round. The main failure areas include tyres, lamps, lights, brake lights and emissions. The Minister will be aware that many people opt to put their car forward for the NCT with a view to finding out what needs to be fixed before bringing it to a garage. That is done all the time. Many people to whom I have spoken have done that, because

if one brings a car, particularly an older one, to a garage to get it ready for the NCT, the cost can be extremely high. People have discovered, perhaps from experience, that they can get through the test without spending as much money if they identify the faults first. People go to the NCT centre, accept the list of faults provided, get the necessary repairs carried out and submit the car for a retest, paying the retest fee. That seems to be the norm for a lot of people, except those who have relatively new cars in very good order. Does the Minister acknowledge that this happens and that it is a fact of life, albeit one we would prefer not to happen? Nobody is breaking any law by doing that. If the Minister accepts that this is happening, how can it be addressed? How can we assist those who are trying to be compliant on the first round and who are going to their local garage before the test? How can we make it more attractive to people to get their car ready for the first round? I would like the Minister to answer that question, because it is one that has been put to me by many members of the public. It is an area on which we can improve.

I acknowledge that the option to test one's car 90 days in advance of the expiry of a certificate is very good. I know people who live very organised lives and who will do everything in advance where possible. However, I also know lots of people who cannot remember to tax their car on time, never mind getting ready for the NCT, and who are up to the wire with everything. When the latter group of busy people look for a test slot on the website and cannot see one, if they then make a telephone call and go through the process which is clearly outlined, they will, according to the Minister and Road Safety Authority, be given a date before the deadline.

According to the Minister and Road Safety Authority, they will be given an appointment before the deadline. I have heard anecdotally, however, that people who take this option are not given an appointment.

Senator Ned O'Sullivan referred to waiting times of three months. When I raised this issue in November 2014, the next appointment available at a certain national car test centre was in March 2015. The waiting time, therefore, was four months. I accept that much work has been done to address the issue, with additional staff recruited and efforts made to provide a 24 hour service. I ask the Minister to respond to my questions because it is important to try to improve the NCT service by responding to the issues that arise in the real world.

**Senator Trevor Ó Clochartaigh:** Cuirim céad fáilte roimh an Aire. Tá aiféala orm nach raibh mé anseo nuair a bhí sé ag tabhairt a óráide, ach tá cóip de anseo agam. I apologise for my absence for the Minister's speech, during which I was at another meeting.

The national car test, NCT, was introduced in 2000. It is clear to all that the standard of vehicles on the road is much higher now than it was in 2000, the level of pollution from cars has decreased and the problems caused by these issues have been alleviated. The reasons are myriad and include improved industry standards generally, better consumer knowledge of the vehicles they choose, improved driving, the phasing out of leaded petrol and greater enforcement by the Garda. It is also clear that tests such as the national car test are of benefit to road users, pedestrians and the environment. That said, the way in which such a test is administered should be open to change and should not be written in stone. The NCT could be done much differently and I will make some obvious points that raise questions about how it is operated and the way in which it could be reformed.

In October 2014, it was reported that the NCT had delivered a clear profit of €5 million to its operator, an increase of more than 11% on the previous year. This report came amid other

reports that record numbers of cars were failing the national car test and the high demand on the service was causing delays. Such delays increase the costs for car owners and further line the pockets of the multinational parent company. The NCT is not operated by a semi-State company or commercial body supported by the Government such as the Irish Aviation Authority. It is a publicly tendered service, which was awarded to a company owned by a multinational company, Applus, which made a profit of approximately €1.6 billion in 2013. Applus has a track record of running these types of testing services and has expertise in the field. The NCT system is operated, by and large, by Irish management and the tests are carried out by workers who learned their skills in this country. It is not an incredibly difficult test to emulate and it is not necessary to outsource the project and have millions of euro sent out of the country.

The NCT service should not be about profit, shareholder dividends or bonuses for chief executives. When that is the case it creates potential problems such as those we have seen in Dublin and other cities where clamping is used by companies for profit. The NCT should be operated by a semi-State company with sufficient independence to enforce safety and without fear of political interference. The provision of the service should be at the core of everything the company does. It sticks in the craw of members of the public, who are asked to buy into the idea that the NCT is a necessary safety procedure, that they must regularly fork out such large sums to pass a test, the operator of which is sending substantial profits overseas. This also calls into question decisions made in national car tests and public confidence in the NCT system. There is a problem when profit is the motivating factor, as is the case with a company such as Applus.

A total of 52% or more than 650,000 of the vehicles which presented for the NCT did not pass the test last year. While some cars should fail the test and be deemed unroadworthy, citizens' confidence in the system is undermined when test failures deliver more profit for the private company operating the test system.

The variation in pass and fail rates in certain centres is also a matter of concern. In one centre, for example, the fail rate was 39%, while in another it was 67%. The Road Safety Authority noted a range of factors such as the average age of vehicles tested at individual centres, their mileage, maintenance and the condition of local roads, which can lead to a variation in the figures. The gap between pass rates is so large, however, as to make these factors questionable excuses.

A full test costs €55 and a retest costs €28. These are significant sums for motorists who already pay more to have their vehicles on the road through higher fuel, motor tax and insurance costs. Figures show that approximately 200,000 vehicles on the road do not have NCT certificates, which is unacceptable. Enforcement is key to stopping this practice but, unfortunately, the effects of the Government's austerity policies have limited the ability of the Garda to deal with the issue. While driving without an NCT certificate is dangerous, it is inevitable when waiting lists for NCT centres are so long. One of the reasons for the long waiting time is the number of retests required as a result of the 52% failure rate. In some centres, the waiting list is as long as three months. This cannot be allowed to continue given that private transport is vital in allowing people to travel to work in large parts of the country. We speak a great deal about making Ireland attractive to investment and a good place to do business. A country which cannot test the roadworthiness of vehicles efficiently enough to allow people to use the vehicles they need for their daily activities arising from the lack of public transport is not attractive to anyone.

In recent days I have raised the issue of car dependence and other transport related issues in the House. Transport in Galway is close to my heart and the Minister is aware of the city's transport problems from his recent visit to the city to launch a new bicycle scheme. I call on him to engage with the local authorities in Galway city and county on the plan proposed for what was previously known as the Galway bypass but which has developed into an inner city transport plan. The proposed routes are unacceptable to citizens. We need a proper study of the city's transport needs, one which examines bus services and the possibility of introducing a light rail system, taking into consideration factors such as the location of schools, car journey destinations, etc. It should also examine whether there is a case for the planned bypass.

**Senator Denis Landy:** Is the proposal not known as the “racehorse”?

**Senator Trevor Ó Clochartaigh:** It is known by many names but “racehorse” is not one of them.

On a serious note, Galway requires an integrated approach to transport. The Minister could take the lead by getting all the relevant players around the table to review the issue. It is clear from the public debate and the views expressed by elected representatives that the proposal on the table will not work, will not solve the city's traffic problems and may cost the Government a fortune.

Senator David Norris raised the issue of taxis. I have raised similar issues on a number of occasions. I know a number of taxi drivers in Galway who invested in higher end car brands such as BMW and Mercedes for reasons of comfort more than ten years ago. Their cars are still roadworthy and have passed the national car test. They are in much better condition than some newer cars on the roads. These drivers have a serious problem with the requirement that they decommission their taxis as it will put a number of them out of business. Drivers are also concerned about the enforcement of taxi regulations in Galway city where a number of taxi drivers are flagrantly abusing the rules. Enforcement in the city is not working. I ask the Minister to respond to the issues I raise.

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** I thank Senators for their contributions. I will respond to the points in the order in which they were raised.

A common theme in the contributions was delays in obtaining appointments at NCT centres to have appropriate checks carried out. Some Senators alleged these delays are ongoing. The NCT service has the capacity to carry out 150,000 more tests than it was able to carry out last year. Further changes will soon be made to the online booking system and NCT website to deliver more improvements to customers and ensure they can access the NCT service efficiently and in good time.

Senator Ned O'Sullivan raised a number of issues, including recent concerns about fraud and the need to ensure public confidence in the NCT system. I assure the Senator that a robust anti-fraud management plan is in place and a number of measures have been introduced to ensure fraudulent activity is eliminated or minimised. For example, a confidential whistleblower hotline has been established for the NCT service and those with concerns about the operation of the service may also use a confidential e-mail service. In addition, there are a number of preventive measures and systems in place to detect fraud and to make sure the system is being run in the manner required. Both the Senator and a number of other Senators, including Senator Pat O'Neill, spoke about accuracy and how the services are run. I assure the House that the RSA,

alongside a variety of different bodies, has ongoing measures in place to check the assessment of test accuracy and to test the performance of individual vehicle testers. All test centres are visited frequently and over 2,000 vehicle tests are observed each year as part of an unannounced inspection regime. The reason those services are put in place is to deal with the risks Senator Ned O'Sullivan outlined. Senator Pat O'Neill touched on some of those points. He also made a point regarding what could be done to incentivise people to come in earlier. Is that correct?

**Senator Pat O'Neill:** No, it relates to notification because they are not sending notifications. They are phasing it out.

**Deputy Paschal Donohoe:** That was the point on which Senator Denis Landy touched. Those changes are being made to emphasise to people that it is fundamentally their responsibility to make sure their cars are roadworthy. They need to take responsibility for that and to contact the NCT centres at the right time to ensure their vehicle can be checked. That being said, the most recent figures we have show very clearly that, on average, customers are getting their test appointments within three weeks with the vast majority - over 90% - getting their test within four weeks. The point that still stands in respect of people getting their tests is that if it does not appear that a test is available from looking at the website, the key thing to do is to contact the NCT over the phone and request the test inside the times they need. My experience is that the vast majority of people who do that get appointments that meet their needs.

I differ from Senator David Norris's view that Dublin and the city manager are not car-friendly. I believe the city council does an awful lot of work to try and respect the needs of different road users. Occasionally, it needs to make changes that cause people difficulties for short periods of time but the reason this is done is to deal with matters of road safety and to find measures to allow our vehicles, cyclists and pedestrians to get around the city in a safe and more efficient manner.

I note some of the points that Senator Feargal Quinn made and I will have a look at the transcript after this debate to see some of the examples he gave because I found some of the examples regarding how the Nordic region conducts tests interesting. It is certainly something I will pass on to the RSA to see if we can learn anything from how it is conducted elsewhere and to integrate it into our system. I genuinely believe that while there have been difficulties relating to changes that have been made and delays some people have faced at times, the services we have in place play a vital role in making sure that more and more vehicles are roadworthy and, therefore, contribute to our roads being safer.

A point the Senator touched on that was also touched on more explicitly by Senator Ned O'Sullivan relates to some of the feelings people had regarding the period when I introduced this change to the law. A point that is worth emphasising is that at the time, we did not introduce new or heavier sanctions relating to it. What we did was change the nature of penalty points that could be incurred by somebody driving without an NCT certificate. It was always illegal not to have an NCT certificate. When I introduced the new road safety legislation, we changed it to enable somebody to get three points without going to court. One of the things that happened as a result of that change, which may have prompted the correspondence that the Senator and I and others received, is that the advertising campaign relating to that and the profile the change garnered made many people feel as if a new offence had been brought in. The offence had already been there. It is just that the consequences that somebody faced due to not having an NCT certificate changed.

This leads on to a point touched on by Senator Denis Landy, namely, the nature of discretion in respect of this matter. We track through the PULSE system and information the Garda makes available to us the number of different road traffic offences that are committed, their nature, their location, how they occur and so on. I do not have information available to me regarding the number of times discretion was used by gardaí. As the Senator knows, this is very much a matter for An Garda Síochána and individual gardaí. I would never look to influence that or to interfere with it in any way. I believe from individual feedback we received across the period during which this new regime was being put in place that efforts were made to recognise difficulties that motorists would have had. Common sense was used so that if someone had an appointment approaching, this was recognised by gardaí when they were deciding what to do. I do not have individual statistics relating to that. My own experience is that gardaí did their best during this period in respect of the roll out of the different penalty point sanctions.

Senator Denis Landy raised the issue of delays people faced on a number of occasions. This is precisely the reason the new changes I referred to have been introduced. I hope that the 24-hour centres that have been introduced will play a role in making it easier for car users to get in and out. I know that some people who own or use cars may be able to use the NCT centre at night, which may alleviate the pressure on what would otherwise be busy parts of the day. I will certainly look at the introduction of these changes to see what effect they have and to see whether they could be amplified during the year. The RSA will look at whether it will be possible to put in place measures to bring people who would have their NCT tests in the first half of next year into what would otherwise be a busy period so that the peak we are dealing with at the moment might not be as sharp as it has been in other years.

Senators Trevor Ó Clochartaigh and Aodh Norris made the point about the age limit requirement for taxis. I know taxi drivers have had difficulties with this change but I believe it is a policy that should be supported. I strongly believe it offers people who visit our country and regular taxi users a better quality of car in the long run. While I accept that it did cause difficulties during the introduction period, I strongly believe that in the long run, it will be in the best interests of the taxi industry and people who depend on taxis.

I take a very different view from that of Senator Trevor Ó Clochartaigh regarding the way in which the NCT centres are run. I am confident that the opportunity for profit that is there for people who win a tendering process in an honest and effective manner will in no way impede the operation and roll-out of tests across the country.

I return to a point I made in response to Senator Ned O'Sullivan, namely, the fact that there are tests in place. We need to make sure that these tests are carried out in a competent and honest manner, and there are robust checks in regard to this. That is a philosophical point of difference between us. I do not believe a profit motive will automatically encourage people to act in a way that might make them in breach of the contract they have won. I am absolutely certain that the RSA runs this in a robust manner.

Senator Trevor Ó Clochartaigh made the point that he wants to see an environment created in which investment will come into the country and more business will be created. He has also alleged that the fact that the company that has won a contract is an international business might mean it would not operate the contract in the way we want. I put it to him that there is an absolute contradiction between those two points.

**Senator Trevor Ó Clochartaigh:** The Minister can read the Official Report. I do not think

that is exactly what I said.

**Deputy Paschal Donohoe:** I believe it is, but if I am corrected and have misquoted the Senator in any way I am sure he will correct me at a point in the future. One cannot say we want to get more companies into the country and at the same time say that when a company wins a contract and operates in what we believe to be an efficient and fair manner, it might operate in such a way that would constitute a breach of a contract that it has won honestly and competently. That said, I know all Senators will agree that we want to get to a point at which the roads are even safer than they are, and I am certain that the NCTS plays a very valuable role in that regard.

The changes I have announced in the House such as the operation of some 24-hour centres and the availability of an additional 150,000 tests across this part of the year compared to where we were a year ago are important and will deal with people's concerns. The RSA is doing a very strong and good job in managing an important part of our road safety agenda. I am always available to come in and answer any questions on that or any other points on road safety.

**Senator Trevor Ó Clochartaigh:** The Minister did not answer my question.

**Deputy Paschal Donohoe:** The Senator raised a point with me and I did not respond. I have responded to a number of his colleagues on this issue. I am closely monitoring what is happening and I am very much aware of people's concerns regarding the six options available, on which there was an exchange. One, in particular, has an effect on the Galway racecourse, which is a very valuable amenity to the city, the county and beyond. It is my expectation that in the period of consultation that is currently under way, consensus or agreement can be found on that. It is a project which, as the Senator will know because he represents the county and city, has been going on for many years. I hope the period of consultation will lead to some agreement. As I said, it is a matter that I am monitoring.

**Senator Denis Landy:** I asked the Minister about incentivising people to present their cars ready to pass the NCT first time, as opposed to having them tested and coming back again.

**Deputy Paschal Donohoe:** I apologise for missing that point. I take a different view from that of the Senator. I understand why he would say it is something that should be considered. However, the reason I am not supportive of such a change is that a really important objective behind this testing procedure is to encourage people to do all they can to have their cars safe all the time. My concern is that if we introduce such a change, it might be detrimental to achieving that objective.

### **Mid-Term Review of Europe 2020 Strategy: Statements**

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Dara Murphy):** I thank the Seanad for the invitation to participate in this debate on the future of the Europe 2020 strategy. It is an honour and privilege to be here.

It is fitting that the occasion allows me the opportunity to commend once again the very valuable work undertaken by the Joint Committee on European Affairs in contributing last November to the European Commission's public consultation on the future of the Europe 2020 strategy, including an important series of public sessions with key stakeholders. I see

the committee's report as representing an important milestone in stepping up engagement by the Oireachtas with the European semester process of economic policy co-ordination and with the core objectives of the Europe 2020 strategy. We face few greater challenges in our role as public representatives than ensuring we have in place the right foundations for the sustainable prosperity of all of the people.

As the House is aware, Europe 2020 is the EU strategy to support growth that is smart, sustainable and inclusive. Its ten-year plan, which was adopted in 2010, is based around five headline targets in the areas of employment, innovation, climate and energy, education and social inclusion. These are translated into specific goals for each member state, with progress being monitored through the European semester process.

For the European Union as a whole, performance against these objectives is at best mixed, having been overshadowed and undermined by the economic and financial crises that began to emerge in the euro area at around the same time as the Europe 2020 strategy was adopted. The EU-level climate and energy and education targets are broadly on track. This means that 20% improvements in greenhouse gas emissions, renewable energy, and energy efficiency have been achieved. Increasing third level educational attainment to above 40% and reducing non-completion of second level education to below 10% have also been achieved. However, the innovation target of raising research and development investments to 3% of GDP is unlikely to be met based on current projections. There has actually been negative performance against the employment and social inclusion targets, with fewer people working and more people at risk of poverty and social exclusion across the European Union than when the strategy was agreed, reflecting the depth of the economic and financial crisis in recent years. In 2008, the overall employment rate in the European Union for the 20 to 64 year age group peaked at 70.3% after a period of steady and sustained increase. However, employment trends reversed in subsequent years, with the rate falling to 68.4% in 2013, which marked a deviation of 6.6 percentage points from the European 2020 target of 75%. The evidence none the less suggests that Europe is now once again in the early stages of recovery from this period of deep and protracted recession. The year 2015 is the first since the onset of the crisis in which the economies of all member states are expected to record economic growth. Recovery in Ireland is particularly strong and remains firmly on course. The Commission's 4.8% estimate for Irish gross domestic product growth last year is the highest for any country in Europe, with a strong performance of approximately 3.5% growth expected to continue this year and next year. The tough decisions already taken by the Government will bring the headline Exchequer deficit to below 3% of GDP this year, allowing us to exit the excessive deficit procedure in 2016. This will be a further important milestone following the successful exit from the EU-IMF programme a little more than 14 months ago. What is probably of greatest importance is the recovery we are seeing in the labour market. We have almost 1.94 million people at work, which is up around 95,000 since the low point in mid-2012. The latest EUROSTAT estimate yesterday put our unemployment rate in January at 10%, now more than one full percentage point below the euro average of 11.2%, which represents a clear downward path from a height of 15.1% in 2012. We are now set to be back in single digits within the coming months.

The key risk to the Irish economic outlook, as acknowledged by the European Commission, is a period of prolonged weakness in the wider euro area. We can reasonably expect, however, that lower oil prices, the expanded asset purchase programme recently announced by the ECB and the depreciation of the euro will also contribute positively and collectively to what remains a fragile recovery. The Commission's latest forecast on 5 February offered GDP growth of

1.3% for the euro area and 1.7% for the European Union as a whole. Private sector lending has also returned to a positive position, and the Commission's economic sentiment indicator also rose slightly in February for the second month in a row, which does mainly reflect improved consumer expectations.

We can see early signs of this more positive economic outlook beginning to feed through to Europe's labour markets, though it is fair to say this is not significant and not to the same degree as in Ireland. However, the seasonally adjusted unemployment rate in the euro area, 11.2%, is down in January from 11.4% in the previous month and down from 11.5% for the corresponding month last year, January 2014. This is the lowest rate we have seen since April 2012. The EU unemployment rate was at 9.8% in January, down from 9.9% the previous month and from 10.6% a year previously. This again is the second consecutive month in which the rate of unemployment for all 28 member states is back in single digits. We should, however, bear in mind that these are average figures and they mask significant regional variations. Unemployment rates are as low as 4.7% in Germany and 4.8% in Austria but as high as 23.4% in Spain and 25.8% in Greece. Crucially, youth unemployment remains the major challenge across Europe's economies. There are as many as 4,890,000 people under the age of 25 unemployed in the European Union, while in December 2014, some 3,250,000 unemployed persons under the age of 25 years were living in the euro area, giving average youth unemployment rates of 21.2% and 22.9%, respectively. The youth unemployment rate is as high as 51% in Spain, and the figure is almost the same in Greece, at 50.6%, while the rate in Croatia is 44.1%. Italy is also at 41.2%. In Ireland, the unacceptably high youth unemployment rate is 22%. A situation in which well educated young Europeans face little or no prospect of joining the labour market is completely unacceptable.

It is very welcome that the extent of this challenge is exclusively acknowledged in the work programme of the new Commission led by President Juncker, building from the political guidelines he presented to the European Parliament on the occasion of his election last July. President Tusk, the new president of the European Council, has also made explicit reference to the need for ruthless determination to end the economic crisis. This political emphasis is reflected strongly in the ambitious investment plan presented by the new Commission in its first major announcement on 26 November last. The investment plan will aim to mobilise €315 billion in net additional investments in the real economy in the next three years, which is consistent with the Europe 2020 objectives. The Commission's proposals are designed to attract private investors by reducing complexity and sharing risk, and the focus is essentially on quickly establishing a pipeline of high-quality projects that would otherwise be unlikely to succeed. There are three key elements to this. The first is the setting up of the new European fund for strategic investments, EFSI. This will be guaranteed an initial budget of €21 billion, supporting €63 billion in new higher-risk EIB lending, which should mobilise a further €252 billion from private investors. Second is the setting up of a credible project pipeline and an advisory hub, and this will include significant stepping up of technical assistance to member states and deepening of co-operation with national promotional banks. Third, there will be improvements to the regulatory environment, including further streamlining of single market rules for digital and energy infrastructure in particular and also for capital markets. It is clear that President Juncker's investment plan cannot be a magic bullet for all of Europe's economic problems, but it is also likely that it can make a significant and overdue contribution, combined with the right mix of structural, fiscal and monetary policies. EU-wide investments are now down 15% on 2007 levels. This is a gap of around €430 billion, or somewhere between €230 billion and €370 billion relative to historical norms. These are the Commission's own estimates. There are also

private sector surplus savings of around 3.5% of euro area GDP. This approximates to a figure of in the region of €350 billion which is required to be recycled effectively to support appropriate expansion in economic activity. Successful implementation of the Commission's proposals can therefore begin to close the gap with net additional annual investment of €100 billion out to 2017 and beyond. This would be the equivalent of boosting the GDP of the European Union area by around 0.8% per annum, before multiplier effects are applied. It is not unrealistic to think in terms of potentially adding a full percentage point to the annual aggregate GDP growth, which is vital. In view of the levels of growth around Europe, the addition of a percentage point would be extremely welcome. The EFSI is essentially being designed to provide additional risk-bearing capacity to the European Investment Bank, which will allow it to obtain private-sector finance for these new projects.

As Vice President Katainen has indicated, there is plenty of liquidity in Europe but it is not being translated into investment. The Taoiseach was, therefore, happy to support strongly the firm endorsement by the December European Council of this overall approach, including setting clear expectations for political agreement between the Council and the Parliament by June. While there are many issues of detail that remain to be settled in coming months, there is now consensus with regard to the broad outline of this new approach.

As the Taoiseach indicated to Dáil Éireann on 27 January, he has asked his Department to ensure a coherent and well co-ordinated approach by Departments to the new investment plan. While we need to be careful about setting unrealistic expectations about potential benefits for Ireland, there may be opportunities to develop synergies between the new investment plan and the Ireland Strategic Investment Fund and the Strategic Banking Corporation of Ireland, both of which were established by the Government last year.

The new EU investment plan shares the focus of these initiatives on using public resources to mobilise a stronger pipeline of private sector investments in the real economy. We should not lose sight of the plan's main benefit to Ireland, which is its potential role in contributing to stronger growth in our European partners, which is badly needed. As one of Europe's most open and trade-dependent economies, any boost to the growth prospects of the wider European economy also becomes an important boost for Irish prospects and interests.

It is also encouraging that the emphasis of the investment plan will be reinforced by the European semester 2015. The annual growth survey, as presented by the Commission on 28 November, is proposing that the next phase of the European semester process will be advanced on the basis of a threefold emphasis on boosting investment and pressing ahead on national and EU level structural reforms, which will also be underpinned by continued fiscal discipline. As the House is aware, the European semester is a set of processes, developed in 2010, whereby member states co-ordinate their economic policies to support growth and jobs. We agree shared priorities at EU level in first half of year and we then implement them at national level in the second half of year. It is fundamentally designed as a mutual surveillance process that is supported by the European Commission. The key lesson of the crisis is that we need to take these arrangements seriously, particularly in so far as the stability of the single currency area is concerned.

Members will have noted that the Commission produced its comprehensive country reports for each member state last week. There is now a window of more than two months before draft proposals for the next round of country-specific recommendations are produced by the Commission in mid-May, for adoption subject to amendment by the Council in June. Members may

3 March 2015

be aware the period for deliberation was very much shorter last year. In the case of Ireland, the assessment in the new country report is a broadly positive one, reflecting the strength of the economic recovery under way and supporting, in turn, a gradual unwinding of the deep imbalances developed during a period of appalling economic mismanagement. We are one of only five member states whose budgets were found by the Commission in November last to be fully compliant with the provisions of the Stability and Growth Pact. Of course, it is our own citizens who benefit most from that reality.

I look forward to a fuller discussion of the Commission's analysis at my meeting with the Joint Committee on European Affairs on 10 March, which will look ahead to the meeting of the General Affairs Council on 17 March that will prepare for the spring European Council a number of days later. I hope that other joint committees can also take an interest in the sectoral assessments set out in last week's country report in so far as matters falling within their respective areas of responsibility are concerned. I believe this is the opportunity for Oireachtas committees to engage at sectoral level with the recommendations. It is an important rationale behind the widening of the period between the reports of last week and the country-specific recommendations which will follow in a number of months.

Returning to the mid-term review of the Europe 2020 strategy, the new Commission is due to present proposals this year for an improved and updated strategy, ensuring we have the right post-crisis arrangements in place for supporting growth and jobs in Europe. The Commission's preparations in this regard will, of course, be informed by the public consultation to which the joint committee made its important contribution last November. In an increasingly knowledge-intensive and interconnected global economy, it is crucial that we have a shared view of changing challenges and opportunities at both the domestic and EU levels.

The Commission's proposals were originally expected to be presented before the spring European Council. This timeline has now been reset to the latter part of the year, keeping the political focus in the first half of the year on getting the new investment plan, which is so important, up and running. The Commission has, however, produced this afternoon a short review of the public consultation process, along with a refreshed status update yesterday on EU level progress against the five headline targets. In my first meeting with the joint committee on 25 September last, I stressed that we needed to unlock a new wave of EU-wide investments, supporting growth that was smart, sustainable and inclusive. This means investments in the knowledge, skills and next generation infrastructure necessary to compete successfully in the digital economy; investments in setting a clear path to decarbonisation, appropriately balanced with global food security objectives; and investments in the education and active labour market policies necessary to ensure greater adaptability to accelerated change and to address the most deeply embedded forms of social advantage. The new Commission's proposed €315 billion investment package sets the right direction and should become an important driver of the reinvigoration of Europe 2020 objectives that is so clearly needed.

I look forward to hearing the Senators' views and to continuing my close engagement with the joint committee on these matters as they progress in the coming months.

**Senator Terry Leyden:** I welcome the Minister of State with responsibility for European affairs, Deputy Dara Murphy. As a former member and Vice Chairman of the Joint Committee on European Union Affairs, he had a very close involvement with that committee, which proved a good start for his work in Europe. He has outlined in great detail the progress made with the 2020 strategy. The Joint Committee on European Union Affairs has carried out research and

held hearings and deliberations in this regard. I will not repeat what the Minister of State has said. There is nothing in his speech with which I could disagree. It is extremely well crafted and it is a good mid-term review, in the sense that it is now 2015 and this process runs from 2010 to 2020. It is important that the Minister of State continue to monitor the situation.

I pay tribute to the work of the Joint Committee on European Union Affairs, headed by the Chairman, Deputy Dominic Hannigan, and the Vice Chairman, Deputy Seán Kyne, and with a membership including Deputies Eric Byrne, Seán Crowe, Timmy Dooley, Bernard Durkan, John Halligan and Joe O'Reilly, and Senators Colm Burke, Aideen Hayden, Catherine Noone, Kathryn Reilly and myself, although there may be some change in that membership as it has been updated recently. The members are moving forward well with their work.

Frankly, the situation is very serious. As the Minister of State knows, on 7 May the general election will take place in the United Kingdom. Mr. Cameron has pledged that, if he is returned as Prime Minister, he will hold a referendum on the future of Britain's membership of the European Union. This is extremely serious from Ireland's point of view. That is why I will not give information on what work is going on. It is in the public domain that consideration is taking place. The Oireachtas Joint Committee on European Affairs is carrying out an important scoping exercise on Ireland's position in regard to a potential exit by Britain from the European Union. Members have just returned from a visit to Britain but some have remained to work with colleagues and interested parties in that regard.

I am very encouraged by the statement made the Taoiseach on 13 January in Dublin Castle when he attended a conference called Representing the Global Island. He said:

The debate in relation to the future direction of the UK's relationship with the EU has been gathering pace. Given Ireland's particularly close relationship with the UK, I am sure that many of you will have already been approached for your perspectives on the situation. The Government's position is clear and unequivocal: we want the UK to remain in the EU. This is clearly in our national interest, and in the wider European interest.

That sentiment was repeated by the Minister for Foreign Affairs and Trade when he made his speech on 14 November at the European Council meeting on European relations for Ireland, Britain and Europe. He said we were "unequivocal" in our approach to the continuation of Britain in the European Union. That is vital, because Britain is Ireland's largest export customer and Ireland is the fifth largest customer for exports from the United Kingdom.

In the 1990s, I was Minister of State with responsibility for the Single European Act, and Mr. Dan Mulhall, the current Irish ambassador to Britain, was first secretary, which means that we were aware of Britain's involvement in the negotiations. The Minister of State will agree that Ireland has a very close relationship with its European colleagues, including its British European colleagues, in the Council of Ministers. The reason is that a lot of British interests are also Irish interests and *vice versa*. Somehow the British Conservative Party has reduced its influence or does not recognise the contribution of former Ministers such as John Redwood, with whom I worked, and others in negotiating on behalf of and in the best interests of the United Kingdom in terms of the Single European Act. Ireland has top-class negotiators in its civil service in Brussels, and their work has been second to none. However, there is a feeling in Britain that it had no involvement in the shaping of Europe, a view with which I totally disagree. I know from my personal experience of being seated around the table that when Britain put forward proposals and suggestions, Ireland supported them in the majority of cases, and *vice*

*versa*. We moulded Europe in terms of the Single European Act, which has played a crucial role in the development of the European Union. Trade and freedom of movement were both part of the negotiations at that period. Therefore, the risk of a British exit from the European Union has major repercussions. The Taoiseach and the Minister for Foreign Affairs and Trade agree, and the Minister of State, Deputy Dara Murphy, will probably agree, that Ireland will have to play an important role in persuading and influencing the Irish in Britain in this matter.

In the interests of the United Kingdom and Ireland, both countries are together in Europe. There are over 450 million people in Britain and there is marvellous trade. The difficulty for us is that Ireland shares a Border with Northern Ireland and the United Kingdom. If Britain exited the European Union, it would create chaos in regard to the agreements that are in place at the moment. It would also create chaos if the free movement of people was restricted because of our close proximity to the Border. I have outlined all of the issues involved.

The Chairman of the Oireachtas joint committee, Deputy Dominic Hannigan, and his committee have agreed unanimously to take submissions from a very broad spectrum of interests, and we will publish a report in March. There is no point in locking the stable door after the horse has bolted. The committee is looking at all possible scenarios and we will report to the Government in this regard.

The election on 7 May will be influential, but there is no point in waiting only to find out that Britain has walked away from the European Union. If that happened, there would be serious repercussions for Britain. From Ireland's point of view, which is one of self-interest, the repercussions would also be very serious, and that is why the committee's scoping exercise is under way. We are taking submissions from economists and civil society in Britain. We have met these people and we are doing this work.

The Minister of State's speech was excellent, but he outlined plans for 2020. If there is a referendum in 2017 and Britain decides to exit, then this will be just a memory by 2020.

I shall outline what we feel. This matter is of national interest. It is not about any political party because we are all in this together. Every party has played a role and no party more than others. We all share a European vision. It has been made very clear that whatever action Britain takes we will stay together in Europe, and we have to. We will use all influences. I am delighted that the Minister for Foreign Affairs and Trade and the Taoiseach have made it clear that it is in our national interest that Britain remain in the European Union. We will work with Britain in whatever negotiations take place and will do everything we can to allay its fears and concerns about the European Union or further negotiations. When we sit around the table, Ireland will support Britain's current objectives as far as we can.

I thank the Minister of State for being here in the House. I thank him for giving recognition to this House, which he has always given, since his appointment as Minister of State. We appreciate his attendance at the meetings of the Joint Committee on European Affairs prior to Council meetings. As a former member of the committee, he has shown great respect to it, which we appreciate, and, equally, we show great respect for his position.

**Deputy Dara Murphy:** I thank the Senator.

**Senator Susan O'Keefe:** I welcome the Minister of State. This debate is very important. If one were to go out on to the street and ask people about the Europe 2020 strategy they would struggle to answer. Senators and the Minister of State have a role to play in improving that

situation. In a way, he gets buried and caught in the detail because of the work he must do. Therefore, as other public representatives, it is up to us to try to tell the story of Europe better. It is good to see progress being made at this level. The European strategy is not simply about the economy; it is not a question of saying “It’s about jobs, stupid.” Europe is about much more. The strategy is an effort to address those other areas, which include poverty, social inclusion, education, and climate change.

Senator Terry Leyden has rightly pointed out that the challenge faced by us all is how to ensure the cohesion of the European Union can remain intact. The recent terrorist attacks in France and Denmark show how fragile we always are. The European experiment has brought some challenges, and many people disagree with the European project, but for me it is very simple. Europe has remained largely at peace since the European Union was established. Obviously the European Union has grown, morphed and changed as time has passed. We ought not to forget that peace is very valuable and we should not take it for granted. Senator Terry Leyden has said that sovereign states make their own decisions about what they will do. However, it is in our interest and our shared interest that our nearest neighbour and friend remain with us in the European Union and that we continue to work together.

Having looked at this at the mid-term stage, I recognise that the priority remains the same: how do we tell that story better? How do we say to people that what happens in Europe matters? How do we convey to people that decisions about issues such as employment, particularly youth unemployment, and the risk of poverty are big questions that the European Union, through its Parliament and Commission, grapples with and is trying to change? We still have not succeeded in conveying that message.

Europe faces serious challenges, not least the literal and physical ageing of the community. People will stay alive for longer, and birth rates in certain European countries are low or falling. Therefore, we will have an enormous cohort of people in the next 20 to 30 years who will grow very much older. The question is how will we cope with that situation if we cannot cope with young people. The Minister of State listed the shocking statistics for youth unemployment of up to 51% in places such as Greece and Italy, as well as a high unemployment rate for Croatia.

If we cannot employ our young people, how will we look after our elderly people, among whom we will be? It is a very sobering challenge and, in many ways, one to which we do not pay enough attention. We seem think it will be all right and that somehow we will work it out and it will be fine, but it will not be fine because there will be too many of us and not enough younger people in jobs. In part it is about jobs, as it always will be.

We have seen in certain early education projects here, particularly in Ballymun, in the United Kingdom and the United States, very strong evidence that early intervention at a very young age, particularly with young parents of young children, pays dividends of better concentration in schools, more children staying in school and more children with aspirations for the future. However, we still do not do enough of this. This is not just an Irish issue, as we do not do enough broadly speaking. Rather than trying to fix some of the problems which have already manifested themselves, it would seem most logical to start with those yet to be born, where we can make the greatest impact. I would love to see us driving this common sense approach to dealing with the many challenges in the Europe 2020 strategy and those which go beyond it.

I would like to address in particular the issue of regional development. I note the European

3 March 2015

Movement's observation that regional and local development are very important. It states, in not so many words, that it ought to be taken more seriously. I commend the joint committee's work in holding hearings, but the 2020 strategy will fail to deliver its targets on regional issues if it remains a top-down and non-inclusive process. In its report, the joint committee stated it encourages greater engagement between stakeholders, with a strong emphasis on a partnership approach.

I live in Sligo in the north west, which would be described by academics as a lagging region. It has lagged for a long time; in fact, it has probably always lagged. Various proposals have been put forward to support and encourage lagging regions. So long as we have lagging regions in countries, we will always have a lag which will pull against achieving big targets, such as those for employment. We must concentrate energy on regionalisation and take it very seriously. Bodies such as the Western Development Commission has put a lot of work into the creative aspect. Fáilte Ireland has put in an enormous amount of money into the Wild Atlantic Way, which will have a specific economic benefit through tourism. Much work has still to be done. As with the ageing issue, we do not spend enough time concentrating on the structures which ought to be put in place for regions in Ireland.

I commend the work being done by the Minister of State. The 2020 strategy is good and strong but it has many challenges. I wish the Minister of State well with his work and thank him for his presence in the Chamber.

**Senator Trevor Ó Clochartaigh:** Tá céad fáilte roimh an Aire. Maith é as ucht cúpla focal Gaeilge a úsáid ag tús a óráide ar son Sheachtain na Gaeilge. Is breá an rud é sin a chloisteáil.

The Europe 2020 strategy has been flawed since its inception. As the European Trade Union Confederation, ETUC, pointed out, the strategy relied on inefficient instruments, in particular, the opening method of co-ordination. Subsequently, economic governance structures were established to better co-ordinate economic policies, and Europe 2020 had to fit into this new governance architecture which was not conceived to help it reach its employment or social objectives. It is a strategy which paves the way for an even greater concentration of wealth in Europe. It is obvious the goals of Europe 2020 are clearly subordinate to the economic goals of the European semester. Why are there consequences when economic targets are not met but by contrast there are no consequences for not meeting social or environmental targets?

The Commission pretends the framework of the Europe 2020 strategy has started to deliver results, but this cannot be said of the Europe 2020 goals. The policies of the European semester might be appropriate for attaining its own goals but not the 2020 goals. An easy example of this is an assessment of austerity. As the ETUC points out in its mid-term review of Europe 2020, austerity is a policy which may be appropriate for enforcing fiscal consolidation, but the austerity policy has counter-productive and negative effects on research and development, innovation, the alleviation of poverty, unemployment and climate change, and is a complete hindrance.

While billions have been poured into bailout funds since the start of the financial crisis in 2008, no substantive decrease in deprivation rates is discernible. Furthermore, according to the annual growth survey, unemployment rates remain historically high nationally and EU-wide. This has led to a divergence in employment and social outcomes. Youth unemployment remains alarmingly high in many member states, and the risk of poverty is increasing, with nearly 120 million Europeans living in or at risk of poverty, while at home 30.5% of the population lives in enforced deprivation.

The social impact of the crisis is immense. The economic and financial crisis has created a widespread social crisis, with a growing gap in the distribution of resources. The recent development of economic governance has increased disequilibrium and social imbalances. All Members of the House know inequality has increased in this country and, what is more, inequality has increased throughout Europe, particularly in countries under troika programmes. The European Commission staff working document on the country report for Ireland 2015, highlights the shortfalls in achieving Europe 2020 goals in Ireland to date. Our country specific recommendations show our failures. On facilitating female labour market participation by improving access to more affordable and full-time child care particularly for low-income families, the report found Ireland has made no progress. This is similar to point 18 of part two of the mid-term review. On the commitment to reduce the number of people experiencing consistent poverty to 4% by 2016, which is an interim target, and to 2% or less by 2020, the report stated achieving the national target remains ambitious. We are also set to miss the target on the reduction of greenhouse gas emissions. We need to recognise the situation changes from country to country and a one size fits all approach does not work.

The political decisions of the Government and EU leaders to wed themselves to austerity, and their collective failure to embrace an ambitious stimulus programme, is why we see rampant social problems and high levels of unemployment. A radical change in policies, together with job creation and poverty reduction measures, were urged by Sinn Féin and reiterated by our MEPs and their partners in the Confederal Group of the European United Left-Nordic Green Left, GUE-NGL. As the ETUC further outlined, to transform Europe 2020 into a success story, first and foremost the austerity policy must end and a second more appropriate policy in favour of employment, research and innovation, education, the alleviation of poverty and strong action against climate change has to be designed. To paraphrase Danish MEP and GUE-NGL member, Rina Kari, we as Europeans will not be able to roll back poverty without adequate public services, a living wage and decent work, therefore, reorienting the 2020 strategy must be root and branch and based on human development and social and economic progress. It is not surprising that at the halfway stage Europe 2020 targets are a long way from being close to being met. There is no escaping that Europe 2020 in its current form reinforces the neoliberal system which led to the crisis.

**Senator Michael Mullins:** In deputising for my colleague, Senator Catherine Noone, I welcome the Minister of State with responsibility for European affairs and compliment him on the excellent work he is doing and on his superb efforts in promoting our country abroad. As he outlined, Europe 2020 is the European Union's ten-year jobs and growth strategy. It was launched in 2010 to create the conditions for smart, sustainable and inclusive growth, at a time of practically zero growth throughout Europe when many economies were still moving in the wrong direction.

At the commencement of the Europe 2020 process back in 2010, five headline targets were agreed for the EU to achieve by the end of 2020. These covered employment, research and development, energy, education, and social inclusion and poverty reduction. All of these are important to each European member state, none more so than Ireland.

The European Commission held a public consultation on the strategy between May and October 2014, and published the results this month. The results of this consultation will form part of how the Europe 2020 strategy should be taken forward as, naturally, things can change over the course of ten years, and the halfway point marks a good time for reflection on achievements to date and potential changes in the coming five years. It is intended that proposals to review

the strategy will be presented before the end of 2015.

In particular, the strategy has served as a guide for the design and programming of the European Structural and Investment Funds over the period 2014 to 2020, and it is in this context that we can easily see a number of important applications for Ireland. In the consultation period, 755 contributions were received from 29 countries. There are four main outcomes from this. First, Europe 2020 is seen as a relevant overarching framework to promote jobs and growth at EU and national levels. Its objectives and priorities are meaningful in the light of current and future challenges. The second outcome is that the five headline targets represent key catalysts for jobs and growth and help to keep the strategy focused. Furthermore, most of the flagship initiatives have served their purpose, yet their visibility has remained weak. I fundamentally agree that most people still have not heard of Europe 2020, let alone the aspirations, mechanisms employed or intended goals. There is a big public relations job to be done in this regard. This is a clear area for improvement, and a matter to which I will refer. The final outcome from the consultation is that it is believed there is scope and a need to improve the delivery of the strategy through enhanced ownership and involvement on the ground.

There is no question that, half way to the 2020 deadline, the delivery of the jobs and growth objectives is mixed across Europe, notably owing to the impact of the crisis. However, in an Irish context, there has been a notable number of achievements, not least our sustained reduction of the unemployment rate, in respect of which we moved from far beyond the European average to below it. Our rate is still decreasing at an average of 6,000 people per month.

Ireland's level of youth unemployment, while still too high, is far lower than that in Portugal, Spain and Italy. This is as a consequence of our domestic programmes, such as the Action Plan For Jobs, being designed to augment and dovetail neatly with the Europe 2020 programme. One successful initiative I am happy has been successful to date is the Youth Guarantee scheme, which was piloted on the north side of Dublin, and I hope to see it rolled out elsewhere throughout the country.

On the social front, the crisis has led to increased exposure to poverty and social exclusion and rising inequality. We see this less in Ireland than in other nations because our tax system is designed to flatten the inequalities. This was glossed over very much in the recent TASC report, which received a lot of coverage. While poverty, social exclusion and inequalities are issues on which we still need to work extremely hard if we are to tackle them, we should note the circumstances in other European countries have been far worse.

One of the aspects of the Europe 2020 headline targets that seems to have caught the public imagination concerns the moves towards the Europe 2020 headline targets on the reduction of greenhouse gas emissions. Despite the crisis there have been positive structural trends, for instance, in education levels, building a more sustainable energy mix and the reduction in the carbon intensity of the economy. As a consequence, the European Union is on course to meet or closely approach its targets on education, climate and energy, although it is clear that we still have a distance to go in Ireland, and there is still work ahead to reach our Europe 2020 targets.

This is not the case with employment, research and development, and poverty reduction, regarding which the impact of the crisis has been most acutely felt. In all areas, it is clear that efforts need to be sustained to consolidate progress and make further advances. One of the main reasons the targets on greenhouse gas emissions reduction and the use of renewable energy are often highlighted is that the regulations are supported by a legally binding framework at EU

level, including values to be reached at national level.

Growing divergences across and often within member states have hampered progress towards the Europe 2020 targets. The crisis has led to a growing gap between the best and least well performing member states, instead of the desired convergence of economies. In 2013, for example, the employment rate varied from 52.9% in Greece to 79.8% in Sweden. Ireland is above Greece in this respect but not yet at the level of Sweden.

One point worth noting is that there is overwhelming support for an EU strategy in favour of jobs and growth. A large majority, or 86%, of the respondents consider that Europe needs a comprehensive and overarching medium-term strategy for jobs and growth for the coming years. It is interesting that 86% of respondents have positive views on an EU strategy in favour of jobs and growth. This is a very high number, although it is perhaps symptomatic of the self-selecting nature of participants and not entirely indicative of the public as a whole. Nevertheless, in this context it is perhaps worth noting the European Commission's own Eurobarometer survey, carried out among European citizens, clearly shows a positive shift in attitude for the first time since spring 2011.

The image of the European Union continues to improve. A majority of Europeans have a positive image of it. The proportion in this regard is 39%, which is up four percentage points since spring 2014. Some 37% have a neutral image, representing a decrease of one percentage point, and just 22% have a negative image, representing a decrease of three percentage points. This is the third consecutive time that the proportion of Europeans with a positive image of the EU has increased. As a consequence, the proportion of Europeans for whom the EU conjures up a positive image exceeds the proportion with a neutral image for the first time since the Eurobarometer survey of spring 2011.

The successful implementation of the strategy has been affected by weaknesses in terms of awareness. I referred to that issue. First, the contributions to the public consultation point to an awareness gap regarding the strategy. I am sure the Minister of State will continue to work on this. I wish him continued success. I share some of the concerns expressed by Senator Terry Leyden on the implications of the referendum in the United Kingdom. The Minister of State, the Minister for Foreign Affairs and Trade, the Taoiseach and everybody else will be doing everything possible to convince those in the United Kingdom of the importance of remaining within the European Union.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Dara Murphy):** I thank the four Senators for their contributions. Unfortunately, we heard from Sinn Féin the usual point that everything is a disaster, with no suggestions anywhere at all as to what we might do to improve the lot of people of Europe.

May I pick up on the last point on which Senators Michael Mullins, Terry Leyden and Susan O'Keeffe touched in their contributions, namely, the issue of Britain? It was not part of the discussion on Europe 2020, but the Senators are absolutely correct to state that when we travel to other EU countries, our view on what may happen in the United Kingdom is very much solicited and sought given our proximity to that jurisdiction. I met Senator Terry Leyden briefly before this session and we talked about the excellent work that the Joint Committee on European Affairs has undertaken in travelling to the United Kingdom in recent days. I saw the programme, which comprised a very extensive set of meetings with representatives from all sides of the debate in the United Kingdom. I very much welcome the report of the committee,

3 March 2015

which is chaired by Deputy Hannigan. From the report, I will learn the committee's interpretation and assessment of the meetings.

We are and have been absolutely forthright in stating that we want the United Kingdom to stay within the European Union. We very much have shared interests with our neighbours across the Irish Sea. With regard to many of the issues raised and discussions at EU level, we find ourselves on the same side. We have a very significant trade relationship and there has been frequent reference to our shared border with the United Kingdom in Northern Ireland and the difficulties this may present. Equally, having stated our national position that it would be in the interest of Ireland and the United Kingdom and, broadly speaking, the European Union if the United Kingdom were to remain a member state, we are still very much in a vacuum. A general election is to take place and there are different opinions. We should remind, in so far as we can, the people of the United Kingdom and our citizens that the United Kingdom has played an enormously important role in the formation of the European Union. When I speak to any group, I often say it is not a question of Ireland and the European Union as two separate bodies, but that we are part of a family of 28 member states. Similarly, the United Kingdom is a vital and important part of the European Union and the European Union and has been part of the most successful peace process the world has ever seen. After many wars over hundreds of years, culminating in the Second World War, Europe, through the coal and steel agreements and then the European Economic Community, EEC, came together as a family of nations. Sometimes, when we discuss economic issues, austerity, fiscal stability targets and excessive deficit procedures, we forget that the reason we have a family of nations is so that the terrible horrors the people of our continent faced for so many hundreds of years can never happen again. We hope the debate will be productive. While we do not know what will happen in the United Kingdom after its general election, we would support many of the interests and concerns that have been iterated by politicians on both sides in the United Kingdom. We look forward to engaging in that space.

I agree with Senator Michel Mullins on the visibility and purpose of the Europe 2020 targets. Their ambition is to improve the lives of citizens through education, research and development, social cohesion policies and employment targets. The targets aim to use the benefits and effects of a sometimes nebulous concept of economic growth to improve the lives of the 500 million citizens we have. As Senators Susan O'Keeffe and Michael Mullins said, we all have a job of communicating the importance of converting what has been a very poor period of economic stability in Europe to a period of growth and that the purpose of it is not to tick a box or fulfil an upward trajectory of a curve on a spreadsheet but to confer benefit on the people who badly need it. I particularly like Senator Susan O'Keeffe's reference to how correcting youth unemployment will confer a benefit on people who retire. The ratio of those who retire to those who are working is crucially important, especially given the ageing demographic in Europe, which must be addressed separately. We need our young people to work and to feel they are a valuable part of European society.

Regional development is vitally important for Ireland and in all elements of dialogue we have always been, and continue to be, very aware of its importance to us as a peripheral island nation on the edge of Europe. We have extremely strong regard for regional development and will continue to work towards it. I thank the Cathaoirleach for the invitation to come here to discuss Europe 2020. It was the correct policy for the European Union five or six years ago to set itself ambitious targets for 2020. While we are all aware of the enormous economic difficulties that beset Ireland and many European countries and set back many of the targets, some of them have been achieved.

Senator Terry Leyden mentioned the Committee on European Union Affairs, of which he is a member and of which I was formerly a member. It is an excellent committee because it has a very co-ordinated and productive pro-European outlook, which we do not have enough of in the Oireachtas. Ireland is very pro-Europe and it is to be hoped this enthusiasm can continue to grow. I was unaware of the data Senator Michael Mullins mentioned which show that, for the first time, the number of people who have a broadly positive view of the European Union has surpassed the number who have a broadly neutral view of it. This is the sort of information we need to communicate, that the European project is alive and well and that there is continued space for politicians in both Houses in this country and across Europe to extol the virtues of what is a wonderful part of the world in which to live, the European Union.

**An Cathaoirleach:** When is it proposed to sit again?

**Senator Michael Mullins:** Ar leath uair tar éis a deich maidin amárach.

The Seanad adjourned at 7.25 p.m. until 10.30 a.m. on Wednesday, 4 March 2015.