



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Déardaoin, 30 Aibreán 2015*

*Thursday, 30 April 2015*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

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

The need for the Minister for Health to furnish details of all repayments received under the fair deal scheme from the estates of deceased fair deal scheme recipients.

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

The need for the Minister for Health to comment on the take-up of private health insurance arising from the 30 April deadline.

I have also received notice from Senator Jim D'Arcy of the following matter:

The need for the Minister for Justice and Equality to clarify the position in relation to staffing levels and operational procedures in Blackrock Garda station, Blackrock, County Louth, in view of community concerns in relation to a possible reduction in staff numbers.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for the Environment, Community and Local Government to outline what funding is being made available to local authorities for housing aids for older people and housing adaptation grants this year and when the funding will be allocated to local authorities.

I have also received notice from Senator Trevor Ó Clochartaigh of the following matter:

An gá go ndéanfaidh an tAire Comhshaoil, Pobail agus Rialtais Áitiúil soiléiriú a thabhairt maidir le líon na n-iarratas ar cheadúnais bainte feamainne atá le cinneadh ag a Roinn faoi láthair agus cathain a mheasann an Roinn a dhéanfar cinntí ar na hiarratais atá ar feitheamh.

I have also received notice from Senator Tom Sheahan of the following matter:

The need for the Minister for Health to outline why a population of 3,000 people in

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Rathmore and Gneeveguilla, County Kerry, have been without a general practitioner since autumn 2014.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Burke, Bradford, D'Arcy and Conway and they will be taken now. Senators Ó Clochartaigh and Sheahan may give notice on another day of the matters they wish to raise.

## **Commencement Matters**

### **Nursing Homes Support Scheme**

**An Cathaoirleach:** I welcome the Minister of State, Deputy Jimmy Deenihan, to the House.

**Senator Colm Burke:** I welcome the Minister of State. My question concerns the public perception of the fair deal scheme, which was set up in 2009. The structure was that people would pay 80% of their pension or income and 5% of their assets for a maximum of three years. That was subsequently raised to 7.5% of assets. The scheme has been operating for over seven years and this year will cost around €970 million. I welcome the allocation in the past two or three weeks of an additional €42 million. We intend to publish a paper on the review of the scheme but the perception is that the State is taking back quite a lot of funds from estates and it is important that the correct figures are available.

I also have a concern, which is not directly in the Minister of State's remit, that there is a perception that the three-year cut-off point does not apply to people from the business and farming communities who end up in a nursing home under the fair deal scheme. One family I know is paying over €2,500 a month for the support of the mother in a nursing home and there is no end to that because of the valuation of her assets. My understanding is that she has MS, an illness that will not change and will probably deteriorate in the coming years. While there are some issues concerning the fair deal scheme, it is important that the public has the correct information.

**Minister of State at the Department of the Taoiseach (Deputy Jimmy Deenihan):** I thank Senator Burke for raising this matter.

The nursing homes support scheme is a generous scheme which relieves families of potentially very onerous expense and even protects the greater part of the value of a participant's main residence. However, it is also expensive. The amount allocated to the scheme in 2015 is €993 million, which is an increase of €44 million on 2014.

Under the scheme, nursing home residents contribute towards the cost of their nursing home care based on their means and the HSE pays the balance. Where an applicant's assets include land and property in the State, the 7.5% contribution based on such assets may be deferred. This is an optional loan element of the scheme which can assist an applicant with the cost of their care. The purpose underpinning the loan is to ensure that an applicant does not have to sell their house during their lifetime. The loan can be repaid at any time but will ultimately fall

due for repayment upon the applicant's death. Under the Nursing Homes Support Scheme Act, the Revenue Commissioners are the appointed agents of the State for the collection of repayable moneys under the loan element of the scheme. Such moneys received by the Revenue must be paid into the Exchequer Central Fund. Since the scheme commenced in 2009, the HSE has notified the Revenue Commissioners of a total of 2,270 loans for repayment. The value of these loans amounts to €40.1 million and, as of the end of April 2015, a total of €23.8 million has been repaid.

The following arrangements apply to the collection of these amounts by the Revenue Commissioners. In the event of a death, the accountable person has 12 months to repay the loan after the date of death. Where the nursing home loan is repayable because of the sale or transfer of property, the person must repay the nursing home within six months of the date of the sale or transfer. Under the legislation, the repayment of the nursing home loan may be further deferred where certain conditions are met, for example, where the property is the principal residence of the surviving partner of the person who has died. The Senator will be aware that the nursing homes support scheme is currently the subject of a review.

**Senator Colm Burke:** I thank the Minister for the information. Given that during the past four years we have paid approximately €3.8 billion in the fair deal scheme and that we are now discussing a refund of €23 million, it is less than 0.5% of the overall expenditure. Regarding the 80% of people's pension that is being collected, we have never received any information from the HSE about what it amounts to. The Minister of State corrected me and stated that €993 million has been allocated to the scheme for this year. The 80% levy on people's pensions probably adds up to another €200 million on top of this. However, we have never seen exact figures for the contribution. To be fair to the taxpayer and everyone involved in the scheme, it is important that all the correct figures are made public. I ask that this information be published at the same time as any review of the fair deal scheme is published.

**Deputy Jimmy Deenihan:** If the Senator will put those questions on paper, I will get the responses. If he wants this level of detail, I will ask the Minister for Health, Deputy Varadkar, to provide the statistics.

## **Health Insurance**

**Senator Paul Bradford:** I thank the Cathaoirleach for the opportunity to seek an update from the Minister for Health, Deputy Varadkar. Presumably, the Minister of State, Deputy Deenihan, will speak on his behalf on the response to or take-up in respect of the Government's recent decision to levy people aged over 35 who take up health insurance for the first time after 30 April 2015. I have mixed feelings about the scheme. While I appreciate that we must do everything possible to encourage people to enter the private health insurance market as part of the long-term move towards some type of universal health insurance, I have a difficulty with the concept of compulsory insurance being almost imposed on people. This is as close to compulsory as we can get.

I would be interested to know what the public response has been. The deadline is tonight. It would be helpful, even at this late stage, if the Minister would extend the deadline. There has been much public advertising, and we have been advised that there has been a significant public response, although it may not have been the response which was expected. During the past week, I have listened to many health insurance commentators speaking on the radio and,

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on the whole, they are in favour of the proposal. Many families are still under major financial stress and strain and it is difficult to encourage people who, for various reasons, have not taken out health insurance, to do so. It might be helpful to have flexibility on the closing date for the new terms and conditions.

While we are discussing the broad issue of private health insurance, it is fair to say that there is a level of disappointment at the abandonment of the Government's universal health insurance proposal. While it was always, perhaps, aspirational and it was a high bar to jump, it appears it is dead in the water. We must return to the drawing board regarding health insurance, given that the universal health insurance scheme figures do not seem to add up. Medical costs are still the most significant issue regarding health insurance and the health service in general. Medical costs are not being challenged and tacked sufficiently. As costs continue to escalate, it does not take a rocket scientist to confirm that health insurance costs will also rise. This has been a primary difficulty in the market during recent years. Issues such as insurance claims and medical insurance costs are part of the mix. The Minister, Deputy Varadkar is still relatively new to the job and is, presumably, working day and night to get a hold on it. However, the Department of Health and its problems have been with us for so long that we sometimes despair that change and progress is so slow.

Could the Minister of State confirm the level of take-up and what it means? What about the people who cannot afford to take out even the most basic policies on offer? It is pertinent to advise people that some of these very basic packages are health insurance in name only and offer very few benefits. While I understand why the Government felt community rating had to be defended in this fashion, there are other issues from the point of view of competition in the market and, above all, the costs of medical care, medical provision, medical insurance and medical claims, and these must be part of the solution. I look forward to the Minister of State's update on the take-up of health insurance under the scheme.

**Deputy Jimmy Deenihan:** I am taking this debate on behalf of the Minister for Health, Deputy Varadkar, who is on Government business elsewhere and regrets that he cannot be here. I thank the Senator for raising the issue as it gives me an opportunity to update the House on this important matter. Community rating, reflecting the principle of intergenerational solidarity, is a fundamental cornerstone of the health insurance system. This means people who are old or sick do not have to pay more than the young and well. Under community rating, the level of risk that a particular consumer poses to an insurer does not directly affect the premium payable. For community rating to work, we depend on a constant influx of younger, healthy people taking out health insurance to help keep premium prices down for everyone. This is why lifetime community rating is being introduced, to encourage people to take out health insurance at a younger age, thereby helping to spread the costs of older and less healthy people across society. This helps to support affordable community-rated premiums for everyone who wishes to purchase health insurance.

From tomorrow, there will be late entry loadings for those aged 35 and over taking out health insurance for the first time. The loadings are set at 2% per year starting at age 35, up to a maximum loading of 70% at age 69 and over. Crucially, people of all ages can avoid loadings by taking out health insurance before the end of the grace period at midnight tonight. Since the start of March, the Health Insurance Authority has been running a public information and awareness campaign around lifetime community rating to publicise this significant change. The campaign includes a nationwide advertising campaign in the run-up to the 30 April deadline, running across various separate media platforms including television, radio, print and the Inter-

net, to reach as many people as possible and to inform the public of the impending change. In addition, the insurers have been running their own individual media campaigns to inform the public and have developed web-based information tools to provide any additional information required.

Following the expiry of the grace period, there are exemptions available to help limit the level of loadings that can apply. Previous periods of health insurance cover are taken into account in calculating the loading that may apply. In addition, a credited period, in total not exceeding three years, is also available for individuals who previously had health insurance but relinquished cover since 1 January 2008 due to unemployment. In such cases, the level of loading will be reduced by the relevant credited period or periods.

The Health Insurance Authority will have updated market figures for the April to June period available at the end of July. However, insurers have confirmed high levels of Internet traffic and telephone contact from people as the grace period draws to a close, and the insurance companies are confident that they are fully ready to deal with any last-minute upsurge, with telephone lines open late all this week. Any increase in the number of younger insured persons will have a positive impact on the market as a whole. In addition, the measure will also encourage people to retain health insurance once they have it, which in turn will help to keep premium prices down for everyone.

**An Cathaoirleach:** I will take a brief question from the Senator.

**Senator Paul Bradford:** To repeat the point I made earlier, even at this late stage the Minister should consider an extension of the deadline. It is something we see across many Departments in respect of many schemes that the deadline is extended at the last minute. I would not expect to hear from the Minister at this hour of the last day. If we are genuinely attempting to encourage as many people as possible to take out health insurance, and if by extending the deadline by a week or a fortnight, another 2,000, 3,000, 5,000 or 10,000 people would do so, that would be a help. I ask the Minister of State to impress on the Minister the need to consider an extension of the deadline because, notwithstanding the telephone calls and the Internet traffic, early indications appear to be that the take-up is not as significant as had been expected. That could be wrong and, as the Minister of State has said, the figures will not be available until the end of July, but there is no harm in considering a short extension of the deadline. The Minister of State does not have to respond but I simply ask him to convey my strong request in that regard to the Minister for Health, Deputy Leo Varadkar.

**Deputy Jimmy Deenihan:** I will certainly convey the Senator's request to the Minister. I wish to draw to the Senator's attention a press statement the Minister issued on Tuesday last, in which he confirmed there will be no extension of the deadline. It is important that we all appeal to people to be mindful of the deadline. As we know and appreciate, the more young people who take out insurance, the less of a liability there will be on the older generation. In time everyone will experience that stage of life and will depend on younger people to help them. It is very important that people abide by the deadline to take out insurance before it expires.

### **Garda Deployment**

**Senator Jim D'Arcy:** Will the Minister for Justice and Equality clarify the position on staffing levels and operational procedures in Blackrock Garda station, Blackrock, County

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Louth, in view of community concerns about a possible reduction in staff numbers? In 2012, a Garda sergeant and four gardaí were stationed at Blackrock Garda station. The number had been augmented some years earlier due to the rapidly increasing population of the area, but in recent times those numbers have been reduced and at present there is one Garda sergeant and one garda in the station. I realise that one garda in the station was badly injured in the course of duty but is recovering well. He is an excellent member of the Garda Síochána. Another garda in the station has been reassigned to the Adrian Donohoe case, which is very important work. We all hope the perpetrators of that dastardly murder will be brought to justice. Wherever they are hiding at the moment, there is no hiding place for them.

Blackrock is a growing area. Due to the hard work of the local tidy towns committee and the traders, it has again become a great tourist attraction for the people of Louth, Monaghan and Cavan. It is an area that has always been visited by Cavan and Monaghan people. The poet, Patrick Kavanagh, wrote about going to Blackrock for the day. The tourist aspect of Blackrock died down over a number of years as it became a residential area. Today, like Carlingford, which due to the efforts of people such as Senator Terry Brennan has become one of the best tourist attractions not only in Louth but in Ireland, Blackrock is becoming a very attractive location for people to visit. It attracts its share of people who can play on that. There has been a large increase in burglaries not only in Blackrock but in the Louth area due to its accessibility to tourist criminals. Notwithstanding the great work done by the Minister for Justice and Equality in increasing Garda numbers nationally and in Louth, we need at least one extra garda, or perhaps two on a permanent basis, when the injured garda recovers, to deal with the crime levels in the area.

**Deputy Jimmy Deenihan:** The Minister wishes to thank the Senator for raising this important matter. The House will be aware that the Garda Commissioner is responsible for the detailed allocation of resources, including personnel, transport and other facilities throughout the organisation and the Minister has no function in the matter. This allocation of resources is constantly monitored by the Commissioner and her senior management in the context of demographics, crime trends, policing needs and other operational strategies in place on a district, divisional and regional level to ensure optimum use is made of Garda resources.

Specifically in relation to the Louth division, the Minister has been informed by the Commissioner's office that 279 gardaí are assigned to the division, of which four are assigned to Blackrock Garda station. There are also 46 reserve gardaí and 22 civilians attached to the division. When members attached to Blackrock Garda station are not on duty, telephone calls are transferred to Dundalk Garda station.

Last September the Government oversaw the first recruitment of new gardaí since 2009. The Garda College was reopened for new recruitments and the Government is committed to not letting it close again. To date, 300 new recruits have entered the Garda College, and the first of these joined the force as sworn members last week. The Minister also recently received sanction from the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, for the recruitment of a further 250 new gardaí in the coming months. The additional recruitment will bring to 550 the total number of gardaí who will have been recruited by the Government between September 2014 and October 2015. This signifies the determination of this Government to deliver an effective, responsive police service to protect our communities and respond to emerging crime trends.

The allocation of resources within the Louth division continues to be closely monitored by

Garda management to ensure that, within existing constraints, optimum use is made of resources to provide the best possible Garda service to the public and to address the policing needs of communities. Garda management is satisfied that a full and comprehensive policing service is being delivered to the communities in the area concerned and that current structures in place meet the requirements of the delivery of an effective and efficient policing service. The Garda Commissioner will, of course, continue to keep the needs of the Louth Garda division under review within the overall context of the needs of Garda divisions throughout the country.

The Minister is determined that the resources of An Garda Síochána will be used in the best, most effective and efficient way possible.

The Minister is confident that the primary Garda objective of combating crime will continue to be achieved and that despite pressure on the public finances it will be possible for the force to operate to the optimum benefit of our communities in a manner that will facilitate the prevention and detection of offences.

**Senator Jim D'Arcy:** I thank the Minister of State for his reply. I would like to put on record that the people of Louth appreciate the great work being done by An Garda Síochána.

Traditionally, special resources were provided to deal with extraordinary actions in Border areas. While I acknowledge that the allocation of resources is a matter for the Garda Commissioner, it would appear that Louth is under-resourced in terms of population and crime levels. Louth is in the Border area. A couple of weeks ago the British-Irish Council special reporting committee called for the establishment of a special task force to combat crime, such as diesel laundering, in the area. Will the Minister ask the Garda Commissioner to re-examine the possible recalibration of resources to take account of the extraordinary factors in Border areas?

*11 o'clock*

**Deputy Jimmy Deenihan:** Again, I thank the Senator for raising this issue. As I alluded to earlier, with the recommencement of Garda recruitment, the allocation of gardaí on completion of training at the Garda College to the Louth division will be kept under review and fully considered by the Garda Commissioner in the context of the overall requirements of An Garda Síochána nationally. On behalf of the Minister and the Government I acknowledge the work An Garda Síochána does in maintaining the security of the State and in keeping communities throughout the country safe and state that this Government will continue to support An Garda Síochána in its work. I have taken on board the issues raised by the Senator and will communicate them to the Minister for Justice and Equality.

### **Housing Adaptation Grant Funding**

**Senator Martin Conway:** I, too, welcome the Minister of State, Deputy Deenihan, to the House. It is great to see him. A number of councillors throughout the country have raised with me their concerns regarding housing adaptation grants scheme funding for the elderly and people with a disability, which has been very successful in providing elderly and disabled people with a degree of comfort by facilitating them to continue living in their own homes for longer periods, which is to be welcomed. People coming towards the end of their lives deserve to be able to live in dignity. These schemes have facilitated many thousands of elderly people to do necessary remedial works to their homes, including installation of accessible bathrooms, new windows, doors and roofs, and insulation.



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The problem is that the local authorities have not as yet been notified of their contribution towards these schemes for 2015. The allocation for this scheme should be increased as it would have the double effect of facilitating address of the issues outlined on behalf of our older citizens and provide employment for small construction companies employing two or three people as opposed to larger construction operators. Smaller construction companies are better able to provide this service and the quotations and so on required under these schemes.

I cannot for the life of me understand why the local authorities have not yet been told their contribution for 2015. My understanding is that in 2014 and previous years they were made aware of their allocations under this scheme in January. When will the local authorities receive a circular outlining their contribution for this year and can we expect that the amount provided for each local authority will be an increase on that provided in 2014?

**Deputy Jimmy Deenihan:** I thank Senator Conway for raising this important matter. The Department of the Environment, Community and Local Government provides funding to local authorities for the housing adaptation grant scheme for older people and people with a disability. Under this scheme, a suite of grants is available to private home owners. The scheme is of significant social benefit in terms of facilitating the continued independent occupancy by older people and people with a disability of their homes. The grants are 80% funded by the Department of the Environment, Community and Local Government, with a 20% contribution from the resources of each local authority. Exchequer funding of more than €37 million was provided for these grants in 2014. This amount, combined with the contributions from the local authorities, amounted to overall spend of €46.3 million. National funding for 2015 is to increase by 10%, giving a combined spend of €50.5 million. Individual allocations to local authorities will be made shortly. Some 8,000 households are expected to benefit under the schemes in 2015. The Minister is aware that the grant measures are heavily subscribed across local authority areas and the Department of the Environment, Community and Local Government will be requesting local authorities, where necessary, to prioritise those applications based on need.

At local level, the detailed administration of these schemes, including assessment, approval and payment of individual grants to applicants, is the responsibility of the relevant local authority. Funding is also available to support local authorities in undertaking adaptations and extensions to their own social housing stock to meet the needs of their tenants with a disability or to address serious overcrowding. Support from the Department of the Environment, Community and Local Government meets 90% of costs, with local authorities providing the remaining 10%. Again, the implementation of works under these supports for local authority tenants is a matter for the authorities. It is for them to determine in the first instance if the works are needed to make the accommodation more suitable for the tenant and to prioritise the use of available resources.

In recent years, despite significant funding reductions for social housing overall, a concerted effort has been made to protect expenditure in respect of extensions and adaptations to local authority homes. In 2014, funding nationally in this area was €8 million. I know that the Minister, Deputy Kelly, hopes to ensure that 2015 funding for these supports to local authorities is at least maintained at the same level as last year.

**Senator Martin Conway:** I thank the Minister of State for his comprehensive response. In regard to the statement in his response that allocations will be made available to the local authorities shortly, will the Minister of State be a little bit more specific and, perhaps, provide us with a date in that regard? Councillors and officials are crying out for a date to enable them

to proceed to the next stage and make grants available.

**Deputy Jimmy Deenihan:** On leaving the House, I will contact the Minister's office and request that information for the Senator.

*Sitting suspended at 11.10 a.m. and resumed at 11.30 a.m.*

### **Order of Business**

**Senator Maurice Cummins:** The Order of Business is No. 1, motion regarding the arrangements for the sitting of the House on Tuesday, 5 May, to be taken without debate on the conclusion of the Order of Business; No. 2, Vehicle Clamping Bill 2014 - amendments from Dáil Éireann, to be taken at 12.45 p.m.; and No. 3, Roads Bill 2014 - Report and Final Stages, to be taken on the conclusion of No. 2.

**Senator Mark Daly:** I quote from *The Scarlet Pimpernel*:

They seek him here, they seek him there

[They] seek him everywhere

Is he in heaven or is he in hell?

That damned elusive Pimpernel

Today, we see the very elusive Scarlet Pimpernel of European banking, Mr. Jean-Claude Trichet, appear, but not appear, before the banking inquiry. He is in Kilmainham and will answer some questions from members of the Joint Committee of Inquiry into the Banking Crisis. It is quite amazing that the European Central Bank is displaying such arrogance and disregard for the Irish Government and Irish people. We were told it did not appear before national parliaments, but it does. It appeared before the Italian finance committee and answered questions from and yet it refused to appear before our inquiry. That is the arrogance of the European Central Bank and the Scarlet Pimpernel of that institution, Mr. Jean-Claude Trichet.

The Government has been given, to put it diplomatically, the two fingers not only by the European Central Bank but also by the Irish banks, some of which have said they will not reduce the variable mortgage interest rate despite the Government's promise to deploy the four horses of the apocalypse if they did not. The Bank of Ireland and Ulster Bank have said they will not do so. The Government's mettle is now being tested. It is being asked again to stand up for the Irish people and impose the levies or bring in the legislation that would force the banks to reduce the rate. Will the Government do it? The track record shows that it probably will not.

A leading bank CEO is getting paid €365,000 per year, or €7,000 per week or €1,000 per day, for doing a job in the same bank he was in charge of when the whole thing fell apart. We will not name him.

**An Cathaoirleach:** I thank the Senator.

**Senator Mark Daly:** I did not want to be ruled out of order for naming Richie. Individuals with a variable rate mortgage of €200,000 must pay an extra €6,000 per year because of the variable rate and because the Government will not stand up for them. Would they not love one

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week's wages of that bank CEO to pay back the money he is robbing from them because the Government will not stand up for them?

Will the Government-----

**An Cathaoirleach:** The Senator should not use the word "robbing" in relation to a person he has already identified.

**Senator Mark Daly:** All right. He is not robbing it; he is taking it legally. The Government said he should not do it, so I hope it will bring in legislation to ensure this activity is regarded as robbing.

I praise TG4 for an excellent documentary it showed last night on the life of Tom Barry, an extraordinary gentlemen whose father was in the RIC. He was in the British Army himself and was serving in Iraq when he heard about the 1916 Rising. He was involved in the War of Independence and had such regard for Michael Collins that Mr. Collins's family asked him to give the speech at the unveiling of a monument to Mr. Collins. He spoke about the tragedy of the Civil War. TG4's excellent documentary was a great exposé of information regarding the famous ambush at Kilmichael. Mr. Peter Hart, the author of what could only be described as a tissue of lies and a book of fraud, should apologise to the families of those involved in the Kilmichael ambush for making up what has now been revealed to have been an absolute falsehood. He did an extreme disservice to Tom Barry and the boys of Kilmichael. The record was put straight last night, thanks to TG4.

**Senator Jim D'Arcy:** Sing the song.

**Senator Ivana Bacik:** I would not invite Senator Daly to sing a song.

**Senator Mark Daly:** The Senator obviously heard me singing previously. I do not want to clear the Seanad. My singing voice has the same effect as tear gas.

**Senator Ivana Bacik:** The Senator said it. We do not want to see the Seanad cleared for any reason.

I commend the members of the banking inquiry. Like everybody else, I am looking forward to the question and answer session with Mr. Jean-Claude Trichet this afternoon. I am delighted, as we all should be, that the members of the banking inquiry will get an opportunity to question Mr. Trichet on his role in the events surrounding the bank guarantee and subsequent bailout. That is very important. Anyone who heard Senator Susan O'Keeffe on the radio this morning discussing this will understand why the format being adopted is being adopted. It is very welcome. I join with other colleagues who spoke yesterday to condemn the executions for drugs offences of a number of individuals which were carried out in Indonesia, and I also condemn capital punishment more generally. Ireland has been a leader on this, as has the Council of Europe. It is very distressing to see executions continue to be carried out not only in Indonesia but across some US states and in Russia and China, the other countries in which we see the largest numbers of people executed.

I ask the Leader for a debate on enhancing the amenities of Dublin as a capital of culture and a city to which people are drawn from all over the world. I ask for that in keeping with a number of developments. There have been a good deal of resources devoted by the Government to developing Dublin's amenities, particularly in the lead up to the centenary commemorations

next year. I am particularly pleased to see reports in today's newspaper about 14 Henrietta Street, which will be opened next year as a museum of tenement life and to which €1.5 million has been allocated. I know Senator Norris will have a particular interest in this.

**Senator David Norris:** It would be a lot better if they restored the houses.

**Senator Ivana Bacik:** I would agree with Senator Norris but there is going to be a great deal of restoration and maintenance work. As he knows, 14 Henrietta Street is important because it has been untouched for so long that it is in a perfect condition to represent life as it was lived 100 years ago.

**Senator David Norris:** It is one of the Underwood houses, I think.

**Senator Ivana Bacik:** I am told it has not received a lick of paint in 100 years. To see it restored in a sensitive manner as a museum of tenement life would be really welcome. Given the huge public response to the Road to the Rising events on Easter Monday, about which I have spoken previously, there is enormous interest in the cultural aspects of the last century and the way in which people lived their day-to-day lives. That is what Henrietta Street will represent.

I am also glad that the Poolbeg chimneys are going to be retained and restored. I know Senator Norris will have something to say on this. It is very welcome to most of us who live in Dublin and love the sight of those chimneys.

**Senator Mark Daly:** We could decommission some dynamite by using it on them.

**Senator Ivana Bacik:** They are a landmark and are iconic of the Dublin cityscape. It is welcome to see the ESB announcing it will restore them and start to maintain them properly.

**Senator Feargal Quinn:** I attended a very interesting meeting in Drogheda on Monday to do with urban renewal. The Joint Oireachtas Committee on Jobs, Enterprise and Innovation put forward a 14-point plan for urban renewal. Much can be done, particularly for the main streets of our small towns. The plan included a huge range of topics and would be worthy of discussion in this House as everybody here would have a view on it. Some towns in Ireland have so many empty shops. In Athlone over 21% of the shops are vacant and yet there are plans to do something. Today, the Government announced that very shortly, it is going to unveil an urban renewal plan of something like €80 million to do something about the main streets of our towns. The debate does not have to be this week and we could wait until the Government has made the announcement. There are things that can be done that do not cost a lot of money but cost the effort, enthusiasm and commitment of traders.

May I also ask that we find time soon to debate the new trade agreement between the European Union and the United States? Although it seems to me to be a huge opportunity, we are already beginning to hear the concerns of those who feel they are going to lose out on it. We should be debating this before final decisions are made.

**Senator Jim D'Arcy:** Will the Leader invite the Minister for Justice and Equality to the House to discuss the allocation of Garda numbers to the various divisions? I know it is a reserved function of the Garda Commissioner to allocate the numbers but the reasoning behind it needs to be explained. I am delighted with the 550 additional recruits and the high quality of the work done by the Garda Síochána.

In the context of the British-Irish Council a few weeks ago, Senator Paul Coghlan recom-

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mended setting up a task force in the Border area to investigate criminality such as diesel laundering and smuggling. There are extra needs in the Border area. Allocation of gardaí should be based on population, crime levels and, in the Border areas, on the specific problems of those areas. It is not a Border problem but a national problem located in those areas. The allocation of 279 gardaí to the Louth division is totally inadequate to the needs of the area relative to other divisions and the numbers in them.

I do not believe this is being done out of any badness. It is an historic deficit because years ago a special number of Garda and Army personnel was allocated to the Border areas in addition to the ordinary deployment. Since the Good Friday Agreement and the ceasefires, that has changed and account has not been taken of the criminal aspects such as cigarette smuggling and diesel laundering. There is a need for extra resources in addition to the ordinary complement for each division.

**Senator Paschal Mooney:** I am absolutely flabbergasted at the silence of the Department of Education and Skills on the unfolding crisis in the English language schools. There has not been a time over the last 12 to 18 months in which we have not watched on television bewildered, confused, angry and upset foreign students who find themselves closed out of language schools that have suddenly shut down. As a result of this unfolding crisis, there is going to be a public protest next Tuesday outside Dáil Éireann. Students, teachers and staff will unite in protest to highlight what they perceive as the exploitation of international students and staff working in the international education industry. In the last year in Dublin, 13 English language schools have closed, leaving students stranded without courses and leaving staff jobless and without pay.

The question is, who is protecting these students? Who is protecting the teachers and staff? NCBA and Modern Educational Centre have been the most recent international schools in the media as they stopped paying staff seven weeks ago and stopped providing classes to students on 23 April. These schools have not yet closed but if they do, they will be the 14th and 15th language schools to close in Dublin since April of last year. There were only seven inspections of language schools carried out in 2014 and the response from the Department of Education and Skills has been underwhelming to say the least. The Department has done nothing to improve the regulation of schools and language schools continue to operate purely to drive profits without any regard for the impact of school closures on students, teachers or staff. With so many school closures, the industry is now overstaffed and working conditions for teachers and staff are continuing to deteriorate. Teachers who are unionised have received unfair treatment from schools. Zero-hour contracts that are dependent on student numbers on a term-by-term basis, requirements to be paid as contractors so that schools can avoid having PAYE staff and many other issues must be addressed.

I hope that this House will unite in support these unfortunate people next Tuesday. I cannot for the life of me understand why the Department of Education has not grasped this issue. Not only is it impacting on the lives of the people I have outlined, but is also doing international damage to this country as a result of continuing closures on a rolling basis. I am not in any way trying to be politically partisan here. I am sure Members on all sides of the House will agree this issue needs to be highlighted. It has been undercover for too long now. I am sure all Senators are in agreement on this. I ask the Leader to convey the concerns of this House to the Minister for Education and Skills. A public statement on the Department's exact policy in this regard should be issued as part of an attempt to undo some of the damage that is being done to Ireland. As those who have worked in the teaching profession will be aware, Ireland has a

wonderful reputation for teaching the English language. I think Senator Norris might have said at one stage that Dublin is the best place to learn English. It is better to learn it in Ireland rather than England. I hope some action will be taken in this regard and a response will be given to those who will gather outside this House next Tuesday.

**Senator Michael Comiskey:** I support the words of my colleague, Senator Quinn, about the closure of shops in small towns and villages. I have raised this matter in the House on several occasions. The issue of rates is one of the many problems being encountered by small businesses. I have made that point previously here. We need to look at all of the ideas that have been proposed. When we walk through towns and villages, including some of our larger towns, we see that many of the shops that were on the main streets some years ago have closed down because of a lack of business and trade. The initiative that has been mentioned is a good one and I look forward to seeing it moved further.

I welcome this morning's announcement by the Minister, Deputy Coveney, of the opening of the second tranche of the green low-carbon agri-environment scheme. As most farmers out there and everybody here will know, the first tranche of the scheme will close on 22 May. Planners are very busy doing work for farmers. Indeed, there was a big rush. Up to 25,000 farmers will enter that scheme. It is good news that the second tranche will open in the autumn. Those schemes will run for five years and payments of up to €7,000 will be made to each farmer. This is great news. It is something that has been sought for the past 12 or 18 months. It is very good news for commonage farmers, in particular, because they have suffered greatly in recent years because of destocking and everything else. They have seen their payments diluted in the commonage areas. This is good news for them too.

**Senator Kathryn Reilly:** I would like to raise two issues this morning. I am concerned by today's revelation that thousands of radiological examinations reported in hospitals across the country have had to be reviewed. It is understood that these scans were reported on by three locum consultant radiologists in seven different hospitals and that at least one patient has had a delayed diagnosis of cancer as a result. As someone from County Cavan, which is one of the areas where patients have had to be recalled, this is a cause of concern for me. I am sure it concerns many others in this House too. I am sure it has caused great worry for the families of those involved as well. While most of these patients have not suffered serious clinical outcomes, fortunately, the fact that the potential was there further erodes confidence in our health system. The scans have had to be reviewed. It is likely that the locum doctors involved and their agencies were paid exorbitant fees. They are often paid at four times the rate of permanent staff. It is important that we ensure the HSE focuses on reducing reliance on agency staff and makes permanent hospital posts attractive to qualified applicants.

I would like to ask for an update on the progress being made with the Public Health (Availability of Defibrillators) Bill 2013, which was introduced in this House by Senator Quinn towards the end of 2013. I suggest that the House should consider having a debate with the relevant Ministers on this issue, with particular reference to a report published by HIQA at the end of last year, which called for a targeted deployment of defibrillators. Earlier this month, Cavan County Council passed a motion calling on the Government to enact legislation that would ensure defibrillators are available in certain buildings. This motion, which was put to the council by my colleague, Councillor Paddy McDonald, following the death of a man in a hotel in County Cavan, received unanimous support. I remind the House that because no defibrillator was readily available at the hotel, a member of staff died after collapsing on the kitchen floor. It was mentioned when Senator Quinn's Bill was debated in the Seanad in 2013 that the use of these

devices in real-life emergency situations can more than double survival rates among people who experience sudden heart stoppage due to heart attacks or errant heart rhythms. We need to give strong consideration to this serious issue for public health policy, just as we did in previous discussions about placing fire extinguishers near building exits, wearing seat belts while driving and manufacturing cars with airbags. It has been mentioned that nearly half of all deaths from cardiovascular disease are sudden and unexpected and occur before hospital admission. As the length of the delay between cardiac arrest and defibrillation is a significant predictor of survival, it is important that we make sure this legislation goes through these Houses, is brought to fruition and is implemented. I ask the Minister and his colleagues in the Department of the Environment, Community and Local Government to look at this issue as a matter of urgency.

**Senator Michael Mullins:** I support Senator Mooney's comments about the international language schools. The image of our country is being severely damaged by what is happening. An inquiry into the operation of this business is needed. Questions need to be asked about the legitimacy of what is being operated and the rationale for the establishment of some of these schools. I would certainly like to hear from the Minister. It would be appropriate if a statement in this House were to coincide with the protest being held next week. It is totally unacceptable not only that young people who have travelled from abroad in the expectation of studying here find their parents are severely financially disadvantaged as a result, but also that teachers are not paid for their work for long periods of time. This whole area needs investigation.

I welcome the fact that Jean-Claude Trichet will be in Dublin today to answer some questions from the Members of the Oireachtas who are doing an excellent job in conducting the banking inquiry. We should acknowledge the progress that is being made. In recent weeks, we have seen the spectacle of senior bankers putting up their hands and accepting full responsibility for their roles in wrecking the economy and our banking system. It is now time for their banks to make some gesture of recompense for what they have imposed on the citizens of this country over the past decade. At a time when the banks are borrowing at unbelievably low interest rates, it is not acceptable that they are failing to pass on those lower rates. As the Taoiseach has said, the banks received help from the State for the benefit of customers and citizens rather than for their own benefit. We need a debate on banking behaviour. I recently called for a debate on how the banks are treating their customers, including small businesses and people in distressed mortgage situations. We got into difficulty in the past because nobody shouted "stop". There was a lack of oversight and regulation. We need to have a debate in the coming weeks on how the safeguards that have been put in place are operating and how the banks are behaving. It would be appropriate for the Leader, when he gets an opportunity to do so, to arrange a debate in this House on the whole banking system and on what we are learning from the banking inquiry.

**Senator Paul Coughlan:** It is a bit rich to hear Senator Daly talk about elusiveness in light of his own history. His colleagues have found it difficult to track him down on occasions.

**Senator Mark Daly:** The Senator has my mobile phone number so he can call me whenever he wants.

**Senator Paul Coughlan:** We should park that.

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

**Senator Paul Coughlan:** I have of course.

**Senator Mark Daly:** I can sit down for a cup of coffee with the Senator if he has a problem.

**Senator Paul Coghlan:** There has been and there is concern about the gap between the European Central Bank rate and the standard variable mortgage rate. Some of us have been questioning AIB, Ulster Bank and Bank of Ireland at the recent hearings of the Joint Committee on Finance, Public Expenditure and Reform. We should state honestly that there are four component parts. AIB has indicated strongly that it will provide for a decrease in the near future. In light of the switching that would be likely to take place in such circumstances, do Senators believe that Ulster Bank and Bank of Ireland would fail to follow AIB in that regard? In fairness to both of them, they did not state firmly at the 2 p.m. and 4.15 p.m. sessions of yesterday's meeting of the joint committee that there would not be any change - they said they would keep the matter under review and would monitor it. I have no doubt that we will see changes there very quickly.

**Senator Mark Daly:** We will keep the Senator to his word.

**Senator Paul Coghlan:** More importantly, Senator Jim D'Arcy raised the matter of policing along the Border. I am concerned about the situation in the Louth division and in Dundalk. The local gardaí have to manage and monitor 34 crossing points. I do not believe they have the proper allocation of personnel to cover that. The crime lords who are engaged in the smuggling and fuel laundering mentioned by Senator D'Arcy are carrying on with near impunity, and certainly with scant regard for the law, because they know the forces are not there to deal with them.

In south Armagh, people have talked about nods and winks. They do not need a nod and a wink because the police there are more or less confined to barracks and there are very few of them.

I very much welcome the Living City initiative, which was referred to by Senators Quinn and Comiskey. Once urban renewal is properly targeted, it is vital. Senator Bacik referred to some streets. I look forward to the regeneration of Mountjoy Square and other places in the north inner city that I believe are included in this scheme. Perhaps we could have a debate on this matter in due course in addition to the matter raised by Senator Jim D'Arcy.

**Senator Rónán Mullen:** The intervention of Baroness Nuala O'Loan this morning on the "No" side of the marriage referendum debate will give encouragement to many people. The fact that a distinguished and credible person like her is willing to take a stand against what has really become a stifling and intolerant consensus is a really welcome development in the debate. What is even more important is her comment on policing at a time when we are talking about it. It is regrettable that we should have had to get such common sense and clarity from outside the jurisdiction. When Baroness O'Loan said that policing everywhere is supposed to provide an impartial and independent service and that the Garda Representative Association acted politically in issuing its recent statement on the referendum, which is not what one wants, and that the end result of a politicised force is that people lose trust in it, it is the kind of clear comment that should have come from the Minister for Justice and Equality rather than the very restrained comment from the Government. I thank Baroness O'Loan for her clarity and the contribution she has made to the debate and I am sure others would agree with me either publicly or privately.

*12 o'clock*

Two weeks ago, I raised the issue of a crisis in the private rental sector, specifically in



Galway. Since then, more people have contacted me who have accessed social housing under the provisions of the rental accommodation scheme, RAS, whereby, as everyone knows, local authorities draw up contracts with landlords to provide housing for an agreed term and the local authority pays the rent directly to the landlord. Tenants pay what they can towards the rent and the local authorities top up the payments and so on. This is an excellent way of keeping a roof over the heads of tenants, many of whom have young families. It is an attractive model for prospective landlords as most tenants live in the properties for long periods and there is no loss of income during the period when tenants are moving. The major problem is that there are woefully few properties available under this scheme in Galway, particularly east Galway. When I last raised the issue, I called on the Minister for Social Protection to enter into negotiations with NAMA to see if it could make properties available under RAS. On the previous occasion, the Leader said that the Government is investing €1.5 billion in social housing. In the spring statement, the Minister for Public Expenditure and Reform emphasised the need to invest in social housing. While we need long-term solutions such as building new houses, we also need crisis management. There is a crisis in the rental sector. A woman from Galway with three young children who contacted me recently told me she received notice to quit the house she is currently renting. The only solution is to move on to the emergency accommodation list. It means the family has to move from house to house until such time as a RAS property becomes available and the family is number 68 on the list. This family is being moved tomorrow. It cannot wait for new social housing to be built. It needs urgent solutions and I would be grateful if we could hear from the Government on this matter.

**Senator Colm Burke:** There are quite a number of vacant consultant posts in Irish hospitals. Negotiations were held and a new pay structure was put in place for new entrants. An entrant can come in at between one and nine on the pay structure but there is a stand-off between the HSE and Irish Medical Organisation about how that will be adjudicated on regarding the pay scale that applies to an applicant. It is wrong that this has occurred when there has been a clear agreement since January. As a result, quite a number of posts will not be filled until this issue is resolved. I ask that the Minister for Health come to the House to clarify what is being done to try to resolve this problem. We talk about waiting lists but we cannot sort them out until consultants are appointed and we cannot appoint them until this issue is resolved so it needs to be given priority.

My second point concerns nursing homes and the fair deal scheme. This year, we are putting €993 million into the scheme, and rightly so, to provide over 2,350 beds for people in nursing homes. In addition, there will be between 5,000 and 6,000 beds in community nursing homes. The perception is that we are recovering quite a lot of money from the estates of people who have been in nursing homes and who have died. I received the figures this morning during a Commencement debate. We should remember that we have been putting in roughly €993 million per year over the past six years, which is about €5.4 billion in real terms.

**An Cathaoirleach:** There is no need to raise it a second time.

**Senator Colm Burke:** I am raising it because it is important that this information is available. The total sum raised is €23.8 million out of €5.4 billion. It is important this information is in the public domain and that the proper perception is out there rather than the one people seem to be putting out.

**Senator Cáit Keane:** I did not see the television programme last night referred to by Senator Daly but I recorded it for my little grandchildren - Michael Collins's great-great-grand-

nephew and great-great-grand-niece - so I will watch it with them later on.

The first rough sleepers count since the death of Jonathan Corrie was taken this week. I welcome the fact that there has been a 38% reduction in rough sleeping in Dublin. Obviously, we would like to see a 100% reduction but it is going in the right direction. I know the CEO of the Peter McVerry Trust, Pat Doyle, has suggested that the upper storeys of buildings in the city centre be renovated for habitable accommodation for residential purposes. We all know that Dublin city is like a doughnut and that all the planning in the past moved people out of the city and into the suburbs so there is a lot of accommodation upstairs in Dublin that is unused and would make totally suitable housing. Mr. Doyle has proposed that an audit of those properties be carried out. I support that proposal because it is a very good one and I would like to see it moved forward. I ask the Leader of the House for a debate; I may have to put down a Commencement debate motion on it. Dublin City Council should be asked to carry out an audit of the space that is there. It could be turned around very fast rather than waiting for developers to provide new buildings. All the old buildings, which are very good buildings, could be used for this purpose and we would see a 100% reduction in rough sleeping and emergency accommodation. The numbers in emergency accommodation are not going down as fast as we would like them to and these buildings could be used for people in emergencies such as families who are homeless for one reason or another. Could we have a debate and also action?

**Senator Mary M. White:** Yesterday, Mr. Brian Purcell, the new president of the Institute of Certified Public Accountants, spoke passionately about the unfair tax treatment of Irish entrepreneurs and said that they would be better off starting up businesses in the UK, Northern Ireland or the US. He called for significant amendments to the tax system to improve the incentives for Irish entrepreneurs to take the risks necessary to set up and grow businesses. He claimed that many Irish budding entrepreneurs were already voting with their feet. We praised the Minister for Jobs, Enterprise and Innovation last night for the reduction in unemployment. However, according to EUROSTAT, 21.5% of young people are still unemployed. This is very serious. It is a serious matter for a country and I would like to draw attention to it. Last night, the Minister did not really understand the point I was trying to make. I said that indigenous small and medium-sized Irish companies need to have parity with multinationals. At present, the multinationals only want to be in the large urban areas where there is major infrastructure, etc. Small and medium-sized indigenous industries can start anywhere in Ireland.

The Minister for Finance talks about this great country and how it is going to be a great country in which to do business. Mr. Purcell pointed out that despite commitments from the Minister for Finance and the Taoiseach to introduce tax parity, self-employed people in Ireland continue to be discriminated against in terms of PRSI and USC rates and tax credits. The impact of this is at the lower end of the earning scale where the self-employed taxpayer pays 4.4 times as much tax as an employee on the same income.

**An Cathaoirleach:** Is the Senator looking for a debate on this matter?

**Senator Mary M. White:** It is a far cry from the claim about the best small country in the world in which to do business.

There is another point relating to women entrepreneurs. We are trying to encourage as many women as possible in this regard. If we got as many women to start up businesses every month as the number of men, we would have 500 extra jobs per month. Women entrepreneurs are discriminated against. A woman entrepreneur must have 52 weeks of PRSI contributions paid

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in the relevant year as opposed to a minimum of 39 weeks for an employee. As a result, it is far more difficult for women who work for themselves to meet the criteria, as set out, for maternity benefit. Additionally, self-employed women entrepreneurs must apply for maternity benefit 12 weeks before the intended start date while employees only have to give six weeks' notice.

**An Cathaoirleach:** Is the Senator looking for a debate on the issue?

**Senator Mary M. White:** I am talking seriously about the need for parity.

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

**Senator Mary M. White:** I know. We have to get parity for indigenous Irish companies and Irish entrepreneurs in respect of multinationals.

**Senator Mary Moran:** I welcome the visitors from Monksland national school to the House today. I am delighted that they have come up from County Louth and I hope they enjoy their tour of the Houses.

I wish to raise some matters to do with the health service pertaining to my county of Louth. In recent days we have heard news of three events. This morning, yet again, we heard alarming news of overcrowding in Our Lady of Lourdes Hospital, Drogheda. I listened to the story on the radio this morning of an 82-year-old woman who has been on a trolley since Tuesday, when she went to the accident and emergency department. We also heard news this morning as well to the effect that Our Lady of Lourdes Hospital was one of the hospitals affected by the locum radiologist problem and of patients being recalled. Finally, we heard about the unexpected closure of the respite centre at St. Mary's Special School, Drumcar, and the knock-on effects on family members and parents of people involved. I have been inundated with calls from people all week regarding the closure of the St. John of God's respite services. I contacted the St. John of God's centre immediately. The people there informed me that the centre was closed to facilitate staff training and development as well as the implementation of quality and safety improvements. In my book, staff training, like in every other service, should go on while the service operates. There is no need to close the service.

I am asking yet again - this is something I have asked for on a continual basis - for a debate on the health services, in particular for people with an intellectual disability. We saw the harrowing documentary about what went on in Áras Attracta and what can happen. The fact that there is an upcoming HIQA report or that anything has been done should not result in the closure for six weeks of a respite centre for people who are totally reliant on it. At issue is the opportunity for people to have a break of one or two nights so they can get a night's sleep or enjoy quality time with other members of their family. This is a serious issue. I am asking that the Minister come to the House and comment on the matter. There is no point coming to the House three or four weeks down the road when people are being caught out by this. We are all pro-mental health services and have a positive approach to mental health. This closure is having a devastating effect on family members.

**Senator Mary Ann O'Brien:** I second Senator Katherine Reilly's call for defibrillators to be introduced in all public places and to be readily available. The spring statement has brought great news of wonderful extra finance and growth coming to the country. Let us spend some of it wisely. Senator Feargal Quinn brought a simple Bill to the House two years ago, the Public Health (Availability of Defibrillators) Bill 2013. At that stage, the then Minister for Health, Deputy Reilly, debated the Bill but did not accept it, saying that it was not fit for purpose. It is

a simple Bill. I call on the Leader to ask the current Minister for Health, Deputy Varadkar, if he can reintroduce this Bill and whether we can get it through. I know it represents a small cost to the Exchequer. I am trained in the use of a defibrillator and I suggest all Senators take a course in it. It is an incredibly intelligent machine. It is very easy to use and it does all the work. Users can save someone's life in an instant. A person who uses cardiopulmonary resuscitation with the mouth can only keep someone going for three minutes. A defibrillator will save a life. I encourage all Senators to get training and, furthermore, I encourage Senators to support Senator Quinn in reintroducing the Bill in the House. Let us have cross-party agreement on it and push it through.

The second matter I wish to raise is also a health matter. Will the Leader ask the Minister when we will have a meaningful debate on fluoride? The last report that the expert group produced was in 2002. A report on fluoride was due to be published in April and it is now May. I remind all Senators that fluoride is a poisonous substance. We could sit in the House today and smile and remember when we used to smoke on aeroplanes and say how ridiculous it was that we used to fly around when everyone was smoking. I promise all Senators without a word of a lie that, equally, we will all be sitting down to lunch in 20 years and recalling when we used to put fluoride in the water. There is no country left in Europe that fluoridates its water. I export goods. I meet Italians and Middle Eastern people. I am ashamed to say it when they sit at my boardroom table in Lily O'Brien's. Only the other day, Italians said to me that the water was fluoridated and asked instead for bottled water. It is not good for this green country.

The Leader has a glass of water before him and you have one as well, a Chathaoirligh. That water is not intelligent. It does not know to go straight to their teeth. It goes past their teeth, into their tummies and into every cell in their bodies. I know it is good for their teeth but it is not good for the rest of their bodies. The USA has passed a law to the effect that a poison warning must appear on every tube of toothpaste. If a person swallows more than a pea-sized amount of toothpaste, he or she must go to hospital or a poison control centre. Our expert group decided not to put that warning on our toothpaste.

**An Cathaoirleach:** Is the Senator looking for a debate on the issue?

**Senator Mary Ann O'Brien:** I appeal to the Leader to speak to the Minister. Let us get this through. Let us debate it and get it out of our water.

**Senator Thomas Byrne:** I call on the Leader to arrange an urgent debate with the Minister for Health. He is now becoming the Minister for photo opportunities while the health service and public confidence in it continues to collapse. This follows the latest announcement through the media, of course, since the Minister, Deputy Varadkar, knows only too well that the media is the place to do business. There are severe problems. At least one case we know of involves a delayed cancer diagnosis in west Cork. I understand it was revealed through the media this morning. That is most concerning. We need to know when the problems were first detected. When did the Minister learn about the crisis? Why did he stay silent for so long? How many patients are affected? How many hospitals are affected, other than those we have learned of? What action has Minister taken to address the dangers?

Clearly there is a problem with individual radiologists, but there is a bigger problem with management of the health service. How do we manage our staff? How do we replace staff who are retiring? How do we replace staff who are going on sick leave or maternity leave? That is the problem. The matter has been completely mismanaged by the Minister, Deputy Varadkar.

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The public is beginning to find him out. We need an urgent debate on the matter. People may well die because of this; we do not know for sure but certainly people have suffered more. I know someone who was certainly misdiagnosed regarding an orthopaedic matter. This caused serious pain for the person for a year or more and it is continuing. It is not good enough for the health service or for the Minister to stay silent on the matter. As I understand it, he has not answered any of these questions yet.

**Senator Jim Walsh:** Will the Leader arrange an early debate, three weeks from now, on the persecution of Christians across the Middle East? The suggested timing is because the Joint Committee on Foreign Affairs and Trade has arranged for a number of Christian groups to attend to report and provide background information on what is happening across the Middle East. These groups include Trócaire, Church in Chains and Bishop McAreavey, the bishop who leads on Christian persecution within the episcopal conference. To support my call, I quote the Archbishop of Tuam, Dr. Neary:

There has been an appalling lack of protest about the ongoing and severe persecution being faced by Christian communities in the Middle East and North Africa. In some cases, this persecution has taken the form of ethnic cleansing [...]. Ireland has a long and proud history of peacekeeping and charitable work throughout the Middle East and Africa. Our government can exercise a moral leadership in attempting to bring the EU's focus to bear on this issue. This persecution is now part of a wider problem that has resulted in one of the greatest refugee crisis since the Second World War.

He also talks about the Mediterranean being turned into the world's largest graveyard. No one needs compelling persuasion on the need for this but it is extraordinary that there is so little focus in the media and at European level. What is happening to Christians is probably the greatest genocidal situation that is taking place in the world. Not alone are Christians being murdered, they are being sold into sex slavery. A number of young Christian girls have been taken from their homes and placed with ISIS and other Islamic fundamentalist fighters. I hope for the debate and timing it after the joint committee holds its meeting with various groups would be good. This would inform Members and we would have a better debate as a consequence.

**Senator Maurice Cummins:** Senator Mark Daly raised the question of the banking query and Mr. Trichet. The Joint Committee of Inquiry into the Banking Crisis is carrying out its duties in an exemplary manner and I am sure it will get the answers it requires from Mr. Trichet. I compliment the committee on its work so far and I am sure it will produce an excellent report. Variable rates have been raised by a number of Members over recent weeks. AIB indicated it will reduce its variable rate. Despite what the other banks say, I firmly believe we will see a movement from them in the near future.

Senator Bacik referred to the promotion of Dublin as the capital of culture and I note her point. The Labour Party will table a Private Members' business motion to deal with cultural institutions next week. Senator Quinn referred to urban renewal and a 14-point plan proposed by the Joint Committee on Jobs, Enterprise and Innovation. The Minister will outline the living cities initiative, which was recently announced. It has been coming for over 12 months but we had to await permission and the i's had to be dotted and the t's crossed with Europe. It is an exciting initiative discussed here during the Finance Bill. It will do a lot for urban renewal but I take on board the comments of Senator Quinn suggesting we discuss the report by the com-

mittee.

Senator Feargal Quinn also called for a debate on the trade agreement between the EU and US. Senator Jim D'Arcy referred to Garda Síochána numbers in the Border area and, in particular, in Louth. This was the subject of a commencement debate this morning but I agree with him that criminal activity, diesel laundering and cigarette smuggling require significant Garda resources in the area. Senator Paul Coghlan also referred to this. These people seem to be operating with impunity in the Border area. There is also a need for resources on the other side of the Border to tackle this criminality.

I agree with the points raised by Senator Paschal Mooney about English language schools, 13 of which have closed over the past year. What has happened is disgraceful and is sullyng the reputation of Irish international schools. There is a greater need for regulation and investigation of these schools and I will bring the matter to the attention of the Minister for Education and Skills. I would be surprised if action is not being taken but I will bring it to the attention of the Minister. It is dreadful to see young people coming here to learn the English language, having used a family's life savings of €10,000 to help them speak English only for the language school to fold up. There is a need for greater regulation and an investigation into all of the schools operating in the country.

Senator Michael Comiskey referred to the opening up of the second tranche of GLAS in the autumn by the Minister for Agriculture, Food and the Marine, Deputy Coveney. It is good news for farmers all over the country.

Senator Kathryn Reilly referred to a matter raised also by other Senators, including Senator Byrne, the delayed diagnosis of cancer and errors in the radiology service. Questions were raised within the acute hospital system over the work of three locum radiologists in 2013 and 2014. The hospitals involved were Bantry, Kerry and Cavan-Monaghan. The three reviews have been completed and all patients who require follow-up investigations have been contacted. The HSE provided assurances that if the patients have not been already contacted by the hospital or their GPs, they have no cause for concern. A significant number of cases were reviewed but only a small number of cases require a follow-up. Regrettably, one incident of delayed diagnosis has been confirmed. As two of the locum consultants involved carried out some work in other hospitals, reviews in those hospitals are being undertaken. We have been assured by the HSE that none of the locums involved is currently working in the Irish hospital system and reports, as appropriate, have been made to the Medical Council. Each review was undertaken in response to clinician concerns in regard to performance of locum radiologists and was carried out in line with the HSE safety incident management policy and with the Faculty of Radiologists' quality assurance guidelines. All cases have been managed, escalated and reported in accordance with the HSE safety incident management policy. Patients have been supported. The implementation of the hospital groups will enhance radiological services and, within the groups, a networked approach will be adopted allowing the major concerns to direct, organise and manage services. This will ensure that appropriate and enhanced Government staffing arrangements are in place. The reviews have been carried out and are being dealt with by the HSE.

Senator Paul Coghlan referred to Garda resources in the Louth district. The Senator was the author and rapporteur of a report on smuggling and diesel laundering in the Border areas for the British-Irish Parliamentary Association.

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Senator Mullen spoke about Baroness Nuala O'Loan's position on marriage equality. It is very good to hear the position of many people who are for and against the referendum. That is what free speech is all about. It is welcome that people from all sides have opinions on it but the people will decide in the referendum. I note his points also about the difficulties in the rental sector, which Senator Hayden and others have raised here on several occasions. The rental accommodation scheme, RAS, is a good scheme and the new scheme, the housing assistance payment, HAP, is another excellent one. The availability of rental properties is the difficulty. The Government is addressing this. It cannot build houses overnight. Something will have to be done about that. I have asked the Minister of State at the Department of the Environment, Community and Local Government, Deputy Coffey, to come to the House for a debate on housing supply. I hope that he will come here in the next couple of weeks when we can debate this matter.

Senator Burke spoke about hospital consultant vacancies throughout the country. There are many vacancies that have not been filled. It is disappointing that there are difficulties about where consultants will enter the payscale. The sooner we recruit these consultants, the greater chance we have of reducing waiting lists by attending to those on waiting lists. I urge all parties to resolve this matter urgently in the interests of the public and of those on waiting lists.

Senator Burke's statistics on the fair deal scheme are enlightening. He said €5.4 billion has been spent on the scheme and only €23.8 million has been recovered in assets. They are very sobering figures.

Senator Keane spoke about the rough sleepers count saying there has been a significant reduction in numbers. She agrees, however, that much more will need to be done in this area. I note her point about the audit of properties, which we can discuss with the Minister of State, Deputy Coffey.

Senator White referred to the unfair taxation of Irish entrepreneurs. The Minister for Finance has indicated that he will address this matter in the budget, if not before. Thank God we have so many young entrepreneurs creating jobs again. It is welcome to have them up and running, considering that we lost 300,000 jobs under the last Government. It is great to see the increase in employment over the past few years, since the introduction of the Action Plan for Jobs.

Senator Moran spoke about people on trolleys in Our Lady of Lourdes Hospital and the closure of St. Mary's, Drumcar, for six weeks. It is creating difficulties for parents and family members. I hope that will be addressed. Six weeks seems a long time to address concerns raised in a Health Information and Quality Authority, HIQA, audit. The HIQA audits are causing major problems for many institutions, the length and breadth of the country. We need these audits. They create problems for all facilities but if we did not have them, we would witness many of the problems we have seen on our television screens over the past year or two. I appreciate the difficulties family members have as a result of this and I hope they will not be without these facilities for very much longer.

Senator Mary Ann O'Brien spoke about the spring statement. We, on the Government side, hope that all moneys will be spent wisely. I note her point on defibrillators, which Senator Reilly also raised. I will certainly bring the matter to the attention of the Minister for Health.

We have had several debates on fluoride and Senator Mary Ann O'Brien raised the same

points about the statistics in a debate a couple of months ago. I do not propose to have another debate on fluoride. We have had several debates and we will have to allow some more time to elapse before having another debate on the subject.

**Senator Mary Ann O'Brien:** I asked about the report.

**Senator Maurice Cummins:** Senator Walsh spoke about the appalling persecution of Christians in the Middle East and North Africa. He is right to highlight this issue because it is damning to see such persecution going on but not receiving the publicity it should. It is not only happening in the Middle East and North Africa but in other countries too. I am delighted to hear the Oireachtas Joint Committee on Foreign Affairs and Trade will hear from all the agencies involved. I do not like duplication and having the debate here as well, but I will consider it. I hope Senators will take the time to watch that committee meeting to see what is actually going on because people need to be informed on the issue.

Order of Business agreed to.

### **Sitting Arrangements: Motion**

**Senator Maurice Cummins:** I move:

That, notwithstanding anything in the Standing Orders relative to Public Business -

(1) Seanad Éireann agrees with the recommendation of the Committee on Procedure and Privileges that, as Chair and a member respectively of the Working Group on Seanad Reform, Mr. Maurice Manning and Mr. Joe O'Toole may be invited to address the Seanad at its meeting on Tuesday, 5 May, 2015, and at any subsequent meeting of the Seanad when statements on the Report of the Working Group on Seanad Reform 2015 are being made; and

(2) at the meeting of Seanad Éireann on Tuesday, 5th May, 2015, the following arrangements shall apply:

(a) Standing Orders 29 and 30 shall stand suspended; and

(b) the Order of Business shall be taken at 2.30 p.m.

Question put and agreed to.

*Sitting suspended at 12.37 p.m. and resumed at 12.45 p.m.*

### **Vehicle Clamping Bill 2014: [Seanad Bill amended by the Dáil] Report and Final Stages**

**Acting Chairman (Senator Michael Mullins):** This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 118, it is deemed to have passed the 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 and this is looked upon as the report of the Dáil



amendments to the Seanad.

For the convenience of Senators, I have arranged for the printing and circulation of these amendments and I have circulated the proposed grouping. The Minister will deal with the subject matter of the amendments in each group. Senators may speak only once on Report Stage. I remind Senators that the only matters which may be discussed are the amendments made by the Dáil.

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

**Acting Chairman (Senator Michael Mullins):** I welcome the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, and call him to speak on the subject matter of the amendments in group one.

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** Amendments Nos. 1 and 5 in group one are technical drafting amendments. Amendment No. 1 updates the collective citation in section 1 of the Bill while amendment No. 5, is the result of improvements made by the Parliamentary Counsel to the wording of section 30 concerning fixed payment notices.

**Acting Chairman (Senator Michael Mullins):** I call the Minister to speak on the subject matter of the amendments in group two.

**Deputy Paschal Donohoe:** Amendment No. 2 inserts a standard expenses section in the Bill as a new section 6. This new section provides, subject to sanction by the Minister for Public Expenditure and Reform, for the expenses of the National Transport Authority in carrying out the functions conferred on it by the Bill. It is not anticipated that any new funding will be required by my Department in connection with the administration of this Bill when enacted. The expenses of the NTA are expected to be relatively modest and will be found from within my Department’s Vote. However, the Parliamentary Counsel considers it prudent to include an expenses section in the Bill.

**Acting Chairman (Senator Michael Mullins):** I now call the Minister to speak on the amendments in group three.

**Deputy Paschal Donohoe:** In the Second Stage debate on this Bill in the Dáil, a number of Deputies raised the issue of trying to get answers from clamping companies when someone has a query or complaint. I agreed with that point. People often find that their complaints or queries can go unanswered for a long time or even indefinitely and I introduced this amendment to section 17 to cater for those situations. Section 17 deals with the complaints procedure that the NTA may set up for members of the public. Amendment No. 4 adds a further category to the list of issues in subsection (1) about which complaints may be made, namely, complaints in relation to the time it takes for parking controllers and clamping operators to respond to complaints or to other communications from the public. This is an important addition to the Bill. It was also referred to by Members of this House when the Bill was here. It allows the National Transport Authority to regulate in this area. Amendment No. 3 is purely consequential. It simply facilitates this new provision being added to the list of categories in subsection (1). Specifically, the word “and” must be moved from the end of paragraph (b) to the end of new paragraph (c).

Question put and agreed to.

Question proposed: “That the Bill do now pass.”

**Senator Terry Leyden:** I am delighted to be here today because I actually initiated this Bill in 2011 and, as far as I recall, the Minister for Agriculture, Food and the Marine, Deputy Coveney, brought forward a Private Members’ Bill. It was certainly an area that needed to be regulated. I had parked in a small cul-de-sac in Galway with very bad signage and when I came back, I was quite amazed to see these guys clamping the vehicle. It was opposite a pub in Prospect Hill, Councillor Crowe’s premises. It was during a Seanad election and it was not a good start.

**Deputy Paschal Donohoe:** Did Senator Leyden get the vote?

**Senator Pat O’Neill:** They felt sympathetic towards Senator Leyden.

**Senator Terry Leyden:** They were very sympathetic. The Seanad was sitting but the Dáil had not yet come back. I was fairly annoyed, to say the least. I pointed out this anomaly in that the company had a small sign on the wall. I could not believe I was clamped and I paid €140 at the time. By the way, I got the money back. It exposed the ridiculous situation. On that particular day, a young settled Traveller ran out of petrol and pushed his car into that cul-de-sac and he was clamped as well. It really was out of line in Galway. I do not know what it is like there now. I welcome the Bill and thank the Minister. It is one of these issues nobody was doing anything about. It was an anomaly. There was no control or no regulation whatsoever governing it. Now the regulations are there and I welcome them.

**Senator Pat O’Neill:** Senator Leyden did not bring a clamp around with him on the Seanad campaign.

**Senator Terry Leyden:** What?

**Senator Pat O’Neill:** The Senator did not bring a clamp around with him to get sympathy.

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** I thank all Senators for the way they have contributed to the debate on this Bill and I thank all my officials and those in my Department who have worked on it. They have put a lot of work into looking at how this Bill could be put together and at the right way to regulate something which up to this point had been an area that, by and large, did not have the regulation it needed. With all the understandable focus and criticism that politics has received in recent years, something that is not given the focus it deserves is the amount of time Members in both Houses put into introducing legislation and looking to have it improved. This Bill is an excellent example of how that process can work. It followed a consultation process that took place with the Oireachtas Joint Committee on Transport and Communications, in which many Members participated. It then led to a Bill which was brought before the Dáil and Seanad. However, the Bill was changed at different points in the process in response to points Senators or Deputies made. This is a different Bill in some ways to the one that began its passage through the Oireachtas due to suggestions made in this House and in the Dáil. In terms of not being able to accept amendments put forward, in all cases, we were able to come up with other ways to change the Bill as a result of points Deputies and Senators made. I wish that kind of interaction got the focus and attention it deserved as opposed to the other kind of interaction in the Dáil and Seanad which, for other reasons, tends to dominate the airwaves. The dialogue and discussion in both Houses is, dare I say it, an example of how our legislative process can work well. I am happy that we were able to play a part in it. This Bill will have a practical effect quickly. Clamping is something most

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of us appreciate has a role to play but that role could have been better regulated. The passage of this Bill will have a tangible effect on an area of concern for many people.

Again, I thank my officials for all their work and the Seanad and its Members for the deliberation they have afforded the Bill and for the opportunity to conclude it here today.

**Senator Pat O'Neill:** I thank the Minister for guiding this Bill, which I welcome, through both Houses of the Oireachtas and his officials for bringing it forward. As stated in the contributions in this House, it is the regulation which is the most important part of this in that there is now a set standard in the way the law is enforced. We all get frustrated. I suppose one of the most frustrating experiences is to be clamped, but it has its place in society. One cannot merely park where one feels like it. Hopefully, this regulation will set a standard and motorists, who may be frustrated, will know that the law must be upheld in the right way.

**Senator Denis Landy:** I thank the Minister. As always, he is keen to take on board views across the floor, both in the Seanad and in the Dáil. He is always available to engage with Members of both Houses on issues, and even this morning, I was at another briefing with him. This is important, as Senator O'Neill stated, because there seemed to be a "whatever you are having yourself" type of an attitude towards clamping in different parts of the country, as was most articulately outlined by Senator Leyden in preparation for his next Seanad campaign. Now that the rules are set out, there is no excuse for motorists in the future. I welcome the Bill and its passage of it through the House.

Question put and agreed to.

### **Roads Bill 2014: Report and Final Stages**

Bill received for final consideration.

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

**Senator Terry Leyden:** I wish the Minister well in the ongoing negotiations and I hope the Labour Relations Commission gets involved. I know the Minister is doing his utmost. I appeal to the unions to call off the strikes planned for tomorrow and 1 May because they will be disastrous for the economy. I do not understand why this union rivalry seems to be escalating the situation even though the Minister has given absolutely clear guidelines. I appeal to all parties to negotiate and discuss each detail the Minister has put forward, and for God's sake do not put the economy in jeopardy at this time. The first day in May is a great day in the summer when people travel all over the place and business booms. Please have sense and be rational about this issue.

**Senator Pat O'Neill:** I wish to speak on the Bill. People may not realise the Roads Bill 2014 will mean the amalgamation of the Railway Procurement Agency and the NRA. When the Government came to power, we stated we would streamline the public service and spoke about closing quangos. This will create greater efficiencies because both bodies have the same expertise in certain areas and they will be able to share this. It will be a saving to the country in many areas. We will also get a better service. I congratulate the Minister for bringing it through both Houses. I hope we will see greater efficiencies because of the Bill.

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** Before I speak

briefly on the substance of the Bill, I agree with the points made by Senator Leyden and I thank him for making them. It is an issue I have already commented on publicly today and I made an intervention on Tuesday on this matter. I am very proud to have both of these great and very important companies under my stewardship. I understand their employees have legitimate concerns about the future and changes which could happen. For this very reason I made clear on Tuesday, and I have given this mandate to both companies, that in the event of either company not being successful in winning the tender for the number of routes at focus, no worker will be required to transfer. Given that no worker will be required to transfer, the issues which have been raised about the terms and conditions of employees have been dealt with. It is the type of intervention that in every other industrial relations dispute of its kind would have resulted in its resolution. It is imperative, and I repeat to the Seanad what I have said elsewhere, that these strikes are called off. The amount of upheaval they will cause tomorrow will be immense. At a time when both companies are getting back on their feet, were these strikes to go ahead in the way suggested, they will have substantial costs and consequences for both companies which will be of a magnitude such that it may well be very difficult for me to contain them. I say these words carefully because of how conscious I am of all the progress both companies have made.

With regard to the Bill, I thank my officials who have been working on it. A huge amount of work has gone into it. Work has gone into a number of areas, not only on the Bill itself, which is substantial, but a huge amount of work has also been done by officials in the Department to deal with all the matters Senators referred to when discussing the Bill with regard to human relations, industrial relations and coming up with an environment within which, I am very pleased to say, the overwhelming majority of employees voted on their own matters being successfully dealt with through a process led by the Labour Relations Commission. The officials played a big role in this and I thank them for it.

Senator O'Neill made the point that the Bill is designed to put in place an organisation of the right size for the size of the country, which will play a leading role in delivering and designing the infrastructure the country needs. No amendments have been tabled on Report Stage but I wanted to deal with it today in case any Senators wanted to table amendments. Senator Barrett raised some points with me and I know he is dealing with other matters in the Oireachtas today. The matters he raised last week in the Seanad are well capable of being dealt with under the existing provisions of the Bill. I thank Senators for their contributions and I look forward to the prompt establishment of the new organisation.

Question put and agreed to.

**Acting Chairman (Senator Michael Mullins):** When is it proposed to sit again?

**Senator Pat O'Neill:** At 2.30 p.m. next Tuesday.

The Seanad adjourned at 1.05 p.m. until 2.30 p.m. on Tuesday, 5 May 2015.