



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Business of Seanad	114
Commencement Matters	115
Educational Reform	115
Health Services	118
Animal Welfare	121
Army Barracks Closures	124
Order of Business	127
Road Traffic Bill 2016: Order for Second Stage	141
Road Traffic Bill 2016: Second Stage	141

SEANAD ÉIREANN

Dé Máirt, 19 Eanáir 2016

Tuesday, 19 January 2016

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

An Cathaoirleach: I have received notice from Senator Jillian van Turnhout that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Children and Youth Affairs to outline how his Department plans to work with the Department of Education and Skills to ensure children's rights are promoted and protected in the light of Dáil na nÓg's most recent theme on the need for young people to have a stronger voice in their education in school and in respect of the launch in 2015 of Equate, a new NGO which puts the best interests and voice of the child at the centre of debate on equality in education.

I have also received notice from Senator Gerard P. Craughwell of the following matter:

The need for the Minister for Health to legally define the difference between a chartered physiotherapist and a physical therapist.

I have also received notice from Senator Cáit Keane of the following matter:

The need for the Minister for Agriculture, Food and the Marine to strengthen measures relating to the welfare of horses.

I have also received notice from Senator Denis Landy of the following matter:

The need for the Minister for Defence to make part of the vacant Army barracks in Mullingar available to the Irish United Nations Veterans Association through a long-term lease to ensure a permanent meeting place for retired soldiers.

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

The need for the Minister for the Environment, Community and Local Government to allocate funds to local authorities for house adaption works and to ensure that, when the funds are allocated, local authorities will have absolute discretion in deciding the amounts to be allocated for local authority and private housing.

I have also received notice from Senator Marie Moloney of the following matter:

The need for the Minister for Social Protection to state if she has proposals to include unregistered unemployed persons in activation programmes.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Jillian van Turnhout, Gerard P. Craughwell, Cáit Keane and Denis Landy and they will be taken now. Senators Colm Burke and Marie Moloney may give notice on another day of the matters they wish to raise.

Commencement Matters

Educational Reform

An Cathaoirleach: I welcome the Minister for Children and Youth Affairs, Deputy James Reilly.

Senator Jillian van Turnhout: I also welcome the Minister to the Chamber for this Commencement debate.

Recently, I had the honour of speaking at the launch of Equate, a new non-governmental organisation dealing with children's rights and education reform. I welcome Mr. Michael Barron and his team to the Visitors Gallery. Equate wants to see an education system that reflects the diversity of 21st century Ireland and a child-centred approach to education reform. As the Minister will be aware, this was a key recommendation of Dáil na nÓg last November. He had invited the Minister for Education and Skills, Deputy Jan O'Sullivan, to debate this issue with the participants in Dáil na nÓg. I commend his recommendation on the importance of hearing children's voices with respect to education and school policies because all too often in the debate on education it is the adults who speak and we do not listen to the young people and children who are directly involved.

The Minister was before the UN Committee on the Rights of the Child last Thursday last in Geneva and I commend him for his performance there. As we all will be aware, the test results will come out in early February in the concluding observations of the committee. On behalf of the Oireachtas Joint Committee on Health and Children, I had the honour of travelling there to observe. First, I commend the Minister for the fact that we sent such a strong delegation of officials from across Departments because it shows that we recognise the importance of the UN process and ensures we can give accurate and appropriate answers and track our progress.

As the Minister will be aware, especially in the light of the international experts who make up the UN Committee on the Rights of the Child, Ireland was under serious scrutiny concerning schools admission policies and it was hard to avoid the difficult questions. For too long we have allowed schools to operate in a way that breaches children's rights, including those specified under the UN Committee on the Rights of the Child. These violations occur in a number of guises, including the disproportionate religious patronage of schools and enrolment inequality which results in a lack of access and choice for parents. Another issue that came up at the UN committee was the right of transgender children to be protected and respected in all schools.

19 January 2016

The lack of pluralism in the education system is a serious human rights issue affecting many families and successive UN human rights committees have voiced their concerns to Ireland in this regard. Specifically, on Thursday last the UN Committee on the Rights of the Child asked questions about the denominational structure of the education system, which creates difficulties for families who want to educate their children in a non-denominational setting. It also wanted to know about our policies in promoting inclusive education.

In preparation for Ireland's hearing in June last a delegation of young people travelled to Geneva to meet the committee members and talk about their experiences. As we often see when we stop and listen to young people, they were articulate, confident and open. One of them spoke about his experience in a religious school as a non-religious person. This is a voice we do not hear enough in the Irish debate on education reform and I am worried that if we do not start to include the voices of young people, we will not achieve a reformed system that puts the needs of children front and centre.

As legislators, we must engage with these growing concerns and deliver the reform necessary to ensure all children are welcome in schools. The time is right for change. We should not be doing it only because the UN Committee on the Rights of the Child or other UN bodies do it. We should be doing it because children and parents are telling us it is the right thing to do. It is time to have equality in classrooms and make it a reality.

I sought this debate because I want to know what progress has been made in setting up arrangements between the Department of Children and Youth Affairs and the Department of Education and Skills to ensure the best interests and the voice of the child are at the centre of a more diverse and pluralist education system.

Minister for Children and Youth Affairs (Deputy James Reilly) (Deputy James Reilly): I thank the Senator. I welcome the opportunity to outline the steps that my Department will take in this important area and confirm my commitment to working with my colleague, the Minister for Education and Skills, to ensure children's rights are promoted and protected.

Comhairle na nÓg are local councils for children and young people aged 12 to 17 years that give them a voice in the development of local policies and services. They are the recognised national structure for participation by children and young people in decision-making in all 31 local authorities. Dáil na nÓg is the national youth parliament for 12 to 17 year olds. It is a biennial event to which 200 representatives from Comhairle na nÓg are elected as delegates. The topics discussed at Dáil na nÓg are chosen by young people themselves in the 31 Comhairle na nÓg.

Each of the 31 Comhairle na nÓg elects one representative to the national executive to serve for a two-year period. The role of the Comhairle na nÓg national executive is to follow up on the top recommendation from the previous Dáil na nÓg and seek to have it implemented. These structures are supported by a dedicated citizen participation unit in my Department, the role of which is to ensure children and young people have a voice in the design, delivery and monitoring of services and policies that affect their lives at national and local level. It collaborates with other Departments, statutory bodies and non-governmental organisations.

As the Senator has pointed out, the topic for discussion at Dáil na nÓg in November 2015 was the need for young people to have a stronger voice in their education and schools. Workshops were held at the event to allow the 200 young delegates to explore the issue under the

following four topic headings: subject choice; transition year; what happens in the classroom; and uniforms and personal appearance. The topic of what happens in the classroom was voted by delegates as the most important area on which they need to have a stronger voice. The most commonly raised issues under this topic were teacher behaviour, discipline, how students are treated, student voice, class size and teaching methods. Developing this topic will form the core of the work of the incoming Comhairle na nÓg national executive.

I am pleased to say a significant change has been made to the way the work of the national executive will be supported. For the first time, at my invitation, Dáil na nÓg 2015 was attended by the Minister relevant to the topic under discussion who was the Minister for Education and Skills, Deputy Jan O'Sullivan. She gave a commitment that officials from her Department would work with my Department in supporting the Comhairle na nÓg national executive in the next two years. This is part of a new mechanism to connect Comhairle na nÓg with Brighter Outcomes, Better Futures, which is the national policy framework for children and young people for the period 2014 to 2020.

Into the future the Minister responsible for the topic under discussion will attend Dáil na nÓg and nominate lead officials from his or her Department to work with my officials in supporting the Comhairle na nÓg national executive. In addition, a steering committee of key policy makers will be established to support the national executive. Direct engagement between the Better Outcomes, Brighter Futures implementation structures and the Comhairle na nÓg national executive will also take place.

The first meeting of the new national executive took place on Saturday, 16 January. It began the process of exploring the issues raised at Dáil na nÓg to identify the precise aspects of the topic "what happens in the classroom" that those involved wish to pursue. The Department of Education and Skills is appointing a senior official to work with my Department to support the national executive in achieving the changes in the education system called for at Dáil na nÓg 2015.

I wish to confirm the importance of this issue and look forward with interest to the outcome of the work that Comhairle na nÓg will be doing in this area.

An Cathaoirleach: Senator Jillian van Turnhout can ask a question.

Senator Jillian van Turnhout: I thank the Minister for personally attending the Seanad to take this matter. It is important that his Department have a key role in looking at education policy and ensuring both the voice of the child and the best interests of the child are not only heard but play a key role. The structures being set up are doing this.

It was very interesting for me, when we were before the UN committee, to hear how difficult it was for UN committee members to get their heads around our education system and admission policies and how children were heard within the school system. In that regard, I express our thanks to all the NGO groups and civil society. The Minister has done so himself. When the committee members asked questions, one could see that they used the Children's Rights Alliance parallel report, in particular, as their template for posing questions to the Minister. Organisations such as Equate, representatives of which were very much part of that process and travelled as part of the delegation, provide both support and services. It would be of benefit to such bodies in shaping their plans to hear about the work Comhairle and the Department are doing. All too often we talk about children's rights, but when it comes to doing anything or acting

19 January 2016

on behalf of children, we forget to ask them for their views. In fairness to the Minister, that is exactly what he is doing. He is ensuring they will have a voice and that it will be heard. That is his role. For me, this highlights the importance of the Department of Children and Youth Affairs. I look forward to ongoing co-operation in this area.

Deputy James Reilly: I reassure the House that the participation unit in the Department - the strategy is, I believe, the first of its kind in the world - is there to allow the voice of the child to be heard. My view on this matter is very clear. If we do not have input from children, the users of services, whether such services be in the areas of education, health, housing, etc., we cannot possibly hope to address their needs. They are more familiar with their needs than we are. We must ensure what they have to say is not just heard but that is listened to and reflected in what we do.

It was great to be able to say in my closing remarks to the UN Convention on the Rights of the Child in Geneva that, through the good offices of the Children's Rights Alliance and the Ombudsman's office, there were young people looking in who had made submissions and who had been listened to in the past. I hope these young people heard the issues they had raised being discussed. To them, I say a big "Thank you". I also say "thank you" to all the NGOs that made the effort to send representatives to the hearing and inform the committee. I have no doubt but that the latter nudged the members of the committee along in respect of some of the questions they asked, particularly after lunch.

In fairness and to be serious about this, if we want to drive forward and make progress we need everybody who is involved to be engaged in the process. We need to listen to each other. In that way we will learn more from one another and other countries and we can make this the best country - not just the best small country - in which to grow up and raise a family.

Health Services

An Cathaoirleach: I welcome the Minister for Health.

Senator Gerard P. Craughwell: It is a pleasure to welcome the Minister. He has been invited to discuss the important issue of physiotherapists and physical therapists. He is already familiar with the current position on physiotherapists and physical therapists, having addressed the relevant committee on the matter and answered parliamentary questions on it in the Dáil. We are joined in the Visitors Gallery by the CEO and president of the Irish Society Of Chartered Physiotherapists, ISCP, and a physiotherapist with a large practice who employs both physiotherapists and physical therapists. We hope this issue has been progressed by the Minister and his Department and that he is here to give us some good news. We hope that, having reviewed the case made by the ISCP, he will agree in the interests of patient safety to protect the titles of physiotherapist and physical therapist in one register for use by the physiotherapy profession.

There is a great deal of confusion among members of the public about the role of physiotherapists and physical therapists and their respective places in the medical profession. From my experience, people are now using the terms interchangeably without any real awareness of the significant difference in training and approach. The public is not to be blamed for this as the terms "physiotherapist" and "physical therapist" mean the same thing in many other jurisdictions. In fact, in the rest of the world the titles of physical therapist and physiotherapist are protected in law, used only by members of the physiotherapy profession and they mean the

same. In Ireland, in the absence of regulation, the titles of physiotherapist and physical therapist can be used by any person. Members of the public are naturally confused when deciding from whom to seek treatment. Where there is confusion, there is a real risk to public safety. The Physiotherapists Registration Board which includes a majority of lay people and is charged with protecting the public has already brought a recommendation to the Minister to the effect that both titles should be protected in one register. If the titles are not protected in one register for use by physiotherapists, the level of public confusion will not only continue but will increase.

Since the Minister is a doctor, I imagine he will be more than aware of the type, level and duration of training that physiotherapists undergo. Irish-educated physiotherapists and those educated abroad with equivalent qualifications are health professionals educated to provide care in the core areas of musculoskeletal, cardiorespiratory and neurological treatment. People currently trained in physical therapy in Ireland are not educated to this level. Their training may include some techniques used by physiotherapists to treat musculoskeletal injuries, but they do not receive any training in cardiorespiratory or neurological diagnosis or treatment.

Physical therapist courses in Ireland are run on a part-time basis at weekends for anything from six months to 15 months to three years. The highest qualification is a level 7 degree in applied health science; it is not a degree in physical therapy. It is of a lower standard and has a different course content to Irish degrees in physiotherapy, which are all level 8 qualifications and four-year full-time courses in universities. In addition, physiotherapy students receive a minimum of 1,000 hours supervised clinical placement in public hospitals and primary care centres.

The counterargument has been made that this is about protecting physiotherapists' patch from competition. Nothing could be further from the truth. This is about high standards and excellence in diagnostics and treatment. The Irish Society of Chartered Physiotherapists recommends that when both titles are protected, any established physical therapist should be offered the opportunity to undergo further training and upskilling. We also need to re-educate the public to the fact that physiotherapists are experts in many well established specialty areas such as orthopaedics, paediatrics, cardiorespiratory, care of the elderly, neurology, rheumatology, musculoskeletal, sports medicine and women's health. The list is extensive. The remit of the physiotherapist is broad and comes with immense responsibility, a responsibility that we need to acknowledge and respect. I would not like to think there is an accident waiting to happen or that a person who believes he or she is being treated by a highly skilled professional is being treated by someone who, while very competent within a particular sphere, is not trained to make what can be life-saving diagnostic decisions.

I thank the Minister for his time and I look forward to his reply.

Minister for Health (Deputy Leo Varadkar): I thank the Senator for raising this issue. Protection of the title is a core function of the Health and Social Care Professionals Council, known as CORU. When people access health services, it is vital that there be no ambiguity about the profession and competence of the health service provider they are attending. Statutory regulation of the profession is designated under the Health and Social Care Professionals Act 2005 and comprises registration boards for the professions, a committee structure to deal with disciplinary matters and the Health and Social Care Professionals Council with overall responsibility for the regulatory system. These bodies are collectively known as CORU and are responsible for protecting the public by regulating 14 professions currently designated under

the Act.

Regulation under the Act is primarily by way of statutory protection of professional titles by confining their use solely to persons granted registration. The Act provides for a two-year transitional or grandparenting period from the date of the establishment of the register during which existing practitioners must register on the basis of specified qualifications. After this period, only registrants of the registration board who are subject to the Act's regulatory regime will be entitled to use the relevant protected title. The Physiotherapists Registration Board is finalising its drafting of the by-laws necessary for the establishment of its register early next year. This means that by early 2018 only registrants of the Physiotherapists Registration Board will be entitled to use the title of physiotherapist.

In other English-speaking nations physiotherapists use the title of physical therapist interchangeably with that of physiotherapist. In Ireland, however, for the past 25 years or so and in the absence of State regulation and title protection, the title of physical therapist has been used by providers of musculoskeletal therapies in the private sector who are not physiotherapists. Some are highly qualified to degree level, while others are not.

Concerns were raised that the use of the title of physical therapist by practitioners who were not physiotherapists was causing confusion and could lead to patient safety risks. The concern is that doctors and their patients and people self-referring might view both titles as interchangeable and believe they are being treated by qualified physiotherapists in all cases when they are not. The Irish Society of Chartered Physiotherapists, ISCP, has been seeking for some time to have the use of the title of physical therapist protected for the exclusive use of registrants when the two-year transitional period ends.

Towards the end of last year and in accordance with the legislation, I consulted the Physiotherapists Registration Board about options for addressing this issue. Having considered the board's detailed response, I wrote to other interested organisations seeking their views on my proposal to make a regulation, to come into effect after an appropriate lead time, to protect the title of physical therapist. Several submissions have been received and are being examined. I expect to be able to make a decision on the matter shortly. The key is to ensure public protection. I hope to be in a position to conclude this matter in the next few weeks.

Senator Gerard P. Craughwell: I thank the Minister for his reply. It is worth pointing out that there is a delay in the work of the statutory registration board for physiotherapists pending the Minister's decision which will be critical for the future. An urgent decision is necessary. Is one likely before the election is called? None of us can predict that date, but does "the very near future" mean in the next week or two?

Deputy Leo Varadkar: Yes, I intend to make a decision in the next week or two. I have sought clarification on just one point. I am not quite so smart as to leave it conveniently until after the general election. That is not my intention. We want to protect the titles of physiotherapist and physical therapist for exclusive use by fully qualified physiotherapists, but many of the couple of hundred physical therapists who are practising in the private sector are well qualified and do a good job, with those who see them often being satisfied. We need to find a mechanism that allows them to retrain or rebrand or a grandparenting provision that would accommodate them. This would be along the lines of the joint proposal, made without prejudice, by the ISCP and the Irish Association of Physical Therapists, IAPT, but it might require a change in legislation. I hope to have this issue clarified in the next week or so.

An Cathaoirleach: The former Minister for Health and former Ceann Comhairle, Dr. Rory O’Hanlon, is keeping a watching brief on this matter. He is very welcome to the Visitors Gallery.

Senator Gerard P. Craughwell: I thank the Minister for his response.

Animal Welfare

An Cathaoirleach: I welcome the Minister of State, Deputy Tom Hayes.

Senator Cáit Keane: I just had a chat with the Minister, Deputy Leo Varadkar, because the issue that I am raising as regards horses relates to hippotherapy and the benefits of horses for children, in particular mentally handicapped children and juvenile delinquents. Occupational therapists, physical therapists and every other type of therapist is using hippotherapy. It is new in Ireland, with only one centre located in Cork providing it. As the Minister of State knows, people who work in this field have seen the benefit for children. The horses are not trained, but the children are taking riding lessons or being around them while they are working. We all know of “The Horse Whisperer”.

I know someone in County Mayo who homes horses and, receiving no help from the State to do so, is crying out for assistance.

3 o’clock

For the past ten or 15 years he has used almost all of his wages - he obviously has to live on something - on housing about 20 stray horses that were picked up.

I have a number of questions I want the Minister of State to answer regarding the welfare of these horses, taking into consideration how we treat our prize and less able horses. There is a great horse project in Tallaght, the Fettercairn horse project, but nothing down the country. I do not want to mention this person’s name, as we are not allowed to mention names, but he has highlighted some issues to me regarding his work. He picks up wandering horses and he has told me that such horses are put down, even when they are in foal. I understand there are situations where a wandering horse regrettably has to be put down for its own benefit, but I cannot see why we could not treat a horse in foal differently. He has brought that to my attention and I believe strongly that a country that prizes its horses should prize the horse in foal and not put it down. There should be a different rule. If somebody is willing to care for that horse, as this man is, they should receive help to do so.

I am aware that sanctuaries pick up unchipped horses weekly. We have a regulation on chipping horses, but obviously it is not being enforced. He has many horses that were found without chips. Why is the regulation not being enforced? What can the Minister of State do? First, he can clarify whose job it is to go out and find the unchipped horses. The regulation is not being enforced. It is there and it should be enforced. I would appreciate him strengthening that provision and outlining the position to me.

There is also an issue with the sale of horses to under age people. It is almost like getting a dog now - people get a horse for Christmas sometimes and when they find out the horse is too expensive or they cannot keep it, it is let loose. I know that horse licences are granted only to those over the age of 16 years, but I have been informed by this man in County Mayo that this

19 January 2016

is not being enforced. The chipping and the sale of horses to people who are under age are two issues I want to bring to the Minister of State's attention.

The Irish horse industry contributes over €708 million per annum to the economy and 270,000 people come to see those horses in national country shows. When we look at the people who are working with what one could call underprivileged horses and helping handicapped children and juvenile delinquents also, the effect it has in bringing them back to normality is fantastic. There is a stark contrast between the horse racing industry and the help we give people trying to do educational work with horses. It is non-existent, other than South Dublin County Council's Fettercairn horse project which is worth a visit by any Minister. It is also important to mention the health and physical benefits. As far as I know, there is only one trained hippotherapist, in Ballincollig - Strides Occupational Therapy - but this person in County Mayo is also doing fantastic work and I would like even a pilot project to be set up with this individual to try to support this form of therapy. He has to feed, home, house and build shelters for them, all from his own pocket. He is doing it for about 20 horses annually and then passing them on to people who want horses or to mind them. It is like an orphanage for horses.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Tom Hayes) (Deputy Tom Hayes): I thank the Senator for raising this very important issue. As the House will be aware, my Department has significant responsibilities and functions in relation to animal welfare, including the welfare of horses. These responsibilities stem from the Animal Health and Welfare Act 2013 which I introduced in 2013 in order to provide an up-to-date and modernised system for enforcement of animal welfare. The Act is significant in a number of respects. First, it makes much clearer the responsibility placed on animal owners to actively care for their animals through the provision of food, water, shelter and veterinary care. Further, the enforcement has been enhanced by a variety of measures such as greater flexibility on how inspectors may be authorised and operate. I have been asked from time to time to introduce more severe penalties for breaches of animal welfare legislation.

The reality is that the penalties provided in the Act are already quite severe and the maximum allowable under the Irish legal system. Summary convictions can bring fines of €5,000 and six months in jail. Conviction on indictment can lead to fines of €250,000 and up to five years in prison. Furthermore, the Act gives a Minister greater power to authorise people such as members of non-governmental organisations operating in the animal welfare area to act. Officers from the DSPCA and the ISPCA have been authorised to act and this system is working well.

With regard to the welfare of horses, my Department has stressed and continues to stress that it is the responsibility of horse owners to ensure the welfare of horses in their ownership or care and to dispose of them appropriately. My Department, in conjunction with local authorities and the Garda, continues to adopt a proactive approach to horse welfare, will remove at-risk animals and, where appropriate, institute prosecutions for the maltreatment of these animals.

Members of the public are encouraged to report concerns about the welfare of horses or any animal. I assure the House that any complaint will be dealt with. The funding provided by my Department includes a payment to local authorities towards the rehoming costs of each horse seized under the Act. Unfortunately, it is not possible to rehome all equines because of the substantial numbers involved and the costs associated with keeping a horse. Where rehoming is not an option, my Department provides a payment towards the costs associated with disposal of the animals. If the Senator has any evidence of pregnant mares being abandoned by local

authorities, she should provide details to my Department in order that efforts to rehome such animals can be pursued, something I assure her will happen.

My Department also provides considerable funding for animal welfare organisations in order to assist them in carrying out their very important functions in promoting the welfare of animals. In December 2015 I provided funding of €2.4 million for 140 welfare organisations throughout the country, many of which are involved in horse welfare, in order to assist them in activities. I am satisfied that this very generous level of funding should ensure that they have sufficient resources available to cater for difficulties arising in the area of horse welfare in the coming year.

Some of the recipients of funding are supporting the development of facilities for horse projects targeted at the younger horse owning population. They include modules on a range of practical skills and knowledge on the care of equines. These organisations will also be requested to develop dedicated projects providing for equine castration in order to reduce indiscriminate breeding and improve horse welfare.

The responsibility of the Department in regard to horses is also dispensed through the Control of Horses Act 1996. It was introduced to address the serious problems being caused by straying horses wandering onto public roads and land and posing risks to the public, especially motorists and younger children, and public and private property. Local authorities have responsibility for implementing the Act. Under the legislation, my Department provides assistance for local authorities towards the expenses incurred in the implementation of the Act and, in this regard, almost €953,000 was provided in 2015 for local authorities. This is a significant reduction on previous years, largely due to the fact that the number of horses removed under the Act reduced from 5,000 in 2013 to an estimated 2,000 in 2015. The substantial reduction in the number of horses removed under the Act reflects a general improvement in the welfare of horses in 2015.

My Department is providing significant funding for urban horse projects aimed at making available appropriate facilities for young people to keep horses in an urban setting. In that context, it is examining a number of applications from local authorities.

My Department is in the process of completing a review of the Control of Horses Act. This legislation plays an important role in helping to deal with the problem of wandering horses which have proved to be a hazard both to themselves and others. The problem also gives rise to significant welfare issues. Unfortunately, owners have been careless in some instances or have deliberately allowed horses to wander. The main stakeholders in this area have expressed concerns about certain aspects of how the Act is set out and being enforced. My Department has sought input into this review, from local authorities and Traveller organisations, in particular, as well as from other interested groups. There has been considerable interest in the review and a number of sensible suggestions have been made in respect of improvements to the Act in order to better serve the needs of all stakeholders. Some stakeholders are particularly concerned about a lack of consistency regarding the by-laws introduced by local authorities to deal with wandering horses. In addition, retention and notice periods vary from county to county and this causes confusion both among horse owners who may deal with different rules across county boundaries. It is also the case that where local authorities share facilities in the interests of efficiency, there can be confusion about which rules apply to which horses. Therefore, while acknowledging that there are wider social and long-term issues around horse ownership which present complex challenges in tandem, there is also clear scope to update the legislation in the

19 January 2016

short term so that the existing situation can be improved. My Department will be addressing this issue in the near future.

I indicated that there was a considerable body of legislation aimed at protecting the welfare of horses. The Animal Health and Welfare Act 2013 is very strong and includes severe penalties for breaches of its provisions. I acknowledge that there were far too many incidences of abuse of horses in the recent past, many of which were related to the general oversupply of animals. However, the position in respect of oversupply has been largely corrected and this is reflected in the substantial reduction in the number of horses removed under the Control of Horses Act last year. In general, I am satisfied that there has been a very significant improvement in the overall situation relating to the welfare of horses in recent years. I have provided substantial funds to animal welfare organisations to assist them in dealing with animal welfare issues that arise. I have also strengthened legislation relating to the identification of horses and this should also help to deal with abuse of horses, in particular by improving the prospects of tracing the persons responsible for the abuse. That is the key to the issue being dealt with.

Senator Cáit Keane: I thank the Minister of State for a very detailed reply. Horses do not know boundaries and cannot indicate who are their owners. That is the problem. If the Minister of State says he is strengthening the position, I will send him, by e-mail, a question on the various organisations to which funding is given, particularly those that provide therapy for horses and that work with juveniles who own horses. I have visited a horse project which is not receiving any funding but which is doing fantastic work. I will revert to the Minister of State on that point.

While the figures are moving in the right direction, an issue arises in respect of the number of horses removed which could be used in therapy but which are just got rid of. There is a project and if we put a few bob into it, horses could be put to use rather than got rid of. I will come back to the Minister of State on that point. I thank him for the detailed response.

Deputy Tom Hayes: I would be interested in receiving the details about the project in County Mayo to which the Senator referred. Regarding therapy, if there is something that can help children, it should be explored. The issue is to deal with the problem when 5,000 horses were creating hassle for people, both private and public. This number has decreased substantially. We would be very open to any project that could help the animals benefit young people. We might set up a meeting with some of our officials to try to help out.

Army Barracks Closures

Senator Denis Landy: I thank the Minister of State for coming to the House to discuss an issue I have been asked to raise. He will be familiar with the restructuring of the Defence Forces and the various commands within them during the early years of the Government. As part of this, a number of barracks were closed, including in Clonmel and Mullingar. The Minister of State was in Clonmel on the day of the last walking out of the soldiers from the barracks, as was I.

Commitments were given to interested organisations that the barracks around the country would be put to good use. I commend the Minister of State for the work he is doing to ensure the Clonmel barracks is an integral part of the infrastructure of the area. However, in Mullingar, a group, which we should all respect, the Irish United Nations Veterans Association, IUNVA,

was given the opportunity to use part of a building in the barracks, the officers' mess, for meeting and holding social events. The IUNVA has sought a long-term lease on the section in order to secure tenure and ensure it could develop and upgrade it as it saw fit.

Although the issue has been dragging on for well over a year, the IUNVA has received no positive response, only excuses why the property section of the Department will not make a decision about it. It was told the local GAA club was going to take over the whole barracks area, including the lands, and sublet the IUNVA section to it. This seems to have fallen through. Then the IUNVA was told it had to wait, given that there was a possibility the barracks would be used for refugees. Based on research I have done, this is clearly not the case. The IUNVA has received no answer since.

In recent weeks and months Mullingar Boxing Club has taken up residence in the dining room area. It is a great initiative to use the building, as the Government stated it would, to provide services in the community. However, surely the IUNVA, the members of which have served the country at home and overseas as members of one of the proudest armies in the world, should be treated with respect and receive security of tenure. The foot-dragging in the Department's property section should stop. There is a logjam which should be explained to the local people involved under the chairman, Mr. Eddie Robinson, and the national organisation.

A lease should be put in place, for which the IUNVA is prepared to pay. In other buildings in other parts of the country the leases were given at a minimal cost and ensured the buildings were used. No group is more deserving than the IUNVA. The time for dragging the feet on this, a small issue which, has continued for well over a year has come to an end. It must finish today. I await the response of the Minister of State.

Deputy Tom Hayes: I thank the Senator for raising this issue and giving me an opportunity to explain the position on Columb Barracks. Following the closure of the barracks in March 2012, officials in the Department of Defence wrote to Departments and other public bodies inviting them to express any interest in the property, with a view to its disposal by the Department. No such interest was expressed at the time.

As I am sure the Senator will be aware, the Department was approached by the Westmeath GAA County Board for the use of the barracks as a training centre. Parts of the barracks in Mullingar are used by the county board on a short-term lease and discussions are taking place with it regarding its future use of the barracks. The former barracks is also used by An Garda Síochána and the Customs service for training purposes.

A number of other local groups, including the Irish United Nations Veterans Association, IUNVA, the Order of Malta and the midland youth services have also been allocated units in the barracks on short-term basis. In addition, the Department has also received numerous requests from other local community groups wishing to avail of accommodation within the barracks.

The Irish United Nations Veterans Association has occupied the former officers' mess unit in the barracks since late 2014 and requested a long-term lease on the premises. Officials from the Department have met the association's representatives on site to discuss its plans for the barracks and have raised questions regarding those plans. The premises were initially provided for the IUNVA on the basis that it would be used as a meeting place for members of the association. It has since come to our attention that the IUNVA's long-term vision for the premises includes the provision of a coffee shop, overnight accommodation for its members and a bar.

19 January 2016

Also, the Department of Justice and Equality, the lead Department for the refugee accommodation programme, is considering whether any of the buildings falling within the remit of my Department, including Columb Barracks, is suitable for the purposes of providing temporary accommodation for refugees. While the Department supports the ongoing use of the barracks by the local community the current financial and administrative burden resulting from the retention of the barracks cannot be sustained, given that the barracks is no longer required for military purposes. Accordingly, officials of the Department will be happy to discuss with any interested group, including the local authority, any proposal it may have for the possible purchase and future development of the site for the benefit of the local community. This is in keeping with the Department's policy to dispose of surplus property no longer required for military purposes.

The example in Clonmel, where the local authority took the lead with a master plan, would be fitting. I am only representing the Minister, but it strikes me that the future of Columb Barracks lies in a master plan and that the lead authority should be the local authority. Many of the local organisations could then be accommodated within the barracks. It is clear from the response that the officials would entertain this. In this regard, officials from the Department are scheduled to meet the CEO of Westmeath County Council in the coming weeks to discuss possible future plans for the barracks. They would also be happy to discuss, with any interested group, any proposal they may have for the possible purchase and future development of the site for the benefit of the local community. In the circumstances, it is not possible to enter into a long-term lease with any of the current occupiers of the barracks.

Senator Denis Landy: I am very disappointed with the response. Clearly, if those who served the country played GAA games instead, they would have a better chance of getting the necessary premises to engage in their social activities in retirement. The level of respect being shown to soldiers who have served the country, not only in Ireland but also overseas, is despicable. It is not good enough. I appeal to the Minister of State as somebody who has a little common sense. It is clear that nobody wants this building. Since the barracks was closed in March 2012 no interest has been shown in it. This situation cannot be compared with that in Clonmel where the Minister of State is one of the lead people and made sure a plan was put in place. That was not the case in County Westmeath. If Westmeath County Council was interested in the building, the opportunity would have been availed of by now. The answer given by the Minister of State is a fob-off generated by departmental officials. I ask him to intervene because I know he is somebody who prioritises people's interests. I ask him to move this matter on much further than has been stated in his response.

Deputy Tom Hayes: I understand the Senator's frustration. If there was a similar situation in Clonmel, people there would be very annoyed. I bring the Senator back to the fact that there will be a meeting involving the chief executive office of Westmeath County Council in the coming weeks.

Senator Denis Landy: After three years.

Deputy Tom Hayes: Yes, but that has not happened up to now. A meeting should take place to see what could happen. As the Senator will know, in Clonmel there was slow progress. The fact is that if one had a master plan, the Department would be willing to engage. One must have a lead authority. We had success in County Tipperary because its county council took the lead and brought along the VECs and all of the other organisations that will now use those premises. If the same proposal was brought forward in County Westmeath, I believe one could

move the situation on. We need to keep up the pressure. A lot of work needs to be done to get people to communicate in order to reach agreement, but there is potential. As the Senator said, the building has been left idle too long, which is wrong. That is hard on organisations that want to avail of the premises. I understand where the Senator is coming from. Now that he has raised the matter here, we should receive a report on the meeting to which I referred. We can then set up a meeting for the Senator to discuss the matter.

Senator Denis Landy: I thank the Minister of State.

Sitting suspended at 3.30 p.m. and resumed at 3.35 p.m.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, Road Traffic Bill 2016 - Order for Second Stage and Second Stage, to be taken at 4.45 p.m.

Senator Paschal Mooney: The House will be aware of the controversy arising from the tapping of the telephones of journalists, supposedly in the national interest. Those of us who follow American television programmes will be aware of the term “in the interest of national security”. I am a great fan of the series “The Good Wife” which tells the story of a political family in Chicago which is dealing with the courts. The issue of the national interest comes up regularly. In this context and with regard to the recent controversy involving GSOC, I can refer to what I can only describe as the Taoiseach’s crocodile tears, a term used by Dearbhail McDonald in the *Irish Independent*. I commend the article to the Members on the Government side because she states that, effectively, that is all the Taoiseach is doing. The Government is operating under a law, the Communications (Retention of Data) Act 2011, which is a direct implementation of an EU directive that has subsequently been shot down by the European Court. That raises questions. The idea that there be an independent review is kicking the can down the road, as the Fianna Fáil spokesperson on Justice and Equality said earlier today in the other House. I ask the Leader to convey to the Government the fact that a Fianna Fáil Bill being introduced in the Dáil will effectively provide for oversight in this area in order that any attempt to tap a person’s telephone, not just of journalists but of private citizens, would have to go before a court. In the television programme I mentioned, when the US Government is trying to invoke national security, it must go through the court procedure, because there must be independent judicial oversight. That is what the Fianna Fáil Bill is about. If the Government has the will to protect the basics of democracy, journalist’s sources and so on, as it states in its flaky talk, it can take on board the simple solution we have put forward. The idea that we are running out of time is totally unacceptable. I do not believe it is true. If a Government wants to get legislation through the Oireachtas, it will get it through in its own way as it has the majority.

I cannot sit down without commenting on the television programmes on the homeless crisis. What is extraordinary is that, in spite of all of the criticism of the previous Fianna Fáil-Green Party Government, more money was spent in dealing with homelessness in 2008 than the Government has spent in five years. That is a shocking indictment of the Government’s lack of compassion and humanity for the more than 800 families and 1,500 children who find themselves homeless, with the most recent revelation of 100 complaints to the Dublin Regional Homeless Executive about the standard of accommodation provided. One would not let pigs live in some of the environments in which poor homeless people are living. It is past time, going into an election, the Government acted on this issue.

19 January 2016

Senator Ivana Bacik: I am sure all Members will want to join in the expression of congratulations to all those involved in the success of Irish films - producers, directors and actors - nominated for the Oscars last week, in particular Lenny Abrahamson on his nomination for best director for "Room" which has received four nominations. "Brooklyn" has received three Oscar nominations. It is superb to see such recognition of the enormous talent coming out of Ireland. Having said that, there is the serious issue of State funding. The Irish Film Board raised this issue on Thursday of last week in anticipation of the nominations. It organised an event with stakeholders and those working in the industry to ask the Government to reverse the spending cuts introduced during the crisis and to point out that funding for the board had been reduced by 40% from its peak in 2008, as Senator Paschal Mooney might recall. In 2008 the funding allocated peaked at €20 million, which is now down to €11.2 million. Clearly, the immense success of the Irish film industry has been achieved in spite of the funding cuts. However, I support the board's calls for a review of these cuts.

I support calls for a debate on the Garda Síochána Ombudsman Commission's powers of telephone surveillance. Serious issues have been raised in respect of the apparent surveillance of journalists' telephones without any notification to them by GSOC. I am aware that the Minister for Justice and Equality, Deputy Frances Fitzgerald, is presenting a review of the issue to the Cabinet and we might have a debate on it, if time permits, when we know the response. Clearly, this is another scandal relating to GSOC's powers.

I call for a debate on homelessness in the light of the revelations in recent days about complaints concerning accommodation which have been made in Dublin and in the light of the excellent RTE programme broadcast last night on which some brave families who were homeless effectively filmed themselves in their predicament over a number of months. It was powerful television and brought home to all of us the real plight of people who were homeless, but I take issue with Senator Paschal Mooney's comments. There was a period of serious neglect in social housing provision, on which I believe everyone can agree. For many years there has been a lack of funding provided for social housing and what we are now seeing is the consequence of those years of neglect of this sector.

A motion on the issue of cystic fibrosis and funding for particular medications has been circulated by Senator Mark Daly. Quite a number of colleagues from the Labour Party and, I am sure, from other parties have expressed concern to me about the issue and I have asked the Minister for Health for a response on the provision of two drugs in particular, Orkambi and Kalydeco, for those with cystic fibrosis. I have an alternative wording on which we might agree which I will circulate to group leaders today in order that, rather than playing political football with this very serious issue, we can agree for the health and safety of cystic fibrosis patients a factually accurate cross-party motion on the provision of important medication. I have spoken with the Leader about it, but it is an important issue. In the last few weeks of this Seanad's term it would be a very good issue for us to unite on as a House and throw our support behind it.

Senator David Norris: I express my support for Senator Ivana Bacik's suggestion that an agreed wording for the motion on cystic fibrosis drugs be considered by this House because it is something Seanad Éireann could do very positively. We are not normally confrontational in this House and if we can do something positive for people suffering from this very difficult disease, it would be excellent.

I also support Senator Ivana Bacik's call for a debate on telephone tapping, although I am rather amused by the way this issue crops up from time to time and always when it is to do with

journalists. It is never brought up when the private citizen is involved. I remember when my telephone was tapped and I tried to get Mrs. Mary Robinson to raise it, but she could not, as it was a matter of national security. I am not blaming her at all. She was excellent, but private citizens do not rate a damn as far as this issue is concerned. I always assume my telephone is tapped. I am fairly outspoken and say on the telephone what I would say in this House or anywhere else. I frequently get criticised for it, but I just always assume that somebody is listening.

If there is time before the Seanad adjourns for the general election, I ask that we have a debate on a metro system. It must be 20 years since I tabled an amendment to Government legislation providing for a metro and at one stage it looked as though we might get it. This morning on the wireless I heard the representative of the Automobile Association, when asked about a metro system, say it was a good idea. The entire public transport system - taxis, buses, Luas, trains and so on - working at its maximum potential could shift less than 50% of commuters and he said that was a recipe for gridlock. He also said every investment in transport infrastructure was good. I know that at least one of my colleagues does not agree with me on this issue, but Dublin is about the only capital in Europe that does not have a metro. There is an infestation of half-baked Luas lines in Dublin, with their spaghetti of cables all over the place. At the beginning, the two lines did not even meet. We had one line and then there was another and then another, all joined up. It is a complete farce. If they had spent the money they had wasted on Luas in putting in an underground system, we would all be much better off.

Senator Jim D’Arcy: Ba mhaith liom fáilte a chur roimh an athbhreithniú a rinne Údarás na Gaeltachta ar chúrsaí fostaíochta sa Ghaeltacht. Tá scéal an-dearfach ag teacht ó na torthaí a d’fhoilsigh an t-údarás inné. Léiríonn na figiúirí go raibh 215 duine breise fostaithe i gcuideachtaí na Gaeltachta ag deireadh na bliana 2015 i gcomparáid leis an mbliain roimhe sin. Molaim freisin go raibh formhór de na poist, nó cuid mhaith dóibh, i dTír Chonaill ós rud é gur cailleadh go leor post sa chontae sin sa bhliain 2014. Nuair a bhí mé ag amharc ar an athbhreithniú, mhothaigh mé go bhfuil dul chun cinn fiúntach ag tarlú mar gheall ar na limistéir teanga Gaeilge agus na pleananna do na limistéir sin. Tá súil agam go leanfaidh sé sin ar aghaidh. Molaim an t-údarás as an obair atá á déanamh acu.

Senator David Norris: On a point of order, following Senator Jim D’Arcy’s excellent contribution and for those less fluent than me as Gaeilge, can I ask why, at least in this station, there appears to be no translation? There used to be translations from Irish into English.

An Cathaoirleach: The translation service was working. I heard it working.

Senator David Norris: Did you really? Perhaps some people might look at my instrument to see that it is functioning adequately.

Senator Paschal Mooney: Are there volunteers?

Senator Mary Moran: Is the Senator volunteering?

Senator David Norris: Form an orderly queue.

Senator Sean D. Barrett: I pay tribute to Eileen Leslie Greer, aged 98 years, who was presented with a medal and certificate by the British ambassador yesterday for her work in Bletchley Park in decoding German codes. She is a first class honours German graduate from TCD. We owe a lot of our freedoms to those who did work at Bletchley Park, especially from this jurisdiction.

19 January 2016

I must express concern about an article by Eithne Shortall in *The Sunday Times* to the effect that the National Gallery of Ireland would not be ready this year in time for the 1916 Rising celebrations. It was supposed to be ready and there were prospects of a major increase in the budget for the project, but it is coming in late. That should not have happened with a project that was to coincide with celebrating the 1916 Rising. I am concerned whether the same people will take hold of the Seanad and keep us out of this building when it comes to our turn to receive the attention of the construction industry. It is regrettable that the building behind us will not be ready as promised. The prospect of cost overruns is always there where the construction sector is concerned and we may be next for the treatment. How long is it intended to keep us out of this debating Chamber? Do we have guarantees that the projects will be completed on time?

Senator Denis Landy: While Senator David Norris can be compensated, he does at least have an instrument. It might not be working well, but we do not seem to have any instrument underneath us. Perhaps that might be looked at.

I support Senator Ivana Bacik's call for a motion that would encompass all our views on those with cystic fibrosis. I recall a similar circumstance when research was carried out on a medication and it was produced to treat one of the cancer illnesses and cost was a major issue also. We came to an agreement at the time with the company that was producing it and I hope a similar understanding can be reached on this occasion. A very close friend of mine who had cystic fibrosis died a number of years ago. The experience of seeing somebody go through that trauma is unacceptable.

I wish to raise another issue. On 29 December 2015 my home town of Carrick-on-Suir experienced the highest level of rainfall in the country when 81 mm of rain fell in one night. As we will have a full debate tomorrow on the flooding, I am not discussing that issue, but what one would call an unforeseen circumstance. The local library, the Sean Healy Memorial Library, is called after a man who gave public service for 35 years. The roof of the building was leaking before the major downpour and it is now in extremely bad condition and dangerous. The electrical wiring has been affected also. The library needs funding urgently. I ask the Leader to intervene in this matter with the Department to see if some funding can be provided to prevent the Sean Healy Memorial Library in Carrick-on-Suir from having to be closed to the public on safety grounds.

Senator Gerard P. Craughwell: I ask Senator Ivana Bacik who I support to include me in the list of group leaders. As I am my own leader, Whip and group, I ask her to include me.

An Cathaoirleach: Why?

Senator Gerard P. Craughwell: The Leader might recall that some time ago I mentioned Councillor Willie Crowley. May the Lord have mercy on him because he died recently. He championed the cause of the residents of Millfield Manor in Kildare. Millfield Manor was a development of 79 houses and 129 apartments. In March 2015, six of those houses were razed to the ground in 30 minutes by a fire. It was the most devastating fire I had ever seen. I observed one house razed to the ground in seven minutes flat from the time the first flames were seen. The developer of the property went bankrupt in 2011, with debts of over €100 million. The UK system prevented the developer from being a director of a company for ten years. The residents who remain in Millfield Manor are faced with bills in excess of €35,000 to make their houses safe from fire. Mothers and children go to bed every night petrified that there might be another fire. The remedial work has not yet been done and nobody appears to be able to nail down who

was responsible for the work. One can imagine how horrified I was last weekend to discover that the same developer was developing properties in Dublin city, having walked away from €100 million of debt. Now, through another company, he is claiming 30 years of construction experience, the best possible standards and so forth. The developer is selling houses for over €500,000 million a pop. There is something terribly wrong in this country when somebody can walk away from his or her responsibilities, set up a new company and head off into the hills again. It is wrong in every sense. I do not know what the Leader, any other Member of the House or I can do about it, but I understood we had put an end to the cowboys back in the 1980s.

Senator Cáit Keane: I support Senator Ivana Bacik on the joint motion. I also wish to refer to the RTE programme broadcast last night. As Fine Gael spokesperson on local government and housing, we should hold a debate on the issue to show what is being done. As the Minister of State, Deputy Paudie Coffey, said, it is a serious issue. Anybody who watched the programme last night could not help but be moved for the people and children featured in it, but we must ensure we are realistic in what we are discussing. The Government has taken and is taking the homelessness issue most seriously. It is its top priority.

Senator Gerard P. Craughwell: I thought health was.

Senator Cáit Keane: We were speaking about rough sleepers and - Lord have mercy on him - Jonathan Corrie. The number of rough sleepers has gone down by 46% since November. That is 46% too high because we want to do more about it. This morning Mr. Cathal Morgan, director of the Dublin Region Homeless Executive, said the supply of local authority housing was still at a low level. Obviously, we are starting from a nil base. Senator Paschal Mooney referred to what we had spent in 2008, but social houses were not built. We had a sub-prime mortgage issue in 2008 that actually drove lending. Money was thrown at people who should never have been landlords in the first place. The sub-prime mortgage market was totally out of control. That led to the reckless lending of the banks which led to the downfall which led to housing problem we are now correcting.

Senator David Norris: It was done with the full support of the Senator's party.

Senator Cáit Keane: Everyone has to play his or her part. Mr. Morgan said this morning that we had to accept modular housing. I want to comment on the development in Limerick. I read in the *Irish Examiner* in November that Councillor Gilligan in Limerick had welcomed the Government's provision of €3.8 million for 21 social housing units. Deputy Willie O'Dea then got up and said "No," that we could not have it.

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

Senator Cáit Keane: I am looking for a debate and a review on what is actually happening. We cannot build houses overnight, but we should all co-operate and work together. When 21 social housing units are to be provided and €3.5 million put into housing in Limerick, we should all come in behind it. We cannot have ex-Ministers saying, "Not in my back garden.". We need a long-term solution. We have 35,000-----

An Cathaoirleach: The Senator is way over time.

Senator Cáit Keane: A review and a debate on what we are actually doing would be welcome to let the people know that we are working on this issue and that it is a priority.

19 January 2016

Senator Terry Leyden: I call on the Leader of the House to consider dealing with a Bill in this House, if it is passed by the Dáil. I am referring to Deputy Niall Collins's Bill on the Garda Síochána Ombudsman Commission. We should have safeguards. I had thought the intrusion and tapping of telephones was something we had left behind in the 1980s. Now, it has come about again that the Garda Síochána Ombudsman Commission has authorised the tapping of the telephones of Mr. Conor Feehan of the *Herald*, Mr. Senan Molony of the *Daily Mail* and Mr. Michael Clifford.

An Cathaoirleach: The Senator is naming people in the House.

Senator Terry Leyden: I think they have been named in public already.

An Cathaoirleach: They are not here to defend themselves.

Senator Terry Leyden: The three journalists have been named. I am sure they would not object to being named here because it is an awful intrusion into the private lives of these much-respected journalists who are doing an excellent job. Journalists have a role to play in our democracy to expose wrongdoing. They should not be harassed by GSOC. It is outrageous. The Government should adopt the Bill prepared by Fianna Fáil and bring it to the Seanad before the general election to ensure the total removal of the right to tap the telephones of respected journalists and deprive them of their civic rights. It is outrageous and will be a reflection on the Government if it does not take action as quickly as possible.

Senator Mary Moran: I, too, add my voice to support Senator Ivana Bacik's call on behalf of those with cystic fibrosis.

I welcome the announcement of the €127 million being made available through the European Regional Development Fund. In particular, I welcome the €2 million in grant assistance awarded to rejuvenate the centre of Dundalk. It is badly needed. I look forward to implementation of the plans now put in place. I raise the ongoing issue of accessibility. This is relevant in all of the plans in all of the hub towns for which money has been announced this morning. Appropriate plans to ensure accessibility are necessary. By this I mean the need to communicate and consult people who have accessibility and mobility problems. These are the people best placed to comment on the matter. I am calling for all people to be consulted in whatever town work is being carried out in, specifically my town of Dundalk. Mobility and accessibility are major issues.

4 o'clock

For example, I brought a group from the Irish Wheelchair Association in Ardee to the Oireachtas this afternoon. The ushers have gone to a great deal of trouble to ensure the eight or ten wheelchair users are accommodated.

Senator Cáit Keane referred to last night's programme on people living in emergency accommodation. Unfortunately, I have not seen it yet, although I have heard the comments made today and look forward to catching up on it. Everyone is discussing the issue. People were moved on from a halting site in Dundalk on Friday. There has been mention of rehousing and emergency accommodation. Recently, three families in close contact in Dundalk have approached me. One will be evicted on Friday because the landlord is selling the house and there is no rent control. The family has been informed that the father will be sent to the Simon Community and the children will be put into care. That is unacceptable. All such families have

done is to be unable to find accommodation where rent allowance or housing assistance payment, HAP, is accepted.

An Cathaoirleach: The Senator has gone way over time.

Senator Mary Moran: Absolutely, but something really needs to be done to address this issue.

Senator David Cullinane: I am glad that Senator Mary Moran believes something “really needs to be done” to address the housing issue because those of us on this side of the House have been raising it for the past five years, not just the past five weeks.

Senator Mary Moran: I am sorry, but I have been raising it for the past five years.

An Cathaoirleach: Senator David Cullinane to continue, without interruption.

Senator David Cullinane: The Senator might have done so, but her party has done precious little to deal with the housing problem.

Senator Mary Moran: Excuse me, but all of us have been raising it. I am not politicising the issue. I am saying what is necessary.

Senator David Cullinane: But I am politicising it. The housing crisis, with people sleeping in cars and in emergency accommodation, did not happen by accident. It happened because of Government policy and neglect. It happened because the State had not built social housing. We have surrendered social housing provision to the private sector. This was done by the previous Government under Part V of the Planning and Development Act 2000. While an element of that Act was necessary, almost all social housing construction stopped once Part V came on stream. The State has not built any social housing since. The majority of people have been left to the mercy of private landlords through the HAP scheme and the rental accommodation scheme, RAS. As we have stated in the House every week for the past few years, most people who are in this situation cannot find private rented accommodation or landlords who will sign up to these schemes. While all of this was happening, nothing was done to increase the supply of social and affordable housing that citizens needed. This has led to increased homelessness and a housing crisis. I am glad that the Government is at least accepting that there is a crisis, but we need investment. The Government parties’ election mantra is about cutting taxes left, right and centre. They are not discussing the need to invest in housing, health care or the social services that people need. A debate on housing is required and it will be held in the next five weeks as part of the election campaign. I make no apology for making this a political issue because that is what it is. The non-provision of State housing is clearly a political issue, as well as the political responsibility of the parties in government that created the crisis. Some of us did not need to see a “Prime Time” programme to understand the seriousness of the issue.

Senator Mary Moran: We do not need a programme about the place where Sinn Féin is in power.

An Cathaoirleach: Senator David Cullinane to continue, without interruption.

Senator Mary Moran: There is a homelessness crisis there.

Senator David Cullinane: Some of us work in our constituencies and have dealt with people throughout the past five years.

19 January 2016

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

Senator David Cullinane: We knew exactly the depth of this problem and the tragedy that it presented for many working families. I am calling for a debate on the issue. Will the Leader arrange for the Minister with responsibility for housing to attend the Seanad? If that does not happen, seeing as how we only have a few weeks left, we will have it-----

An Cathaoirleach: Is the Senator proposing an amendment to the Order of Business?

Senator David Cullinane: Not today. I am making a reasonable request of the Leader that he try to arrange for a debate as soon as possible.

Senator Michael Mullins: I bring to the House's attention that, five minutes' walk from here at the RHA Gallery in Ely Place, there is a photographic exhibition that shows the reality of the Syrian refugee crisis. The Caesar Exhibition displays photographs of detainees from the Syrian regime's prisons and detention centres. The photographs were taken by a former military policeman in the Syrian army, known by the pseudonym "Caesar", who fled Syria in 2013. He smuggled out with him over 55,000 photographs of approximately 11,000 people who had been tortured in Syria by the Assad regime. The 11,000 victims he photographed represent only a fraction of those who were the subject of the systematic torture and killing that took place inside the regime's prisons. It is the most chilling exhibition I have ever seen. The brutal evidence that can be seen on the bodies of those pictured shows that they suffered from starvation, beating, strangulation and other forms of torture. As politicians and parliamentarians, we need to keep the protection of civilians in Syria at the top of our political agenda. We have seen in recent times the number of people who are starving there and we are aware that aid is being prevented from getting to them. The emphasis, rightly so, is very much on the defeat of ISIS, on which politicians throughout the world are focusing. What is being ignored is the brutality taking place and the contribution the Assad regime is making to the conflict, which has resulted in the deaths of between 250,000 and 500,000 people in the past four years. I know that time is running out, but I ask the Leader for a debate with the Minister for Foreign Affairs and Trade on the situation in Syria in order that we can keep the appalling situation and the torture of these unfortunate people at the top of the agenda. The photographs on display have been verified by an international commission of inquiry; they have been shown at the United Nations in New York, at the UK Parliament buildings at Westminster and the European Parliament in Brussels. If Members get an opportunity to pop in and see them, it would certainly be worth their while. The exhibition is only running for another hour or so.

Senator Aideen Hayden: I agree that we should, as a matter of urgency, have a debate on the issue of homelessness and the wider issue of housing supply. We can sit here and talk about the reasons for the housing crisis in Ireland and if I were to look back to 2008, for the sake of argument, I would be able to point out that we were building more houses in this country than were being built in the United Kingdom. We had 200,000 vacant units in 2008. From approximately 2000, we failed to implement Part V of the Planning and Development Act. Had we done so, we would have had 35,000 more units of affordable housing, 18,500 more units of social housing and would not have had the crisis with which we are faced today.

It does not behove any of us, having seen the programme on RTE last night, to cast insults and abuse around because that is of no benefit whatsoever to people living in emergency accommodation, sometimes in the most dire of circumstances. However, I want to say the Government has ring-fenced funding for homeless services in each successive budget since it took

office in 2011. I am very proud of the Labour Party's record. I am proud that the former Minister for Environment, Community and Local Government, Deputy Jan O'Sullivan, ensured we did not cut funding for emergency homeless services. In fact, it was increased by €10 million towards the end of 2015 and the allocation for 2016 is €70 million, up 56% since 2014. We have also made other improvements in the system. Some 700 people left emergency services in 2014 and approximately 1,000 did so in 2015. The bottom line is that very few families spend more than six months in emergency accommodation. Half of all allocations now go to homeless families. In addition, the housing assistance payment makes support far in excess of rent supplement available to homeless families in order that they might obtain accommodation. We have introduced a two-year rent freeze. Anyone who saw the programme about homeless families on RTE last night would note that most families have ended up being homeless as a result of rent increases. The two-year rent freeze, when it takes effect - it will take some time - will have a positive impact in removing the numbers of families falling into homelessness. It is a very important point to make and I thank the Cathaoirleach for giving me the opportunity to make it.

The Tenancy Protection Service which operates in Dublin and Cork and is being extended to the counties around Dublin has protected 1,500 families in the Dublin region alone from falling into homelessness. There are real questions about supply. I echo the words of Mr. Cathal Morgan from the Dublin Region Homeless Executive on modular housing. It will not solve the problem, but it will make a massive contribution and I ask people to support it. There are 22 families in homeless accommodation today who should not be there because of the measures taken by some people who regard themselves as acting for their communities and prevented homes from being completed.

Senator Paul Coghlan: I am somewhat puzzled and disappointed, to say the least, as are most citizens, at the attitude of AIB in its offer to Germans or, as the website puts it, those resident in Germany of a savings interest rate that is three times the rate available to its Irish customers. I would like to hear its rationale for the decision. A spokesperson said it was about diversifying its funding base and reducing dependency on other funding. A funding base is put to the same use, regardless of the source. Why is AIB discriminating so much against the Irish citizens who, it could be said, saved it? As we know, it is 99% owned by the State. This sends the wrong message. We are trying to restore the bank's fortunes. It has made progress and it is to be hoped it will make more. However, to class the home base as second-class citizens is absolutely ridiculous. Perhaps we might have a debate on banking before the end of the session.

Senator Máiría Cahill: I, too, call for a debate on the issue of homelessness. Country to what Senator David Cullinane said, I raised the issue in November by way of a Commencement matter. I am disgusted that someone can come in here for less than ten minutes on the Order of Business and profess to care so much about the issue of homelessness that it becomes a party political point and then leave without listening to the rest of the contributions. I could wave and quote figures about what the Government has done about the homelessness crisis until the cows come home, but I do not want to do that because it is not a party political issue. It is very worrying that families with young children are living in hotel accommodation for a year or more. As someone who was made homeless and very recently spent four years on the homelessness list because of republican intimidation, I also do not accept the bona fides of the Senator on the issue. All of that is not important. I have never seen conditions like some of those aired on the RTE programme last night. I do not want to hear criticisms of the Government and what should have been done. Rather, I want to have a debate on this issue to find out what we can do in the short term. I understand it will be 2017 or 2018 before some families are housed. In

the meantime, I want to know what can be done to make the lives of families in emergency accommodation easier.

Senator Michael Comiskey: I welcome the news today that €2 million has been allocated for O’Connell Street in Sligo and a new community centre, Crann Nua, in Cranmore. It is very welcome news. Many calls have been made in the past few years to pedestrianise O’Connell Street in Sligo. Extra money will be allocated for the paving of the street and the provision of single-lane traffic. The street is the centre and heart of Sligo town, where most people do their shopping, and it will be great to see it being partially pedestrianised and the money being spent. The people of Cranmore need the community centre. The community has done a significant amount of work in the past few years in a crowded space and the new community centre will make a huge difference to them. It is good news for Sligo.

Senator John Kelly: I raise an issue that I raised last week, namely, the proposed land grab in Monksland, County Roscommon, by Westmeath County Council. This is a very serious issue. We attended a meeting last Monday night at which 1,700 people were present. I sought a debate with the Minister for the Environment, Community and Local Government last week and I am still calling on the Leader to arrange it. We must have it before the general election is called. I note, for example, that Dún Laoghaire-Rathdown County Council covers parts of County Wicklow, but we do not see it trying to grab the part of County Wicklow for which it is responsible. Fingal County Council covers parts of County Meath, but we do not see it trying to grab the part of County Meath for which it is responsible. If this is about creating city status for Athlone, I will give an example to the House. Istanbul is the biggest city in Europe. It is the fifth largest city in the world. Not only does it straddle two provinces, it straddles two continents and operates very well. There is no need for consideration of a change of boundaries in County Roscommon. The people of County Roscommon will not allow it to happen. I urge the Leader to arrange a debate with the Minister for the Environment, Community and Local Government on this issue as soon as possible.

Senator Terry Leyden: Well done. The Senator might join me tomorrow morning for a Commencement debate, please.

Senator Marie-Louise O’Donnell: On Friday night I had the privilege of being invited by the Lions Club to its annual dinner for the homeless which, rightly in view of what people had died for there, was held in the GPO. I was there with Ms Alice Leahy of Trust. I want to repeat something I said here three and a half to four years ago. When I left the GPO at approximately 9.30 p.m. and walked through O’Connell Street, it was a threatening and filthy dump full of marauding individuals. I walked up Grafton Street which I thought was bound to be a little better, but it was worse. This was not as a result of the behaviour of what we would call the “down and outs”, the homeless or people who suffer from drug addiction; rather, it was due to the actions of members of the marauding middle classes who, with bottles of vodka in their hands, were kicking everything that was not tied down. There was not one policeman in sight. There was no place to have a cup of coffee. One could not go into the city and make it part of one’s life. One could not sit down and enjoy the atmosphere. Of all the places I walked, I felt most threatened on Grafton Street. There was nowhere to go on O’Connell Street other than late-night burger joints. This is a very serious issue. I recall standing here three and a half years ago and saying we needed a metropolitan police service in Dublin because the place had become lawless. The city has been taken away from the people who live in the suburbs and would like to go into town to the movies, for a coffee, a meal or to walk up and down looking at the shop windows, while enjoying the new pavements on which we have spent millions for the third or fourth time.

What I witnessed was people engaging in a marauding and threatening violence. That is what is going on in the city at 9.30 p.m. on a Friday.

I concur with the point made by my colleague Senator Aideen Hayden. The BBC made a documentary in 2009 or 2010 which asked who owed what to whom, who had been left bereft and who had taken the money and ran. I refer to the Bank of Scotland which was the worst offender in the Lloyds banking investigation and which left this country owing €9.2 billion. The word that emanated from the screen after all these questions had been asked was “greed”. That is what did it - greed and commission. If one considers what is happening to a great many landlords, it is down to banking greed. I am talking about landlords who are incapable of paying for their homes or properties and who are obliged to give them back to the banks. The result is that ordinary families are being put out onto the street. I question this. The cause is greed. I note for the benefit of Fianna Fáil and Sinn Féin that we would be better off not slinging arrows and eating each other for what happened. Rather, we should be seeking to do something about it and that is what the Government, of which the Labour Party is a member, is doing.

Senator Rónán Mullen: I request a debate on how elderly parents are cared for. I have spoken to older people who have told me that they are genuinely afraid of becoming ill and entering public hospitals. They are afraid they will be seen as a burden rather than as people and as occupiers of beds rather than as patients. More darkly, elderly people sometimes fear that they will enter hospital and never come back out. Routine illness can rapidly become life-threatening in later life and elderly patients sometimes feel doctors will hasten death rather than provide appropriate care. These fears are not groundless. In July 2013 the British Department of Health phased out from NHS hospitals a practice called the Liverpool Care Pathway, a protocol whereby elderly people suffering from non-lethal illnesses whose conditions deteriorated were forced to suffer days of dehydration or to be sedated, leaving them unable to ask for food or drink. That was how British hospitals dealt with ill and elderly patients for more than a decade. It often appears to me that we are in danger of copying the mistakes of the British, except that we sometimes wait until they have dropped certain bad practices before we adopt them. Whether the withdrawal of care is medically justified, it should always be based on the best interests of patients, not on some prevailing ideology or economic calculation. Care for older people presents particular issues. Ageing patients can deteriorate rapidly and we need a charter of patients’ rights, with particular emphasis on care for older people. A number of EU states have adopted legislation on patients’ rights.

Senator Marie-Louise O’Donnell: On a point of order, was the Senator here for, or is he aware of, the Assisted Decision-Making (Capacity) Bill which answers all of his fears?

An Cathaoirleach: What is the Senator’s point of order?

Senator Marie-Louise O’Donnell: Is the Senator aware of the Bill which was passed here and in the Lower House and which prevents the very thing about which he is talking?

An Cathaoirleach: Will the Senator, please, resume her seat?

Senator Marie-Louise O’Donnell: Do we have to listen to this drivel?

Senator Paschal Mooney: Sit down and cop yourself on.

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

19 January 2016

Senator Rónán Mullen: I have, but I also wonder why Senator Marie-Louise O'Donnell engaged in that party-political rant. I tabled amendments to the Bill. I do not know whether she did.

Senator Marie-Louise O'Donnell: I did and I had them passed.

Senator Rónán Mullen: What I am talking about has nothing to do with the contents of the Bill. The Senator should carry out her research before she comes into the House.

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

Senator Rónán Mullen: Yes. I hope Senator Marie-Louise O'Donnell will be better researched in the future before attacking me or other Senators.

Senator Marie-Louise O'Donnell: I had some of my amendments to the Bill passed. I was here for the whole debate on the Bill, unlike the Senator.

Senator Paschal Mooney: On a point of order, I applaud the Cathaoirleach's intervention. It is despicable and unacceptable that a Member should attack another Member who is speaking.

Senator Rónán Mullen: Does the Leader agree that statutory rights are needed to cover the entire area of patient care and treatment, including human rights and values, information, consent, confidentiality, privacy, care and treatment, going far beyond the issues Senator Marie-Louise O'Donnell sought to raise? The criminal cases at Áras Attracta have brought before us in a topical way the urgent need to re-examine the care we provide for the most vulnerable in society. In this instance, I refer to older people as they become more and more vulnerable in their lives.

Senator Marie-Louise O'Donnell: Read the Bill.

Senator Maurice Cummins: Senator Paschal Mooney referred to GSOC. Concerns have been expressed in recent days about access to journalists' telephone records in the context of criminal investigations being carried out by GSOC. We all agree that a free press plays a pre-eminent role in any democracy in fostering a full, free and informed debate on all issues of public concern. Therefore, it is of fundamental importance in any healthy democracy that journalists be able to carry out their legitimate work unhindered. Today the Government agreed to the Minister for Justice and Equality's proposal that an independent review of the law be established on access to journalists' telephone records. The Minister will make a further statement later today on the conduct of the review, the details of which are still being finalised.

Senator Paschal Mooney and many others Members referred to the RTE programme on homelessness broadcast yesterday evening. It is not tolerable that in Ireland today we have families with children living in emergency accommodation. It is a legacy of the housing bust that we are working to remedy every day. The Government and local councils are progressing a number of more suitable property and policy solutions for all families living in emergency accommodation. Many of the problems stem from the chronic lack of supply of housing, which is causing knock-on problems across the property market and wider society, for renters to first-time buyers and low income households. Senator Aileen Hayden has mentioned on several occasions that housing supply is the nub of the problem.

Housing provision is a priority of the Government, as evidenced by the social housing strat-

egy 2020 which sets out clear, measurable actions and targets, primarily to increase the supply of social housing to meet the housing needs of all households on social housing lists. In total, the strategy targets the delivery of 110,000 new social housing units through current and capital funding streams. Senator David Cullinane mentioned that we should have a debate on funding and that there was a need for greater investment in social housing provision. I agree with him fully. Given the pressing need to recommence house-building, approximately €3 billion in capital funding will be provided in support of the social housing strategy under the Government's national capital plan 2016 to 2021. In 2015 more than 13,000 units were delivered across all social housing programmes, representing an 86% increase on the 7,000 units delivered in 2014. While this represents tangible progress, in order to deal comprehensively with the housing lists, further ambitious targets will be set by the Government, starting in 2016, during which the target is to deliver 17,000 units.

This is not a problem that can be solved overnight. Planning, design and building must take place and they take time. Money is not a problem in the building of houses. As I said, the Government has made €3 billion available and I am sure this will be acted on by local authorities throughout the country. More than 2,000 units that were boarded up have been brought back into circulation this year, but there is a need for further advancement in that regard and all local authorities have been asked to co-operate. The provision of funding for housing is not a problem and where local authorities request it, they will be allocated money.

Senator Ivana Bacik complimented all of the Irish people and actors who had been nominated for Oscars and called for greater funding for the Irish Film Board. I am sure that matter will be addressed by the Minister for Arts, Heritage and the Gaeltacht.

Senator Ivana Bacik also raised the question of an all-party motion on cystic fibrosis. I hope we will have a wording that can be agreed to by all parties and Members.

Senator David Norris spoke about the need for a metro system in Dublin. The Road Traffic Bill will be brought before the House today and I believe another Bill on public transport will be brought forward in a week or two. They will provide ample opportunity for the Senator to raise the matter.

Senator Jim D'Arcy welcomed the progress made in job creation in Gaeltacht areas. An additional 215 people were employed in Gaeltacht companies at the end of 2015, while Údarás na Gaeltachta managed to create 533 jobs in 2015. That represents significant progress. The Senator also acknowledged the progress made by Údarás na Gaeltachta in the implementation of the language planning process in the Gaeltacht in conjunction with community organisations. That is important work and we are all pleased that Údarás na Gaeltachta is prioritising the process in the 18 Gaeltacht language planning areas in which notices have been published to date. That represents significant progress, as the Senator mentioned.

Senator Sean D. Barrett asked for how long the Seanad Chamber would be closed for building work. He also mentioned the delays in the work being done at the National Gallery of Ireland. I am not aware of how long the work will take, although I am sure the House will be notified of when it will commence and what the plans are for us. The Committee on Procedure and Privileges will discuss the matter.

Senator Terry Leyden: Is the Senator is going to Farmleigh?

Senator Maurice Cummins: No decision has been made on where the Seanad will meet

19 January 2016

during that time, but I hope the work, when it does start, will be completed in the time allocated and that we will not have any overrun, as mentioned by the Senator in connection with other building projects.

Senator Denis Landy has welcomed the all-party motion we intend to table on cystic fibrosis. He also called for the provision of funding for the Sean Healy Memorial Library in Carrick-on-Suir. That is something he could raise as a Commencement matter for the relevant Minister to discuss.

Senator Gerard P. Craughwell outlined the problems for residents of Millfield Manor and mentioned that the developer of that estate was operating again. It is deplorable when developers who have built such houses can be involved in house-building again. This matter should be addressed.

Like other Members, Senator Cáit Keane called for a debate on housing and outlined the progress made by the Government in many areas. I addressed the issue of telephone records which was raised by Senator Terry Leyden.

Senator Mary Moran welcomed the allocation of funding in Dundalk and also called for action on the issue of accessibility for people with disabilities, a subject she has raised on many occasions in the House.

I have addressed the matter raised by Senator David Cullinane of the need for investment in housing. I have outlined the investment the Government is making and intends to make in housing, social housing in particular, in the coming years.

Senator Michael Mullins mentioned the Caesar exhibition, a photographic exhibition highlighting the atrocities committed in Syria. He also mentioned the need to highlight the humanitarian issues we see highlighted so often on our television screens.

Senator Aideen Hayden spoke about housing supply and outlined the failure to implement Part V of the Planning and Development Act 2000, which certainly contributed to the problems we are facing. She highlighted eloquently the progress made and the measures the Government had introduced in recent times.

Senator Paul Coghlan questioned the attitude of AIB in offering a higher interest rate on savings to German residents than to Irish residents and called for a debate on banking. We will certainly try to arrange such a debate, but as the clock is ticking, I do not know whether we will have sufficient time to arrange all of the debates requested by Members. I doubt that we will.

Senator Máiría Cahill also mentioned homelessness, an issue she has raised on a couple of occasions. She called for a debate, if we could fit one in, on housing.

Senator Michael Comiskey spoke about the additional funding of €2 million provided for a community centre in Sligo and the improvement of the streetscape in the city. I am sure it will be welcomed by the residents.

Senator John Kelly referred to the Boundary Commission. I will certainly ask the Minister for the Environment, Community and Local Government to come to the House to debate the issue, but as the review is ongoing, I doubt he will come until it is complete.

Senator Marie-Louise O'Donnell described streets such as O'Connell Street and Grafton

Street on occasion as being “a threatening and filthy dump.” She called for a metropolitan police force to be introduced and highlighted the greed in the past and which is still evident where landlords are concerned. She spoke about the need to address it.

Senator Rónán Mullen raised the subject of elderly and ill people. He said that in the past care had been withheld in the United Kingdom and that we should refrain from any such practice. I can assure him that the protection and care of the elderly is of paramount importance and that they will be protected by the Government in every way possible. I can also assure him that the practices to which he referred in the United Kingdom will not form part of any Government, hospital or humane policy in this country.

I apologise for having neglected to mention the speaking times in the debate on the Road Traffic Bill 2016. Spokespersons will have eight minutes for spokespersons, while all other Senators will have five minutes.

Order of Business agreed to.

Sitting suspended at 4.35 p.m. and resumed at 4.45 p.m.

Road Traffic Bill 2016: Order for Second Stage

Bill entitled an Act to amend and extend the Road Traffic Acts 1961 to 2015 and to provide for related matters.

Senator Pat O’Neill: I move: “That the Second Stage be taken now.”

Question put and agreed to.

Road Traffic Bill 2016: Second Stage

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

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): I thank the House for giving me the opportunity to introduce the Road Traffic Bill 2016. Road safety is an issue which concerns all of us, both as citizens and as public representatives. Happily, it is not a partisan issue. We might occasionally disagree on the best measures to improve road safety, but there is no disagreement on the overall goal or, for the most part, how we wish to achieve it.

There has been a remarkable transformation of the situation on the roads since the start of the millennium. In 2000, 415 people died on the roads. Last year, 2015, saw 166 fatalities. This represents a decline of almost 60%. It is not, however, a uniform decline. The number of fatalities dropped for the first few years of the millennium, only for the number to rise again in 2004 and 2005. From that point, there were several years in which the number of fatalities fell, reaching a record low of 162 in 2012. However, in 2013 and 2014 the numbers increased again. Last year, 2015, there was a significant improvement, with a 15% decline in the number of fatalities recorded, but the year ended on a very tragic note. Before December, 2015 appeared to be an even better year than 2012, which had the lowest number on record. Then there was a series of fatal collisions which made that month the worst December for road fatalities since 2007. That should be a reminder and a spur to all of us to ensure the pressure to reduce

the number of road fatalities is maintained by all means at our disposal. Too many people are still losing their lives on the roads.

Road safety depends on a wide range of factors. These include the quality of the roads and the quality of the vehicles driven on them; sensible traffic planning and management; keeping to the right speed; the health of the driver; factors which can cause driver impairment - above all, intoxicants and driver distraction; driver skills and training; and the enforcement of the law. The improvements of the past decade and a half have been the product of effort in all of these areas. Investment has improved the quality of the roads. The national car test, NCT, and improvements in commercial vehicle roadworthiness testing have contributed to improving and maintaining higher standards for vehicles on the roads. Legislative reform has led to a more robust driver learning process and tougher measures to combat driving while intoxicated, while driver informer programmes have been conducted to improve public awareness of the most important risk factors involved in driving.

This has been the work of many stakeholders. My Department has led the way with legislation but many other organisations have made and continue to make a vital contribution. The Road Safety Authority, RSA, was established in 2006. It has made an immeasurable improvement to road safety as the body responsible for the NCT, for regulating driving instructors, overseeing the driving test and, more recently, as the body responsible for national driver licensing services. The RSA is also responsible for public information and education on road safety through schools, through public information campaigns and through engagement with other stakeholders such as cycling groups. It has provided a wealth of expert advice and assistance for my Department and other stakeholders.

In the area of law enforcement, I acknowledge the essential and tremendous work of An Garda Síochána. The establishment of a dedicated traffic corps was a major step forward. New tools have been provided which have proven a great help in enforcing the law, including the introduction of the fixed charge and penalty points system, random breath testing for alcohol and lower permissible limits and the introduction of safety cameras. Last summer I also extended the fixed charge system to cover road traffic offences by cyclists.

I must also mention the essential work done by the Medical Bureau of Road Safety. The bureau has responsibility for testing specimens for intoxicants and the supply of testing equipment used by the Garda. In addition to its often heavy workload, the scientific expertise of the bureau has been an essential support to my Department and, in particular, has been crucial in developing proposals for intoxicated driving which are at the heart of the legislation before the House.

I acknowledge the dedication and hard work of all the road safety advocacy groups and campaigners who work tirelessly to raise awareness of road safety issues. However, none of this should distract us from one very important fact: that each person who gets behind the wheel of a car or any other mechanically propelled vehicle has a personal responsibility to drive safely. We can pass all the laws we want, but only one person is behind the wheel of each vehicle. Drivers must think and act responsibly. That is the message we have to get across to the public. The main causes of road collisions are well known. They are: speeding; driver intoxication; fatigue; and distraction. In all these areas, there have been important initiatives in recent years. Work to reduce speed and raise awareness of intoxication, fatigue and distraction is ongoing.

The Bill I am introducing will provide a number of important measures to make more progress on safety on the roads. Its main focus is on intoxicated driving. The Road Traffic Act 2010

provided a very sound new basis for the law on driving under the influence of alcohol. The Act of 2010 and the number of amendments made thereto in the interim have greatly assisted An Garda Síochána in addressing drink driving. However, the law now needs to be strengthened in the more complex area of driving under the influence of drugs. The Bill before the House will mark a major advance in that regard.

The Bill includes a proposal for a new special speed limit of 20 km/h. This will be an option available to local authorities in built-up areas where they believe there is a particularly high risk to public safety. Another major element will be the provision of the necessary legislative basis to give effect to a new agreement between Ireland and the United Kingdom on the mutual recognition of driver disqualifications.

Before I explain the proposals contained in the Bill, I must acknowledge the extremely valuable contribution of the Joint Committee on Transport and Communications in their development. The joint committee made very pertinent and helpful contributions to the proposals of the general scheme of the Bill. In many cases, this led to important changes in the proposals. I informed the joint committee, in response to its report, of my intention to adjust the proposals in the light of its comments. Owing to constraints of time and since we are coming to the end of the life of the current Oireachtas, I subsequently decided to remove some provisions from the proposals of the current Bill altogether. A key reason for doing this is my commitment to ensuring we have mandatory intoxicant tests in place later in the year. In order to do this, we need to have the provisions on the use of the drug testing devices enacted. It was my judgment, as Minister, that if we had delayed the introduction of those sections of the Bill for any period, our ability to deliver on the commitment to have mandatory intoxicant testing for drugs would have been compromised. It is for that reason that I decided to remove some sections from the Bill. However, we will continue with our work on examining how we can improve the law in this area.

Among the measures about which the committee expressed concern was the proposal that employers of professional drivers would have to conduct periodic tests for intoxicants. The committee raised specific concerns about the likely impact on small businesses in particular. Similarly, proposals for tighter regulation of the use of electronic devices while driving were included in the general scheme and were the subject of much constructive comment by the committee. Again, owing to time factors, I have not included any proposal in this area in the current Bill, but it is a matter we must address. The range of devices that can distract drivers has grown significantly. Driver distraction is a major source of concern. We must, in due course, bring the law up to date with reality. My Department continues to work closely with An Garda Síochána to examine how this might best be achieved.

5 o'clock

I now turn to the main provisions of the Bill. Driving under the influence of intoxicants is one of the greatest dangers on the roads. It is also, potentially, one of the easiest to eliminate. I repeat what I said before: every driver has personal responsibility for their own driving. If people act responsibly and do not drive after drinking or do not drink if they know they will have to drive, we will not have a problem. Tragically, many people have not got this message and too many have suffered as a result. The Road Traffic Act 2010 introduced a comprehensive overhaul of our legislation on drink-driving. Under that Act, it is an offence to drive or be in control of a mechanically propelled vehicle while under the influence of an intoxicant to such an extent as to be unable to control the vehicle. It is also an offence to have more than a

specified limit of alcohol in one's system. In the latter case, the offence depends on proving the presence of a specified level of alcohol only and not that the person was actually impaired, a principle which we are replicating for certain specified drugs. During the years, concerns have grown about the level of driving under the influence not just of alcohol but also of drugs. A report on road traffic fatalities over a ten-year period showed that 10% of drivers had a positive toxicology for drugs. The Medical Bureau of Road Safety, MBRS, annual report for 2014 shows that 58% of the 1,158 specimens tested for drugs were positive for at least one drug. The report also gives another disturbing fact - 53%, or more than half, of the specimens that tested positive for drugs tested positive for two or more drugs. One does not need to be an expert to see the risks of taking not just one but a cocktail of drugs and then driving.

Addressing drug-driving is a more complex matter than addressing drink-driving. It involves multiple substances and until recently the technology to test for drugs at the roadside, in the way we do for alcohol, was not available. When my predecessor was introducing what became the Road Traffic Act 2014 in the Oireachtas, he noted these difficulties and promised that legislation would be introduced to deal with drugs and drug testing when the technology was available. That time is now. Part 2 of the Bill addresses the issue of drug-driving. It is already an offence to drive under the influence of an intoxicant to the extent of being unable to control the vehicle and this applies to any intoxicant. I am proposing a new offence of driving while the person has more than a specified level of any of three specified drugs - cannabis, cocaine or heroin - in his or her system. This means that the presence alone of these drugs in a person's system will be an offence and there will be no need to prove that the person's driving is impaired.

The levels proposed for each drug in the Bill have been considered in the context of other jurisdictions. Denmark, Finland, France, Germany and Greece have the same thresholds. The levels proposed also take into account MBRS experience and factors such as lag time between arrest and the collection of a specimen and measurement uncertainty. Levels have been chosen on the basis that they are indicative of recent use. This is important given that we are not making a requirement to prove impairment. Since I published this proposal, some have called it draconian. It is not. It is, in fact, what the law already provides in relation to alcohol. Some have also questioned what might happen if cannabis were to be legalised and suggested this may mean my proposals should be rethought. This is not the point: cannabis impacts on people's ability to drive by dulling their reactions and if it were to be made legal tomorrow, it would still be a danger when driving. If cannabis were legal, it would be in exactly the same position in respect of road traffic law as alcohol and we would be just as concerned about its presence in drivers.

I am allowing in the Bill for the fact that a form of medicinal cannabis is licenced for use in Ireland, although I understand it is not yet available. This is a medication called Sativex. It is likely to be prescribed only rarely, to treat a small proportion of multiple sclerosis patients. People who have been prescribed this drug will receive an exemption certificate from the new offence. However, this exemption would not apply if they were actually impaired due to the medication, in which case they would be liable to prosecution under the existing 2010 provisions. Once again, it is a matter of individual responsibility - we all encourage people to take necessary medications, but if a person's medication, for example, makes him or her drowsy, he or she should not drive until the effect has worn off. Any driver who has concerns about his or her medication and ability to drive should discuss this with his or her doctor or pharmacist. Some Members may have noticed that while I am proposing the new offence in relation to three

drugs, there are in fact five substances named in the Bill. The reason for this is that in some cases the drug itself will metabolise quickly but can be detected by the metabolite, that is, the chemical into which it breaks down; therefore, the Bill is listing these also.

I referred to testing. Advances in technology mean that there are now devices available which can be used to conduct roadside tests of oral fluid for the presence of drugs. I am proposing measures in this Bill which will give the necessary powers to the Garda to use these devices and the necessary powers to the MBRS to approve and supply them. Gardaí will in the future be able to conduct a breath test for alcohol and have the option of conducting an oral fluid test for drugs, in these circumstances. Both of these tests are preliminary rather than evidential and will serve to assist gardaí in forming an opinion that a person has consumed an intoxicant. I am also proposing to amend section 10 of the 2010 Act, which is the basis for mandatory alcohol testing, MAT, checkpoints. These are the roadside checkpoints set up by gardaí where they have the power to conduct random breath tests. In the future these powers will be extended in order that breath and-or oral fluid tests can be conducted. The checkpoints will henceforth be known as mandatory intoxicant testing, MIT, checkpoints. Other measures in Part 2 will underpin these proposals. For example, refusal to provide an oral fluid specimen when required will be an offence, as is the case now with refusal to provide a specimen of breath. Also, when taking a specimen at a Garda station in alcohol-related cases, a specimen of breath, blood or urine may be used. Scientific advice indicates that in order to establish recent drug use, a specimen of blood will be necessary. For this reason, in cases where there is a suspicion of breach of the new “presence only” offence for cannabis, cocaine and heroin, gardaí will be empowered to require a specimen of blood only.

The third part of the Bill contains only one section which I consider to be very important. At present, the default speed limit in built-up areas is 50 km/h. However, a built-up area can mean a number of things. Some are long, straight roads which have houses on either side and which are significant arteries for traffic. Others may be small, winding roads in housing estates where there are children frequently playing near, or even on, the road. Of course, roads in built-up areas can be anything in between. The law recognises these distinctions by allowing local authorities to lower the limit on particular roads in built-up areas under their jurisdiction to 40 km/h or to 30 km/h, according to what is suitable to the circumstances. Members may be familiar with the Jake’s Legacy campaign. This began in 2014, following the tragic death of six-year-old Jake Brennan who was killed by a car outside his home in a housing estate in Kilkenny.

The campaign has asked for a mandatory 20 km/h speed limit in built-up areas. While I fully sympathise with the Brennan family on their terrible loss, I believe local authorities are best placed to decide on a 20 km/h limit for all built-up areas and that is what I am introducing.

Part 4 introduces a series of miscellaneous measures. These are largely technical changes which will improve the clarity of existing legislation in a number of respects. I am also introducing one new penalty point offence and providing that, in the future, summary offences under the RSA (Commercial Vehicle Roadworthiness) Act 2012 will be brought within the fixed charge regime. Technical amendments are also made to some provisions in the 2010 Act.

In Part 5 I am providing the legislative underpinning for an agreement between Ireland and the United Kingdom on mutual recognition of driver disqualifications. Under EU law, drivers must receive their driving licences from the country in which they are ordinarily resident and can drive on that licence anywhere in the European Union. If they are disqualified from driving in the country which issued their licence, they cannot drive anywhere else, given that they

do not hold a valid driving licence. However, what happens if they are disqualified in another country that is not their country of residence? The question has particular relevance for us. For example, what if an Irish licenceholder is disqualified from driving in the United Kingdom? There is an EU convention on driver disqualification which, if implemented, would ensure disqualification anywhere in the European Union would mean disqualification everywhere in the European Union. However, the difference in legal systems throughout Europe has meant implementation has proved difficult. The convention allowed that any two member states could establish mutual agreements on disqualification ahead of the full implementation of the convention but within its framework. Ireland and the United Kingdom subsequently reached such an agreement, which was the only one of its kind in Europe. The European Union decided that, as of December 2014, the operation of the convention on driver disqualification would come under the jurisdiction of the European Court. Given that the United Kingdom was unwilling to enhance the court's powers, it withdrew from the convention and, as a consequence, our agreement with it under the convention came to an end. Both the Irish and UK Governments were, however, keen to retain mutual recognition of driver disqualification. We, therefore, set about remaking our arrangements through a bilateral agreement outside the framework of the convention. This agreement was signed on 30 October 2015. In order for it to come into effect, we need legislation and that is what I have brought before the House today. The effect will be that Irish drivers who travel to the United Kingdom and commit road traffic offences serious enough to lead to disqualification there will also be disqualified here. Likewise, UK licence holders disqualified here will be disqualified in the United Kingdom. This is to the benefit of both jurisdictions.

The measures I am proposing are a major step forward in combating driving under the influence of drugs. They also provide a significant new addition to the options available to local authorities in setting speed limits in built-up areas and the necessary legislative platform to give effect to a very valuable international agreement. These measures and the other miscellaneous matters dealt with in the Bill will make a contribution towards greater safety on the roads. I hope Senators will support these initiatives. As always, I look forward to hearing their views on them, seeing if there are opportunities to improve the Bill and to a positive and constructive discussion.

Senator Diarmuid Wilson: I welcome the Minister and his officials. I am taking this debate on behalf of my colleague, Senator Ned O'Sullivan, who is unavoidably absent due to an obligation to attend a meeting. I apologise on his behalf.

My party supports the Bill and strongly welcomes the main provisions it contains, in particular those relating to the creation of new offence of driving with certain specified drugs in the blood and to allow for roadside drugs testing by An Garda Síochána. The Bill is particularly timely in the light of the increase in the number of road deaths in the past two years, as the Minister outlined. We also welcome the two other main provisions in the Bill, namely, the giving of legislative effect to the agreement between Ireland and the United Kingdom on mutual recognition of driver disqualifications and the creation of a new special speed limit of 20 km/h for local authorities to implement in built-up residential areas.

We regret the fact that the original plan to introduce new penalties for drivers who allow themselves to be distracted by messaging services, including Twitter, Facebook and WhatsApp, has been dropped from the Bill. The legislation was also intended to address weaknesses in the 2014 regulations based on primary legislation in 2006 governing texting while driving. These regulations, introduced by the then Minister for Transport, Tourism and Sport, Deputy Leo

Varadkar, aimed to close a loophole that allowed drivers to escape fines and penalties if they were caught texting on a phone that was resting in a cradle or via a hands-free kit. In a bid to deter drivers from this activity, the new offence would have attracted severe penalties, including a mandatory court summons and a fine instead of penalty points. It subsequently became clear, however, that these regulations did not close any loopholes and are considered unenforceable by gardaí. The numbers bear this out, with no court convictions in respect of the commission of such offences. This is because drivers rarely text with a phone in clear view and most hands-free kits are situated low within a vehicle. This means that unless a driver is observed texting while stopped at a junction, it is difficult to obtain enough evidence for a successful prosecution.

Driver error represents the single biggest contributory factor in road accidents, accounting for at least 80% of fatal collisions in recent years. Texting while driving is a major source of driver error and, in the past, legislation has been shown to have a significant preventative effect on mobile phone usage. Although it is regrettable that the Minister was obliged to drop the relevant measure from the Bill, I understand the reasons he has outlined, particularly the fact that he does not have enough time in the lifetime of the current Dáil. We hope those in government after the general election will make it a priority to implement legislation in this regard.

It is welcome that the agreement between Ireland and the United Kingdom on mutual recognition of driver disqualifications is contemplated in the Bill. Could it be extended to penalty points on an all-island basis? Although there are technical and legal difficulties, it would contribute greatly to road safety. As someone from a Border area, it is obvious to me that when people drive Northern registered cars across into the Republic, they generally have no regard for the rules of the road, particularly the speed limits. This also applies to drivers going from the Republic to Northern Ireland. I would like if some progress could be made on this issue in order that people from the North who commit road traffic offences in the South would be given penalty points, and *vice versa*. There is increasingly close co-operation between the PSNI and An Garda Síochána, as well as other agencies of the State and the North, regarding cross-Border crime. I would like this to be extended to safety issues, particularly in Border areas. It is a difficulty.

Another issue on which the Minister might comment relates to the resources provided by his Department to the Road Safety Authority and the number of officers designated to serve with the Garda traffic corps. I understand said number was previously in the region of 1,200 but that this has been reduced to fewer than 800. We all agree that not as many checkpoints are being operated by the corps as should be the case. Perhaps the Minister might indicate to us the Government's plans - in conjunction with his colleague, the Minister for Justice and Equality, Deputy Frances Fitzgerald - to increase the membership of the traffic corps. In terms of resources for the Road Safety Authority, I understand it could do with more personnel.

In the 1980s and 1990s there was a very effective road safety education programme in schools. However, I understand it is no longer in operation. Perhaps it is something we could consider. There is a programme in Youthreach training centres which has a major emphasis on driver education and the driver theory test. I would like this to be extended to mainstream schools because it would be of significant benefit.

I very much welcome the Bill and we will support it. I wish it a speedy passage through the House and thank the Minister.

Senator Pat O'Neill: As spokesperson on transport for the past five years, I have found the

19 January 2016

Department of Transport, Tourism and Sport to be very progressive. Under the previous Minister, Deputy Leo Varadkar, and the current incumbent, a great deal of legislation has been passed by the House during that period. The Road Traffic Bill 2016 will further improve the position on safety of the roads. I thank the Minister for bringing it before the House before the Dáil is dissolved for the general election. It is important that the legislation will come into effect.

Road safety has been a priority of the Government for the past five years. The Minister provided some statistics for fatalities. December 2015 was a bad month for Ireland, but there has been a steady decrease in the number of deaths on the roads in the past ten years. One death is one too many and any legislation that can help is important.

I have a few points to make in respect of the Bill. As the Minister said, it deals with drug-driving, the mutual agreement with the United Kingdom and special speed limits. The explanatory memorandum refers to section 22 and states that the amendment of section 7 of the principal Act will include an obligation on cyclists to provide, on demand, a name and address, etc., to a member of An Garda Síochána. Was it already the case that in law a cyclist did not have to give his or her name to a member of An Garda Síochána? I was amazed to read that amendment to the existing legislation.

In the context of the mutual agreement with the United Kingdom, I agree with Senator Diarmuid Wilson's comments on penalty points. We should try to enforce penalty points in the North and the Republic. When people cross the Border, they think they have a licence to break whatever laws they want. If the Minister can, in conjunction with our colleagues in the North and elsewhere in the United Kingdom, introduce such a measure in the next Dáil or Seanad, he should do so.

The Minister referred to disqualification for a serious offence. What constitutes a serious offence? Does it involve being involved in a road traffic accident? If, as the Minister indicated, one is disqualified from driving in the country in which one lives, that disqualification also applies to the United Kingdom. I am amazed by the fact that it is not possible to introduce legislation in this regard across the European Union. If one is disqualified from driving in the United Kingdom, that disqualification may not apply in Ireland. If one receives 12 penalty points here, disqualification would technically apply in the United Kingdom because it has been applied here.

I welcome the provisions on special speed limits. It is a testament to young Jake Brennan, the Jake's Legacy campaign, his mother, Roseann, and his family and friends. The Minister proved he was caring by meeting Mrs. Brennan and her supporters. The Taoiseach met the family and discussed the matter. This is an important aspect and it shows that the Minister is now putting in place the ability for local authorities to act. Special funding was provided for special signs in Kilkenny which refer to slow zones instead of ramps. The provision in this regard is very important and it is to be hoped it will involve a great deal of self-regulation because we do not have the number of gardaí required to go into housing estates. The location of housing estates is a problem because a 20 km/h speed limit cannot be imposed in those adjacent to main roads. It is important that the system is self-regulatory. If ramps and proper signage are in place, it is important that people observe the speed limit. What has happened in this instance is a testament to what people can do when they get a campaign going. The Jake's Legacy campaign proves this can be done.

The Bill lists five drugs which will be dealt with under the legislation. England which has

had similar legislation in place since 2014 lists eight drugs, including illicit and prescribed drugs. I hope the five drugs we have listed will cover what can be classed as drugs that can impair a person's ability to drive. Questions have been asked about prescribed and non-prescribed medicines. The information provided in some leaflets states that the medicine can make a person drowsy. There are blood alcohol limits. I note the Bill refers to drug limits, whether in respect of illicit or prescribed substances. I do not know enough about the matter. Is it safe to have any type of illicit drug in one's system? Why should there be a safe level? Should it not be the case that if a person has an illicit drug in his or her system, he or she should not be allowed to drive? The Medical Bureau of Road Safety, MBRS, sampled and tested 7,776 specimens of blood and urine taken from people involved in accidents over a five-year period from 2007 to 2011. It found that 70% of people involved in accidents had cannabis in their system and 50% had benzodiazepines in their systems. These statistics are alarming, as is the fact that such people were out driving on the roads. Almost 1,500 people a year were involved. This shows that we can make the roads safer if the proper resources are provided.

The Minister mentioned that he may make provision for the medicinal use of drugs. This has implications for non-prescribed medicines such as cough medicine, antihistamines, etc. The information provided on the leaflets which accompany such products indicates that they make people drowsy. If a person is suspected of being under the influence of a drug, a sample will be taken by means of a saliva swab. If this test reveals the presence of drugs in a person's system, will he or she face the possibility of being disqualified from driving? I presume - the Bill does not state this - that all of the penalties would be the same as those relating to alcohol. The Minister should ease people's concerns about certain drugs. Does the Bill, which lists illicit or prescribed drugs, deal with other substances such as cough medicines?

The Minister has made provision for €800,000 to be spent on this issue and has allocated €500,000 to establish a toxicology programme. A further €200,000 will be allocated this year and €100,000 next year to purchase 150 devices at a cost of €700 each. I am alarmed to hear that one test will cost €15, whereas the cost of a breathalyser test for alcohol is only 16 cents. Lives may be saved, but the cost of taking a sample is significant. There are then further costs for laboratory testing and so on. I commend this great Bill and also the Minister for being proactive in bringing the legislation before the House prior to the general election. It is important that it be passed and I acknowledge the support of every Member in this regard. Jake's Legacy will be the Minister's legacy. He is a caring Minister who listened to the campaigners.

Senator Sean D. Barrett: I welcome the Minister. He and I have had this discussion many times in various existences and I compliment him on all the work he has done on road safety, in particular, Jake's Legacy. The family campaigned outside Leinster House and I got Deputies and Senators to sign their petition. The parents, Roseann and Christopher, lost their six year old son, Jake, and I referred them to the Minister because I knew he would respond in a positive way. We could, however, go further. The 20 km/h speed limit is an excellent start but on a housing estate, all public areas belong to the residents and motorists should enter with their permission. This would mean property rights being reversed. People are not prosecuted for playing football on the road anymore, but we could have a different view of the way motorists should conduct themselves in residential areas. I commend the Brennan family for pursuing their son's case through Parliament and I am delighted they are being rewarded today.

This problem can turn on one, as the Minister said. There had been 153 fatalities last year up to 21 December, but there were 166 by the end of the year. This meant that there were 13 fatalities in ten days or 1.3 a day. The roads for those ten days became three times more dan-

19 January 2016

gerous than they had been for the rest of the year. There had been 0.43 fatalities per day up to that date and then suddenly, there were 13 fatalities in ten days. That shows we can never relax about road safety. The non-use of seat belts is still a significant issue, for example. Could technology be used, in an extreme scenario, to prevent cars from starting unless seat belts are engaged? The Matthews bus company provides an extensive service between Dundalk and Drogheda and Dublin. Mr. Matthews has fitted alcohol locks on all his buses. He said these cost a small percentage of the price of the bus, but it gives a guarantee that if a person who has consumed alcohol tries to drive the bus, it will not start.

I welcome the Minister's move towards mandatory intoxicant testing. He explained it well. However, there seems to be a loophole in the explanatory memorandum whereby lawyers could have their clients say, "Sorry, I was over such a limit but it was for medicinal purposes." They could plead their over-indulgence was for medicinal purposes. If that is the case, one cannot drive, as the Minister said. Other tests will have to be introduced for drowsiness. There may be vehicle technology for drowsiness. I gather some technology can detect the eye movements of the driver and issue a warning. We are in a position to push to implement this technology because we do not have a vehicle manufacturing industry. The Minister can push road safety issues more strongly at international meetings than other Ministers. One has to deplore the interference with such technology by companies such as Volkswagen in the context of emissions. Technology is available which will recognise unforeseen obstacles and cut off the engine in order that drivers will not go off the road or hit people who have wandered on to the road.

I recently supervised a thesis on road safety in Ireland, which is in the process of completion, and I look forward to its publication. The author found a substantial difference between hospital injury statistics relating to road accidents and those gathered by the Garda. He estimated them at three times what is reported to the force. The problem may be more serious. As long we are both in Leinster House, I will keep the Minister apprised of this, but I was disturbed that many road accidents are reported in hospitals but not to the Garda.

I, of course, welcome the closer links between the PSNI and the Garda on cross-Border road safety. There was a period when the road safety record of the Donegal and Cavan-Monaghan districts was much worse than the rest of the country. Something seems to have happened in the Border region. Other Senators referred to the consequences of this.

The Minister referred to how much he had relied on the 2010 legislation, but the explanatory memorandum states sections 34 to 37, inclusive, 42 and 50 were never commenced. The Oireachtas must inquire into this. A Minister introduces legislation on the advice of his or her officials and the Oireachtas passes it before the President signs it into law. Why is legislation not commenced? I asked some of my legal friends who said the worst case in this regard was the Child Care Act 1991. It was commenced piecemeal over a long period of years. Some of it was repealed in 2013 without ever being commenced. It is a fault of our parliamentary democracy that when we make a decision and the President agrees with us, it gets lost in the administrative system. The advice I received said that in Australia when a Bill has been assented to by the Governor General, it must come into operation by the 28th day after his or her assent. The legislation to which the Minister referred several times runs to 88 pages and I estimate ten of them have not been commenced, even though it is six years since it was passed. The sense of urgency the Minister brings to this needs to be more widespread. I am advised it is difficult to find out what sections of all legislation have not been commenced. Whoever drafted the explanatory memorandum did the House a favour by drawing attention to the sections which had lain there without being implemented. This problem can blow up to the extent that it did in

the final ten days of 2015 when 13 people died. Whatever prevented the commencement of the relevant sections of the 2010 legislation has to be tackled.

Having been a member of the banking inquiry, I worry about the insurance industry. There was dialogue between the industry and Ms Dorothea Dowling who was in charge of the PIAB, which ensured lower claims costs than the industry. Now that the Central Bank is in charge of regulating the industry, perhaps our mutual friend, Dr. Philip Lane, will address this issue. Should there be two types of insurance claim, one of which requires many lawyers? According to Ms Dowling, accidents claims pursued by lawyers cost between 40% and 50% more than those settled by the PIAB system. This is a massive cost. Whiplash claims in Ireland are much more expensive than on the adjacent island. We are trying to tackle the loss of 166 people in a year but lawyers who frustrate the law and a bureaucratic system that prevents legislation from being commenced are not doing anybody in public life or among the citizenry many favours. The Taoiseach was asked about the review of the industry insurance in the context of floods. Although we installed flood protection, insurance premiums did not decrease. Although we have been making roads much safer, insurance premiums are rising rapidly. The insurance industry has a case to answer.

I wish the Minister every success in tackling the problem. If a jet went down and 166 people were killed, it would be a major event. This happens every year in Ireland and we have all probably been too slow to tackle it. This Minister has not been and I commend him in that regard.

Senator John Kelly: I welcome the Minister and commend him for the legislation. It is not before time that we start to drug test drivers, given that drug-driving is rife. I hope it will be random drug testing, not just based on driver behaviour. It might even take some of our politicians off the road. I also welcome the reduction in the speed limits in certain housing estates, particularly where children are at play. While most people are responsible on the road, it takes only one impetuous driver to cause an accident.

The Minister mentioned cyclists. I have often meant to raise the issue of cyclists in Dublin. The city is wholly unsuitable for cyclists. They are a danger to themselves and traffic. While driving down a road with three or four lanes, one is conscious of what is in front of one and one has to take corrective action if something goes wrong. If there are cyclists to the right and left and if one has to make a move, one of them will be in trouble. We do not have enough cycle lanes and cyclists are using the carriageway along with cars. It is a dangerous city in which to be a cyclist.

I will raise an issue I have previously raised with the Minister, namely, drivers aged over 70 years who forget to renew their provisional licences and must, therefore, go through the driving test. The biggest problem with the driving test for a person in his or her 70s or 80s is the theory test. They do not use computers and do not understand the whole thing. They may have been driving for 40 years and have never managed to apply for a full licence but always renewed the provisional licence. All I ask is that the Minister allow them to get a licence and even allow them to get it for a period after which they must undergo a driving test. The theory test is the problem. I hope the Minister can understand this. I am not asking for a total amnesty, but just the opportunity to do a driving test without having to try to do a theory test which they have no way of doing.

Senator Michael Comiskey: I welcome the Minister and thank him for being here for Second Stage of the Bill. The Bill expands on existing legislation, specifically addresses drug-

19 January 2016

driving and proposes a number of road traffic measures such as providing for the further lowering of speed limits in residential areas. It also provides for the recognition of driving disqualifications between Ireland and the United Kingdom and proposes miscellaneous amendments to the Road Traffic Acts 1961 to 2015.

I warmly welcome the Bill. For far too long, there has been no testing for drug-driving. While we rightly have stringent drink-driving laws and tests, we have largely ignored drug-driving and how to deal with it. People driving under the influence of drugs cause accidents and injury to themselves and others, and it is crucial that the legislation be put in place to allow for drug testing of road users. Although we are not yet into the second month of 2016, several people have died on the roads. In 2015, between Northern Ireland and the Republic of Ireland, 239 people died on the roads. We must do everything we possibly can to minimise the danger on the roads by implementing testing for drug-driving. This will be a step in the right direction to improve safety on Irish roads.

The Bill provides for a new offence of driving or being in charge of a mechanically propelled vehicle with the presence of certain illicit drugs, namely, cannabis, cocaine and heroin. It makes provision for preliminary testing of oral fluid for drugs by An Garda Síochána at the roadside or in a Garda station. It empowers the Medical Bureau of Road Safety to supply the test devices for use by An Garda Síochána in preliminary drug testing.

As well as seeking to implement drug-driving testing, the Bill implements a bilateral agreement which was agreed between Ireland and the United Kingdom and allows for the application of driving disqualifications for a number of specified road traffic offences committed by those normally resident, or holding a driving licence, in either jurisdiction. Where the offence was committed in the other jurisdiction, the agreement will ensure people who have driving disqualifications in the United Kingdom will have them recognised in Ireland and *vice versa*. The implementation of the agreement will help make our roads safer for all road users.

I fully support the Bill and look forward to its implementation and the positive effects it will have in making the roads safer for all our road users.

Senator Paschal Mooney: I welcome the Minister. As my friend and colleague, Senator Diarmuid Wilson, indicated, Fianna Fáil welcomes the Bill. It has been in gestation for a long time, particularly in the context of the recognition of disqualifications in the two jurisdictions. I am particularly pleased the Minister has seen fit to introduce it in the Bill. As a result of the difference in signage between the North and South - miles in the North and kilometres in the South - when I cross the Border, as I frequently do, my mindset is geared towards kilometres when I go North and, sometimes, I have thought the journey was much longer or shorter, depending on the signage. There is not much the Minister can do about it. Would it be too far-fetched to suggest there could be dual signs in the Border counties that would show both miles and kilometres? I am not sure, but when kilometres were introduced, there may have been dual signage. Maybe it would be too expensive, given that the Government is buying the signage under contract on a standard, uniform basis. I am just suggesting it.

On the occasions on which I have travelled on the M1, North and South, in some instances, Northern drivers have been using it as a Formula 1 racetrack. I have seen the speeds they have been doing. I refer to private cars, as distinct from commercial traffic. I hope there will be greater enforcement on it. I do not want to inhibit cross-Border traffic or trade and I do not want to be seen to single out Northern drivers. Irish drivers in the United Kingdom will probably

have been adopting the same attitude, that they can do whatever speed they want given that they will not be penalised. I am not talking about parking but speeding.

In order to ensure the legislation will be effective, there might be discussions with the Garda in the short term, while the Bill is going through its preliminary introductory period. I am sure it will be a culture shock to some Northern drivers when they are stopped and told their penalty points in the North are effective in the South. There is not the same level of communication between the general public in the North and the South about what is happening in either jurisdiction. It is one of the unfortunate historical oddities. Perhaps the Minister could consider having a bilateral arrangement with the Northern authorities to inform the general public about the implications of the Bill. If one cannot do dual signage, it might be a way of conveying information specifically in the context of disqualifications and, as suggested, reducing the speed limit in residential areas from 30 km/h to 20 km/h.

Also in terms of reduced speed limits in residential areas, I think I am right in suggesting this has come about as a result of strenuous lobbying by parents of children and relatives of people who were killed in built-up areas. This again raises an issue which I might have raised with the Minister before at a meeting of the Joint Committee on Transport and Communications about a review of speed limit signs throughout the island but especially in this jurisdiction. A speed limit of 20 km/h sounds fine to me, but the technology used in modern cars means that a person feels he or she is standing still when driving at such a speed. It lulls us all into a false feeling that we are going much slower when in fact we are driving faster than we should be, which is an aspect that cannot be addressed. I hope the 20 km/h speed limit works. I know that the Minister is doing it for the right reasons, but I am not sure whether the initiative will work.

My last point is another signage issue. The Minister will be aware that throughout the country, when one enters a county, one can see large signs, which I think were introduced five or six years ago, stating how many people have died on the roads in that county in the previous year. There is a need to update those statistics as the signs do not seem to have been changed in recent years. I could be wrong, but I have the impression that they have not been changed.

Senator Pat O'Neill: They are gone.

Senator Paschal Mooney: They are not gone completely. I still see them in some parts of the country. Perhaps a directive has been issued to get rid of the signs. I thought I saw them in some parts of the country, but they were out of date. Perhaps the signs might be updated.

The extension of the law to stop people driving when under the influence of drugs is a vital part of the architecture of ensuring more lives will be saved. Although this is relatively simple and straightforward legislation, its contents are very significant and important in the overall context of what the Minister has outlined on many occasions in my presence and with which we all agree, which is that this legislation is about saving lives. I say, "Well done," to the Minister.

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe) (Deputy Paschal Donohoe): I thank the Acting Chairman and all Senators for the contributions they have offered. I will go through each of them in turn.

Senator Diarmuid Wilson opened the debate. I thank him and his party for supporting the Bill because it is very important that have it enacted early in the year, particularly the provisions to test people who are intoxicated under the influence of drugs. The scrutiny and support of Members of the Oireachtas for this is very important.

On the first point Senator Diarmuid Wilson raised with me which was also picked up by a number of colleagues in the debate, namely, penalty points being placed on an all-island basis, the technical and legal work to make something like this happen is very formidable, let alone political matters that might emerge from it. Work is under way between officials in my Department and those of the Northern Ireland Executive on some of the technical matters related to this. It is something that will take some considerable time to do. It is one of the reasons, in recognition of this, that I was eager to bring in as promptly as possible the legislation for the mutual disqualification of driving licences and the mutual recognition of disqualification of drivers in the circumstances that I referred to in my introductory speech. Bringing in such a measure will make a further contribution to dealing with the consequences of dangerous driving across the island.

On the comments made by the Senator on mobile devices, I have already acknowledged that this was something I decided not to progress within this Bill. To give a tangible example of some of the difficulties we encountered, an increasing number of cars that have been produced recently and are on the road have touchscreens built into the dashboard of the cars. The difficulty we had was how one would recognise the difference between the behaviour involved in using those touchscreens and that involved in using touchscreens for mobile devices. I have spent much time in this House and in the Dáil in the past 18 months having to deal with the consequences of legislation that was interpreted in ways that were different from how we thought at the time of drafting. When we identified difficulties in defining the use of mobile devices such that those difficulties were going to slow down the drafting of the legislation, I decided that the best thing to do was to continue with that work but incorporate it in a different and new Bill later on in the year while going ahead in the Bill before us with the work in the areas in which we believe the ambiguity is low and manageable. That is the approach I have taken.

The Senator made a point about resources for the Road Safety Authority and the traffic corps. My view has always been that I want to see the size of the traffic corps increased in line with the increase in the level of recruitment available to An Garda Síochána and the increase in total head count within the force. That said, we need to guard against the view that road safety work is purely the work of the traffic corps. We have made great progress in ensuring it is an area all members of An Garda Síochána now take very seriously and see as part of their core policing work. Even as we increase the size of the traffic corps which we will do over time, I do not want it to be at the expense of the focus that all other members of An Garda Síochána place on road safety.

Senator Pat O'Neill raised a very substantive issue about prescription drugs, the effect they can have on people driving safely and the need to recognise this in the Bill. It is a fundamental point because it leads on to the delineation we have made between different substances. We are saying in the case of a certain number of substances that their mere presence in the system of anybody who is tested for them by the Garda is so serious that it becomes a road traffic offence. For other drugs, impairment is the relevant test, which is the way we would deal with many prescription drugs. If a person uses prescription drugs in line with how they are prescribed to him or her, his or her driving should not be impaired. If he or she believes his or her driving is becoming impaired or that he or she is not safe on the road due to prescription drugs that have been consumed, the responsibility is with the driver. That is why we have a very clear demarcation between some drugs, the mere presence of which in a person's system is a road traffic offence, and other drugs which, if used below a certain level, should not lead to impairment. If they do not, a person is not committing a road traffic offence.

Senator Pat O'Neill made other points about the recognition of penalty points on an all-island basis, which I covered in response to Senator Diarmuid Wilson.

Senator Pat O'Neill also raised the issue of the lower 20 km/h speed limit and the role of the Jake's Legacy campaign group in this regard. I always acknowledge, as I do again, the contribution made by the group. What the group seeks is different from what I am bringing in through this Bill. Part of the reason for that touches on Senator Paschal Mooney's contribution, to which I will come, in that because 20 km/h is a low speed limit, it is important that it only be introduced via local authorities, which is the way the vast majority of speed limits are set in the State.

6 o'clock

As it is introduced, particularly in residential communities, it is important that everybody be aware that this is happening and that this is a low speed limit. However, we have evidence that such a speed limit, particularly in residential settings, can play a role in making them even safer and more secure than they are.

Senator Sean D. Barrett broadly supported the Bill and raised a number of issues I have touched on in responding to other Senators. One issue on which I did not comment was property rights and the Senator's suggestion that everything on a housing estate be covered by the property rights of the home owners within the estate. One difficulty is that roads and, in many cases, pathways are public property. We would need to think carefully before relinquishing them to become part of the private property rights of residents but we can debate this issue as the Bill moves through the House. The Senator also mentioned the role technology can play in making cars safer and acknowledged that we are being clear that the mere presence of certain drugs above a particular level will be an offence. If specific drugs are used in the way they are prescribed, drivers should not be impaired.

Senator John Kelly raised a number of issues about cycling. I differ with him in that I believe the vast majority of cycling routes in the city are safe for cyclists and other road users. There is, however, an ongoing need to invest in proper infrastructure to make cycling as safe as possible. I recognise the Senator's persistence because every time I have been in the House, he has raised one issue. If he is raising it on behalf of constituents, they can rest well assured that he has been an ongoing advocate on their behalf on this matter. I am afraid I am still not in a position to give him the answer he wants because it is important that people seeking a full driving licence should have passed the theory test.

I thank Senator Michael Comiskey for welcoming the Bill and much that is contained in it.

Senator Paschal Mooney acknowledged the time involved in drafting the Bill. It is not simple legislation and significant work has gone into getting it to this point. That has taken time. The Senator raised the issue of penalty points being applied on an all-island basis. I covered that matter in response to Senator Diarmuid Wilson. Work on this matter would be formidable and it would take a great deal of time. It is important that we can move forward in those areas on which there is agreement and the recognition of disqualified drivers is one.

The Senator also raised the issue of using signage with distances outlined in both kilometres and miles. I am reluctant to go down that route because we have made such progress in explaining to the public what the speed limits are in different zones and we would exacerbate matters were we to put two different numbers on the same sign. We would only add to the

19 January 2016

confusion rather than reduce it because motorists might have to pause to understand the speed limit in both miles and kilometres. The Senator has previously raised with me, at the Oireachtas Joint Committee on Transport and Communications, the need for speed limits to be coherent. He named a particular road in this regard. That is why we are reviewing speed limits across the country through local authorities and Transport Infrastructure Ireland, TII. One of the objectives I set in initiating the review is to ensure speed limits are as coherent as possible on a single road. However, if a road passes through an area that has no commercial or residential activity, a particular speed limit may be appropriate but when the same road passes through a town, city or community, that has to be taken into account when the local authority or TII set the speed limit for that area.

Senator Paschal Mooney: I referred to the Naas Road and the Lucan-Palmerstown road as examples.

Deputy Paschal Donohoe: Indeed. Those speed limits will be reviewed by TII and the relevant local authority. There is good reason for those speed limits currently. Nonetheless, speed limits throughout the country are being reviewed as part of a process I put in place last year.

I thank all Senators for their contributions. The legislation represents a major step forward, particularly on the issue of drug-driving. I do not believe this is the last time we will legislate in this area because there will be changes in technology and we will go through experiences on the roads, in the courts and the Oireachtas that will give rise to the need to refine and amend this legislation in the future. This is not by any means the end of the road regarding this new area of road traffic legislation, but it is a solid foundation which, when implemented, will save lives. It is one on which we can build as technology and our understanding of road behaviour improve.

Question put and agreed to.

Acting Chairman (Senator Jillian van Turnhout): When is it proposed to take Committee Stage?

Senator Pat O'Neill: On Tuesday next, 26 January.

Committee Stage ordered for Tuesday, 26 January 2016.

Acting Chairman (Senator Jillian van Turnhout): When is it proposed to sit again?

Senator Pat O'Neill: At 10.30 a.m. tomorrow.

The Seanad adjourned at 6.10 p.m. until 10.30 a.m. on Wednesday, 20 January 2016.