



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 15 Feabhra 2017

Wednesday, 15 February 2017

Chuaigh an Leas-Chathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Leas-Chathaoirleach: I have received notice from Senator Neale Richmond that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs to take action to prevent and tackle gorse fires.

I have also received notice from Senator Victor Boyhan of the following matter:

The need for the Minister of State with responsibility for food, forestry and horticulture to report on progress to maximise the range and volume of products that carry the Bord Bia quality mark on the retail shelf in line with one of the key horticultural objectives set out in the Bord Bia, Irish Food Board, Strategy Statement 2016 to 2018.

I have also received notice from Senator Frank Feighan of the following matter:

The need for the Minister for Finance to ensure that all necessary resources are available to the Revenue Commissioners in order to protect the livelihoods of solid fuel traders located near the Border in light of the price differential in the North and the continued threat of fuel smuggling.

I have also received notice from Senator Keith Swanick of the following matter:

The need for the Minister for Transport, Tourism and Sport to work directly with the Irish Coast Guard to introduce legislation to place the Coast Guard on a legislative footing, similar to all the other emergency services.

I have also received notice from Senator Jennifer Murnane O'Connor of the following matter:

The need for the Minister for Health to give an update on the status of the Holy Angels

new school building and the current position in relation to funding.

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

The need for the Minister for Transport, Tourism and Sport to introduce a mechanism whereby the traditional block grant given to town councils to cover improvements to roads and footpaths be reinstated in its original format in order to allow members of municipal districts to decide the spending of moneys on roads and footpaths in the same way town councils did in the past.

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

An gá atá ann go dtabharfaidh an tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil soiléiriú ar cad iad na cosaintí atá ann chun a chinntiú nach bhféadfaidh fostaithe de chuid údaráis áitiúla tithíocht a leithroinnt faoi aon cheann de na scéimeanna a riarann siad ar fhostaithe eile san údarás áitiúil céanna de shárú ar na critéir atá leagtha síos, cé mhéad cás den chineál seo atá tagtha chun solais agus cad iad na húdaráis áitiúla atá i gceist.

I have also received notice from Senator Maura Hopkins of the following matter:

The need for the Minister for Transport, Tourism and Sport to provide an update on the N5 Ballaghaderreen to Scramogue project and if the necessary capital funding has been allocated to the project.

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

The need for the Minister for Agriculture, Food and the Marine, having introduced regulations under the Animal Health and Welfare Act 2013 that require the compulsory housing of poultry as a result of the increased threat of H5N8 avian bird flu, to state what provisions will be taken for free range enterprises if this compulsory housing period reaches 12 weeks, as after 12 weeks continuous housing they lose their free range status.

I have also received notice from Senator Tim Lombard of the following matter:

The need for the Minister for Justice and Equality to clarify whether there are any plans to upgrade the Garda station in Timoleague, County Cork.

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

The need for the Minister for Education and Skills to clarify the current position on funding being provided for a new primary school, Scoil an Athar Tadgh, in Carrignavar, County Cork, and to confirm that it will proceed to the tendering process early in 2017.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Richmond, Boyhan, Feighan and Swanick and they will be taken now. Senators Murnane O'Connor, Conway, Ó Clochartaigh, Hopkins, Daly, Lombard and Colm Burke may give notice on another day of the matters they wish to raise.

Commencement Matters

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Wild Fires

Senator Neale Richmond: I welcome the Minister, Deputy Humphreys, to the House and extend my gratitude to the Leas-Chathaoirleach for taking this Commencement matter. Last Friday evening a large gorse fire broke out on a hillside in Carrickmines, very close to the M50 motorway in south County Dublin. The fire raged for an extended period before it was brought under control by a number of fire engines from the Dublin fire brigade. Gorse fires in the Dublin mountains are a fairly common sight. This is the second fire in recent weeks. However, they are usually far more common in the summer months, with warmer, drier temperatures.

The recent fires in this part of south County Dublin have understandably caused serious concern among local residents. The damage done to the hillside by these fires is obvious but the secondary disturbances are even more telling. At rush hour last Friday evening, traffic was seriously impacted on the M50 and other surrounding roads due to the distracting nature of the fire and the measures being taken to extinguish it, but also by the impact on driver visibility due to the plumes of smoke emitting from the fire. Needless to say, a number of local residents contacted me, severely perturbed by the sight of yet another fire so close to their homes. The threat of the fire spreading was quite real for some, while the damaging impact of the smoke was also quite apparent.

As the evenings get longer and, hopefully, the wintery weather breaks, it is apparent that the outbreak of gorse fires across the country, but particularly in the Dublin mountains area, is of major concern to many people. I have tabled this Commencement matter in the hope that the Minister can acknowledge the very real concerns of so many people and provide a genuine plan in regard to how her Department and the wider group of responsible agencies are working to prevent and tackle gorse fires.

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys): I thank the Senator for raising this very important matter. Significant environmental damage is caused by wildfires. This issue has become more acute in recent years, as evidenced by a spate of fires in various parts of the country.

As the Senator is aware, the primary responsibility in terms of fire fighting lies with the fire service and the Department of Housing, Planning, Community and Local Government. With regard to gorse fires in particular, my Department is one of a number of agencies represented on the interagency gorse fire group that explores issues surrounding such fires. An Garda Síochána is also represented on the group and leads any criminal investigation. My Department, of course, co-operates fully with any Garda investigations and any other investigations that may be initiated by other statutory bodies.

Some 14% of the terrestrial area of the State is designated, and this includes many remote and inaccessible areas. Most land in special areas of conservation, special protection areas and natural heritage areas is in private ownership. My Department manages a property portfolio in respect of national parks and reserves of approximately 79,000 hectares. These important biodiversity areas are located all around the country. Given the sheer scale of property involved - for example, Killarney National Park on its own comprises over 10,000 hectares - coupled with the remote locations of much of the designated lands, and the sporadic occurrence and dynamic nature of such fires, it is very difficult to provide a visible presence on the ground to discourage and prevent unauthorised burning in the countryside. Equally, trying to identify those who deliberately set fires in open areas without concern for the consequences can be challenging.

Nevertheless, with regard to the national parks in particular, on an ongoing basis officials from my Department are in close liaison with both the Garda and the fire service. My staff remain ever-vigilant when conditions exist that might result in fires in the national parks.

Section 40 of the Wildlife Act 1976, as amended, prohibits the cutting, grubbing, burning or destruction of vegetation, with certain strict exemptions, from 1 March to 31 August. Following a review of section 40, which involved consideration of submissions from interested parties, I announced proposals in December 2015 to introduce legislation to allow for managed hedge cutting and burning at certain times within the existing closed period on a pilot two-year basis. The legislation required to allow for these pilot measures is included in the Heritage Bill 2016, which was published in January 2016. The Bill is currently on Committee Stage in Seanad Éireann.

In the meantime, the existing provisions relating to section 40 of the Wildlife Act remain in force. My Department has taken over 50 prosecutions in recent years relating to individuals for breaches of section 40 of the Wildlife Act for the burning of gorse and vegetation. Fines were imposed in all cases, ranging from €50 to €600. In some cases, the defendants were ordered by the court to pay legal costs and expenses. Members of An Garda Síochána are also authorised officers to prosecute breaches of the Wildlife Acts. My Department will, of course, continue to work closely with the Department of Agriculture, Food and the Marine and the Garda Síochána, as appropriate, to investigate the causes of wild fires and, where evidence is forthcoming, to pursue appropriate enforcement under the Wildlife Acts or other legislation.

The main source of wild gorse fires is thought to be the deliberate starting of fires without concern for the consequences. Aside from such malicious activities, one of the main challenges is to encourage members of the public, including landowners, farmers and recreational users of publicly accessible land, to act responsibly at all times, to be mindful of their own safety and the safety of others, to be mindful of the need to protect property, both publicly owned and privately owned, and to appreciate the value of our natural heritage, particularly in our national parks, nature reserves and designated Natura 2000 sites.

I appeal to all members of the public to be conscious of the danger posed by fire, particularly fire on open ground, which can very quickly get out of control. As the Senator said, we can see how homes and lives can be threatened and we can also see the damage to the landscape and to valuable habitats caused by uncontrolled fires. Even planned or controlled burning can get out of hand very quickly, so it is critical that everyone realises the damage that can be caused to property and the health and welfare of family, neighbours, the wider community and the responding emergency services.

Senator Neale Richmond: I thank the Minister for her comprehensive and total reply, for which I am very grateful. I agree with everything she said and I appreciate the actions taken, especially by her Department, in this area. However, I would like to see the agency being slightly more proactive in the future. I think we can always be more proactive in getting the message out there that, not only is there serious danger for those acting carelessly or maliciously, but also, as the Minister stated, there are serious fines and punishments for those who are acting in such a manner. Again, I extend my sincere gratitude to the Minister.

Deputy Heather Humphreys: I thank the Senator for his remarks. As I said with regard to gorse fires in particular, my Department is one of a number of agencies represented on the interagency gorse fire group that explores issues surrounding such fires. Given the sheer scale

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of property involved, coupled with the remote locations of many of the designated areas and the sporadic occurrence and dynamic nature of wild fires, it is very difficult to provide a visible presence in every part of the countryside. In this regard, it is important we work with local landowners.

The Heritage Bill, which is currently on Committee Stage in the Seanad, seeks to provide more flexibility and a measure of common sense on this issue. In this regard, the Wicklow uplands are a very good example of a practical partnership and shared stakeholder approach to the issue. This involves a partnership of NPWS, Teagasc forestry services, the Wicklow Uplands Council, the IFA, community interests and other landowners. The engagement has been positive and is, I believe, a great pathfinder for the rest of the country. Beginning with the field day over a year ago on burning methods, and a practical day in September last demonstrating mechanical ways of upland vegetation control, it has been very well received by all.

This is what we need to do - we need to work together. I urge Members to support the Heritage Bill so we can progress this kind of common sense approach. We can see the benefits of people working together and showing a degree of flexibility that benefits everybody concerned and, most importantly, protects wildlife and the habitat.

Bord Bia Strategy

Senator Victor Boyhan: I welcome the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Andrew Doyle. My focus is on getting an update. We know from A Programme for a Partnership Government that there are clear objectives to take on board the Bord Bia strategy for the period 2016 to 2018, Making a World of a Difference. I salute Bord Bia for its marketing and also its commitment to the horticulture and food sector. The Making a World of a Difference campaign clearly sets out its strategy for the period 2016 to 2018. The Government has accepted it in its entirety and made provision for it in the programme for Government.

I ask the Minister of State to update us on progress in maximising the range and volume of products on retail shelves that carry the Bord Bia quality mark, in line with one of the key objectives of the policy. There are many key objectives in Making a World of a Difference, of which this is one. Perhaps the Minister might come into the House at some point in the future to talk specifically about the strategy and how it is being progressed. It is very positive and I do not doubt the Minister's commitment to it, but it would be interesting to hear how it is being progressed, particularly in the context of the agrifood enterprise, the Origin Green label, and generally in maximising the range of horticultural and agricultural produce.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): I thank the Senator for raising this issue. I know from his background that this is an area in which he not only has a keen interest but on which he is very knowledgeable. He is correct that Making a World of a Difference, the Bord Bia strategy for the period 2016 to 2018, includes among its targets maximising the range and volume of products on retail shelves that carry the Bord Bia quality mark. This is particularly important for the horticulture sector in which the Bord Bia quality assurance scheme provides producers with an opportunity to showcase the quality and traceability of their horticultural products. It also gives retailers an independently accredited quality assurance standard. The quality assurance scheme for horticulture includes potatoes, protected crops, field vegetables, fruit and ornamental crops. In the

past two years almost 500 labels across 28 crop lines have received approval to use the quality mark for horticultural produce, indicating the value of the mark for producers and their customers. I am informed by Bord Bia that it is planning to increase, with effect from this year, the total number of retail audits carried out annually. The number of audits of quality assurance fresh produce will increase from three to four. The retail audit exercise will determine the volume of produce bearing the quality mark on retail shelves and thus assess the success of the horticulture quality assurance scheme in attracting consumer interest. A further development in 2017 will be that the results of the retail audits will be published on the Bord Bia website. The results will show all of the produce carrying the Q mark as a percentage of all produce on sale in a particular retail outlet. As with the current retail audits of meat products and eggs, this will be done by main retailers and presented in a manner that compares the levels of retailer support for purchasing quality-assured produce. It will show if the level of support for quality-assured produce is growing or otherwise among the various retailers and also by crop.

That is a brief overview. If the Senator requires further clarification, I will be happy to try and answer.

Senator Victor Boyhan: I thank the Minister of State for his detailed response. The Bord Bia quality mark is very powerful. Auditing needs to be constant. In that context, I note that Bord Bia is to increase the number of audits. It is particularly welcome that the results will be published and placed in the public domain. It is about ensuring confidence in a really strong product and there will be knock-on effects in having a good, strong and quality brand.

I know that the Minister of State has a busy schedule, but horticulture, forestry and food are his specific areas of responsibility. Sometimes they are lost in the bigger agricultural sphere. It would be no harm if from time to time the Minister of State updated the House on progress because they are really important and unique parts of the bigger brand of agriculture.

Deputy Andrew Doyle: I will add a couple of points. I recently opened the small business forum, particularly for the horticulture sector as there are a couple of problems that we face. Retailers have tended to want their own quality brand for their own product as distinct from having a universal brand across products. The test will be whether the Bord Bia quality assurance mark transcends all products such that the consumer can see an independent accreditation and quality mark. I have been trying to emphasise the importance of indigenous Irish produce. A vox pop was carried out on the scarcity of vegetables normally available at this time of the year from southern European states. Some of the comments made included that we had to concentrate on seasonality and that when vegetables were in season, we should buy Irish and local. Irish produce means Irish jobs, nowhere more so than in the horticulture sector which is one of the more labour intensive in the agriculture industry.

Coast Guard Services

Senator Keith Swanick: I thank the Minister for coming to the House to address the glaring anomaly in legislation, or lack thereof, covering the Irish Coast Guard. As a medic on the west coast, I regularly liaise with the Irish Coast Guard and experience first hand the bravery and commitment of its members to serving the public while putting their own lives in danger. On every single call out they are exposed to dangers with which no other workers outside the emergency services are faced. As the Minister is aware, the Irish Coast Guard handles approximately 2,500 marine emergencies a year, assists 4,500 people and saves over 200 lives.

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It evacuates medical patients from the islands on hundreds of occasions. Irish Coast Guard helicopters are tasked around 800 times per year and the service makes 6,000 marine safety broadcasts to shipping, fishing and leisure crafts.

I am honoured to live and work on the coast with these brave volunteers and members of other emergency services which include the National Ambulance Service, the fire service, the Garda and the Royal National Lifeboat Institution, RNLI. When the bleep sounds, as a local general practitioner on call, all of the emergency services work as a collective unit. I have been privileged to take part in rescues at sea, on trawlers of Spanish fishermen and at the edge of cliffs, but, sadly, there have also been drownings. When a casualty is taken ashore and dispatched via road in an ambulance or via an air ambulance and the emergency services discuss matters on the pier or wherever else, all of the responders are not treated fairly. That is the issue I have. I support the call for the Irish Coast Guard to be designated as a stand-alone primary response agency. On a daily basis its members sacrifice and place themselves at the peril of the Atlantic Ocean and the dangers of the jagged coastline. It is within the Minister's remit to legislate for this cohort of volunteers to put them on the same footing as other emergency service personnel. I am calling on him to engage personally and purposefully with them. Now is the time for action. There is no point in lauding them and telling them what we think of them. The fact of the matter is that there is a two-tier health system and we now have a two-tier emergency response service. Members of the Irish Coast Guard are being disenfranchised and treated differently from other emergency responders.

This is unfair. It is time to show these heroes some respect. I invite the Minister to engage purposefully with them and to visit the west coast of Ireland in order to see, at first hand, the work they do so bravely. I think his eyes would be opened if he did so.

Minister for Transport, Tourism and Sport (Deputy Shane Ross) (Deputy Shane Ross): I thank Senator Swanick for raising this very important issue. I am aware of the interest in it in this House and in the Lower House. We certainly have one thing in common, namely, a very healthy and large admiration for the work of this extraordinary group of people. I have expressed that in many quarters, and in some tragic circumstances, recently. At the very least, that is something we can both express in this House.

In the recent past, I received a number of requests to introduce legislation in respect of the Irish Coast Guard, a division of my Department, most notably in correspondence I received from some Irish Coast Guard volunteers. I would like the record to show that my Department and I have the utmost respect for the volunteers who give their free time to provide a search-and-rescue service on behalf of the Irish Coast Guard. Their devotion to serving their communities must be commended and admired. The latter cannot be repeated often enough.

I welcome this opportunity to address some of the issues and concerns which have been raised and which have been expressed to me through correspondence. It is true that the Irish Coast Guard is not an established legal entity. It is, as I have said, a division of my Department. It was established thus under a Government decision in 1990, initially as the Irish Marine Emergency Service. The name was changed to the Irish Coast Guard in 2000. The division was subsequently transferred from the Department of Communications, Marine and Natural Resources to the Department of Transport in 2006.

The Irish Coast Guard has a number of functions, including search and rescue and maritime pollution prevention and response. I am satisfied that the Irish Coast Guard, as a division of

my Department, has sufficient powers to carry out its functions. These are augmented by the various items of merchant shipping and sea pollution legislation to which I previously referred in the Dáil. These Government decisions, the Irish maritime search-and-rescue framework and legislative provisions are aligned with the accepted provisions of international law, namely, the International Convention for the Safety of Life at Sea, the International Convention on Maritime Search and Rescue and the United Nations Convention on the Law of the Sea. This administrative and legal framework establishes the search-and-rescue function as a State function, with the Irish Coast Guard designated as responsible for maritime search and rescue. It further defines the jurisdiction and legal authority of the rescue co-ordination centres with relevant standards of the International Civil Aviation Organisation and the International Maritime Organisation.

As I have already stated, the volunteer element of the Irish Coast Guard has expressed concerns regarding its legislative standing. However, I am of the view, in light of the context which I have just set out, that there is no need to place the Irish Coast Guard on any additional statutory footing. Indeed, it is difficult to identify any specific need for legislation or to establish what would be the purpose of any legislation. Legislating for a voluntary group would give rise to very complex matters. In all probability, the volunteer sector would not be covered under any such legislation, as is evidenced by the Civil Defence Act, which does not contain any provisions in respect of its large volunteer force. The same applies to matters such as training standards, which are dynamic and constantly evolving and which are not, therefore, an appropriate subject for legislation.

The marine rescue co-ordination centres have been in existence for many decades and operate on the basis of international law and international recognised standards. It is difficult to see what advantage would derive from further legislation. Finally, the helicopter search-and-rescue facility is provided to the Irish Coast Guard under commercial contract to which company law applies and it could not, therefore, be legislated for in any other way.

Finally, I assure Senators that there are no plans to diminish Irish Coast Guard services or reduce the number of active stations, which is a concern that has been voiced. The location, distribution and response service provided by Irish Coast Guard assets are kept under continuous review with a view to development and improvement in the delivery of search and rescue services around the country.

Senator Keith Swanick: With the greatest respect to the Minister, I fundamentally disagree with the sentiments he has expressed. There is a need to put the Coast Guard on a statutory footing and that response could have been e-mailed to me, quite frankly. I ask the Minister to engage personally with the Coast Guard, to meet its representatives face to face and listen to their real and valid concerns. I also extend an invitation to the Minister to come and visit the west coast to see what these people do at first hand. They risk their lives to the peril of the sea every day and it would be a worthwhile visit.

Deputy Shane Ross: I accept the Senator's invitation and thank him for it. It is open to me, as the Minister in charge, to go there at any time but I would be delighted to go with the Senator. Yes, the response could have been e-mailed to the Senator and his contribution could also have been e-mailed to me. That is absolutely correct but I have come before the House to give the response in public. My Department is very aware of the resourcing issues within the Coast Guard, including the requirements to augment support of the Coast Guard units. I am conscious of the difficulties involved. I have given the reasons why I cannot meet the Senator's

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requests at this time, but I would be very happy to engage in further dialogue with him on a visit in the future.

Acting Chairman (Senator John O'Mahony): I thank the Minister and the Senator. We await the Minister for Finance, Deputy Noonan.

Illicit Trade in Fuel and Tobacco Products

Acting Chairman (Senator John O'Mahony): I welcome the Minister. I call Senator Frank Feighan. The Senator has four minutes.

Senator Frank Feighan: I will address the need for the Minister for Finance to ensure all necessary resources are available to the Revenue Commissioners in order to protect the livelihoods of solid fuel traders located near the Border in light of the price differential in the North and the continued threat of fuel smuggling.

I thank the Minister for coming before the House today. I am glad to get the opportunity to raise this issue on what has become an increasingly serious problem for many small businesses operating within close proximity of the Border. In recent weeks, I spoke to businesses and families in north Roscommon and south Leitrim who make their living from the solid fuel trade and who are increasingly worried about real threats to businesses and jobs. There is growing anecdotal evidence to suggest that the solid fuel trade this side of the Border has been affected by a combination of cheaper prices for similar products in the North, and fuel smuggling. To give an example of the current risks posed, a standard truck bringing 20 tonnes of coal from Northern Ireland across the Border without the application of carbon tax can bring a saving of almost €1,200. How can a legitimate business compete south of the Border with such a price differential? That is without even applying the difference in VAT between the two jurisdictions, which would increase the margins further for legal traders. This price differential is also significant when it comes to briquettes and turf because, again, no carbon tax is applied to these fuels north of the Border. This unacceptable situation is not just detrimental to local businesses located in the Border region, but the Exchequer is also essentially robbed of tax income as a result.

In light of these real threats to businesses and jobs, I ask the Minister if he is satisfied that there are enough safeguards in place to protect legal traders this side of the Border. Are we satisfied that there is a fully co-ordinated approach between Revenue, its UK equivalent, the Garda, the Police Service of Northern Ireland, PSNI, and other relevant agencies to crack down on these rogue traders? It goes without saying that we must do everything possible to catch these perpetrators, which are damaging legitimate business. Many of these legitimate businesses are based in rural Ireland and provide vital jobs for local economies. Retail Excellence Ireland, the representative organisation supporting Irish retailers, recently highlighted that €2.35 billion has been lost to the Irish economy as a result of smuggling in general. This is not just to do with fuel. It also says that there is deep concern within the fuel industry regarding the influx of illegal sales. Retail Excellence Ireland has always said that it has received reports that gangs, courtesy of our good road network, are travelling across the country selling illegal fuel.

There is also another sinister dimension to this which could have health consequences for consumers. Retail Excellence Ireland also say that counterfeit coal bags are being used and that these contain coal which is unsafe because it has a higher sulphur content and can, as a result,

be explosive.

Brexit is highlighted almost daily as another factor creating much uncertainty for businesses along the Border. It is another concern that legal solid fuel traders have to contend with. I cannot over-emphasise the need to eliminate all threats to small businesses based in the Border region. To protect our solid fuel traders we must ensure that the crackdown on fuel smuggling is as rigorous as possible. Otherwise, these traders will be forced to close their doors for good with the loss of many jobs. We simply cannot allow that to happen.

Minister for Finance (Deputy Michael Noonan): I thank the Senator for his contribution and comments. I welcome the opportunity to highlight some important points on this matter.

The background is that the solid fuel carbon tax, SFCT, was provided for in the Finance Act 2010 and was commenced on 1 May 2013. The introduction of the solid fuel carbon tax was delayed to allow for a mechanism to be put in place to address the risk of coal products with lower environmental standards being sourced from outside the State. Regulations to enable local authorities to regulate and control the type of coal supplied in the State were put in place by the Minister for the Environment, Community and Local Government. The rate of tax is currently based on a charge of €20 per tonne of carbon dioxide emitted from the fuel concerned. This equates to €52.67 per tonne in the case of coal and ranges from €17.99 to €36.67 per tonne for peat and peat-based fuel products.

The yield from the solid fuel carbon tax in 2016 was in excess of €24 million. Revenue has responsibility for administering the solid fuel carbon tax and, as it does with all taxes and duties, takes a risk-focused approach in its deployment of resources on compliance activities.

Currently, there is no carbon tax on domestic solid fuel in Northern Ireland. This factor, combined with that jurisdiction's lower VAT rate on solid fuel and currency fluctuations, can give rise to significant price differentials for solid fuel between this State and Northern Ireland.

The solid fuel carbon tax applies on the first supply of coal and peat in the State and the tax is payable, on a bi-monthly basis, by a taxable person who is registered for VAT and making a first supply. Every supplier who intends to make a first supply of solid fuel in the State must register with Revenue. This obligation includes suppliers based in Northern Ireland who deliver solid fuel into the State to a private individual. However, solid fuel carbon tax is not payable by a Northern Ireland supplier where that supplier makes the supply at the premises in the North, nor is it payable by private individuals travelling to the North to buy solid fuel for personal consumption if the individual accompanies the fuel back into the State.

Revenue collects this tax on a self-assessment basis and enforces compliance by way of audit of solid fuel carbon tax returns. It is important to note that European Union Single Market constraints preclude the use of any cross-border movement controls in the administration of the solid fuel carbon tax. Therefore, Revenue has no authority to stop vehicles and physically inspect loads of solid fuel. Similarly, the transport or possession of solid fuel that originated in Northern Ireland are not, in themselves, Revenue offences and Revenue's officers have no authority to challenge such transportation or possession.

Collection of solid fuel carbon tax is heavily reliant on the regulatory regime for solid fuel established by the Department of Communications, Climate Action and Environment and enforced by local authorities. This regulatory framework covers the marketing, sale, distribution and burning of solid fuels in the State and sets out particular environmental standards for coal

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supplied in the State. These environmental standards are higher than those that apply in Northern Ireland. The regulations provide for the enforcement of the relevant environmental standards by local authorities. Local authorities have powers to inspect premises and vehicles being used for the sale and distribution of solid fuel; collect samples of coal to check for adherence to environmental standards; and prosecute traders involved in selling illicit coal. The regulations also provide for the establishment of a register of coal suppliers by the Environmental Protection Agency.

I am aware of concerns expressed by solid fuel traders, especially those located near the Border, relating to untaxed coal entering the State. My officials will continue to engage on this matter with the Department of Communications, Climate Action and Environment. As I have outlined, that Department is responsible in the first instance for regulating solid fuel in the State.

Senator Frank Feighan: I thank the Minister for coming to the House and outlining the position. I urge the Minister to continue to engage on this matter with the Department of Communications, Climate Action and Environment. We all know that Department is responsible for regulating solid fuel in the State. The Minister is aware, as are many other Members of the Houses of the Oireachtas, that this issue is ever-growing. Where there is a border, such difficult situations arise. I thank the Minister again.

Deputy Michael Noonan: As I have said earlier, it was important that the regulatory framework to control the sale and burning of solid fuels in the State was in place before the introduction of the carbon tax on solid fuel. The framework is in place now, as are the environmental standards for coal supplied in the State. The enforcement of these environmental standards is the responsibility of local authorities. Local authorities have powers to inspect vehicles and premises being used for the sale and distribution of solid fuels. It seems, therefore, that there needs to be a tightening up of the inspection and standards at local level. This is a matter for the local authorities as the powers of inspection have been given to them under the regulations. For my part, I will instruct my officials to continue to engage with the Department of Communications, Climate Action and Environment in this regard.

Sitting suspended at 11.15 a.m. and resumed at 11.35 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, statements on transport and tourism, to be taken at 12.45 p.m. and to conclude not later than 2.45 p.m., with the initial contribution of the Minister not to exceed 12 minutes, the contributions of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes and the Minister to be given ten minutes to reply at the end of the debate; No. 29, Private Members' business, non-Government motion No. 16 re hospital waiting lists, to be taken at 2.45 p.m., with the time allocated to the debate not to exceed two hours; No. 2, statements on the annual national transition statement on climate action and low carbon development, to be taken at 4.45 p.m. and to conclude not later than 6 p.m., with the contributions of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes and the Minister to be called upon to reply not later than 5.50 p.m.; and No. 3, statements of clarification on statements made by the Minister for Children and Youth Affairs, to be taken at 6 p.m., with the contributions of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes and the Minister, Deputy Zappone, to be given six minutes to reply to the debate.

Senator Mark Daly: Obviously, the issue of what the Taoiseach knew and when he knew it is dominating the headlines today. There seems to be a lack of reality with regard to his statements. Every time he talks about the McCabe issue, he seems to contradict not only himself but also his own Ministers. Hopefully, we will get clarity on who knew what and when but as we all know, that is a distraction. It is merely a circus and a source of entertainment for political types and the media but is of little real concern to the people on the ground. What is of real concern to the people on the ground is the central issue of the treatment of Sergeant Maurice McCabe, a whistleblower who was doing his job as he saw fit and who raised concerns about An Garda Síochána. He has made allegations that he was targeted with a smear campaign of the worst and most vile type. That is why we welcome a tribunal of inquiry that will get to the truth of this issue. This is not just about Sergeant Maurice McCabe. We need to get to the bottom of why it was that a whistleblower, who did his job correctly and acted in the best interests of every citizen was smeared rather than protected. We introduced whistleblower legislation to protect whistleblowers but we should not only be seeking to protect them but to actually reward and encourage them. We should make sure that the State not only protects whistleblowers but encourages and rewards them for doing their job. Anyone who comes forward and acts as a whistleblower is doing a great service to this State. When we get to the bottom of all of this it is to be hoped that those who have had allegations made against them in terms of their attempts to smear Sergeant McCabe will face the full rigour of the law.

In the context of the Taoiseach's inability to communicate, there was an event recently in Cork at which a person professed to be an Irish Sign Language interpreter. That person was actually a comedian and I have received communications from members of the deaf community who were outraged by his behaviour. He portrayed himself as a sign language interpreter and then interfered at an event at which the Taoiseach was speaking. It was a deplorable and appalling act to use the issue of the lack of recognition of Irish Sign Language in that way. Ireland is one of the few countries in Europe not to recognise the sign language used by its own deaf community.

I wish to put the Leader on notice, in regard to the Corporate Manslaughter (No. 2) Bill and the Recognition of Irish Sign Language for the Deaf Community Bill, that on 25 March Fianna Fáil will propose an amendment to the Order of Business to the effect that Committee Stage of both Bills be taken. We have asked various Departments to submit their Committee Stage amendments but they have come up with all sorts of excuses and have not done so. My party will table amendments to the Order of Business on 25 March.

Senator Victor Boyhan: I want to refer to a headline that was published in *The Irish Times* last Friday that reads: "State sent €4m in funding for migrants back to EU." The European Commission confirmed that over half the funding provided for a series of projects was returned. That is a sorry state of affairs.

The general programme on solidarity and management of migration flows consists of four instruments called the European return fund, the European fund for the integration of third-country nationals, the external borders fund and the European refugee fund. The relevant Minister must be asked why €4 million was returned to the European Union and not drawn down at a time when we need to work closely with refugees and the other people who are covered by the remit of this funding. A number of MEPs have raised this matter in the European Parliament. I thank and acknowledge their work on this issue. We should hear from the relevant Minister about this matter.

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I do not want to rehash the ongoing saga mentioned by Senator Mark Daly earlier. The Minister for Children and Youth Affairs shall attend the House this evening for a debate which is welcome. I am not sure we will have enough time for the debate given the public interest in the topic and the desire by many Senators to ask questions and receive detailed responses. Within the limits that are possible, I ask the Leader to slightly extend the period allocated for the debate and I know the final decision rests with the Senators. We need time to tease out the issues and, more importantly, to hear what the Minister has to say. Yesterday, I sat in the Visitors' Gallery in the Dáil and she demonstrated great clarity when she spoke. Without doubt, many Senators will want to ask her questions later today.

Senator Rose Conway-Walsh: As a Member of the Oireachtas, I was amazed that Government Ministers spent three full hours yesterday clarifying what they had already stated in public. Maurice McCabe and his wife, in their statement on Monday last, asked some very straightforward questions. They said that the truth was more urgent than justice. Their questions related to the handling of the false sex abuse allegations made against Sergeant McCabe. Communication between An Garda Síochána, the HSE and Tusla, and in what period they took place, are all crucial. Yesterday, the Taoiseach was asked over ten times when he was first briefed about the allegations made against Maurice McCabe. At no stage did the Taoiseach answer the question. Perhaps the Leader of the Seanad can fill us in on what the Taoiseach could not do.

I find it incredible that the Government can publicly proclaim confidence in itself after yesterday's shambles. To be clear, these were statements clarifying what had already been said. The Taoiseach, though wearing an ear piece, struggled to convincingly recall events at which he was present.

Senator Jerry Buttimer: That is a new low.

Senator Rose Conway-Walsh: Today the Leader in this House referred to the fact that he might need glasses. I seriously think that the Taoiseach needs to wear an ear piece or use something to improve his hearing.

Senator Jerry Buttimer: The Senator ought to hold a mirror up to herself.

An Leas-Chathaoirleach: Order, please.

Senator Rose Conway-Walsh: The Government, with the continuous help of its Fianna Fáil partners, will no doubt declare confidence in itself. Yesterday, it showed a lack of competence and integrity.

Senator Jerry Buttimer: The Senator has some cheek.

Senator Rose Conway-Walsh: I am sorry but there is a terrible interference in my ear.

An Leas-Chathaoirleach: Perhaps the Senator is wearing the wrong ear piece.

Senator Rose Conway-Walsh: Maybe the Taoiseach is trying to get through.

An Leas-Chathaoirleach: Enough of that, please.

Senator Rose Conway-Walsh: On such a serious issue the public needs to know that capable and honest public representatives are doing their best to remedy the situation. After yesterday's pantomime I doubt if the public has confidence in the competence of the Government.

Over the past few days I cannot help but remember all of the really good members of An Garda Síochána throughout this country, those who have been forced to retire early or resign due to overt and concerted bullying or those who have been repeatedly overlooked for promotion just because they stood up for what is right within the force. It is important that we remember all of those people at this time.

I ask the Leader if he has full confidence in the Government following the farce that took place in the Dáil Chamber yesterday. I look forward to his constructive comments as always.

Senator Alice-Mary Higgins: I look forward to our debate with the Minister for Children and Youth Affairs and I shall not talk about the subject now.

I echo the comments of concern expressed by Senator Boyhan about the return of funding that was provided to assist with migration projects. I call for a debate on how Ireland intersects with European migration policy, particularly the EU migration compacts that are being debated in committee. We should discuss the migration compacts in the Seanad because many questions need to be asked about EU policy, how we engage with it in respect of migration and the responsible role that we should play.

Today, the European Parliament will vote on the provisional application of the Comprehensive Economic Trade Agreement. As the Leader and other Senators will recall, we passed a motion of concern about the matter. I regret that the European Parliament has previously chosen not to vote to use the appropriate checks and balances. For example, checking the investor court mechanisms against the European Court of Justice and not to debate this specific issue. I plead with the Leader and his party colleagues to carefully reconsider their decision because they plan to support the provisional application. I would like to focus on what the outcome may be. If the European Parliament votes for the provisional application of the Comprehensive Economic Trade Agreement then I seek clarity given the clearly expressed concern of the House about this issue. What does the Government plan to do in the interim between provisional application and full ratification? Will the Government seek an investor court system?

I represent these Houses on the Council of Europe. Recently the Council of Europe held a plenary session comprising parliamentarians from across Europe. At the meeting there was large support for two motions from the Committee on Legal Affairs and Human Rights and the Committee on Social Affairs, Health and Sustainable Development. They called for a re-examination of the provisions of the investor court system to ensure its compatibility with the European Court of Human Rights. There was also a call to re-examine components such as the payment for future loss of profit, which was a specific concern that was expressed right across the chamber.

If the Government does not offer support then at least will it ensure it does not block a review of the investor court system? Will the Government facilitate challenges at the legislative level in the European Court of Justice to the investor court system? I refer to the period between provisional application and full ratification.

I know there are Senators who are on the Joint Committee on Jobs, Enterprise and Innovation. Recently I attended one of its meetings. On that occasion we heard of the disgraceful lack of proper engagement about exemptions and exclusions. We also heard that there was no parliamentary debate or even consultation at committee level on what Ireland chose to exclude from its concerns about the Comprehensive Economic Trade Agreement. Will we ensure that

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such negligence does not continue? I ask the Leader to ensure that the House receives a speedy and timebound proofing of the legislative programme and a report to this House on the potential impact of the Comprehensive Economic Trade Agreement on the legislative programme.

An Leas-Chathaoirleach: The Senator's time is up.

Senator Alice-Mary Higgins: We must know where action needs to be taken in respect of things like fracking legislation and other legislation. Please ensure that legislation is fast-tracked-----

An Leas-Chathaoirleach: The Senator has run a minute over time.

Senator Alice-Mary Higgins: -----that could be affected by the full ratification. We must get the regulations in place before further constraints are imposed in terms of a compensatory price tag.

Senator Ivana Bacik: I thank the Leader for organising tonight's debate with the Minister for Children and Youth Affairs in attendance, on foot of the requests made here yesterday. Clearly, many more questions need to be answered on the political events of the past week, the differences in views and the alternative facts, one might say, expressed by different Ministers on what happened at different meetings. As others have said, last night's debate in the Dáil was somewhat farcical; it really threw more heat than light on the events. Over the weekend arising from the political fallout we have seen, I raised the issue of Article 28.4.2° of the Constitution and the principle of Cabinet collective responsibility. I asked the question that remains pertinent as to whether Cabinet members were acting collectively and in accordance with the principle set out in that article in the Constitution when they took a decision last week to establish the commission of investigation.

As we know, of course, we have now moved on from that decision and I very much welcome the Taoiseach's announcement of a public tribunal of inquiry. I acknowledge and pay tribute to our party leader, Deputy Howlin, whose intervention prompted the change towards a public tribunal. It is clear now that we need to air these issues in public. Despite the focus on political fallout over which Ministers knew what at which point and said what to whom, the fundamental issue is the appalling treatment of Sergeant Maurice McCabe and his family, and the awful trauma they have suffered for so many years.

The other fundamental issue, of course, is the serious issue about corruption within policing that Maurice McCabe exposed through his whistleblowing. I ask the Leader for a debate on policing issues and in particular on the oversight mechanisms that have now been established within An Garda Síochána, largely as a result of the brave actions of whistleblowers such as Maurice McCabe. When I was a member of the Joint Committee on Justice, Defence and Equality, we had extensive debates with representatives of the Garda Inspectorate. We went through the report it produced which confirmed the writing-off of penalty points, the issue raised by Maurice McCabe.

Now that the Policing Authority is in place and we have strengthened the power of GSOC it is time to see whether these mechanisms are sufficient to ensure we do not have the widespread practices that Maurice McCabe and others exposed. I ask for that debate, being mindful of the appalling treatment suffered by Maurice McCabe and of the need for the public tribunal of inquiry that has been announced.

I ask the Leader for a debate on immigration policy. Yesterday I had a Commencement Matter addressed to the Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald, that was dealt with by the Minister of State, Deputy Finian McGrath. I raised the recent Court of Appeal decision of the rights of families, undocumented migrants here who have overstayed student visas but many of whom have children. I understand 70 applications have been lodged to the court pending an appeal being taken by the State to the Supreme Court. I ask for a debate on immigration policy and on our treatment of undocumented persons, given how vocal we have all been in our criticism of President Trump over the undocumented Irish in the US.

Senator Maura Hopkins: A parent, whose child is on a list for rehabilitation at the National Rehabilitation Hospital in Dún Laoghaire, has brought to my attention that 12 beds have been closed at that hospital. I have followed that up with the office of the chief executive and received the following reply:

Following consultation with the HSE, it has been necessary for the NRH to reduce its existing bed capacity by 8 beds in the Brain Injury Programme, and 4 beds in the Spinal Cord Injury Programme, to enable the hospital to provide a safe and appropriate level of care to patients from within existing resources. In January 2016, a detailed workforce planning document was submitted to the HSE for the additional staffing required to ensure that NRH beds, given their scarcity, should be fully available at all times. This submission is still under consideration by the HSE.

Closing 12 existing beds out of 120 beds, 10%, is simply not acceptable. It is soul destroying for the parent, child and the family, as well as for people across the country who have to wait months for a bed in the NRH and during that time occupy an acute bed in a general hospital. Given the trauma of an injury, be that a stroke, a spinal cord injury, multiple sclerosis or Parkinson's disease, these people need access to timely and specialist rehabilitation. Confirmation that bed capacity has been reduced by 12 beds is simply not acceptable. I wrote to the Minister, Deputy Harris, last night. I asked him and I am asking the Leader now to ensure that the HSE deals with this issue immediately. It is simply not good enough.

Senator Keith Swanick: I wish to raise the incredible story of a concerned citizen, Paul Egan, who should be called a Good Samaritan. It started almost three weeks ago on 27 January in Keshkerrigan, County Leitrim, when Paul Egan, a HSE employee from Sligo encountered a very serious car crash. He witnessed an 18-year old woman, Tamara Jade Huxtable, from Drumshanbo, County Leitrim, wandering in the middle of the road after her friend's car crashed into a wall.

As it was pouring with rain, he helped Tamara into the passenger seat of his car for shelter. They were soon joined by gardaí, and members of the fire brigade and ambulance service. During that time, Tamara began to lapse in and out of consciousness. Following very clear protocols, it was decided for fear of spinal injuries that Tamara would be cut out of the vehicle. This vehicle was not involved in the accident, but was the vehicle of Paul Egan, the Good Samaritan. In summary, his 2008 Opel Astra car was destroyed in the operation, including having its roof removed. She was then removed from the vehicle and airlifted away by helicopter.

The kindness of strangers such as Paul on that night helps prevent more serious injury. However, Paul Egan now has no car. A crowd-funding page has been set up by others to help him. He has had to hire a car to allow him to continue to work. Now the insurance company is passing the buck. It is an absolute scandal that a man who came to the assistance of somebody

in serious danger that night in Leitrim is being given the run-around by the insurance company. It has even advised him that when he goes to renew his policy, it will treat it as if he had a claim from the accident, which is unbelievable.

I ask the Leader to intervene in this case with the Minister for Finance, and the Minister for Jobs, Enterprise and Innovation. Generous members of the public have raised money to get him back on the road and back to work. The insurance companies need to be brought to task over this. Despite all this, Paul Egan has said he would do the same thing again if he encountered the same scenario. He said, "I have teenage daughters myself and I'd be hoping someone would look after them if they had a problem."

Senator Gerard P. Craughwell: I raise the issue of time for debate in this House. The Minister, Deputy Zappone, will come to the House this afternoon. I appreciate she has limited time available in order to deal with questions. However, right now several organisations in the State are at risk of suffering severe reputational damage which may go on into the future.

The Seanad has to come to terms with the new politics. In fairness to the Leader, he has embraced it as much as he can. There are 13 Independents in this House. Not all of us have the same view. All of us have our own questions and issues that we wish to raise. We can no longer rely on the old system that pertained with party spokespeople or the leader of a particular group to deal with things. This is a Seanad that is on its way to reform. It is not appropriate for people to come in here and talk about their "constituencies" - we do not have a constituency. We are national politicians. We are here in order to hold the Government to account. The days of that nonsense are over. It is now time for the Seanad to start to behave as it was designed to behave, which is to hold the Government to account.

We have so many conflicting stories coming out of Dáil Éireann at the moment. They are changing their story by the new time down there. We need to be free to ask questions here without turning it into politics. They should be straight, honest, decent questions to try to get straight, honest, decent answers for people. The Leader knows as well as I do that by allowing eight minutes per group and five minutes thereafter, nobody will get in thereafter. I am pleading with the Leader now to extend the time.

We will more than likely have the Minister, Deputy Fitzgerald, in the House before the end of the week and the call I am making will also have to apply at that time.

Senator Maria Byrne: I wish to raise a matter I raised previously concerning the changes being made within Bank of Ireland. As of last Monday, customers can no longer speak to any of the bank's team over the telephone. Customers were not informed about this change and have only heard about it on going into the bank's branches. The bank is encouraging people to transact their business online.

A number of elderly people have called to my constituency about this matter. They have never used a computer and do not know how to access their banking to deal with their queries online. When they called into the bank, they were assured they would be able to use a telephone in the branch and speak to somebody at the other end of the line. This change has raised a fear factor for older people. They have been used to going into their bank branch and having an official deal with their queries, whether it related to their account balance, if their account is overdrawn or whatever the query may be.

Banks need to be more customer friendly. I understand they are trying to bring services

into the modern world but this change does not suit everybody. Older people are fearful of it and a number of the bank branches that are close to where they live have been closed. They are now dependent on going into the few bank branches that remain open to have their queries dealt with. I would like the Leader to raise this issue. I have written to Bank of Ireland raising people's fear about this change. This is a fear factor for older people.

Senator Paul Gavan: I want to address Senator Hopkins's concerns regarding the National Rehabilitation Hospital. One has to ask the question. Who is in charge of asylum? It is her party's Minister for Health that is closing hospital beds. It is bizarre that she is raising an issue when it is her party's Minister who is doing the damage. It is equally bizarre at a time when there is an unprecedented crisis in health, housing and justice that Fianna Fáil continues to insist on supporting this wretched Government which has lost all credibility at this point.

I want to raise the issue of Israel and to quote from a letter I received from the Mission of the State of Palestine. It states that in the month of January 2017 the Israeli Government approved the construction of 566 new settlement units in occupied East Jerusalem. It also states that the Israeli Government then approved the building of another 5,500 units throughout the Occupied West Bank.

Senator Jerry Buttimer: Oh dear God.

Senator Paul Gavan: I do not appreciate hearing "Oh dear God. This is a serious issue that needs action.

Senator Jerry Buttimer: I was not referring to the Senator. I was reading a note.

Senator Paul Gavan: The Minister for Foreign Affairs and Trade has taken no action to date. I ask the Leader to arrange for the Minister to come into the House in order that we can debate this issue. We need the Government to embrace the call for boycott, divestment and sanctions against the apartheid Israeli state. There is no room for ifs and buts in this regard. We were very clear regarding South Africa in the 1980s that we would not endorse an apartheid state. Despite this I fear there are people in this room who would prefer not to address this issue. It goes beyond normal politics. We cannot endorse or turn a blind eye to what is happening in occupied Palestine today. Things are getting worse by the day. A total of 240 Palestinian families have been put out of their homes and their homes have been demolished in the past month alone. Therefore, we need to talk about this. I ask the Leader to arrange for the Minister for Foreign Affairs and Trade to come into the House to let us to have a proper debate on occupied Palestine and to give all Members the opportunity to embrace the call for boycott, divestment and sanctions against the Israeli state. Words are not enough.

Senator John Dolan: It is important to honour and respect what is in the public interest with respect to events during the past week and the grave injuries that have been visited upon certain people. The issue I wish to raise is related to that. In raising it again I may be boring people. It concerns the 600,000 people with disabilities and mental health needs and their families. There are strong commitments in the programme for Government to make advances during this Administration. There has been a delay in the ratification of the UN Convention on the Rights of Persons with Disabilities. There is nothing to stop the Government being seen by these people, their families and communities to be cracking on with that work, and there is a great need to do that. There are serious issues to be addressed in the areas of income, housing, education, employment and health. With respect and honour for the issues that have convulsed

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us, and rightly so, for the past week and that need to be resolved properly and publicly, the Government and the Houses of the Oireachtas must also get on with the work of delivering for people with disabilities and their families.

Senator Frank Feighan: I join my colleague in calling for the matter of the beds that are supposed to be closed in the National Rehabilitation Hospital in Dún Laoghaire to be rectified. I agree with Senator Gavan that these matters should be highlighted. One good news item is that representatives of the National Rehabilitation Hospital in Dún Laoghaire met representatives of Roscommon County Hospital in Roscommon in recent weeks as it is planned to have a ten-bed rehabilitation step-down facility from the hospital in Dún Laoghaire in Roscommon County Hospital for the west. That is good news. That is one of three developments that is happening in Roscommon County Hospital. I know from where Senator Gavan is coming on this issue. Hospital beds should not be closed. I have been fighting for people to be admitted to the hospital in Dún Laoghaire. We must get to the bottom of that issue.

The Seanad should highlight a brave and perhaps controversial move by Mike Nesbitt, the leader of the Ulster Unionist Party, who has called for a second preference vote to be given to the SDLP. It is a very significant move in what is sometimes the toxic sectarianism of politics in Northern Ireland. It has probably been done for political gain but it should be marked as a very brave step, and it is a very positive move. Unfortunately, we could have done a sectarian headcount of the politics in Northern Ireland in the past but that has changed. This is a significant move and the Seanad should welcome it. We should welcome the fact that somebody is prepared to stand above the parapet and be counted. That he has been derided on his own side by the DUP and TUV shows the significance of such a statement. It should be welcomed by the Seanad.

Senator Aidan Davitt: I wish to raise an issue that came to light in recent days. I read a newspaper report that the Office of Public Works, OPW, will examine developing sites in conjunction with builders and developers. The sites will have to be loaded towards development for social housing, which will be the priority in opening up these landbanks. It is a positive step and is to be welcomed. Pressure should be put on county councils in this respect. It has come back to the OPW to examine the development of State held lands. County councils have masses of landbanks which are not being used and most councils have been sitting on their hands with respect to these lands for the past number of years. Severe pressure should be put on councils to use the landbanks they have. What are they doing to procure houses for social housing development? Pressure should be put on them to advertise and seek joint partners to open up and develop these lands and provide social housing. The figures stack up because the money that is being squandered on social rents is incredible. Where the figures add up, it makes far more sense to build social housing. I would welcome that. I raised this matter in Westmeath County Council two years ago but it did not get much support from the executive at the time. With the new winds of recovery it might be worth fleshing that out and putting pressure on the council. That is where the pressure has to come to bear.

I support what Senator Paul Gavan said about Israel. It is a serious matter. While we are a small nation we have always supported the fight against injustices that have been done throughout the world. I could not follow on and support the second part of his contribution because we would be no better off if we were to bring down the Government. We would have a bigger mess. We should deal with issues at hand. If we do not deal with what is needed for Sergeant McCabe, that will not happen and, as with other crises, we would be left in limbo.

Senator Michael McDowell: I want to do something unusual and pay the warmest tribute to the Leader for his interventions in yesterday evening's proceedings on three occasions to guarantee my right to speak in depth on three sections of the Criminal Law (Sexual Offences) Bill 2015. I did not agree with the guillotine imposed yesterday and voted against it. Once the debate got under way, the Leader, however, gave me a guarantee that I would be able to recommit sections to ensure they could be examined. On four occasions in yesterday's debate, an attempt was made to stop me recommitting sections by people who just wanted to obliterate debate. I pay tribute to the Leader for bringing in the Members of his party to support me, although he probably did not agree with the points I was making on the sections. That is important for freedom of speech in this House.

Later today, our former colleague in this House, the Minister for Children and Youth Affairs, Deputy Zappone, will answer questions on statements made by her. For professional reasons, I cannot get involved in that debate as many Members will appreciate. I know, however, she is a decent, honest and straightforward Minister who has acted honourably. I will not be present for the debate this evening but I hope her integrity and decency will not be impugned in this House. As many have commented, she seemed to have been the most straightforward participant in yesterday's debate in the other House.

There was some discussion in the Seanad yesterday on another issue, one on which two of my colleagues in the Independent group, Senators Boyhan and Craughwell, had slightly different takes. We are not the judges and the juries of the truthfulness of people, especially when we intend to establish a tribunal of inquiry to deal with them. Will the Leader convey to his colleagues in the Government that there is a gross inconsistency between establishing a public tribunal of inquiry at which senior members of An Garda Síochána will be asked to testify on the subject matter concerning the tribunal-----

An Leas-Chathaoirleach: The Senator is well into injury time.

Senator Michael McDowell: -----and, in effect, swearing up on their dealings with one another? There is a contradiction between that and the Garda Commissioner remaining in office during this period.

Senator Gerard P. Craughwell: Hear, hear.

Senator Michael McDowell: There is another contradiction in those circumstances in that the person who is under investigation is in charge of making discovery, documentation available and so forth on behalf of An Garda Síochána to a tribunal of inquiry. People have to grasp that nettle now.

Senator Trevor Ó Clochartaigh: Bhí éisteacht an-mhaith ar fad againn ar maidin ag an gcomhchoiste tuaithe maidir le na saoránaigh Éireannacha atá ag cónaí thar lear.

We had a good and detailed presentation at the rural affairs committee on diaspora issues and Irish citizens abroad from Mr. Ciarán Staunton of the Irish Lobby for Immigration Reform, who is well known around these Houses, Ms Karen McHugh of Safe Home Ireland - Emigrant Support Service, Mr. Michael McMahon, who is lobbying on behalf of families of the undocumented Irish in the United States and a returned Irish citizen, Ms Maureen Sullivan. They chronicled for the committee once more the practical issues faced by any returning emigrant such as national reserve entitlements, car insurance, access to driver licences, opening bank accounts, applying for loans, education for themselves and their children etc.

They also alluded to the interdepartmental committee on diaspora affairs, launched in 2015 at the global Irish civic forum. It was to meet quarterly but apparently the last time it met was in November 2016. There were to be reports of the different meetings but today's witnesses said no reports have been made available. They voiced a huge frustration at a lack of impetus from the Government on the issues they are raising. They were critical of the lack of engagement and flexibility on the part of Departments and State agencies when it comes to solving many of the issues.

I note the Minister of State with responsibility for the diaspora, Deputy Joe McHugh, has been able to go to London twice. He has also been in Kenya, Uganda and San Francisco but he still has not been able to come to us in the Seanad to discuss diaspora affairs. That is not good enough. I have asked for this debate on many occasions and have been patient so far. With the implications of the new presidency in the US and Brexit, we need the Minister of State to come into the Seanad as soon as possible. I will not accept any more excuses on the issue from the Leader. If the Minister of State does not come in, I will propose amendments to the Order of Business for him to attend the House until he does. I implore the Leader to invite him to the House. I note he is in the Dáil this morning, so he is obviously in the Houses and he knows his way around. Can we get him in as soon as possible?

Senator Tim Lombard: Last weekend's edition of *The Sunday Business Post* and yesterday's edition of the *Irish Examiner* raised issues about the Eli Lilly plant in Kinsale in County Cork. It is one of the major employers in Kinsale, employing several hundred people and has been there 35 years. A major planned expansion of €200 million has been postponed because of the America First policy that Mr. Trump proposed after meeting the heads of major pharmaceutical firms in the US. We have had much talk about Brexit and we have focused on it. We now need to focus on foreign direct investment from the US.

Cork Harbour is a hub for pharmaceutical companies, many of which have American-based ownership. It is a great concern for the people of Cork that the America First policy promoted by the US President will have a knock-on effect on foreign direct investment such as the postponement of the expansion at the Eli Lilly plant.

It is a key issue the Taoiseach will need to raise when he goes to the White House. It is about foreign direct investment, jobs and hubs like Cork which have built themselves on pharmaceutical industries. We need to ensure continuing investment. Companies like Eli Lilly are the backbone of this. I hope that when the Taoiseach goes to the White House, he will raise these issues with Mr. Trump. If he does not, the knock-on effect in locations like Cork will be significant. We need to get a handle on Mr. Trump's proposals and prevent this issue from stopping foreign direct investment with subsequent knock-on effects.

Senator Jennifer Murnane O'Connor: I want to highlight the issue of the Saplings school for children with autism and complex needs in Carlow. As was seen in this week's edition of *The Nationalist*, parents have had to come out to fight for their children's school. This school was started in 2007 by parents with autistic children. In 2010, the Department took over the school but its accommodation is too small with problems with sewage and damp.

An Leas-Chathaoirleach: This issue would be more suitable as a Commencement matter.

Senator Jennifer Murnane O'Connor: These are issues involving disabilities, however.

An Leas-Chathaoirleach: The Senator will get more of a chance of an answer from the

Minister if she raises it as a Commencement matter than from the Leader.

Senator Jennifer Murnane O'Connor: I understand that but it is serious. I have raised the issues of Tír na nÓg and Holy Angels respite and day care services three times but got no answer from the Minister. I now have brought up Saplings but will get no answer. Will the Minister come into the House to address these issues?

I am getting no answers. The Tír na nÓg service is still closed, which is a disgrace.

Senator Trevor Ó Clochartaigh: Fianna Fáil still supports the Government's policies. Fair play to the Senator.

Senator Jennifer Murnane O'Connor: Children with disabilities are being forgotten.

An Leas-Chathaoirleach: We hear the Senator.

Senator Jennifer Murnane O'Connor: I know the Leader will say I have raised these issues before. I am asking that the three issues relating to children with disabilities be addressed together by the Minister. I am not blaming the Seanad for this. I have asked before that the matters be addressed together because they relate to the same area. However, I have been informed that they have to be addressed separately. There is no need for that. I ask the Leader to invite the Minister to come in and address the issues relating to Tír na nÓg, Holy Angels, Saplings and money.

Senator Frank Feighan: We ran out of money in 2010.

Senator Rónán Mullen: Tréaslaím leis an Seanadóir Keith Swanick as an méid a dúirt se maidir le cúrsaí árachais agus an cás a tharla i gContae Liatroma inar d'fhulaing fear a chab-raigh le duine eile. There is a real issue regarding the good Samaritan case that arose in County Leitrim. I commend Senator Swanick on raising it. I had planned to intervene in it myself. There is a concept in contract law whereby contracts can be void, voidable or unenforceable where they are contrary to public policy. A significant public policy issue arises where an insurance company would impose a loading on an insured party arising out of circumstances where that party had not been at fault and, more importantly, was acting in the public interest. It should not stand that the man in this case, Mr. Egan, should face not just a write-off in respect of his car but also a future loading on his policy. We need to hear from the Government on that issue. I suggest that there may be a need for legislation, or some amendment to existing legislation, that would ensure that an insurance company could not impose a penalty or a disadvantage where the circumstances of a claim involve no fault on the part of the insured and where they arise out of actions reasonably taken to protect public health and safety. There is a real issue here whereby insurance companies must be mindful of the public good. We spoke last night about the concept of the law needing to promote the common good. It seems that this is a classic case involving the common good. We need to hear from the Government on how it proposes to dialogue with the insurance industry in respect of cases of this nature and on whether legislation is necessary and possible.

I would also like to hear from the Minister for Foreign Affairs and Trade regarding Ireland's diplomatic efforts to address the suffering of civilians as a result of the conflict in Yemen. The United Nations has appealed for immediate international support to help with the worsening humanitarian crisis there. Yemen is one of the Arab world's poorest countries. Children, men and women are starving and some 12 million people need food, water and medicine to save and

sustain their lives. The UN has warned that famine is now a real possibility this year. Ireland has pledged another €2 million to Yemen. That brings our total humanitarian funding to over €4 million. I will be very brief, but I think it is important. Whereas the injection of a State donation is to be welcomed, it is also important that we consider the role of the United States and Britain in this conflict. Given the contacts that our Government will have with the US Government in the coming weeks, it is important that we raise the question of what has happened in Yemen with President Trump in the White House. One might consider a recent report in *The Guardian* about how weapons exports from Britain to the Royal Saudi Air Force continued even after an airstrike on a funeral hall led to 140 people being killed. Irish taxpayers-----

Senator Paul Gavan: They go through Shannon Airport.

Senator Rónán Mullen: -----are supporting Irish Aid packages. It would be prudent, to say the least - I will conclude with this - to accelerate diplomatic contacts with coalition forces involved in the Yemeni war to prevent further suffering among the civilian population. We should certainly respond with money but we also need to use whatever bit of influence we have diplomatically.

Senator Paul Gavan: Should we stop trying to bomb them?

Senator Jerry Buttimer: I thank the 18 Senators who raised matters of importance. I neglected yesterday to wish Members a happy St. Valentine's day. On behalf of the House-----

Senator Trevor Ó Clochartaigh: We did not sleep.

Senator Jerry Buttimer: -----I wish to thank Senator McDowell for killing St. Valentine's night for many of us.

(Interruptions).

Senator Jerry Buttimer: In fairness, the matter that we discussed yesterday was of absolute importance. I commend the women, in particular, who were involved in the campaign. I think we did a very good day's work despite our different views on the Bill. It is a very positive Bill. I thank Senators for the co-operation yesterday.

Senator Rónán Mullen: It was not only women Members who were involved.

Senator Jerry Buttimer: I accept that. That is a fair comment.

Senator Rónán Mullen: I was the first to mention the issue in this House.

Senator Jerry Buttimer: Senators Mark Daly, Boyhan, Conway-Walsh, Bacik, Craughwell and McDowell referred to issues relating to Maurice McCabe, policing and the inquiry. It is important to reiterate that we in the House are not judge and jury. We are not going to sit in judgment. I accept that we, as Members of the Oireachtas, have a role to play in holding the Executive and State organisations to account. However, this matter is predominantly about the lives of Sergeant McCabe, his wife, Lorraine, and their family.

Senator Gerard P. Craughwell: And other families too.

Senator Jerry Buttimer: If the Senator will let me finish, it is also about other whistleblowers and how we can ensure that we have better model of policing whereby, as I said yesterday, there will be accountability. The important point, in my personal opinion and in my

view as Leader of the House, is that Sergeant McCabe and his family should receive and attain justice and truth. That is why a public inquiry is being established. That is why the terms of references will come to us this week or sometime next week. I cannot answer that question this morning because we have not yet received an answer. It is very important that we underline the point that the Taoiseach made yesterday - it is something we all stand for or for which we should stand - that the presumption of innocence stands for every citizen. That is important. It is equally important that the tribunal gets to the truth and that justice is seen to be delivered. I will not stand for the rank hypocrisy of members of the Sinn Féin Party making particular comments in this House and in the Dáil today when, for decades, they have been nothing other than obstructionist in the context of members of An Garda Síochána. I welcome their newfound interest in law and order. I hope they will stand up for it all the time from now on and that they will join me in working to find out the truth regarding the disappeared, the killing-----

Senator Rose Conway-Walsh: Is the Leader directing this at me?

Senator Jerry Buttimer: I am addressing the House. I am responding to the Order of Business. My job is to respond to the Order of Business.

Senator Paul Gavan: The Leader is not doing so. He is just insulting us. That is all he is doing. The Leader is not dealing with the issues at all.

An Leas-Chathaoirleach: We will have the Leader, without interruption.

Senator Jerry Buttimer: The truth hurts.

Senator Paul Gavan: So it does.

Senator Jerry Buttimer: The Sinn Féin Party collapsed the-----

An Leas-Chathaoirleach: Leader, may I suggest-----

Senator Jerry Buttimer: My job, as Leader, is to respond to the Order of Business.

Senator Paul Gavan: The Leader is trying to defend the indefensible.

Senator Jerry Buttimer: I take copious notes of what Members said. I was not singling the Senator out and I am sorry he feels that way, but I am referring to his contribution. If the truth hurts, then he has to reflect upon that.

Senator Rose Conway-Walsh: It is the truth we want.

Senator Jerry Buttimer: Then the Senator might talk to the people who have knowledge of the killing of Detective Garda Donohoe in Dundalk. She might talk about that.

An Leas-Chathaoirleach: We are not opening up another debate at this stage.

Senator Rose Conway-Walsh: What is the Leader talking about?

Senator Jerry Buttimer: The Sinn Féin Party collapsed the Executive in the North.

Senator Trevor Ó Clochartaigh: On a point of order, I ask the Leader to retract that remark. He has absolutely no evidence whatsoever.

Senator Jerry Buttimer: I asked a question.

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Senator Trevor Ó Clochartaigh: He is trying to make a connection between Sinn Féin and Detective Garda Donohoe-----

An Leas-Chathaoirleach: Senator.

Senator Jerry Buttimer: I asked a question.

Senator Trevor Ó Clochartaigh: The Leader is absolutely out of order.

Senator Jerry Buttimer: I asked a question.

Senator Trevor Ó Clochartaigh: He is scraping the bottom of the barrel because of the shambles that his own Government is in.

Senator Jerry Buttimer: I asked a question.

An Leas-Chathaoirleach: Senators are all entitled to make political charges regardless of whether I like it. The Leader, without interruption.

Senator Jerry Buttimer: Sinn Féin collapsed the Executive in the North. It wants to collapse the Government down here-----

An Leas-Chathaoirleach: The Leader should address the Order of Business.

Senator Jerry Buttimer: -----and we will not let it do that.

An Leas-Chathaoirleach: The Leader should address the Order of Business.

Senator Trevor Ó Clochartaigh: The Leader is a disgrace. The Government is a shambles. The Leader should be embarrassed.

Senator Jerry Buttimer: We will not let it do that.

Senator Paul Gavan: The Leader does not like having an Opposition. That is the problem.

An Leas-Chathaoirleach: We are going to stick to the Order of Business.

Senator Jerry Buttimer: I am all for an Opposition that is constructive and that is in favour of reform and progressive politics, unlike what some members of Sinn Féin have to offer. If I may put on record, a Leas-Chathaoirleach-----

An Leas-Chathaoirleach: No. The Leader should stick to the Order of Business.

Senator Jerry Buttimer: I am replying to the Order of Business. This Government has established the Policing Authority and GSOC and it has protected whistleblowers. All this was done by this Government and that which preceded it. If the Senators want to have a debate on that, let us have one. I am all for it.

Senator Trevor Ó Clochartaigh: Maurice McCabe certainly does not feel protected.

Senator Jerry Buttimer: As I said at the beginning of my contribution, we must seek to achieve justice and truth so that we can bring this awful saga to an end for the McCabe family and for those who are involved in policing.

We need to reflect on the interesting point made by Senator McDowell. I would be happy

to convey his remarks to members of the Government.

Senator Mark Daly asked about the Recognition of Irish Sign Language for the Deaf Community Bill 2016 and the Corporate Manslaughter (No. 2) Bill 2016. He has been in contact with Ms Orla Murray and others in my office. We have been in contact with the Departments. We are not holding up those Bills at our end. We will work with Senator Daly to ensure they are fit for purpose and are workable and implementable.

I agree with Senator Daly that the so-called attempt at humour last Monday night was an insult to members of the deaf community and those who are disabled. It was purported to be in the name of humour but it was anything but humorous. All of us who were at the meeting were outraged about what happened. It is important for us to work together to make progress with the Bills sponsored by Senator Daly, particularly the Recognition of Irish Sign Language for the Deaf Community Bill 2016.

Senators Boyhan, Bacik and Higgins spoke about the failure to spend €4 million in funding that was provided for migrants. I do not have the answer to their questions but I will come back to them when I do.

Senator Craughwell raised the issue of timing. I am happy to take the eight minutes off the group spokespersons and give five minutes to each speaker so that more people can get involved in the debate if they wish to do so. Ample provision of 90 minutes has been made for the debate. Having spoken to Senator Boyhan, who expressed his view on this matter on the Order of Business, I understand he is happy with the 90-minute timeframe.

I read Senator Craughwell's article in *Phoenix* magazine about the composition of the Seanad, but I did not agree with much of what he had to say.

Senator Gerard P. Craughwell: I am delighted the Leader was able to read it.

Senator Jerry Buttimer: The Senator is part of a group and it is up to that group to determine who speaks in what hierarchy or position.

Senator Gerard P. Craughwell: No, I think I was making a new reality.

Senator Jerry Buttimer: I am happy to work with everyone regarding timings. If Senators feel we should give group spokespersons five minutes rather than eight minutes, I will be happy to do that.

Senator Higgins referred to a Bill that is being debated in the European Parliament today. I might be wrong in my understanding that it has already been passed.

Senator Alice-Mary Higgins: It is due to be voted on. The European Parliament may have passed it by now.

Senator Jerry Buttimer: We will be happy to refer this matter to the Departments in line with the Senator's remarks. It is a question for the Joint Committee on Jobs, Enterprise and Innovation, to which the Senator referred, to consider how it can debate this matter as a sectoral committee.

Senator Alice-Mary Higgins: I would like to clarify that I made a request for the House to debate the matter.

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An Leas-Chathaoirleach: I cannot allow the Senator to intervene while the Leader is responding.

Senator Jerry Buttimer: I will be happy to ask the Minister to come to the House, but I think the committee might be the best location for a debate on this issue.

Senator Bacik raised the specific issue of policing. I will be happy to invite the Minister for Justice and Equality to address the House in that regard.

Senators Hopkins, Gavan and Feighan spoke about the closure of beds at the National Rehabilitation Hospital in Dún Laoghaire. It is open to any Member, irrespective of his or her party affiliation, if any, to come to the House to raise any matter he or she considers to be important for him or her to raise. Those of us who are familiar with the health sector will be aware that after the Minister issues an order directing how money is to be allocated, the spending of that money is administered by hospital management and the HSE. The Minister might not be specifically responsible for the closure of beds. Senator Hopkins made a good point about the closure of beds when she said it is about fast and timely treatment and access to care. Senator Feighan mentioned that Roscommon County Hospital is to become a rehabilitation centre for the west. We all join him in welcoming that.

Senators Swanick, Feighan and Mullen referred to the case of Paul Egan. This good Samaritan should certainly not be obstructed by the State or the laws of the land. Senator Mullen is right when he says we might need to look at whether a lacuna exists in the law in this area. I am not familiar with the legal position. What has happened to Paul Egan should not happen to somebody who acts in good faith to help a fellow citizen. Perhaps we can ask the Minister to come to the House to consider this matter. If the Senators take a joint approach to raising it as a Commencement matter, it might be a way of discussing it. Maybe it can be raised at committee level. I thank the Senators for bringing this issue to the House.

Senator Byrne highlighted the changes being made at Bank of Ireland. We have no direct influence on that. There is a movement towards peopleless banks or, in the case of telephone banking, contactless banks. This is something we need to take up with the bank on behalf of the Senator.

I did not mean to be disrespectful to Senator Gavan while he was speaking. I was reading a note I had received. As he knows, I share his view regarding Palestine. I would be happy to invite the Minister, Deputy Flanagan, to come to the House to discuss this matter. I have received the same correspondence to which the Senator referred. This is an important issue, not least in the context of what the Trump Administration could potentially do or is threatening to carry out. I think there is a vital role for Ireland and the EU as a whole in this respect. This matter was also mentioned by Senator Davitt. It is important for us to recognise the need to have an honest debate on the role of Israel and on how it interacts and sees itself across the world stage. Equally, we should debate the Palestinian people. I would be happy to have such a debate in this House.

Senator Dolan raised matters of disability and mental health again. It is important to recognise that he is a champion of these issues. I believe he has been in contact with various Departments. I will be happy to help him to expedite the situation he raised here this morning. It is disappointing that the UN Convention on the Rights of Persons with Disabilities has not been ratified. I hope this will be done promptly.

I agree with Senator Davitt there is an onus and an obligation on the OPW, county councils

and developers - both public private partnerships and private developers - to work to expedite idle sites around the country that can be used to provide social housing, as in the case the Senator outlined, or to develop various social and community care facilities. It is important for the Minister to come to the House for such a debate.

Senator Aidan Davitt: I thank the Leader.

Senator Jerry Buttimer: I have responded to the points made by Senator McDowell about Maurice McCabe in the context of the policing inquiry.

I assure Senator Ó Clochartaigh that I had genuinely hoped to bring the Minister of State, Deputy McHugh, to the House this week or last week. His diary had to be changed when an issue arose. I am working with him to try to get a date before St. Patrick's Day. I appreciate the Senator's frustration. To be fair, the Minister was due to come in but he had to cancel because of a diary commitment.

Senator Trevor Ó Clochartaigh: We have heard that before.

Senator Jerry Buttimer: I will endeavour to try to get him in because this is an important issue.

Senator Trevor Ó Clochartaigh: I will bring it up on every Order of Business until he comes in.

Senator Jerry Buttimer: The Senator is entitled to do so. I am trying to get the Minister of State to come to the House. I cannot grab his diary and make him come in on a certain date. He is a Minister of State of the Government and if events-----

Senator Trevor Ó Clochartaigh: He needs to show more respect to the House.

Senator Jerry Buttimer: I accept that. To be fair to the Minister of State, he is doing a good job, as the Senator outlined in his contribution. He has travelled across the world to represent our country.

Senator Trevor Ó Clochartaigh: He has not met the Irish Lobby for Immigration Reform.

Senator Jerry Buttimer: Similarly, the Minister, Deputy Flanagan, raised the question of the undocumented Irish with the Trump Administration when he was in Washington last week. We should take a collective common approach to this issue because we want to see our people looked after and treated properly. I will endeavour to have the Minister of State come to the House as soon as I can.

Senator Lombard is right when he says that Mr. Trump's America First policy has paused the planned €200 million expansion of the Eli Lilly plant in County Cork. I understand from talking to other executives around the country that they are looking at how they will spend money. Perhaps they will not be allowed to spend money. That is why I think the St. Patrick's Day visit to the White House is so important. It will enable the Government, through the Taoiseach and other Ministers, and IDA Ireland to outline clearly to the US Administration the import of the impact their decisions have not just in Ireland but across the world.

Senator Murnane O'Connor raised the important matter of disability. At a time when we are spending more money than ever on health and education, we need to put physical disabilities

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and autism on the priority list. I share the Senator's view regarding the matters she outlined. Perhaps we should talk about how we can make progress with these matters. This is not just about the school mentioned by the Senator.

Senator Jennifer Murnane O'Connor: No, it is about all schools.

Senator Jerry Buttimer: It is about other schools as well. In fairness, the Senator is right in what she has said.

Senator Mullen spoke about the important matter of Yemen. He acknowledged that we have spent €4 million and recognised that we need to keep up our diplomatic efforts to protect the lives of people who are innocent of any conflict and should be supported. I will be happy to ask the Minister for Foreign Affairs and Trade to come to the House on this matter.

If Members wish, I will agree to amend the Order of Business to give each group spokesperson five minutes and thereby free up more time for other speakers. The Minister is coming in for 90 minutes. We must be cognisant that she needs to be present in the Dáil for the motion of confidence in the Government. We have acceded to Senator Conway-Walsh's request for a debate in the House this evening. If Senators are in agreement on the change from eight minutes to five minutes per spokesperson, I am happy to facilitate that.

An Leas-Chathaoirleach: The Leader has proposed an amendment to the Order of Business: "That the contributions of group spokespersons on the statements of clarification on statements made by the Minister for Children and Youth Affairs should not exceed five minutes."

Senator Rose Conway-Walsh: We agree to the amended proposal.

Senator Jerry Buttimer: I am happy to make the change.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Order of Business, as amended, agreed to.

Sitting suspended at 12.40 p.m. and resumed at 12.48 p.m.

Transport and Tourism: Statements

Minister for Transport, Tourism and Sport (Deputy Shane Ross): It is a pleasure to be back in the Seanad. I anticipate an interesting exchange of views and look forward to hearing the comments of Senators.

Since my last visit, road safety continues to be a major concern. As we are all aware, the road safety fatality figures are still at a very high level and it is disappointing that they are running at the same level as last year already, based on recent figures. Industrial unrest in the transport sector still exists, and also there is an increasing awareness of the impact that Brexit poses for the tourism sector. Senators have asked that I comment on these issues today.

The increase in road deaths last year was very disappointing, and I would like to offer my condolences to all those who lost loved ones. I assure the House that I am working tirelessly

in the Department and with the Road Safety Authority to tackle the main causes of serious road collisions causing death and major injuries. Road traffic legislation has been strengthened continually in recent years. The Road Traffic Act 2016, signed by the President in December, provides a further range of improvements. An Garda Síochána will now have power to test drivers at the roadside for a wide range of drugs. There will be a new optional speed limit of 20 km/h where appropriate. New measures will ensure that written-off vehicles are recorded and we will introduce mutual recognition of driving disqualifications with the UK. I am working to commence these measures as soon as possible. I am also working on a programme of further legislation for 2017. As a priority, I will bring in a Bill to remove the provision that allows some people who are guilty of drink-driving to receive penalty points in place of disqualification. Shockingly, there is still an average of 152 drivers arrested on suspicion of driving under the influence every week. The ministerial committee on road safety is now meeting more regularly and I and my partners in road safety, the Road Safety Authority, the Department of Justice and Equality, the Garda Síochána, the local authorities, the Health and Safety Authority and the Office of the Attorney General, are working together to tackle the upward trend in road deaths. I welcome the assurance by An Garda Síochána that road safety enforcement is a priority in the Garda policing plan for 2017, that there will be a stronger focus on road traffic enforcement in Garda training and an increase of 10% in the traffic corps, which will result in more checkpoints and greater enforcement of road traffic laws.

I now turn to Bus Éireann. I have no doubt that Senators share my concern about the industrial relations tensions that currently exist. I welcome that the Workplace Relations Commission, WRC, will today meet relevant parties to begin exploratory discussions. This is an important first step in what I have no doubt will be difficult discussions for everybody concerned. However, as I have said, this situation will only be resolved through such discussions and I urge all parties to engage constructively with the WRC. In the context of some of the commentary of recent weeks, I would like to briefly refer to a couple of issues on which I have no doubt Senators will have their own view. Some have said that the situation is a result of Government policy. I am clear as to what Government public transport policy should be about. It should be about the citizen. It should be about encouraging greater use of public transport. It should facilitate better services, more choice and competitive fares. I believe that is what Government policy in commercial bus licensing has achieved and I would like to think that Senators can at least agree in principle with these policy objectives.

Others have raised the issue of Government subsidy. We need to be clear about what that subsidy is provided for. It is used to fund socially necessary but financially unviable services. It cannot be used to fund commercial services such as Bus Éireann's Expressway services. That is not just a principle; it is a matter of law. The State cannot legally fund one commercial bus operator but not the rest. We have increased the public service obligation, PSO, subsidy over 2016 and again in 2017. Last year, Bus Éireann received 21% more than it received in 2015 and this year it will receive even more thanks to the 11% increase I secured in the budget for 2017 for PSO services generally. As I have said, that subsidy cannot be used to fund commercial services. I have no doubt that Senators will have concerns as regards the impact of any potential Expressway changes upon rural Ireland. I share those concerns but have been assured by the National Transport Authority, NTA, that it will work with any affected rural community to ensure continued public transport connectivity in cases where services are reconfigured. The authority has done that in the past and will do that again. Let us be clear. Bus Éireann loses money. These losses stem from its commercial services. Losses must be addressed and it must do so in consultation with its employees and with a view to restoring the company to a

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sustainable and viable future. I am hopeful that today's exploratory talks will provide the basis required for more substantive discussions in the coming days. In 2017 we will invest €354 million in public transport and sustainable transport infrastructure. A significant number of projects are under way and planned to increase capacity on our public transport network. Projects such as Luas cross city and ten-minute DART frequencies will help manage the increasing demand on the light rail and heavy rail networks in the greater Dublin area. The Luas cross city project will commence operation before end of 2017 and will provide for an estimated 10 million annual additional journeys. Other projects that are being progressed that will improve capacity on the rail network in Dublin and nationally include the city centre resignalling project and the construction of a new central traffic control centre for the commuter and intercity rail network.

Funding is being provided for replacement and expansion of the PSO fleet with 110 buses to be purchased in 2017 for the Dublin region and 70 for the Bus Éireann PSO fleet. Funding is also being allocated for the development or upgrading of quality bus corridors in both the greater Dublin area and in regional cities. The NTA has statutory responsibility for the development of public transport infrastructure in the greater Dublin area, including the new metro north project. The decision to proceed with metro north followed consideration of the Fingal-north Dublin transport study and the NTA's recommendations on the study, which identified the light rail link as the optimal long-term public transport solution on the Swords and airport to city centre corridor.

It is expected that the service will offer capacity for 9,900 passengers per hour per direction with potential to expand services in the future. Funding for the project is provided under the Government's capital plan, allowing initially for the planning and design phases of the project, followed by the construction phase, which is expected to commence in 2021 with a view to delivering the project by 2026 or 2027.

I recognise there is considerable evidence emerging of increased travel demand across the Dublin region, with growing traffic levels on many of the region's roads and streets. The welcome increase in the number in employment has impacted on transport, not only through the beginning of a recovery in public transport numbers but also through increased car use and re-emergence of peak period congestion. As Dublin city centre is the target destination of many of the journeys being undertaken in the region, there is a substantial degree of congestion evident at many locations on the road network approaching the city. A significant deterioration in M50 journey times has also been observed. In so far as congestion issues in Dublin are concerned, my Department is in close contact with the NTA about addressing travel demand growth in the Dublin region with a view to intensifying efforts to combat congestion in the short to medium term through greater use of bus priority, demand management and other alleviating measures.

I must emphasise that a step change in the funding of public transport is required if we are to deliver and maintain a well-functioning transport system that will cater for increased travel demand, deliver modal shift and support economic recovery. A mid-term review of the capital plan has been initiated and I will make the case for increased funding for public transport in that context to cater for increasing demand for public transport as the economy continues to improve and to encourage people to get out of their cars and onto public transport and more sustainable forms of transport.

In common with the rest of Government, there has been considerable analysis of the challenges which tourism faces arising from the UK referendum. In this context, on 23 January

2017, the Minister of State, Deputy O'Donovan, and I hosted an all-island dialogue on the impact of Brexit on the tourism and hospitality sector. Research shows that 7% of people living in Britain say they are less likely to holiday overseas in 2017. The research also indicates that spending patterns are likely to change. For example, 50% of people say they will spend less while on holiday abroad. Tourism Ireland also presented research which estimated that outbound travel from Britain will decline by 2.5% in 2017. Given Ireland's reliance on Britain, from where 41% of our overseas visitors came in 2016, tourism to Ireland is likely to be more affected than to any other destination. Tourism Ireland's strategy for responding to Brexit will involve various strands, including defending key segments of the British market, very focused competition in existing markets in Europe and North America and pursuing new, potentially lucrative, markets further afield. A commitment is given on markets further afield in the Government's tourism policy statement, *People, Place and Policy - Growing Tourism to 2025*, to prioritising tourism marketing efforts towards those markets providing higher revenue returns. The programme for Government commits to implementing the policy objectives in the policy statement and achieving the targets for Irish tourism contained therein. The UK vote does not change this.

In 2017, Tourism Ireland will continue to implement its market diversification strategy and intends to maximise holiday revenue through investment in mainland Europe and North America. In addition, the depreciation of the pound against the euro since the UK referendum means that value for money will be a key message for Tourism Ireland in Britain this year. A strong focus on the culturally curious, who tend to stay longer and spend more, will assist in the defence of the British market. Looking to the medium term, Tourism Ireland is currently finalising its corporate plan for the period 2017 to 2019. This plan will include the agency's response to marketing Ireland in Britain in the situation that has developed following the referendum.

Ireland has successfully cleared the applicant phase of the bid to host the Rugby World Cup in 2023 and is now in the candidate phase. We are working closely with our Northern Ireland counterparts to ensure the best possible submission will be made by 1 June 2017. World Rugby will make its selection in November 2017. Hosting the event would provide a platform to showcase the island of Ireland globally. We have the stadiums, the tourism infrastructure and ease of access, and a friendly Irish welcome is guaranteed. We have the confidence and the capacity required to deliver a highly successful Rugby World Cup, with an ideal mix of stadiums throughout the country right in the hearts of our cities and towns.

Ireland is a major international tourist destination, with 10 million visitors to Ireland in 2016. We have the range of accommodation to cater for all fans. Our tourism infrastructure has the capacity to host all visitors we would expect to come for the tournament. Regarding connectivity, Ireland is easy to travel to, and it is very easy to travel around to all parts of the country.

The 2023 Rugby World Cup also has incredible potential to engage with our Irish abroad, the Irish diaspora. That Ireland set a US rugby attendance record for the match against New Zealand underscores Ireland's ability to tap into and mobilise the diaspora, particularly in the United States.

Ireland also has a proven track record of successfully staging major international sporting events and we continue to attract high-profile global events. We are ready to host the Rugby World Cup as one of the premier global sporting events with significant attendance and over-

seas viewing. Hosting it would provide a unique platform to showcase Ireland globally.

The tournament would have very considerable potential. The direct economic return of hosting the tournament would be derived primarily from the spending by overseas visitors. Based on the 2015 Rugby World Cup in England, there would be an estimated all-island economic impact of €800 million from 450,000 visitors.

Rugby, and sport in general, will be a key beneficiary of the tournament's domestic legacy, including a multimillion sustainable investment in the enhancement of existing stadiums. Ireland's 2023 legacy would produce a network of improved community and grassroots facilities for the next generation of players. We will reach out to Ireland's diaspora for its support and we are confident, given the success of The Gathering, that Ireland will see tangible support for a staging of the tournament by way of many of the diaspora travelling to Ireland for the tournament. Should we be successful, we will work closely with the tourism bodies to ensure this happens.

That concludes my overview. I thank Senators for their time and patience and I look forward to hearing their contributions.

Senator Gerry Horkan: I welcome the Minister, who is also my local Teachta Dála. He is very welcome back to the Seanad Chamber, where I know he spent many happy years, probably longer than almost anyone else has ever spent here. It is good to see Senators doing well in Cabinet. There are quite a number of former Senators in the current Cabinet.

I am pleased to have the opportunity to speak on tourism and transport. Ireland's tourism industry has seen its overseas visitor numbers grow consistently in recent years, with growth of 13% in 2015. Overseas visitors spent an estimated €6 billion in the State in 2015, a growth of 16% on the previous year. However, to remain competitive in the global tourism market, Ireland must ensure the quality of our services remains high, our prices remain reasonable and access to our ports and airports is maintained and improved. The savings created by the retention of the 9% VAT rate for the tourism sector must be passed on to the consumer. While the tourism experience offered in Ireland is unrivalled, we cannot afford to neglect the overall quality of tourism product in the country. The Department, tourism agencies and local authorities have a key role in devising tourism product and promotion strategies and policies. For all these bodies, we cannot get carried away with the success we have had in attracting tourists over recent years and we must not rest on our laurels.

The Gathering was very successful, but since then the Government has neglected tourism product development and domestic and overseas marketing. In budget 2017, the capital budget for tourism was cut by 4%. In the light of Brexit and sterling devaluation, to which the Minister referred, this is a shocking statistic. Brexit poses a real threat to further stable growth in the tourism industry, as the Minister outlined. We must be very cognisant not only of what Brexit has done for the psychology and the way people think of Britain but also of the very real and immediate drop in the value of sterling. It is imperative the Minister moves to publish immediately a new overarching tourism policy document to reassure the industry that a strategy is in place to deal with the potential consequences of Brexit.

The Government lacks a comprehensive vision and strategic plan for how to cope with future public transport demand not only in the core Dublin city area but also in the greater Dublin area as well as the rest of the country. The capital plan published in September is emblematic

of the lack of ambition, vision and forward planning for public transport that the Government has been following. In the period 2007 to 2010, the Fianna Fáil Government set in motion two rail projects which would have radically transformed public transport in the greater Dublin area. Both these projects, DART underground and metro north, are vital to increasing productivity and economic output in the capital into the coming decades. Both were significantly progressed by the time the current Government came to power. DART underground already had a railway order and was ready to go, while planning for metro north was in its final stage. However, the Government chose to cancel both these projects in the capital plan. While metro north has been replaced with a scaled-back alternative, the Government's decision to abandon these projects has effectively set back public rail transit in the capital for decades.

It is vital that the DART underground project goes ahead. The project has economic benefits which reach far beyond the greater Dublin area. If completed, it will link up our southern and western rail lines with the DART, eastern and northern rail lines. It will more than double capacity on the Maynooth and Kildare route, which in turn will enable more frequent and better integrated rail services. The project would allow people to travel from Dublin Airport directly to Cork, Limerick and Galway. The previous Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, claimed he was unconvinced by the business case for the project. This was a disingenuous claim, especially when one considers the strong endorsement put forward by the National Transport Authority at the time. Analysts have long warned of the massive challenges facing transport in the greater Dublin area. The M50 has already reached peak capacity, as the Minister outlined, and commuters are already all too aware of the difficulties facing our transport network. It has been suggested the Government now realises the mistake it made and is considering advancing DART underground, which is positive. However, it is disappointing that Deputy Donohoe's previous statement will result in much higher costs for and a much greater delay to the project when and if it ever happens.

Last week, works began in Cherrywood, an area the Minister would know well, in south Dublin. I outlined this yesterday on the Order of Business. It is fantastic to see the groundbreaking ceremony happen. This development will potentially lead to 8,000 houses, with an increase in the population of between 20,000 and 25,000 projected. As the Minister knows, many of the Luas green line stations in his constituency - my constituency too - are effectively at capacity for a significant part of the day. One hears of people in Dundrum going up the line to Kilmacud to cross over the tracks to get back in because one cannot get on at Dundrum. This is before 8,000 homes and 20,000 people are added to Cherrywood. What will we do about the Luas green line? I do not know how it might be handled. I am not a transport engineer. I do not know whether it is possible to lengthen the carriages - probably not - or whether the frequency of trains can be further increased, but the line is very busy all day before the addition of another 20,000 people. Ideally, Cherrywood could be a self-sustaining community in which many of the facilities and services are on site. However, it is unrealistic to believe that all 8,000 homes and the entirety of the population living there will not need a good quality, efficient transport service with adequate capacity.

The competitiveness and attractiveness of Dublin and its surrounding counties as a destination for living, visiting and doing business will be seriously undermined unless actions are taken to increase the capacity and usability of public transport to better manage traffic during peak periods and reduce private car share. The population of the greater Dublin area is expected to grow by 22% by 2030 and by 26% in the mid-east region, including Kildare, Meath and Wicklow. Increasing investment in bus services as well as DART underground, metro north

and Luas is vital.

I have a few other small points. The Minister referred to road safety. What he is doing in this field is commendable but, and this is as much a matter for the Minister for Justice and Equality as it is for him, enforcement and the Garda traffic corps are noticeably absent on the roads. That is the only way of putting it. Not enough people are worried about being caught. People are taking chances. The Minister's predecessor both in Dublin South and in the Department, Seamus Brennan, introduced a penalty points system. There was great resistance to it by officials initially, but it had a very positive effect in terms of lives saved. Enforcement is the key. We in the Committee on Finance, Public Expenditure and Reform, and Taoiseach dealt with the cost of motor insurance. The cost of motor insurance is related to the number of claims, and the claims are related to the number of accidents.

It is disappointing that whereas the Minister's statement referred to sustainable modes of transport, nowhere was cycling mentioned in his entire speech. In Dublin especially we need to provide proper cycling facilities. This means not only better surfaces - they are often not joined up - but we need to ensure that employees have safe places to lock their bikes as well as decent changing facilities in buildings.

The Minister referenced demand management. That expression is usually code for road pricing and I am concerned. Will the Minister outline what he means by that and whether he is referring to demand management on the M50 and further tolls?

There was a proposal approximately ten years ago called the blue line. It related to a rapid bus transit project along the eastern bypass corridor through much of Dublin and Rathdown. The idea was to connect the Luas and DART with UCD and RTE. At this stage, the road reservation is there and the proposal for the eastern bypass will not start before 2035 and may never progress. It would be good to use that corridor as a way of delivering high-quality public transport along a route that has many trip generators, in particular UCD, Dundrum Town Centre and Sandyford business district. It could connect the DART and Luas with all other major trip generators on that line. I thank the Minister for his time and I look forward to his response.

Senator Victor Boyhan: I welcome the Minister to the House. I wish to concentrate on issues around transport. I realise it is only part of the overall brief and responsibility of the Minister.

I note the Minister's emphasis on the Road Safety Authority. The Minister will recall that the last time he was in the House I asked for some detail or clarification relating to vacancies for directors on the RSA board. The Minister outlined a course of action and associated reasons. He explained that he had more names than people and that he did not quite know what their recommendations were. He said he wanted to review the whole matter. That is the Minister's prerogative and I acknowledge that. However, I believe it is important that the Road Safety Authority has all the necessary resources and personnel to do its job. After all, the authority has a statutory remit.

The Minister also mentioned an ongoing report or review of the RSA. The Minister might share with us the position at this point. Where is the RSA review? Has it been completed? What are its recommendations, if it is complete? When does the Minister intend to fill the three vacancies on the board of directors of the RSA?

I want to raise an issue that I raised with the Minister previously on numerous occasions.

It relates to the inordinate delays for everyone - young people in particular are affected – who wishes to do a driving test. We know there are major delays in Donegal, Sligo and, to a lesser extent, Galway. Young people want to do a driving test in these places but they are repeatedly delayed. The problem is especially acute in parts of rural Ireland where there is a high reliance on private cars. They do not have the public transport network to get around.

The evidence shows that many young people are driving without an experienced accompanying driver. They are leaping from village to town. That is not right. We cannot condone that but that is the reality. These young people want to do their test and get it. It impacts on their insurance and independence. I believe it is appropriate to put some measures in place to fast-track applications where there are backlogs in the system. People who want to do their driving test should be able to do it. I got a call this morning from Councillor Nicholas Crossan from Donegal. He said it is one of the major issues in his clinic in Buncrana week in, week out. Young people in their 20s and 30s are waiting for months. That is unacceptable and I am keen to hear what the Minister has to say about it.

More pressing is the potential of a major travel dispute that will affect public transport next week. I took the time to look over the submission by the National Bus and Rail Union and the Transport Salaried Staffs Association to the Oireachtas Joint Committee on Transport, Tourism and Sport. It was submitted by the NBRU spokesman, Dermot O’Leary, and Patrick McCusker. I will not reread the submission. The joint committee raised several issues. Clearly, we have a major travel dispute and industrial dispute under way.

It cannot really be said that the Minister does not have a role in respect of transport. A number of the Minister’s colleagues in the Independent Alliance would be fully aware of the implications for rural transport. It is one of the planks of this Government’s policy in the partnership Government manifesto, to which the Minister is a party and to which his colleagues are committed. The aim is to bridge the shortcomings in terms of infrastructure for rural communities. Rural communities rely heavily on public transport and they avail of various modes of transport provided by Bus Éireann.

We really have a critical issue. We also have issues relating to the Department of Social Protection. That Department funds aspects of the rural travel system and the fees are being paid by that Department. I am not suggesting that the Department should be lumbered with fees. However, the reality is that public transport is a service, especially in rural communities. The Minister does have a role, as does the Minister for Social Protection, the NTA and the Department of Transport, Tourism and Sport in resolving this dispute.

It is a question of public health. If there is insufficient money, we have to deal with it. Transport is a critical issue for people, especially in rural communities. I am keen to hear how the Minister intends to take some responsibility in terms of negotiating with all parties to get some resolution. Certainly, there must be reform and cost-cutting measures. However, the reality is this is not a level playing pitch. Some private people operate on some routes. Some of the routes have been cherry-picked as a result of NTA encouragement over many years. The public sector companies are taking up the bad routes and many of them are not profitable.

A key issue arises for the Minister’s political group. I know that the Minister and his group are absolutely committed to balanced regional and rural development. I believe this is one aspect of the dispute. I am keen to hear what the Minister has to say. I believe this is critical. A great deal is at stake here. We need to look at it.

Senator John O'Mahony: I welcome the opportunity, in the time allotted to me, to cover several points relating to transport, tourism and sport. In the past three weeks the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs published a plan for sustainable communities and regional development. The Minister for Housing, Planning, Community and Local Government has launched a plan for the period from 2020 to 2040. These proposals should, if implemented, lead to greater balanced regional development. However, the history of such plans has shown that they tend to become hijacked politically and not implemented.

For these plans to be successful it is important that the roll out of transport infrastructure throughout the country connects the west coast with the east coast and the north west and so on. That is crucial. Obviously, the need for metro plans in Dublin and the other cities has been raised. However, let us look ahead 20 years. We could have a situation whereby the east coast is totally choked and the west coast is totally devoid. We need connections. It is vital to plan for and roll out the infrastructure. We do not expect it to be done by next year, but we need to see the development of motorways such as the M4 and M5 as well as the M17 Gort to Tuam motorway. That will be completed next year. That route needs to be continued to Sligo and on to Donegal for balanced development. This is the key to the other plans relating to the spines and connectivity that we see.

The need is similar in the case of regional airports. I was at a meeting in Ireland West Airport Knock on Monday. Those at the meeting articulated the development taking place there. They had a record year with 750,000 passengers, more than all the other regional airports put together. It is not an airport for Mayo; it is an airport for the west and the north west. It needs to be continually supported. Those at the meeting outlined that €1.2 million was contributed in PRSI and tax to the Government as a result of people directly employed there. A further 900 indirect jobs are supported by the airport. However it needs more support for capital spending. I know the restrictions of state aid rules. Funding for capital spending has been reduced from 90% to 75%. I understand the Government had made a submission to Brussels to allow for a case to be made, in exceptional circumstances, for such funding to be increased to 90%. The Minister might comment on that aspect.

Tourism has been the one industry that has delivered for this country when we needed it most at the time of the economic crash and downturn. We had 9.5 million visitors to this country last year. I compliment the agencies involved, Tourism Ireland, Fáilte Ireland and so on, on their targeted marketing in recent years. They upped their game and the results are there for everybody to see. The Minister outlined the concerns regarding Brexit and it is important that he and everybody involved in the sector are on top of that and the dangers it implies. In other words, we cannot become complacent about what is happening. There are also dangers within our tourism industry. It relates to Dublin and the major cities with high prices for accommodation and a shortage of beds. If we are not careful, we will kill the goose that has laid the gold egg. That needs to be addressed with the Irish Hotels Federation. When there are major events in the capital week after week, be it a sporting or entertainment event, the prices are hiked up. That needs to be addressed.

I have been involved in sport all my life. It has the ability to continuously lift communities and the nation in a way that no other activity can. There are some great developments happening in sport. The Minister presided at the opening of the new national indoor arena in Abbotstown a few weeks ago. The developments in sports at that site have been phenomenal. They enhance our ability to maximise the level of participation and the potential for our athletes and elite athletes to perform on the international stage at the highest level. That potential continues

to be supported and unleashed with such developments.

There has been major scrutiny of the governance of sport in recent times. We have seen that at world level in various sports, including cycling and soccer, and at home with the Olympic Council of Ireland. I very much welcome the appointment of Sarah Keane as the new President of the Olympic Council of Ireland. The new president and her board face many challenges to bring about change and transparency in the way the council operates. It is staggering that it has spent almost €1 million because of the controversies that happened during the summer. It is important to bear in mind that the Olympic Council of Ireland and all other governing bodies are there to serve and not to be served. The concept of the Olympic movement is under question. I read an article in *The Irish Times* this week on the venues and stadiums at the Rio Olympics, where many of the venues already have fallen into a state of disrepair. They were largely abandoned after the Olympic Games and Paralympic Games. Vandals ripped out thousands of seats, stole televisions and abandoned prefabricated huts are to be found next to the Olympic golf course. The Olympic movement and model, as well as the ideals of Olympian sport, have been taken over by the corporations. That also needs to be examined in an international context.

Senator Pádraig Mac Lochlainn: I will revisit issues I have raised with the Minister in this Chamber and elsewhere on a number of occasions. One issue is the huge gap in access to transport services for the people of the north west. On the last occasion I pointed to the map in the excellent Connected report produced by IBEC and the CBI. It sets out the motorway infrastructure and on the few pages following it the rail infrastructure is set out but there is huge gap in that half a million people in counties Donegal, Derry and Tyrone have no motorway access, rail access or air access to the capital city in Dublin. Given the new plan, Ireland 2040, and given that a huge proportion of our population, public service and jobs are based in the capital, people must have the required level of access to it. We need justice in this regard. The Minister has committed to work on a number of the issues and I appreciate that.

On Monday of this week, the Minister's colleague, the Minister for Health, Deputy Simon Harris, and the Minister of Health in the North, Michelle O'Neill, jointly opened the new North West Cancer Centre in Derry. It will provide radiotherapy services for the population based in that region. It is a tremendous model of the Governments working together in the interests of the people of the region and it is also a vision for the future.

I appreciated the Minister's commitment regarding the A5 and his strong words of support on the last occasion, so I will not go over that again, but I wish to raise a number of issues with him. We are fortunate in my region to have two chief executives, namely, John Kelpie in Derry City and Strabane District Council and Seamus Neely in Donegal County Council, who are working together collectively in terms of the city region. Their vision is to double the size of Letterkenny and to work with Derry city to develop them into being magnets for investment for the region, whereby if one is in west, north or east Donegal, County Derry or in County Tyrone, one could link into those two cities as magnets for investment. There is traffic gridlock in Letterkenny town that we hope to develop into a city. The Minister will say that there is traffic gridlock in all the major cities, but the difficulty in Letterkenny is that it has a very poor public transport system. Therefore, people do not have alternatives. They have to use their cars to travel from the rural areas to the town to go to the hospital, the institute of technology or to their jobs, and I am sure having those facilities in place is the vision the Government would have for developing the regions. I ask the Minister to do all he can to ensure funding is provided for the N56 Letterkenny relief road, which would greatly reduce the pressure of that gridlock and in the overall scheme of things it would not involve a huge amount of money. The plans have

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been completed and submitted. I ask that in the review of the Government's capital plan that the Minister will consider putting forward that project as one of the key drivers of developing Letterkenny towards becoming a city and hopefully developing the economy of County Donegal for the future.

The second issue connected to this theme is the City of Derry Airport. I reiterate that the Wild Atlantic Way has been a tremendous success, as has the Causeway Coastal Route. The way we can join all that together to ensure they complement each other is by investing in the City of Derry Airport. One might ask why I would say that as a Donegal man but 40% of the passengers who use the City of Derry Airport are from Donegal - 150,000 every year. That airport is the centre of the economic and tourism future of the north west, that region comprising half a million people, but it is not getting one cent of investment. It used to get investment from the Irish Government but it does not now. I appreciate that the Minister has a plan for the airports and there is a concern in his Department about public service obligations, PSOs, but I ask that he meet members of the management of the City of Derry Airport. I understand the board of the airport will by now have made a request to meet him. I believe he will be very impressed with them and their vision. He will know that there will be a PSO route linking Derry to London and possibly to other British cities. It would be important to also get a link to Dublin. It is not only a commuter connection. When one flies into Ireland from North America or Europe it is more than likely that one will land at Dublin Airport. If we are serious about attracting tourists to the north west to develop its economy and have balanced regional developments then we need a connecting flight between Derry and Dublin. The only way to do so is through some form of contribution, whatever that might be, or partnership with the Irish Government. I ask that the Minister meets airport management from the City of Derry Airport and listens to their case because there may be something that can be done to assist the airport further.

My final point is on Bus Éireann. The Minister will have heard from his colleagues the concerns expressed by persons who live in rural and urban Ireland about the loss of some bus routes and the threat to the Expressway service. Ministers must often talk to the Dáil or Seanad about issues that they have inherited. The Minister has inherited a situation whereby many of these routes were allowed to be privatised and opened to competition with private providers that cherry-picked the routes. I have no issue with private companies seeking to make a living and make a profit because that is what they do. We had a policy that allowed such a scenario. That is at the core of the sustainability of many of these routes. The policy must be revisited as part of this process. I ask the Minister to realise that this is not an industrial relations issue. The Minister has inherited a situation that arose as a result of a long-standing Government policy. I ask him to consider the long-term sustainability of these routes because they connect cities to regions. To resolve the matter we need an intervention and policy change at Government level. The Minister for Housing, Planning, Community and Local Government has talked about the new plan for 2040 and balanced regional development, just like every Government, investment and transport agency. If we are serious about implementing a plan then there must be an intervention to protect the routes in the interests of the public. I plead with the Minister to consider doing so.

Senator John Dolan: I welcome the Minister back to the House. I am clearly going to focus on people with disabilities but I shall start by discussing the programme for Government. It states:

Throughout their lives, people with disabilities should be supported in maximising their potential, by removing barriers which impact on access to services, education, work or

healthcare. In achieving this aim, the new Partnership Government should be guided by two principles: equality of opportunity and improving the quality of life for people with disabilities.

Recently the Department of Transport, Tourism and Sport published its statement of strategy. In the first paragraph of the foreword the Minister states: "All elements of our new government are working well together and though we face many challenges ahead we are more than ready to meet them." I have no sense that the challenges to provide an accessible public transport system for people located across this country, who have disabilities and mobility impairment, were reflected in the statement of strategy. It would take another day to debate how much the Department has addressed the challenges but the challenges must be reflected in the statement of strategy.

Earlier the Minister spoke about the Rugby World Cup. I shall use a different sporting analogy by saying the Minister must face the puck out. I have not seen that happen in the work of his Department.

In the second paragraph of the foreword the Minister states: "Safety, accessibility and sustainability will be very much part of these plans." I did not see an ambition for accessibility and participation by people with disabilities in the statement.

The statement of strategy consists of 22 pages. Unfortunately, it contained no reference to the ratification or implementation of the UN convention, which is a major commitment and ambition that was outlined in the programme for Government.

At the end of the statement of strategy the Minister mentioned two commitments. The first commitment is as follows:

We will invest to make public transport services more accessible for people with disabilities. Examples of such investment include increased wheelchair access to bus and train stations, bus fleet enhancement and audio announcements on train and bus services, to aid the visually impaired.

When and how soon will we see the details of what is going to be done? I shall highlight the chronic issues that exist today.

The second commitment is as follows: "We will also introduce a provision whereby taxi companies who wish to bid for state procurement contracts must ensure that a minimum of 10% of their fleet is wheelchair accessible." It is nine months since this commitment was written in the programme for Government so we are well into the game. I cannot see why the Government has not delivered on this aim if the Minister and his officials were working on this goal.

Let me give a few examples of the kinds of issues that people must face. In Cork only Bus Éireann supervisors are allowed to operate the lifts on buses. Therefore, if someone wants to travel he or she must book 24 hours ahead, a fact that we already know. That is different from what everyone else needs to do. A supervisor must meet the person at his or her desired location, load the passenger on to the bus, follow the bus to the intended location and finally unload the passenger. That process, even though it is not a solution, seems to me to be highly inefficient and cumbersome. I cannot see why drivers cannot be trained to do these functions. If a person is competent enough to drive a bus that carries between 50 to 100 people then surely to God he or she can be trained to operate a lift on a bus.

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Why is Dublin Bus the only service to have integrated assistive technology on its fleet of buses for visually and hearing impaired passengers? I have made this point before. The situation seems to suggest that there is one standard for the Pale and another for the rest of the country. These are real issues for people.

A huge proportion of Bus Éireann's fleet has nothing to aid visually and hearing impaired passengers in order to experience an independent journey. I raise this issue because people want to independently move from A to B and get on with their business.

I know people, some of whom are no longer with us, who got out of their wheelchairs on a constant basis and moved up the steps of buses on their bums. I am thinking of the late Dermot Walsh, Martin Naughton and many others who embarrassed the daylights out of the public bus company and the Department in order to make buses accessible. In fairness, bus stops may be very accessible because a lot of work has been done on this issue. Now it is routine that when somebody goes to a bus stop he or she will find that somebody has parked a buggy in the wheelchair space. The embarrassed driver must apologise to the person with a disability and offer to ask the owner of the buggy to move it but generally nothing can be done. I believe that something can be done about the situation. I am not saying that one should not facilitate other people but people fought hard for disabled spaces to be provided for people in wheelchairs and people with mobility impairment. The spaces need to be protected but I am not saying they cannot be used by others when not in use.

Like anyone else, I hope that Ireland is successful in its bid to host the Rugby World Cup. I am not sure that rugby fans from different parts of Ireland who have mobility impairment and disabilities would be able to get to the matches independently using public transport. If they cannot do so then tourists who travel here will be unable to do so.

People with disabilities and their families are unhappy about the way things are. There was an ambition and commitment given in the programme for Government to do something about this problem and the Government needs to crack on. I have not seen the ambition mentioned in the Minister's statement of strategy. Perhaps it does exist but I have not seen it. I ask the Minister to return to the House at an early date and outline the detail to show what will be achieved by the end of 2017, 2018, 2019 and perhaps even by the end of 2020. There is life left in this Administration and it has to deliver for people.

Senator Maria Byrne: I welcome the Minister to the House. There has been a welcome increase of 12% in the number of overseas visitors. At the start of the end of recession, there were an additional 850,000 visitors and this year the additional number of visitors was 2.19 million.

Many people are employed in the tourism sector, but I am very concerned about the skills shortage, in particular those with culinary skills, chefs and so on. I ask the Minister to examine this area.

I have raised issues with the Minister on the Wild Atlantic Way and Ireland's Ancient East. I proposed that Limerick city should be added to the Wild Atlantic Way. While I welcome the announcement of the Shannon Estuary Drive, which includes Limerick city, I still would like the Minister to consider my proposal. To achieve balanced regional development I would like the Minister to reconsider the inclusion of Limerick city in the Wild Atlantic Way. Fáilte Ireland has provided €1.5 million towards these initiatives and I would love to see Limerick city

being included.

I welcome the allocation of €324 million for regional and local roads. When one is driving in rural areas outside of Dublin, one sees roads in a deplorable state. It is important that we maintain both our local and regional roads. Members have raised the issues concerning the N20, the Cork to Limerick road, and I know he has committed to examining it, but I would like to add to that list the N24, the Limerick to Waterford road. Limerick city is the regional driver for the mid west and there is no official linkage or motorway between Limerick and Cork and Limerick and Waterford. Issues in respect of these roads have been raised with Members in terms of business development. Shannon Airport is on our doorstep. I welcome the fact that Shannon Airport is autonomous, which was granted by a previous Minister. This has been a great success story for the region. In terms of regional airports, it is so important to look after our airport and our ports because they create employment and bring people into the country.

As an avid Garryowen, Munster and Ireland supporter I have travelled around the world following the teams. I know a very positive sports programme has been put in place. I think we have a very good chance that our bid to host the Rugby World Cup will be successful. I agree with the Minister's view that it would bring a great deal of money to the country. This proposal has to be worked on and no stone should be left unturned in bringing this event to Ireland. The four provinces and Northern Ireland are united and involved in the bid.

Last Monday evening I attended one of the workshops in Thomond Park. All the sports clubs were very positive about the sports capital grants. I think we must commit to this on an annual basis. There are a great many people involved in sports clubs, be it in GAA, rugby or boxing. It is great to see the number of young people involved in sport and how beneficial this is for their health.

There have been many successful greenway projects. I cycled the Waterford greenway only recently. It is very positive. It is great to see investment in the shared walking and cycling pathways and in particular the old canal bank in Limerick which links the university with the city. Greater investment in such projects is to be commended.

Senator Kevin Humphreys: I welcome the Minister. I will try to stay away from rugby internationals because we covered that when he was previously in the House.

It is expected by 2020 that there will be an additional 2.1 million more tonnes of CO₂ produced in Ireland if current trends continues. That is an increase in the range of 13% to 19%. What is the plan to deal with this?

The Minister for Communications, Climate Action and Environment, Deputy Denis Naughten has already come to the House, and the Minister for Agriculture, Food and the Marine will come to the House to deal with the Climate Action and Low Carbon Development Act 2015. When will the Minister for Transport, Tourism and Sport comply with section 14 of the Climate Action and Low Carbon Development Act 2015 because his Department has not given the House a date as to when it will comply in spite of the fact that other Ministers already comply with the Act?

The proposed DART underground is a key infrastructure for Dublin. Deputy Ross has already mentioned that the M50 is becoming gridlocked for most of the day. This infrastructure is badly needed. At present we are looking at 2022, as the best estimate before we will see a sod turned or a hole dug. In the meantime, the Minister must keep his eyes on what is happening

in and around the city.

Some months ago I highlighted a planning application on the site for the proposed station on Pearse Street. To date, I have received no reply. That planning application is still live and if it is granted planning permission, it will prevent a station being built and puts a very large question mark over the integration of the DART underground with Pearse station. What is the Minister's position on that?

It is welcome that Dublin Bus has engaged with the Workplace Relations Commission, WRC, but should the Minister intend to throw anybody under a bus today, he would need to ensure the buses are still running. I know he is meeting the Taoiseach later on.

I welcome the investment in additional buses for the Dublin region. May I ask precisely how many of the buses are energy efficient and low emissions? How many buses will be operated by electricity or other new technologies?

Only 1% of the Department's budget is allocated for cycling infrastructure. When I was a member of the Dublin City Council I was fortunate enough to work with Andrew Montague on the dublinbikes scheme to get it up and running. It has been extremely successful. We need further investment in the dublinbikes scheme to connect the urban villages, that would make a significantly positive impact on the transport infrastructure. dublinbikes is part of the public transport infrastructure for the city and need to be developed and rolled out. Has the Minister plans for dublinbikes?

The 9% VAT on the tourism industry was introduced at a time of great recession and financial crisis, where the Government of the day, of which I was a member, made a decision to invest and encourage the tourist industry. There is no free ride. The reduction in the VAT is worth approximately €300 million in tax forgone every year, money that could be invested in other areas. In the urban centres, particularly in Dublin and Galway, I would say we have seen such a rise in the cost of hotel bedrooms and in the ever-increasing cost of meals and services in hotels that it is exploitation. I call on the Minister to conduct a cost-benefit analysis. The reduction of VAT to 9% was introduced as a short-term measure, which has been retained and now is a permanent fixture. I think there is the possibility of investing the more than €300 million in tax forgone in other areas of the economy, where we can stimulate growth. At the very least the terms and conditions of those employed in the industry should be of the highest quality, considering the subsidy the taxpayer is giving the sector.

Real time display for buses, DART, Luas and trains has been very successful in encouraging people on to public transport. Does the Minister intend to invest further in it? Will he outline his investment in this?

Has research been conducted on traffic levels with a view to introducing congestion tolling in cities? Is that part of the Minister's plan for the future? The Rock Road has reached capacity and if one is sitting in a traffic jam, one has to consider whether one is part of the problem. Is congestion tolling part of our future? I have an open mind and that is the reason I believe we must conduct research rather than reaching a rushed decision on investment in public transport, cycling and pedestrians. We have to consider whether congestion tolling should be part of our traffic management plan for Dublin. Is the Minister carrying out any research in that area?

There is no doubt that the Minister has one of the most challenging briefs. That is the reason I urge him to concentrate on transport because we have seen very few initiatives or various

projects.

There is a proposed flyover across the DART line with the closure of the Merrion Road level crossing along the Sandymount to Blackrock corridor. We have seen no real thought out proposal. There is a rough and questionable figure of €26 million for a flyover, whereas if we want to see the Minister's proposed ten minute interval DART operating as quickly as possible, we will have to invest in signalling. That has been set aside. That would involve upgrading the signalling at Lansdowne Road, Sandymount and Sidney Parade. The impact that would have on local residents for the duration of the stations' closure would be quite severe and would be quite a disturbance in their daily lives.

The Minister is nearly a year in office as Minister for Transport, Tourism and Sport. Now is the time we should start to see real plans for climate change, reducing emissions in transport and proper integrated public transport for the greater Dublin area.

Senator Robbie Gallagher: The Minister is very welcome to the House this afternoon. I wish to concentrate on the tourism industry. As the Minister is no doubt aware, as we all are, Brexit holds difficulties for us across many sectors, and tourism is one example. It is especially important as almost 41% of all the visitors who come to this country are from Northern Ireland or the United Kingdom. That shows how dependent we are on that market. It is our closest neighbour. I would like to hear what strategy the Minister has in place in respect of Brexit and how it will affect the tourism industry, in particular the large number of visitors, 41%, who come from Northern Ireland or the United Kingdom.

Tourism has been a significant source of income for the State. We are thankful it has been successful in recent years and the investment we have made has been very much rewarded. Last year, the centenary of 1916, the commemorations were a major success. This demonstrates that when this country puts on a show, it does it in a way of which we can be very proud. The number of visitors continually increases, particularly visitors to our capital city. I note that during the weekend of the rugby international, St Patrick's weekend, it is nearly impossible to get a bed in the city.

Senator Neale Richmond: It is harder to get a ticket.

Senator Robbie Gallagher: Yes, it is hard to get a ticket as well. There is the rugby international between Ireland and France, the all-Ireland club championship finals and we have GamerCon, which I understand will be the largest gaming event in Europe this year. All that adds up to a hugely successful weekend.

The challenge we have is getting the tourists from the capital, Dublin, Kerry and the west to regional Ireland, and counties such as Cavan and Monaghan spring to mind. The inland counties, which are less than an hour from this House, have many facilities that would compete with anything we have on this island. I am very proud to say that we have some very distinguished visitors in our county for two or three days. The Irish rugby team under Joe Schmidt will stay in a hotel in Monaghan town and will avail of the facilities in and around the region for the next three days. It goes to show that a county such as Monaghan, which is not renowned for its tourism attractions, still has a lot to offer. We have the challenge of getting visitors out to such locations.

A number of my colleagues have mentioned Bus Éireann and the importance of the regional bus service to places like Cavan, Monaghan, Donegal and elsewhere. I know the Minister has

a lot on his plate with such a large portfolio, but this dispute is one area that deserves his full attention.

My colleague Senator Mac Lochlainn outlined the case of the Derry to Ardee road. We look forward to that project being progressed. In respect of the aspect that affects County Monaghan, currently we have a stretch of roadway from Clontibret to the Border with County Tyrone, which is 400 metres wide and stretches for 28 kilometres. That large portion of ground is basically frozen at present until such time as the Department of Transport, Tourism and Sport releases €1 million to €1.5 million to narrow that corridor from its current 400 metres down to 100 metres. I would stress upon the Minister that it is important the funding is allocated. That portion of land is sterilised which means that businesses along that area that want to expand or young people who want to build houses are precluded from doing so because of the width of the corridor. I ask the Minister to take that on board and ensure the funding is provided in order that the project can proceed.

When the Minister was in the House last week, I mentioned the large number of fatalities that occur on the existing N2 Dublin to Derry road. It is important that the Minister, Deputy Ross, keeps that road in focus as well and that any funding that would be required to improve it would be forthcoming.

I have had quite a number of complaints recently about the waiting times for young people who wish to sit their driving test. Some counties are more affected than others. A number of people from County Donegal have contacted me and that seems to be especially bad. I ask the Minister to look at the issue nationwide, but to focus on Donegal in order that with additional staff, the waiting list could be tackled and young people could have the opportunity to sit their test and pass it.

Senator Neale Richmond: I welcome the Minister and thank him for his contribution. I apologise for coming in and going out during this discussion but there is a committee meeting running concurrently. From our previous engagement, I learned that the Minister's is a massive portfolio so I will focus on what some would call a niche part of the sports area, namely, the need for the fast-tracking of the construction of a national cricket stadium in Malahide. I know the Minister is a fan of the game and is as aware of it as I am. Irish cricket has come ridiculously far in the past decade. It is only ten years since we beat Pakistan on St. Patrick's Day at the Cricket World Cup in the Caribbean. The game has come so far since the days when I was playing. It was a hidden sport then, restricted to certain parts of north County Dublin, Ulster and a few other parts of the country. It is now easily the fastest growing sport, with 50,000 boys, girls, men and women playing across the country. There are new clubs emerging regularly, such as the one in Cabinteely, and the Sandyford Cricket Club in Marlay Park has gone from fielding one team to fielding three in a matter of years. Great progress is being made and the results are getting better and better. Our international women's teams have enjoyed excellent results in the last week and crucially our men's teams, after a series of excellent performances, are now on the verge of test status. It cannot be taken for granted how important the elevation to test status would be to the development of the game domestically and to the standing of Ireland as a cricket playing nation. It is huge and the financial potential for the game and for the related industries of tourism and hospitality is magnificent. The structures of the game can only benefit from Ireland playing at the highest level.

We already have a well functioning domestic game, with more and more of our top players able to make their living from cricket by staying in Ireland and playing in the inter-provincial

series. We are seeing cricket spreading into new clubs and counties. Cricket is a very inclusive sport. Many of the families involved in the game in Ireland are originally from places such as India, Pakistan, Bangladesh and South Africa and for them to see their kids getting to meet so many different people and to play a game that they know and love is hugely impressive. That is being matched by the ambition of Cricket Ireland. As an organisation, I cannot fault it. I am very impressed by its genuinely optimistic and positive outlook. The investment made by Cricket Ireland in the development of the new training facility in Abbotstown can only be commended. It will be the envy of so many tier one cricketing nations, far beyond Ireland and our current status. However, the investment made by Cricket Ireland needs to be matched by Government investment. The Government must make a capital investment to the tune of €2 million in the stadium in Malahide, either through the Department of Transport, Tourism and Sport alone or in co-operation with the Department of Public Expenditure and Reform. That sum, together with the finances that have already been put up by Cricket Ireland, the International Cricket Council and the local authority, will suffice. This is an investment that will see a return almost immediately. It will see scores of top-level matches coming to Malahide, with huge tourism potential. We have seen what can happen when England commits to playing games in Malahide. It is really exciting to see Ireland being invited to play England at Lord's this year. We are at the edge of the top table and we just need this last little move to get there. Then the game itself, not just at the professional level but at all levels, with more and more men, women, boys and girls getting involved, will flourish. It just needs that last nudge. I am using my time to issue a very direct appeal to the Minister to take this on board, take the initiative and make it happen.

Senator Joe O'Reilly: I welcome the Minister back to his political alma mater. Deputy Ross is one of our most distinguished alumni and we are delighted to have him here. I will follow the trend set by my distinguished colleague, Senator Richmond, and identify a few specific issues within the Minister's huge brief that I would like him to address.

While there is a parochial dimension to what I am going to mention, it is also a regional and national issue. I refer to the construction of the east-west link, that is, the roadway from Dundalk to Sligo. I am specifically concerned about the section that links Dundalk to Cavan town. The project was granted-aided up to 2014 for preliminary design work. The projected cost of the work is €150 million but the project was not included in the 2015 seven-year plan. The road is so important to the region. We have Carton Brothers in Shercock, a small village in Cavan, employing up to 700 people who would not be able to find alternative employment in the area. That company is an extremely important employer in the region. It moves a huge amount of freight and has lots of small growers and farmers associated with it. Abbott in Cootehill is another major employer and there are numerous small, indigenous employers in the area too. The only way to create jobs in the region in question is through indigenous employers but they cannot function with the current roadway situation. I appeal to the Minister to look at this project again in the light of better than expected revenue returns and so forth. The east-west link is a very necessary infrastructural project, particularly the Dundalk to Cavan section, as well as the remainder of the route to Sligo. The cost would be €150 million but it would be money well spent. I appeal to the Minister to look at that.

It is important to acknowledge progress. In that regard, I am happy that the Minister has increased the roads allocation for County Cavan by 8%. The allocation for Monaghan has also increased and that is very welcome. However, the Minister must take cognisance of the fact that there was a 50% reduction over the lean years and we now need to take advantage of the

better years to incrementally restore the allocation because the roads and by-roads in the region have suffered.

There is a serious issue in Cavan at the moment which is delaying the approval of the roads grant in the county. The issue held up the most recent local authority meeting in Cavan and the roads programme has not yet been agreed because of it. It is a very interesting issue and I hope the Minister will address and resolve it. There are small laneways or what could be called tertiary roads in rural Ireland that veer off by-roads and go up to two or three houses. The people in those houses are taxpayers and citizens. They are socially compliant and very civic-minded people and are part of our population. They have similar rights to people who live in urban centres. Their rights cannot be lesser under the Constitution but they are being denied access to medical services, emergency services and their ability to farm is being compromised because their little laneways are broken down. Local democracy would suggest that local councillors should decide these matters but these people do not have enough local representatives in their area. In that context, I ask the Minister to consider ring-fencing a section of future road allocations to counties such as Cavan for those little laneways or tertiary roads adjacent to which real people with real families live. They need medical services, school buses and they need to be able to use farm machinery and so forth but the roads leading to their homes are not fit for purpose. I ask the Minister to look at that issue and would appreciate it if he could revert to me on it.

In the time remaining I wish to make reference to the very successful tourism sector. We have seen a 12% increase in tourism which is very good. However, I would like to see counties like Cavan and Monaghan marketed more as part of the overall tourism product. Our lakes, drumlins and topography are special and I ask the Minister to examine the degree to which we are marketing more remote locations. We tend to concentrate our marketing efforts on areas like the south west and the north west because they are well-known tourism areas but I am not sure we are doing enough for places such as Cavan and Monaghan and other regional centres.

Finally, I welcome the Minister's reference in his opening remarks to the need to focus on the diaspora. They are the people, whatever their level of linkage here, who are most likely to visit Ireland, to spend money when they are here and to make return visits. I congratulate the Minister on his report. I am afraid I will not be able to stay to hear his response to this debate because I have a prior commitment but I will look at the transcripts later. I would be very grateful if the Minister could address the specific issues I raised because there are lots of people who are interested in his response.

Senator Alice-Mary Higgins: I welcome the Minister. I wish to raise three issues, the first of which is cycling. While I would like to talk at length, given the time constraints I will move quickly to questions on the area. We know that cycling is an efficient, cheap, healthy and environmentally friendly mode of transport. It moves across all areas of the Minister's brief covering sport, transport and tourism. Cycling has not only been important for tourism, it is also beneficial for the life of our towns and cities. It is also important in the context of commuting.

In that context, I raised the following issue on the previous occasion the Minister was in the House but he did not have the opportunity to reply. I hope he will have that opportunity this time. What are his intentions regarding the implementation of the national cycling framework? Does he intend to appoint a national cycling officer? How does he propose to achieve the target of having 10% of all journeys in urban and rural settings being made on bicycles? The current figure in that regard is 2%? Will the National Transport Authority set a spending target in

respect of cycling infrastructure? At present, cycling is allocated just 0.5% of the overall transport budget. If we are trying to get to 10% of journeys being made on bicycles, will we move from that 0.5% closer to 10% of expenditure going on this area?

I raise the question of infrastructure not just because I believe that achieving our cycling targets is crucial to the sustainability of our future and beneficial as a whole, but also because infrastructure is crucial for safety. Last week, a cyclist tragically died in County Kildare. There were 12 deaths in 2016. We know that the fear this engenders has an impact. For example, Ireland has an imbalance in participation in cycling where three quarters of those cycling are men. Boys are ten times more likely than girls to be cycling. In countries with investment in infrastructure, there is far more inclusion. There is a gender balance in participation in cycling in countries such as Poland and Holland. There is also far more participation by younger people and older people in cycling. Those issues need to be addressed and I would appreciate clear answers on them.

I ask the Minister to give an update on the review of US immigration pre-clearance at Dublin and Shannon Airports to ensure compatibility with Irish, EU and UN law. It is important that we ensure that all those laws are being fully abided by on Irish soil.

The Minister has answered parliamentary questions on Shannon Airport, most recently on 17 January. I commend him because I believe he gave a far more detailed response than the Minister for Foreign Affairs and Trade has given. I know there is a division of responsibility between the Minister for Transport, Tourism and Sport and the Minister for Foreign Affairs and Trade in terms of military and civilian aircraft. However, there is an overlap and we have seen many cases of military operations involving civilian aircraft. The Minister noted that over 22,700 troops came through Shannon Airport in a six-month period last year and that 462 civilian aircraft requested permission to land while carrying munitions, of which 411 were granted with a number refused on the advice of the Department of Foreign Affairs and Trade, and some at the discretion of the Minister for Transport, Tourism and Sport. Does the Minister intend to engage with the Minister for Foreign Affairs and Trade in respect of the military use of Shannon Airport and military use of civilian aircraft at the facility, particularly in light of the comments on torture made by the new US Administration and the potential appointment of Steve Bannon to the US National Security Council? When will move from an information-request mode to an inspection mode? Does the Minister envisage that in the foreseeable future? What are his plans for the next two to three months in respect of this matter? This should be on the agenda before the Taoiseach's visit to Washington in March.

My final point in respect of buses-----

Acting Chairman (Senator Catherine Noone): The Senator has one minute remaining.

Senator Alice-Mary Higgins: I will be able to make my point in just under one minute.

In his principles of public transport, the Minister talks about encouraging the use of buses. How do we also protect public delivery of and public accountability regarding public services, particularly given that, for example, in recent trade agreements we have protected intercity routes but we have not explicitly protected other areas of our public transport and reserved them for public delivery? That is a matter to consider.

The Minister mentioned that the bus service loses money. I say that it costs money; it is not a matter of losing money.

Deputy Shane Ross: To what is the Senator referring?

Senator Alice-Mary Higgins: The Minister said that there are areas of our bus service that lose money. I am saying that we should frame it as costing money because it is not a question of subsidy, but investment. We talk about sustainability and the Minister talks about a sustainable future. I am concerned that he may be speaking about being sustainable as a viable business. When we talk about public transport, sustainability must have a much wider interpretation which is not about its profitability or loss making but which relates to the role it plays in the sustainability of society, rural and urban, and also the achievement of our environmental targets for sustainability.

Senator James Reilly: I welcome the Minister. I particularly welcome his comments on the metro, which is very important to us. However, we now have an opportunity for a more expeditious delivery time than the 2021 target, with money available from the European Investment Bank. I would like the Minister to make a plea at Cabinet for part of that funding to invest in metro. Metro is an ideal investment for the European Investment Bank because it will have a fair income stream from which to repay the loan. As other speakers said, it is also critical in meeting our environmental commitments because its energy requirement for electricity can be generated through many environmentally friendly methods.

I refer to the importance of the metro to Dublin Airport, which has had nearly 27 million passengers in the past 12 months. This could be increased further with better connectivity to the city. More business opportunities will arise through Brexit, with many companies looking to Ireland as a place to do business with the EU now that the UK is leaving. There will also be opportunities for companies from many other countries that are seeking a platform into Europe. Their staff will be able to fly into Dublin, hop on a metro and get to their place of business in the city or at other locations throughout the country. I refer, in that regard, to the other investments which are in hand and to which the Minister referred in the context of DART underground and the electrification of the DART line to Balbriggan. This will allow tremendous opportunities for both business and local people, particularly our young population - it is the youngest in the country - to avail of the job opportunities and the educational facilities in Dublin.

As we attract more business, we will need more office accommodation. Dublin Airport already has a first-phase plan for 10,000 jobs and has 75 acres of land zoned for development that could accommodate many of these offices. Fingal is the obvious place if we need more land, as we obviously do, to house our current population and also new workers who will be coming to work here.

I also wish to touch on tourism. There is a real need for investment to provide a coastal walk along Fingal, from Portmarnock, through Malahide, Donabate, Rush, Loughshinny, Skerries and on to Balbriggan. That would be a huge boost for tourism with all the cafés and restaurants that would spring up along the route. It is something done widely across Europe. More importantly, as somebody who lives in Fingal and who is interested in health, I feel it would provide a safe place for families, parents and their children to go cycling and walking. Although we have beautiful scenery in north County Dublin, it is very difficult to say it would be safe to cycle with young children on our roads. I appeal to the Minister to look at that.

I am very supportive of our bid for the Rugby World Cup. Irish people are very well known to be sports enthusiasts. Many people follow, rugby, Gaelic games and soccer, and are not cast in any one code. On sport, Fingal has led the way with many all-weather pitches being shared

between the different codes.

There are job opportunities. There is a need to address our carbon emissions issue. The metro fits those. I appeal to the Minister to avail of the opportunity the European Investment Bank presents us in terms of investment in that project.

Acting Chairman (Senator Catherine Noone): The Order of Business states that the Minister has ten minutes to respond.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank the Senators for their contributions. I will address as many as I can. I cannot do them all. I will start with Senator O'Mahony because he is in the Chamber. I think the Senator will find that the Government is extremely conscious of balanced regional development, not just in a token way but in rolling out transport, which is essential for that. The Senator spoke about the contrast between the east and west coasts. He is right about that. The N4 and the N5, to which he referred, will certainly feature in the mid-term capital review. I cannot give any promises about the priority. It would be very foolish of me to do so. I know they are already being kept in mind, not only by the Senator but also by others. They will be represented and will get due consideration.

On regional airports, while I have not been to Knock yet, I am intending to go there very shortly. I have had several invitations. I was in Waterford on Monday. I appreciate the difficulties some of these regional airports have, but the Government is fully committed to continuing their subventions where it is legal. As the Senator knows and has referred to, there are difficulties in terms of the EU rules, from which restrictions arise with regard to these particular problems. I think he will see that since I came into office the subventions which have gone to Knock, Waterford and other regional airports have not been ungenerous. They have undoubtedly been a reflection of the fact we in Government know the value of these airports to their areas. They are a key part of regional policy and will certainly be maintained as such.

I agree with the Senator that there can be no complacency around Brexit. This area is being addressed aggressively and energetically in terms of tourism. As everybody knows, there are difficulties in respect of the tourism aspect of Brexit. One is the foreign currency situation, over which we have no control. The collapse of sterling makes it more expensive to come here. It may well recover but we are at the mercy of the currency markets when we talk about that. We cannot do anything about it. As Senators on all sides have said, we can market very aggressively and we can look for new markets, and we are doing that. Several people have paid tribute to the tourism agencies. They plan to diversify. They are not as downbeat as some people might be about this. They say that tourism from Britain will retreat a bit this year but they are talking about that happening in terms of small, single digit figures. They have made projections. I was at one of their conferences recently and they are making projections of growth regardless of what happens in the area of Brexit.

Senator Mac Lochlainn is without parallel in advocating for Donegal. There is no way Donegal would be lost to me if I came to the House often enough. It is raised every time I come here. I am meeting a group talking about connectivity in Donegal. I believe that will be next Monday. The Senator probably knows Brendan Flanagan and the Rev. David Crooks. They are coming, and the Senator is welcome to join them I am sure. They are particularly interested in connectivity with Donegal. They have very ambitious plans for railways and roads. I take what they say, and what the Senator says, very seriously. I know the difficulties there are in Donegal. I cannot and I will not make any specific promises to any area today, and the Senator would not

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expect me to do so. I actively meet people from Donegal and I will continue to do so because of the representations the Senator has made.

On the City of Derry Airport, I will, of course, meet the board. The Senator spoke about the Derry to Dublin flight. I ask the Senator to note that I endorsed the Derry hub recently. I do not know if the Senator is aware of it. One of Sinn Féin's ministers, Chris Hazzard, who I think is quite busy at the moment, is involved. He and I co-operated and the proposals are going to be considered by a special EU body very shortly. That is, I hope, real progress for the region. It indicates that the region is not being ignored in any way.

I will start at the beginning again. I will not get through all the replies. There is no possibility of that. I will guarantee to reply to anybody in a written form. I will get my officials to respond if I do not get through them because my time is very limited and it will all be taken up.

I note what Senator Horkan said about the capital budgets for tourism being cut by 4%. The agencies are, to some extent, the victims of their own success. Like everybody else, they are looking for extra money, especially on the capital side, but the incredible success of Tourism Ireland and Fáilte Ireland sometimes weakens their case. The figures speak for themselves. We are very conscious that there may be a need for certain projects and an emphasis on different areas and on costs elsewhere as well, but at the moment let us not complain about Irish tourism. It is a real good news story and we are really proud of it. We do not even find the Brexit threat to be something that will be that untoward in its damaging effects.

We spoke about the Rugby World Cup. That is the most incredibly exciting flag that one could fly overseas for Ireland at the moment, and both Tourism Ireland and Fáilte Ireland are flying it. The idea that we could win an international competition which could fly the Irish flag North and South is a really great advertisement for sports tourism and for bringing people here. It may or may not be at a cost to the Irish Government, but the side effects and side benefits will be considerable. We are very optimistic about tourism. If there are signs that it needs more encouragement, we will not be found wanting, but at the moment this is a success story. There are some really pressing needs elsewhere in the Department of Transport, Tourism and Sport. This area is flying along, as we can see.

On Brexit, which the Senator also mentioned, there is no lack of enthusiasm or hard work being done on that. The problem is not just the currency. It is not knowing exactly what will happen or where we are going to be hit, as is the case for everywhere else involved in Brexit. The Senator will find that both the main agencies and the Government are preparing for every eventuality. Some of that work will be wasted. There is no doubt about it. We will find that some of it never happens, but I think the Senator will find that we are ready, that we are successful and that tourism will continue because of the commitment, the projects and the global greening, for example.

I do not know whether the Senator saw the recent launch of the global greening for St. Patrick's Day. I cannot remember the number of cities around the world that will be greened on St. Patrick's Day but it is quite phenomenal. I believe it is 27 or maybe more. I cannot remember but it is a phenomenal number and that is at a very low cost. It is extraordinary that not only do we get access to cities and governments around the world through Ministers on St. Patrick's Day, but we also can let people in every city in the world know that Ireland is alive and thriving. We are talking about the Colosseum, the Eiffel Tower and all these places which are going to be lit up. Let us celebrate Irish tourism.

Senator Horkan went on to speak about a lack of vision in transport. He mentioned the DART underground, the M50 and his own constituency. I thought his constituency was the county council panel. I did not realise he had a geographical constituency.

Senator Gerry Horkan: That is where I live.

Deputy Shane Ross: That is where he lives.

Senator Gerry Horkan: I did allude to that and I think Minister knows that anyway.

Deputy Shane Ross: It is a geographical constituency and another constituency. That is right. The Senator is welcome to it in any event. I have no plans to toll the M50, to be plain.

The DART underground and the metro north were referred to. The reason for the DART underground - which started under the Government before last - being cancelled was quite obvious. It was a project which was begun and had to be abandoned because of cost. The cost was absolutely prohibitive. I am looking for the figures I have for it but I think it was €3 billion or €4 billion, and at that time it would have been impossible to continue it. Senator Horkan referred eloquently to how it is necessary and should be continued or revived. That is the plan and there are moves afoot at the moment but funds are very tight. Funds are very tight, particularly for the underground, for the metro north and for any of these big capital projects. It would be very wrong to say that we are going to have it and spend a huge amount of money. A lot of what the Senator said was very aspirational, which is fair, and it is the privilege of anybody in opposition to say these things should be done now. We have to actually find the cash in government and while it would be difficult to find the cash for the DART underground at the moment, there is a commitment to do it. There is no renegeing on that but it is a matter of time. The Government recognises that the difficulties, particularly in Dublin, merit a project of this sort. It certainly will do it when the money is there.

The Senator also addressed road safety and the Garda traffic corps. We have ministerial road safety meetings frequently now because of deaths on the road. Representatives of the Garda attend that, as do the Minister for Justice and Equality and several other interested parties. A Garda assistant commissioner attended the last one in December and he made a commitment that he would now provide a 10% increase in checkpoints by the traffic corps. I presume that would be over the course of this year. The Garda stepped up its campaign during December, which resulted in a large number of extra arrests for drink-driving. There was a 35% increase, which was worrying but very effective. It is good news because they are catching a lot more people. It is bad news because now it has been discovered that the problem of drinking and driving is really bad and it is getting worse. It has to be acknowledged. Enforcement is increasing there, though probably not at the rate that we would like. The Senator is right and we have a lot of work to do in convincing people that they could be caught. Undoubtedly, one of the problems, among many others, is that they are not convinced of that. It will be partly up to the traffic corps to do that, and partly up to the Government to introduce legislation. The Government introduced legislation on road safety in 2016 as the Senator would be aware since it was initiated in this House. We intend to introduce measures to make disqualification automatic for people who are over the limit and other areas like that. It is a controversial area but it will be done. I take this very seriously but enforcement is part of it and it certainly will be stepped up.

I will address the points made by Senator Boyhan. He also referred to road safety and to the board. He was somewhat impatient about the fact that I have not made enough, if any, ap-

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pointments to the board. The board was looking for a large number of extra people. I am not convinced under the new system I have introduced, which I will not go into in detail because my time is probably getting short-----

Acting Chairman (Senator Catherine Noone): The Minister is over time but I am allowing it because we were scheduled in such a way as to allow discretion.

Deputy Shane Ross: I will reply in detail. There were some detailed questions from Senators Higgins, Humphreys and Dolan to which I will reply in detail. I will have civil servants send some detailed answers to them.

Acting Chairman (Senator Catherine Noone): I can allow a few moments.

Senator Gerry Horkan: And the other matters raised as well.

Deputy Shane Ross: Yes.

Senator Kevin Humphreys: Perhaps the Minister will answer the precise questions. Will he be able to do it now?

Deputy Shane Ross: I will answer them if I can.

Senator Alice-Mary Higgins: Those he can.

Deputy Shane Ross: I will not answer those to which I do not have to hand the detailed answers but I will come back to the Senators about them. What was Senator Horkan's other question?

Senator Gerry Horkan: The Luas in Cherrywood and how we are going to handle the capacity on the Luas.

Deputy Shane Ross: I agree that we will have to address the capacity on the Luas in the future. It is not too bad at the moment. We undoubtedly must make provision for that in respect of Cherrywood.

Senator Boyhan was talking about the Road Safety Authority, RSA. A new system has been introduced for making board appointments in my Department. It is exclusive to my Department. The RSA is part of that. The first criterion is that we look at the board and ask if it needs ten, 11 or whatever number of people. The RSA has a board membership of between six and 11. I am curious as to why 11 are needed for a body of that sort, because expertise in every area is not needed in such an agency. The expertise tends to be among the executive and that is very important. I am looking at that and I am determined that the RSA will not be inquorate. Some people were suggesting that it would be inquorate but the board will not be inquorate. The board will have sufficient expertise but the membership will have to go through a procedure which starts by asking if it is necessary to have these board members. It goes on to ask further questions about the numbers that come up to the Minister, because I have been very unhappy that in the RSA, the names of 21 people were sent to the last Minister of whom he was to select three. It was very difficult for him and would be very difficult for any Minister to select three out of 21 when he or she knows nothing about it. That is the situation in which the Minister would have found himself and in which I found myself as well.

I asked that it go before a body of self-assessment. It goes through the PAS system, as it

always did before, but the numbers that come up to me as a Minister are limited to a maximum of three, to deliberately remove ministerial discretion in order that there is not the sort of political patronage that existed on these boards before. That process is now coming into being at the moment and we will appoint accordingly. I will preferably get one, but in certain cases I will probably get three. We are going to end the system in my Department where people get sent up to the Minister just because they qualify. There were more than 30 names for two places on the Irish Sports Council. The Minister gets 30 names, and I do not know how he or she appoints them. He or she finds people there who he or she thinks will be politically favourable.

On top of that, I introduced a system which will apply to the RSA and to any other State bodies in my Department in which interviews will be introduced. One of the most extraordinary features of board membership of the RSA and board membership under the remit of my Department and of other Departments was that the vacancies were being filled without interviews or anything like that at all. Consequently, ministerial discretion was absolute and we were getting people making appointments presumably on recommendation from outside and for other reasons. They were being done without interview. We are going to have an interview panel, which is independent in so far as it can be, which will select people who will go for ministerial approval or not. That should remove the accusation that there is political favouritism going on.

The backlog in driver tests was something which-----

Senator John O'Mahony: I ask that the Order of Business be amended such that the Minister can reply until 2.45 p.m., because I would rather-----

Acting Chairman (Senator Catherine Noone): I am allowing my discretion. In any case, I was allowing the Minister to respond.

Deputy Shane Ross: Yes.

Acting Chairman (Senator Catherine Noone): I know Senator Higgins has a few questions. You have been speaking for 20 minutes now as opposed to ten, and I am more than happy to allow the time that you should have been here for anyway.

Deputy Shane Ross: Yes.

Senator Alice-Mary Higgins: We have until 2.45 p.m., so I appreciate the extra five minutes. If we only have 0.5% of our funding for cycling I would appreciate if the Minister could give us 0.5% of his time to give us some indication of his policy direction, even if detailed replies have to follow.

Deputy Shane Ross: I want to answer the driving test question first, which is important. This comes up regularly, and Senator Boyhan made a fair point on it. The driver testing service has seen almost a 10% increase in the levels of driving test applications over the last three years. This, coupled with the retirement of staff, has meant that the waiting times for customers at test centres have increased. Driving tests are delivered across 52 test centres nationally. The objective of the Road Safety Authority is to have a national average waiting time of no longer than ten weeks. The current overall national waiting time for a driving test is 13 weeks. The RSA has added ten extra driver testers who commenced duties in October 2016. A further seven driver testers are about to join the service, and these will complete their training in April 2017. While this will bring our driver tester numbers up to a full-time equivalent of 108.64, the RSA will continue to monitor capacity against demand. The RSA continues to deploy driver testers

to best meet the demand across all test centres. I have a table which I can give to Senator Boyhan if he wants to see it.

The industrial dispute in Bus Éireann was addressed by several Senators. I welcome the fact that the parties are going to the Workplace Relations Committee but I would like to respond to one or two things mentioned by Senators Boyhan, Mac Lochlainn and others. This is a very difficult dispute, but I do not agree with those who say that wider issues are involved or that I should get involved at this stage in an industrial relations dispute. I do not know how many times I have to respond to this question, but I will respond to it again and again. I will not be intervening in an industrial relations dispute. That is not my job as Minister for transport. I will not be coming in with a chequebook and sorting out the problem in that way. I have no intention of doing that in this dispute or in any other disputes in my Department. That is not something which I regard as appropriate or right. I have said that once this dispute has been settled I am happy to call a forum or to establish a platform where I will meet and talk as a stakeholder and shareholder with other stakeholders, by which I mean management, the unions and the NTA, to thrash out those particular policy issues they are speaking about.

Acting Chairman (Senator Catherine Noone): You have less than a minute left as we have other legislation commencing according to the Order of Business.

Deputy Shane Ross: It is very important that I get this message across, specifically as the parties are now speaking. I welcome that dialogue. I will talk to the unions and management, and I will join them in a forum once the dispute is settled. I will not get involved, under any circumstances, in an industrial relations dispute of this sort. That is the position we have taken from the beginning, and those who come back time and time again and say that we are going to have to intervene must get the message. It is not going to happen, and no false hope should go out to people that the State has some sort of funding or resources available in this dispute. This is a dispute which involves Expressway. This cannot be settled-----

Senator Kevin Humphreys: I know we are over time, but I would just raise a point.

Acting Chairman (Senator Catherine Noone): A point of order.

Senator Kevin Humphreys: With respect to the Acting Chairman and the Minister, I will be raising this at the group leaders' meeting. We have had an interaction. All the direct questions have been given to the Minister. We have had no response. We have seen delay all the way regarding the answers. I would describe what we have listened to today as "Trumpesque".

Acting Chairman (Senator Catherine Noone): As Acting Chairman I have no control over what the Minister says.

Senator Kevin Humphreys: I know the Acting Chairman has done her best, and I want to give respect to the her. Not one question put by Senator Higgins or myself has been addressed, on the issues of climate change or-----

Acting Chairman (Senator Catherine Noone): I am sorry, Senator, but the time is up now.

Senator Kevin Humphreys: This is not the first time. We have had to listen to rugby before and rugby today. We had specific questions that the Minister obviously is not briefed on. He is not looking at his own Department and not looking after his own brief. Can he come

prepared the next time, please?

Acting Chairman (Senator Catherine Noone): I am going to have to conclude statements. Apologies to all.

Senator Alice-Mary Higgins: As a point of information-----

Acting Chairman (Senator Catherine Noone): There is no such thing as a point of information.

Senator Alice-Mary Higgins: -----the Minister indicated he was answering a question of mine about public transport.

Acting Chairman (Senator Catherine Noone): That concludes statements.

Senator Alice-Mary Higgins: I would like to clarify that my question was not about the industrial dispute. My question was not answered. In fact, none of my questions on cycling, Shannon and pre-clearance or public sustainable transport has been answered.

Acting Chairman (Senator Catherine Noone): Excuse me, I cannot control the Minister's responses, and I have allowed an extra 26 and a half minutes. I need to conclude statements.

Senator Kevin Humphreys: The Minister fully intended to filibuster and that is what he did.

Acting Chairman (Senator Catherine Noone): I need to conclude statements and move on to the next matter.

Hospital Waiting Lists: Motion

Acting Chairman (Senator Catherine Noone): I am informed that the proposer of the motion is *en route* to the Chamber. I will allow a few minutes for her to arrive, and if she is further delayed, we will propose the suspension of the sitting.

Senator Paul Gavan: I apologise for being late.

Senator Rose Conway-Walsh: I apologise to the Acting Chairman and to the Minister for being late.

Acting Chairman (Senator Catherine Noone): No problem. It could happen to any of us. We are dealing with No. 29, motion 16.

Senator Rose Conway-Walsh: I move:

That Seanad Éireann:

recognising that:

- 632,000 patients were on published and unpublished hospital waiting lists at the end of January 2017;

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- under the current waiting list system, waiting lists for outpatient appointments, diagnostic tests, day case and inpatient procedures vary drastically from one public hospital to the next;

- patients do not know where they stand on the list nor at what speed their list is moving relative to that of other hospitals within reasonable travelling distance; and

- people with comparable health concerns can wait very different lengths of time for assessment and treatment depending on the hospital to which they happen to be initially referred;

notes the success of the integrated IT system used in the Portuguese NHS which has, alongside greater investment in public hospitals, delivered significant and sustained reductions in waiting times for surgery since it was first introduced in 2004 – namely over five years waiting lists for surgery have decreased by almost 35 percent, the median waiting times by almost 63 percent and variation across providers is also diminishing;

and calls on the Minister for Health to explore the feasibility of a new model to maximise the capacity of the public hospital system, purchase capacity from the private system and introduce fairness and strategic management across all waiting lists, the component parts of which should be:

- the introduction of Comhliosta – a new and single Integrated Hospital Waiting List Management System to cover all public and participating private hospitals;

- the provision of a greater Core Activity Budget to public hospitals to increase their capacity;

- the introduction of a new Comhliosta activity fund to cover the cost of procedures for those patients transferred via the integrated waiting list to a different public or participating private hospital; and

- an end to the special treatment of private patients in public hospitals.

I thank the Minister for coming to the House. I apologise again for being late. This Sinn Féin motion puts forward a radical and pragmatic proposal to develop a new comhliosta model to maximise the capacity of the public hospital system to purchase capacity from the private system at a reduced cost and to introduce fairness and strategic management across all waiting lists.

Many Senators stood in this Chamber after the “Prime Time” programme which highlighted the scandal and inhumanity of people waiting in pain for medical treatment. They expressed their horror at a failed health system which was not fit for purpose. Today, Sinn Féin is presenting those same Senators with an opportunity to instruct Government to explore the feasibility of a new single integrated hospital waiting list management system to cover all public and participating private hospitals. Today, we will see if there are expressions of horror or just empty words, or if they can put party politics aside and support a new model which has delivered significant and sustained reductions in waiting times for surgery since it was first introduced in Portugal in 2004.

Sinn Féin had prioritised the issue of fair and transparent waiting lists long before the latest controversy surrounding inaccurate figures from the National Treatment Purchase Fund sur-

faced several weeks ago. It is also part of our response to the many problems facing our society to have workable and costed solutions that can be implemented at once. My colleague in the North, Michelle O'Neill, has recently sought cross-party support for the implementation of the Bengoa report which will see £31.2 million invested to clear the backlog on waiting lists in the North. All of this progress in health in the North is taking place in the midst of a political crisis within the institutions and on the back of years of brutal Tory austerity. Sinn Féin can deliver on health and is currently delivering under very difficult circumstances.

An all-island approach to health not only will benefit future patients but also holds the key to tackling regional imbalance in waiting lists. On Monday, Michelle O'Neill was joined by the Minister for Health, Deputy Harris, to open a cross-Border regional radiotherapy unit in Altnagelvin Area Hospital. This unit serves the north west of the island and now means that patients in Donegal, Derry and Tyrone can access cancer care within one hour's travelling distance of their home. Once again, a genuine all-island approach is delivering real results for those most in need.

The comhliosta system we have proposed in this motion is in response to a plethora of announcements and promises by this and previous Governments that have at best delivered temporary and sometime illusory results. First, there is undeniably a two-tier health system which starts at the access point to care. This system involves the provision of a core activity budget to public hospitals. This would be based on the previous year's activity adjusted for inflation and any successful proposal made for a portion of the increased funding made available under Sinn Féin's growing health budget. Increased capacity for the public health system is urgently needed. The recruitment of further consultants, in particular, would significantly reduce waiting times for initial consultations and the wider measures to tackle hospital overcrowding would shorten the second portion of waiting times, as a greater volume of elective procedures would be facilitated.

Sinn Féin wants to see an end to the special treatment of private patients in public hospitals by incrementally eliminating private activity and replacing the revenue lost with increased public funding to their core activity budgets during a term of government. According to the 2015 HSE financial statements, in 2014 the statutory public hospital sector got €298 million from private patients. This figure does not include the voluntary hospitals and no figure for that sector was provided in response to parliamentary questions tabled by Sinn Féin. However, the HSE estimated in its 2014 submission to the consultative forum on health insurance review group that "the Private Health Insurance market generates roughly €500 million per annum for the statutory and voluntary hospital system". Sinn Féin would make an additional investment of €100 million, rising to €500 million annually, for the core activity budgets of public hospitals to replace the revenue streams from private insurance.

Under the current system, waiting lists for outpatient appointments, diagnostic tests, day case and inpatient procedures vary drastically from one public hospital to the next. Patients do not know where they stand on the list nor at what speed their list is moving. People with comparable health concerns can wait very different lengths of time for assessment and treatment depending on what hospital they happen to be referred to initially.

We would introduce a version of the integrated IT system used in the Portuguese national health service, NHS, which would help to achieve new maximum wait times by actively transferring those on the list from hospitals that are failing to meet the target to hospitals that have the ability to offer the service on time. The new maximum waiting times should be developed

to cover the entire period from referral to the end of the episode, that is, the time when either a decision is made to treat or not to treat a patient. The IT model introduced by the Portuguese, alongside greater investment in public hospitals, has delivered significant and sustained reductions in waiting times for surgery since it was introduced in 2004.

As described in the 2013 OECD publication, *Waiting Time Policies in the Health Sector: What Works?*, over five years waiting lists for surgery have decreased by almost 35%, the median waiting times by almost 63% and variation across providers is also diminishing.

3 o'clock When a registered patient has reached 75% of the maximum waiting time allowed for their treatment, a voucher is automatically generated allowing the patient to obtain treatment in a different public or participating private facility. The payment is the same regardless of the status of the provider. Unlike the National Treatment Purchase Fund, in which we no longer have any confidence, fees for comhliosta activity would be centrally determined and set at a rate below that paid for core activity, which must take account of all hospitals' fixed costs. In Portugal, the additional surgeries conducted via the transfer system cost on average 70% of the price paid for basic surgery provision.

Hospitals in Portugal have an incentive to engage in additional transfer activities over and above that contracted to attract the 70% funding which comes to them. Almost 80% of Irish consultants are currently engaged in some form of private patient activity outside of their contracted hours. This shows they have the capacity to carry out more public activity, which would allow us to treat everybody quicker, as well as on the basis of clinical need alone rather than patient status. Coupled with greater public investment, comhliosta could do just that.

Sinn Féin would seek to achieve public-only consultant contracts covering core activity on a full-time or part-time basis. Contracts would include protected time for teaching and facilities for research and academic collaborations. Further income could also be generated by consultants by undertaking additional activity transferred to them by comhliosta outside their contracted hours.

The plight of over 600,000 people waiting for hospital appointments means a fresh approach is needed to deal with these lists. The disparity of waiting lists between east and west is shocking. In UHG, University Hospital Galway, 1,093 people were waiting for over 18 months for appointments. The nearest in the east was Beaumont Hospital with 448 patients waiting. While there are over 600,000 people waiting nationally, the crisis is more severe in the west. As of the end of last month, in Mayo University Hospital, 53 people were waiting over 12 months for treatment while in University Hospital Galway, there were 2,190 people.

Comhliosta will provide for patients to be moved from one hospital to another to reduce pressure on those hospitals. Sinn Féin sees this extending to the entire island. From the implementation of the report in the North, Daisy Hill Hospital could take patients on waiting lists at Our Lady of Lourdes Hospital, Drogheda.

Our Private Members' motion is a positive effort to improve waiting times for patients and to provide clarity and fairness around the process. It is not a dig at the Government. It admitted there is a problem and also accepted that the manipulation of figures serves nobody, least of all the patients.

This current crisis did not start in 2011 with the current Government. In my area, Belmullet Community Hospital had 20 of 40 of its beds shut in 2009 under the Fianna Fáil Government,

implemented by a Progressive Democrats Minister, Mary Harney. The reduction in beds at community hospitals was matched by a savage cut in home help hours. In Mayo alone, between 31 August 2009 and 31 August 2010, 32,000 home-help hours were cut. This left many vulnerable people with substandard care and meant they ended up in major hospitals.

I was shocked to read in the *Irish Medical Times* earlier this month Senator Keith Swanick calling for the expansion of community hospitals. He cited Belmullet as an example, where he correctly stated the nearest acute hospital is over 50 miles away. In that same article, he said, “The community hospital network should not be seen as a relic of a bygone era.” Against the wishes of the whole community of Erris and Mayo, his own party, Fianna Fáil, cut half of the beds in Belmullet Community Hospital. Are we now to believe he and his colleagues will rescue all community hospitals?

It is this type of hypocrisy from Fianna Fáil which has the health system in its current crisis. Fianna Fáil now extols the virtues of further investment in the vital services that it stripped bare of cash when it was in power. I will not allow this go unchallenged. A community hospital in my area, providing step-down and respite care, was shut down to satisfy the neoliberal privatising agenda of Fianna Fáil and the Progressive Democrats. Between 2007 and 2011, Fianna Fáil cut 1,274 acute beds and 1,123 long-stay beds, as well as hundreds of thousands of home-help hours. Are we to believe Fianna Fáil is now the party to solve the crisis it designed and delivered? I find it pathetic that Fianna Fáil saw fit to put forward a so-called amendment to a genuine attempt by my party to address the reality of this serious problem.

Senator Máire Devine: Well said.

Senator Paul Gavan: Hear, hear.

Senator Rose Conway-Walsh: Our motion calls for increased investment in recruitment, vital to clearing waiting lists. Between 2008 and 2015, the health service lost 7,377 workers.

This motion was a genuine attempt to offer a solution to the current inhumane problem we have with hospital waiting lists. For Fianna Fáil to put down a nonsensical amendment to dirty the waters is disingenuous beyond belief.

Acting Chairman (Senator Catherine Noone): I call Senator Máire Devane.

Senator Máire Devine: It is Devine.

Quelle surprise with Fianna Fáil’s amendment. We are used to it at this stage. It is a good way for it to keep sweet with both its friends and foes.

Our comhliosta proposal would see immediate improvements for those people on long-term hospital waiting lists. It is an unfortunate fact that if people access the public health system, they will more than likely feature on two lists which are often referred to in this Chamber. If they go to accident and emergency, they will likely be a part of the trolley figures released daily, not by the Government but by the Irish Nurses and Midwives Organisation. It has been eventually conceded by the Government that the INMO’s figures are correct. Today, the total number of patients on trolleys is 425. It has reached 600 at different times and not just because of the influenza virus.

If these patients are lucky and get a bed and an assessment, they may be referred to a specialist or a consultant who will then prescribe a necessary and often life-saving procedure. It is

then they will feature on the National Treatment Purchase Fund, NTPF, published waiting lists.

While all this bureaucracy is ticking along, people with suspected serious conditions are left to worry as the weeks pass by if their condition is worsening and if the passing time is reducing their chances of a successful recovery. As the Minister knows, when people become ill, their job is at risk, their finances decrease and their well-being is affected. They are left to languish at home with nothing to do, only worry when their procedure will happen, whether it will be successful or whether they will expire in the meantime.

An example of this process is the amount of time people spend waiting for mammograms. Early diagnosis is vital and I commend the successful BreastCheck programme. A friend of mine who is under 50 was referred by her GP for a lump on her breast. She was told by St. James's Hospital that it will be 26 weeks before she is seen. I have had someone table a parliamentary question to find out why there is such a long waiting list for such a serious illness.

Sinn Féin's system would have patients enter the waiting list at least at the point of referral for treatment by a consultant specialist. As the budget for comhliosta would grow, we would want to see the patient enter the system at the point of referral by a GP. The system would be freely accessible to patients online where they could monitor their position on the list in real time. After 75% of the target time has elapsed, they will have the option of using a voucher to seek treatment in the private health care sector or from a public hospital if it is not experiencing the same pressure on its waiting lists.

More resources and staff are needed to meet increasing needs. However, making improvements is not just about money. Changes mean senior clinicians should admit and discharge patients. It means making the health system attractive to recruit and retain high-calibre staff. It requires more and better access to diagnostics and treatment outside of hospitals, often in primary care centres, delivered by GPs and nurses. This involves resourcing primary care. It means doing what is currently not being done.

Over a decade of pouring hundreds of millions of euro into the NTPF is proof that it does not address the underlying causes of the long waiting times for public patients in the first place. This week's revelations show the waiting times for public patients, as articulated by the NTPF, have not been accurate in the first place.

The issue of mental health waiting lists has barely been touched on in this debate. My colleague, Deputy Pat Buckley, recently received information from the Health Service Executive, HSE, regarding waiting lists for mental health care for adolescents in the southern region. The figures were shocking. Compared with the rest of the country, they are 50% higher in that region and we need to find out why. We know of the anguish of parents and young adolescents having to wait for a consultation or counselling for up to 20 weeks. In the meantime, most of them deteriorate mentally and feel unsupported, as do their parents.

The figures shine a light on the gaps in mental health services and supports for children, including staff shortages in child and adolescent mental health services. Mental health is an area in which successive Governments have struggled to provide an adequate level of service. This is an issue that Sinn Féin has highlighted continually in the Dáil through parliamentary questions and through representations to the HSE. In our Better4Health document launched last year, Sinn Féin put forward ten proposals to ensure mental health care is prioritised. A 24-7 service was voted down, not only by the Government side but also by our friends in Fianna Fáil.

Access to mental health services for children and young people is clearly severely restricted when one considers the current waiting lists. A cursory glance at the figures shows that mental health care for this cohort is not being prioritised as it should be, not just because of the existing waiting lists but also because of the staffing levels in the community.

Our comhliosta proposal formed part of the Better4Health document which we launched last year. Senator Colm Burke has not taken an opportunity to look at it. When my colleague, Deputy Louise O'Reilly, pressed the Minister or the HSE on the need for a new single integrated hospital waiting list management system, she was met with refrains that it is one option presented as part of a digital package solution, but we are no clearer on the Minister's intention to bring this forward. The HSE argues, according to documents, that €1 million would be sufficient to advance this. The Minister would be better off investing public funds in this type of new system and the digital solutions required to modernise our health service rather than relying on the questionable National Treatment Purchase Fund, NTPF, figures which have demonstrated that fund's inability to be transparent and its management of waiting list figures. Investment in developing capacity in the public health system would be more beneficial in the long term.

The Minister has our proposal in writing and he refused to meet us on several occasions. In e-mails dated 17 and 30 August and 16 September last year, the Minister's office fobbed us off with excuses on waiting list initiatives and when we requested to meet to discuss our proposal.

There is a Committee on the Future of Healthcare, with which Senator Colm Burke has close contact and on which he has a heartfelt need to be, but it has become clear that the five point plan has failed in this regard. The Minister should actively look at the solutions we have presented to him. The Minister should also make the process more transparent. What are the digital package solutions the Minister has used as a stock response to many of my party's suggestions? What progress is the Minister making on this? What investment is needed? Can we have an update on this? We have not received one to date. The matter is not being given the attention it deserves.

Senator Colm Burke: I welcome the Minister to the House. I thank the Sinn Féin Senators for bringing forward this motion. It is an important debate. I also thank the Fianna Fáil Senators for bringing forward their amendment because it is by debating and coming to agreement that we can progress the difficulties in the health system.

There is a major problem with figures and I do not like the impression being given that the whole health system has come to a full stop. It implies there are 100,000 staff not working. I have given the figures and I will repeat them. There are more than 65,450 attendances in outpatient clinics every week. I checked the most recent figures available. Some 1.3 million go through accident and emergency per annum, which works out at 25,000 a week. There were 879,000 day case procedures in 2015. This is the 2015 figure because I do not yet have the 2016 figure. Therefore, there were approximately 16,900 day case procedures per week. Overall, there are more than 100,000 patients going through the health system in one way or another every week other than the number of patients who are in hospital at any one time. In addition, there are another 23,500 in nursing homes under the fair deal scheme and there are community hospitals. We are delivering a service.

I agree with my colleagues that there are many deficiencies and they have been allowed to build up over a long number of years. It is not something that has happened overnight.

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On the waiting lists, while 58% are waiting less than six months, the figure for those waiting less than six months is still too low. People should be able to get access at the earliest possible time. In fairness to the Minister, €20 million is allocated this year for the National Treatment Purchase Fund, NTPF, with €55 million for 2018. I am not convinced that the NTPF, in the way it is structured at present, is the way forward.

For instance, in Cork, we have a long waiting list for gynecological services. The question of how that was allowed to be created needs to be answered. In fact, there are more than 4,000 on the waiting list in Cork for gynecological appointments and it represents 42% of all the waiting lists for gynecological services in the country. One solution with which the obstetricians and gynaecologists in Cork came forward was that they would be allowed to rent space in another facility to remain in charge of the patients either under their care or waiting to see them to avoid the problem which sometimes arises with the NTPF where patients avail of the fund and then come back into the HSE system which picks up the pieces. It is important there would be continuity of care, and the proposals from the obstetricians and gynaecologists in Cork should be taken on board.

One of the problems in the health system is that there are 2.8 beds per 1,000 of population. Irrespective of whether one wishes to undertake a day case procedure or an inpatient procedure, there are three core issues. A consultant is needed, theatre space is needed and a bed is needed. If one of those is missing, the procedure cannot go ahead. The most immediate way of dealing with some of the lists is to open up day case facilities because many procedures which previously necessitated an inpatient procedure are now day case procedures. For instance, I was in Cork on Monday where the Taoiseach was opening a day case facility for paediatrics. That is an important development. Medicine has moved on quite a lot. However, it does not sort out the problem. If we do not have the day case beds, we still cannot do the procedures. We need to look at how can we fast-track any proposals on day case procedures.

I raised the Cork situation and the Minister met the consultants in Cork University Hospital. That is something that needs to be fast-tracked to come to a solution and deal with it. There are 17 consultants or 12.5 whole-time equivalents. On the problem about theatres, one theatre is open 3.5 days a week and the other theatre is not open at all. It is about access to staff. I note the Fianna Fáil amendment refers to opening up beds. We can only open up beds if we have staff. That is our big problem as well. We need to be able to recruit the staff. The Minister has given a commitment to recruit an extra 1,000 nurses this year and I welcome that. However, in all the units throughout the country, to open up the beds, staff are needed to manage them.

I have a problem with our health service. We have followed the health system of the UK over the past 40 or 50 years and we now need to look at alternative systems. In the way we structure the employment of doctors, nurses, care assistances, I am not convinced it is the best system. It is something we need to review urgently. I hope the ten-year strategy would look carefully at that.

I refer to the Cork situation to highlight this issue. The Minister was not present in the House when I stated that the population of Cork has increased from 410,000 to 542,000 in the past 30 years and there has been no increase in the number of hospital beds in that period. There has been an increase in population of 130,000 and it is something that needs to be prioritised. The Fitzgerald report of 1968 referred to a second major facility in Cork. It referred to two new hospitals. One was built and we forgot about the second. Now with the increase in the population and the talk of Dublin not being able to deal with it, we need not only to consider other areas of

the country, but also to have backup support in other areas, whether in education, medical facilities or many other areas. Regarding access to hospital facilities, one of the areas we need to consider urgently is the southern region. As recently as this morning I received from someone in Brussels a text message stating that anyone seeking to have the European Medicines Agency relocated in Ireland should come to Cork. One must make sure all the necessary infrastructure is in place. People considering the relocation are watching these important issues.

Sinn Féin has referred to the issue of computerisation, of which I am a very strong advocate. Over the past 25 years, we have put too little money into capital expenditure on our health service. I am convinced we are 20 years behind in computerisation. We have 1,700 different computer systems in our health care system. Denmark's system has 25 and is working towards reducing this to five. It has saved a huge amount of money because of this computerisation. In fairness, this ties in with the point raised by Sinn Féin that computerisation results in far more accurate figures.

I wish to raise one final matter. More than 3.2 million people had outpatient appointments in 2015, of whom 487,000 people did not attend. This is over a 12-month period. My colleague raised Galway in this regard. In 2015, 35,000 did not attend their appointments in Galway. This raises the questions why and how this arose. It may not have anything to do with the patient but it is a huge issue in that the non-attendances are a waste of the valuable time of nurses and doctors.

Acting Chairman (Senator Gerard P. Craughwell): The Senator is over time and the Minister wants time to reply.

Senator Colm Burke: We need to consider the matter. Again, I thank the Minister for being here and my colleagues for bringing forward this matter.

Senator Keith Swanick: I move amendment No. 1:

To delete all words after "That Seanad Éireann" and substitute:

"noting:

- the very great distress and pain being suffered by people enduring long periods on hospital waiting lists;

- the fact that the long waiting times are further exacerbating the clinical conditions needing treatment thereby producing more pain and suffering; and

- that such long waits are not only intolerable and excruciating for the patients, they are also counterproductive and a waste of health service resources and lead to poorer clinical outcomes and increased mortality; and

further noting that:

- the monthly waiting list data published by the National Treatment Purchase Fund does not provide a full, true and accurate account of the number of patients needing scheduled treatment;

- that HealthLinks data could be used to give accurate data on those awaiting outpatient appointments nationally; and

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- that such an incomplete account of the waiting lists diminishes the credibility and accountability of our public health services; and

recognising:

- the deplorable and dangerous overcrowding also being experienced in hospital emergency departments;

- the record number of patients waiting on trolleys, particularly the frail elderly;

- that such overcrowding results in further delays in scheduled hospital treatments and essential surgery thereby further worsening the waiting lists; and

- the comments by the Director General of the Health Service Executive (HSE) that, should the trend in presentations to emergency departments continue, all work will be emergency work and hospitals will be unable to accommodate elective work;

calls on the Government and the HSE to:

- hold accountable each hospital chief executive for the open disclosure of accurate data on waiting lists in each hospital;

- make transparent to the public the monthly progress from each hospital on waiting list figures giving specific detail on out-patient waiting lists, access to diagnostic waiting lists and elective surgery lists;

- ensure each hospital group presents monthly updates on waiting list progress of each hospital in its region making transparent the difference between those patients awaiting a clinical procedure or elective surgery or an appointment to be seen in an out-patient clinic;

- ensure each hospital review the scheduling and utilisation of out-patient clinic space;

- ensure that each clinical director meet with each and every consultant providing out-patient clinics and elective treatment to examine the scheduling of clinics and procedure lists to match scheduling to demand;

- schedule elective diagnostic investigations 7 days a week;

- schedule elective surgery 7 days a week;

- open without delay all ward beds that have been closed;

- expedite the bed capacity review and expand it to include a review of out-patient clinic capacity and utilisation;

- examine the potential for hospitals without 24/7 Emergency Departments to increase their elective work;

- direct the National Treatment Purchase Fund to publish all other waiting list data on a monthly basis as per the criteria used in the waiting lists currently published;

- utilise the existing Community Hospital network more efficiently to help pre-

vent admissions to acute hospitals by facilitating direct admissions by GPs to these facilities, to facilitate post-operative discharges from acute hospitals and to work as an interface between acute sector and Fair Deal Scheme; and

- commit to upgrades of the Community Hospitals network to help alleviate pressure in General hospitals.”

Fianna Fáil shares the distress and anger so many people feel over the long times patients are waiting on lists. The waiting lists and waiting times have been on a steady upward trend for the past three years. New figures show that there are now more than 632,000 patients on all waiting lists. Fianna Fáil has long believed that we should reactivate the National Treatment Purchase Fund to purchase spare capacity from the private sector in order to reduce the number of public patients waiting for treatment in public hospitals. We secured agreement for this in the confidence and supply arrangement and will monitor its delivery. Fianna Fáil also believes that in the interests of transparency and public accountability, all waiting lists compiled by the NTPF should be published so that we have the most complete picture possible. Regarding the point that “such long waits are not only intolerable and excruciating for the patients, they are also counterproductive and a waste of health service resources and lead to poorer clinical outcomes and increased mortality”, Dr. Emily O’Conor, head of the Irish Association for Emergency Medicine, agreed with this sentiment when she appeared before the health committee recently.

I reassure all Members of the House that as a Senator, local general practitioner and medical director of Belmullet Hospital, I will continue to work tirelessly for the benefit of the patients and staff of that hospital.

Senator Gerry Horkan: I second the amendment.

Minister for Health (Deputy Simon Harris): I thank the Acting Chairman for the opportunity to address the Seanad on the issue of long waiting times for patients. I know Senators will contribute in the course of the debate and I thank them genuinely for maintaining a focus on this vital issue for our health service. I also acknowledge on the record of the House the constructive approach taken both in Sinn Féin’s original motion before the House and in the Fianna Fáil amendment. Regardless of voting patterns in the House or however the House decides it wishes to deal with the motion, I wish to progress the matter and work with both parties on a number of issues referred to in their proposals. I also acknowledge, as did Senator Conway-Walsh, the brilliant facility we now have in Altnagelvin. It is a real, concrete, tangible example of what cross-Border co-operation looks like, and I was delighted to be there with the Minister of Health in the Stormont Executive, Ms O’Neill, last Monday. We have provided €19 million towards the cost of delivering the service in Altnagelvin, which will make a huge difference for the people of the north west in terms of access to radiotherapy services.

It is fair to say that, while this is a political Chamber, we are more united than divided on the way forward. Therefore, I, on behalf of Government, do not intend to oppose the motions before the House. Many of the suggestions made by both parties are in line with Government policy and work is already planned or in train to implement them. I have been clear that I believe improving our health service requires an all-party effort and I believe Senators are demonstrating they are of the same mind. I have previously said publicly and on the floor of Dáil Éireann that there is merit in the Sinn Féin suggestion and that I will meet Deputy Louise O’Reilly on the matter. However, before we introduce any new systems or structural change,

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we will have an all-party committee report in April, which is about each party outlining the system it wants. It was in this context, not in the context of a fobbing off, as Senator Devine suggested, that I made my comments to Deputy O'Reilly.

My feelings on RTE's "Living on the List" programme are well known at this stage. I can only add that the traumatic experiences of those patients left waiting in pain and anxiety and the shattering impact on those who love and care for them have only strengthened my determination that we must put first those who are waiting longest and reduce further long waiting times in 2017. I am unapologetic in my view that as well as this being a funding issue, there is an issue of management and accountability. Senator Mulherin has raised on a number of occasions the issues of management, roles, responsibilities, the purpose of those roles and how they are impacting or not impacting on various roles in front-line patient care. I have asked for a report on these issues and will revert to Senator Mulherin in this regard.

The Sinn Féin motion calls on me to explore the feasibility of a new model to maximise capacity of the public hospital system by means of the following core elements: the introduction of a new and single integrated hospital waiting list management system; providing a core activity budget to public hospitals; the introduction of a new activity fund; and addressing the public-private mix in public hospitals.

I will first address Sinn Féin's proposal on core activity budgets. I assure the House that the Government fully supports the concept of activity budgets. A Programme for a Partnership Government, published in 2016, confirms this Government's continued commitment to the implementation of activity based funding, ABF. Implementation of such budgets has already commenced through the HSE's ABF programme. Since January of 2016, funding for inpatient and day-case activity in the 38 largest public hospitals has been on an ABF basis. Hospitals are now given fixed ABF allocations, funding is being earned back following delivery of agreed ABF activity targets and performance is being monitored on a monthly basis. The introduction of ABF will deliver a number of key benefits. It is intended to ensure a fairer system of resource allocation to drive efficiency and increase transparency in the provision of hospital services in terms of the cost and volume of activity. The provision of funding for inpatient and day-case services will continue to be on an ABF basis during 2017. My Department intends to work with the HSE to ensure that the model is expanded to encompass outpatient activity.

I have repeatedly made clear that increasing capacity in the public health service is a priority. That includes physical capacity, the staffing capacity to support that and harnessing untapped capacity already in the system. Ireland's improving economic position has enabled the health service to achieve much-needed budget increases in each of the last two years. Additional funding provided during 2016 presented the opportunity to address some immediate issues facing patients, such as investment in a winter initiative. Under the current winter initiative, funding has been provided to open approximately 100 extra acute beds this year. Ninety of these are already open. During the past year, over 100 additional hospital consultants, almost 250 extra non-consultant hospital doctors and nearly 500 additional nurses and midwives have been employed by the HSE. In addition, my officials are working with the HSE to develop a national integrated strategic framework for health workforce planning, with the objective of recruiting and retaining the right mix of staff. I expect to receive a report and an implementation plan during 2017.

The motion also refers to a suggestion from Sinn Féin to establish a new fund to cover the cost of procedures for those patients transferring to a different public or participating private

hospital. Budget 2017 includes an allocation of an additional €15 million to the National Treatment Purchase Fund, NTPF, to enable patients to receive treatment in other hospitals. These can also be public hospitals. In implementing this, the HSE and the NTPF will work together to maximise capacity in both the public and the private sector. Under this arrangement, lower-complexity day-case procedures will be outsourced to the private hospital sector in order to free-up and maximise capacity in the public hospital system to undertake more complex inpatient treatments.

Sinn Féin's motion makes reference to an end to the special treatment of private patients in public hospitals. The Committee on the Future of Healthcare is examining different funding models for the health service and will make recommendations, according to its terms of reference, on the funding models that are best suited to Ireland, having regard to the aim, to which all parties have signed up, of moving towards a single-tier health service. It has been the policy of many successive Governments to allow public hospitals to continue to cater for the needs of private patients, based on the benefits accruing to those hospitals from having a balanced mix of public and private practice. This is also reflected in the current contractual arrangements with many hospital consultants.

The last point of the Sinn Féin motion, which is the one most directly linked with the management of waiting lists - I believe it is the most important point - makes specific reference to the Portuguese integrated hospital waiting list management system. There is no doubt that IT can play a significant role in underpinning a more integrated approach to managing waiting lists which would achieve a more patient centred approach, while optimising resources. Last summer, I asked the HSE's office of the chief information officer to respond to a digital challenge to propose technological solutions to reduce waiting lists. As part of this e-health digital challenge, the Portuguese waiting list IT system was reviewed. In essence, I would agree that greater integration of hospital waiting list management systems would be a step in the right direction. I, therefore, accept the proposal in the Sinn Féin motion to examine the feasibility of progressing to a more integrated approach to waiting list management at hospital group level and I commit to request the NTPF to lead a project team to report to me within six months on the issues to which the Sinn Féin motion gives rise in this regard.

One of the critical enablers of any integrated waiting list management system is the unique individual health identifier, IHI, which was given a legislative basis in the Health Identifiers Act 2014. The system of identifiers will be deployed across the public and private health care systems. The electronic health record became reality in December 2016 with the arrival of Ireland's first digital babies in Cork. New babies born from December in Cork University Maternity Hospital will now all have electronic health records with the deployment of the IHI register in the health sector.

I will now turn to the Fianna Fáil amendment. I want to address the issue of the maintenance and publication by the NTPF of national waiting list data. The NTPF figure provides an up-to-date and verified picture of patients actively waiting for inpatient day case treatment and outpatient appointments. These official waiting lists are published online on a monthly basis. The NTPF receives over 2 million records per month from hospitals and distributes up to 2,000 reports per month. The NTPF does not currently collate hospital diagnostics waiting lists but work is ongoing in the NTPF on testing the feasibility of compiling such waiting lists. I accept the premise of the amendment in this regard. In 2014, the NTPF guidance to hospitals regarding waiting list management advised that hospitals needed to keep a record of patients pre-admission and awaiting planned procedures and the NTPF has been capturing these data

since then. Last Thursday, I committed to asking the NTPF to work towards the publication of the pre-admit and planned procedures waiting lists. The NTPF will review and advise on clinically appropriate time bands for these two different categories of patients. Let me be very clear, in case there is any political charge, the published figures have not changed under my tenure, or any other tenure. In fact, it is the same data set published each and every month since the NTPF was set up by Deputy Micheál Martin in 2002. That is not a political point; he was following best international practice at that time. The idea that there was some change to massage or to hide figures is a charge that is simply not true. Last week, I also announced that the NTPF will audit the practices in each of the hospitals highlighted by the individual cases featured in the RTE documentary.

Finally on this issue, I note the reference by Fianna Fail to the national Healthlink project. I am confident that additional integration could be explored between the NTPF waiting list data and this referral infrastructure to enable GPs - as Senator Swanick will know also - to make informed referral choices. I welcome the references to accountability in the Fianna Fail amendment. This is an absolute priority for me. The HSE's performance and accountability framework, which has been revised and enhanced for 2017, sets out how the HSE including the national divisions, the hospital groups and individual managers will be held to account for their performance. It makes explicit the responsibilities of health service managers in the four domains of performance which are: access to services; the quality and safety of those services; doing this within the financial resources available; and by effectively harnessing the efforts of the workforce. My Department oversees and monitors the HSE's implementation of its performance accountability framework and monitors implementation of the HSE corporate plan and annual national service plans. I and my Department continue to meet with senior officials from the HSE on a weekly basis to monitor performance including in relation to waiting lists. Let us be very clear that if anyone in this House, or anybody in the State, believes that funding alone - although funding is important - will address the issues in our health service then it is a misplaced and misinformed notion. If it were that simple, then we would have had the best health service in the world during the Celtic tiger era in Ireland. We must get the resourcing piece right - and there was a need to increase health budgets and to do a lot more on the capital side - but we must also ensure that the thousands of managers in the health service are held to account for what they have signed up to deliver. We have many excellent managers. This is not a heads-must-roll mantra from a Minister. There are many excellent managers, but we must identify good practice, demand more of it, and where there is not good practice we must demand that improvement plans are put in place in the interests of patients.

Reference was made to the bed capacity review that is under way. This review will be comprehensive and will have a much wider scope than previous reviews, which focused on bed capacity in acute hospitals only. While acute hospital bed capacity is a critical component of the health service, it cannot be considered in isolation. It is directly affected by capacity availability in other parts of the health service, such as primary care, long-term residential care, home care, respite, rehabilitation and palliative care. Even within the acute setting, we must also take account of emergency and outpatient capacity and utilisation. In examining future capacity requirements, the review will assess current capacity in the health system and benchmark with international comparators. The review will assess trends in better utilisation of existing capacity, examining a variety of efficiency and effectiveness measures, and scope for further gains, all with a view to better planning of capacity. The review will look at drivers of future demand for health care, which is crucial, including demographic and epidemiological trends. The review will also assess how reforms to the model of care will impact on future capacity

requirements across the system.

The Fianna Fáil proposal on better utilisation of hospitals without 24-7 emergency departments for the purposes of elective surgery is also in line with the plans currently being implemented. It is appropriate and important. We need to use every bit of capacity within the health service. Through the group structure, hospitals are now starting to work together to support each other, providing a stronger role for smaller hospitals in delivering less complex care and ensuring that patients who require true emergency or complex planned care are managed safely in larger hospitals. During 2017, each hospital group will develop a strategic plan that will show how each group intends to utilise all hospitals, including smaller hospitals, within the group.

Similarly, community hospitals are an essential part of our national infrastructure of public nursing homes and provide a mixture of long-stay and short-stay care. The short-stay beds include step-up step-down care as well as intermediate, rehabilitation and respite care. These are used in a flexible manner to meet local needs at any given time. Community hospitals and their services have been used quite efficiently throughout this winter period and this must continue.

There are some proposals in the Fianna Fáil amendment which cause difficulty although I recognise the thrust and the bona fides behind them. Greater availability and capacity in the public service is something we all want.

The public service agreement provides for planned services to be delivered over an extended day, running from 8 a.m. to 8 p.m. Monday to Friday or a five over seven day basis, while also providing emergency services. The agreement includes flexibility in rostering to facilitate this. To expand services, as outlined in the motion, numerous other issues would need to be factored in and it is important I say as much on the record. These include structural capacity issues, staff shortages across certain grades, contractual issues, possibly, and significant cost implications. However, the thrust of the proposals in terms of expanding capacity is something to which I can agree.

I wish to put on record that we must use 2017 to reduce the length of time people are waiting. I want specifically to discuss scoliosis. It concerns us all and the problem was put into particularly sharp relief by the brave children and young people who told their stories to “RTE Investigates”.

Additional funding has been provided in recent years to develop paediatric orthopaedic services, including scoliosis services. I made €2 million available to the HSE in 2016 which saw 50 additional children and teenagers treated for scoliosis procedures under the initiative. While this investment made some progress, it is clear there is far more to be done. Last week, I met the chief executive of the children’s hospital group and the chief executive of Our Lady’s Children’s Hospital, Crumlin. I can now confirm that the new theatre will provide the additional capacity for scoliosis procedures from April, following the recruitment of additional nurses. Furthermore, an orthopaedic surgeon post in the hospital in Crumlin will be filled by June. This means that from July the hospital expects to have additional capacity. The HSE will also submit to me a specific action plan on scoliosis by the end of the month. If this Oireachtas does nothing else, we have to get this issue sorted. Children have been waiting in agonising pain for scoliosis procedures. This is a priority for the year.

I expect to receive the HSE and National Treatment Purchase Fund, NTPF, waiting list ac-

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tion plans by the end of this month. In addition, I expect to receive a specific action plan on scoliosis. I look forward to working with Senators in progressing many of the constructive ideas in the Sinn Féin motion, the Fianna Fáil amendment and the many ideas brought forward to me by Senators on all sides of the House.

Acting Chairman (Senator Gerard P. Craughwell): I understand the Minister is withdrawing at this stage and that the Minister of State, Deputy Byrne, will step in. I thank the Minister for his attendance.

Senator Victor Boyhan: I welcome the Minister of State to the House. I thank Sinn Féin for using the party's time to highlight this important issue. The kernel of the Sinn Féin case is clearly set out in the motion. A total of 632,000 patients were on published and unpublished hospitals waiting lists at the end of January 2017. Under the current waiting list system, waiting lists for outpatient appointments, diagnostic tests and day case and inpatient procedures vary drastically. Sinn Féin has set out all of this so I do not intend to repeat the substance of the motion.

I am sorry the Minister did not wait in the House a little longer although I know he has other pressing issues. We have to get down to some basics. RTE broadcast a programme called "RTE Investigates: Living On The List". We saw the Minister on television. He was not in the studio. By arrangement he had a private off-site interview with RTE. He talked about being ashamed and heartbroken. We were all ashamed and heartbroken. I am interested in hearing the progress of every individual who was on the list waiting for treatment as a result of that programme. Words are no good if we are not going to get something done. The RTE programme brought home the genuine pain and suffering of patients who have been waiting for far too long for treatment.

We heard what the Minister had to say. I understand the Minister has directed the National Treatment Purchase Fund to audit its practices in hospitals. We need to look at the National Treatment Purchase Fund. I want to declare an interest at this point. I served as a director of the National Treatment Purchase Fund. I know very well the workings of the National Treatment Purchase Fund. I am no longer involved but I was there in the beginning. The role of the fund has changed substantially, from an independent organisation doing a good deal of work to one that changed substantially under the regime of Senator Reilly when he was Minister for Health. When Senator James Reilly came into that office, he decided to scale it down. He brought it in and called it the special delivery unit. It was under his direct auspices in the Department.

The kernel of the trouble with the National Treatment Purchase Fund – I do not suggest there is any trouble with those in the fund – is the relationship between the fund, the HSE, which seems to be at the kernel of most problems in the health service, and the Minister. The sooner the National Treatment Purchase Fund can validate its records independently and without any interference from anyone, the better. That would be a good day's work.

We need to be clear on something. Why were there a number of lists? It is important that lessons are learned from that programme. RTE did us a service. However, it is terrible that families have to go on live television and pour out their suffering as a result of the waiting lists. The relationship between the HSE, the National Treatment Purchase Fund and the Minister needs to be cleared up. Ultimately, it is about treating those waiting the longest better as well as speeding up the waiting times.

I have no hang-ups or ideology about private versus public sector. The people who were on that programme are not especially interested in whether it is private health care, private hospitals or public hospitals. They want the best medical procedures for them at this time in the course of their health issues. That is important. If we have to source beds from the private sector, then let us source beds in the short term. Of course we would love a full public system that could cope with all the demands and waiting lists for people. Clearly, we have a problem there. We need extra capacity. Why do we have a situation whereby capacity beds are shut in public hospitals? People talk about capacity. We need more nurses and bed capacity. It has to be done. We cannot keep cutting back bed capacity.

Ultimately, the public are sick of the system and the amount of money invested in public health. Successive Ministers from all groups and none have been unable to crack the kernel of the issue and the problems in the health sector.

It is important we embrace information technology. How can we manage these lists? How can we put systems in place to produce one clear list? Is it not possible, when a patient is put on a list, that the patient can have an individual tracking number? The idea is that to overcome data protection issues, confidentiality and so forth the patient could access this tracking number and see where he or she is placed. The patient could have reasonable confidence about moving in the right direction for an elective procedure or any other procedure. We have to get a system and embrace technology. The Government is going to have to fund the technology to enable this to be brought together in terms of the listing system.

I could go on but I do not intend to. We need to improve the situation of the National Treatment Purchase Fund and its relationship with the Minister. Perhaps the Joint Committee on Health should examine this. We need an organisation that is completely stand-alone and separate from the Minister for Health and the HSE.

Senator Michelle Mulherin: I welcome the Minister of State. This issue is back in focus again arising from the RTE programme and the shocking revelations of children with scoliosis having to wait in an inhumane way. If I say nothing else, I will say that someone needs to be held accountable. How can it happen that children who are in pain and who need surgery in a timely way are not being facilitated? In many ways it is understandable, given that much work is done following whatever topic the media has attention or focus on at a given time. If there is a focus on trolleys, that is where the resources go. We seem to go from crisis to crisis. It is clear that there is a capacity issue. There has been an additional allocation to health this year. We have been told it is the largest allocation ever. I do not think we can get away from the issue of management accountability. This brings us back to the problem of the lengthy waiting lists being encountered by children with scoliosis who need operations. As I understand it, a person with private health insurance cannot avail of such surgery under the private health system because this service is provided through the public health system only. This means there are no options for these children and their families. While I welcome the Minister's approach to tackling this problem, which is something we all need to work towards, it is a disgrace that it has been going on for so long without being flagged as a priority.

On the capacity side, it is clear that we need more beds and more front-line staff. The issue of management arises again in this context. I suggest that in light of the current level of availability or capacity with regard to resources like theatres and beds, we need to move from a five-day health service to a seven-day service. I question the extent to which co-operation is being received from clinicians and consultants. I am speaking generally when I say that because I

know there are some very good clinicians and consultants. As we are aware, clinicians provide private health care in public hospitals. It is well cited and known that there are delays in clinicians signing off to allow the HSE to get paid for the use of its facilities for their private work. I understand there are many delays with many clinicians and consultants in doing this. Obviously, this causes funding difficulties in the public health service. In many cases, clinicians are not available on call at weekends to come in to discharge people. It has to be said that when people come to meet consultants, they often meet a registrar rather than a consultant because the consultant is somewhere else. These are serious issues. It is obvious that we have a deficit in consultants. Everybody across the board has to play ball or else it is just lip service. Given that many people with serious conditions and health problems need health care, consultants cannot just say “we are entitled to a lot more money somewhere else”. It does not wash. I think there has to be a conversation about the sort of service they provide.

I would like to ask a couple of questions about HSE management and the recruitment of administrative staff, particularly grade 8 staff and general managers. I have flagged these matters previously. I raised them in this House on 25 January last in the presence of the Minister of State, Deputy Corcoran Kennedy. I have also raised them with the Minister at the Fine Gael Parliamentary Party, but I have received no answers. How many grade 8 officials and general managers have been appointed at Dr. Steevens’ Hospital and throughout the country over the past three years? How many of them are involved in managing staff who deal with direct patient care? My understanding is that there are all sorts of new managers under the new business model. There are new types of managers in areas like business relationships, corporate business and business intelligence. I really do not understand what it means. It seems crazy that people can be recruited to manage statistics and targets when there are no people on the ground to deliver those targets and statistics.

I have called for a review of how the seven health care groups are operating. I understand the director general recently signed off on three project officers per health care group. My understanding is that these will be grade 8 positions, at a minimum. What are the people in HSE management managing? Have they not lost the run of themselves? Where is the money for these positions coming from? Business relationship managers have been appointed to resolve disputes between operations, business and targets. I do not understand it and I think it should be explained. Even though I do not understand it, I would like to know how it can be justified in the absence of sufficient staff on the ground. How can it be justified when many people cannot get home help or home care packages and there has been a reduction in the number of physios? The inability to recruit is a problem for HSE management. How many high-grade assistants have been appointed to assist the national directors at Dr. Steevens’ Hospital? There is something wrong. I asked these questions formally on 25 January last, but I have not received any answers. I know the Minister has not received any answers, which is wrong. I ask the Minister of State, Deputy Catherine Byrne, to ensure these questions are answered so that the facts can be put on the table about how the system is operating because it is not on.

Acting Chairman (Senator Gerard P. Craughwell): I ask the Senator to conclude.

Senator Michelle Mulherin: I am practically concluded. We are trying to take on the *status quo* within the HSE, which seems to preserve itself at the higher level. It has to be accountable for how the health service is being delivered. It must explain how children with scoliosis, for example, can end up waiting so long without such delays being declared an emergency or a matter of urgency. People have to be held accountable. I find it ridiculous that managers cannot be sacked. It would not happen in any private job. It seems that the only people responsible for

health who are sacked or moved along are Ministers. As far as I am concerned, it is always the politicians who are accountable. The well-paid managers in the HSE, who are paid much more than most politicians, should be held accountable.

Senator Colette Kelleher: People in Ireland are living and even dying on waiting lists. It is right that this is of concern to everyone. The nation was shocked by the stories that were revealed on “RTE Investigates: Living on the List” on Monday, 6 February, which was not much more than a week ago. The harrowing stories we heard on that programme have served to connect us in a powerful way with the people behind the numbers. It is said that a week is long time in politics. We are living with this truth with everything that is going on at the moment. I thank the Senators who have proposed this motion to ensure the life-and-death matter of people on waiting lists continues to capture our sympathy and, more important, our attention. We must resolve to address it.

If the waiting list numbers are accurate and can be believed - an issue that is directly addressed by this important motion - the most recent indication is that there are 632,000 children, men and women on waiting lists in Ireland. I wish to focus on the facts as they pertain to women who are on the waiting list for life-and-death gynaecology assessments, treatments and procedures in Cork University Maternity Hospital. Ms Patricia Connolly is a 37 year old woman whose life has been blighted by pain. She waived her privacy and anonymity to share her story on “RTE Investigates: Living on the List”. She is on painkillers as she waits and waits on the list. According to the National Treatment Purchase Fund’s figures for gynaecology waiting lists at Cork University Maternity Hospital, some 4,350 women were waiting for outpatient assessments at the hospital in January of this year. There had been a reduction in the figure when 100 patients were outsourced to the Mater Private Hospital. There are 459 women on the inpatient waiting list for Cork, of whom 412 are on the waiting list for Cork University Maternity Hospital and 47 are on the list for South Infirmity Victoria University Hospital. The figure of 459 was arrived at after 50 patients were removed from the list through outsourcing. Although the National Treatment Purchase Fund helps a small number of people, it is not a long-term solution. We need long-term capacity so that people are not in desperation and despair as these lists build up.

In *The Irish Times* yesterday a respected GP in Cork was reported as stating that very probably women had died as a result of having to wait for a gynaecological check in Cork University Maternity Hospital. Dr. Mary Favier said:

Of course, the difficulty is that you can’t say for certain that somebody has gynae cancer - there are some symptoms that are suggestive of it, so if somebody bleeds after the menopause they get seen quite quickly ... because there is a high risk of gynae cancer.

But it’s the in-between ones who may have gynae cancer but are not showing any signs and need investigation; they are the ones at risk. So I would say, yes, definitely, without a doubt there are people dying on the gynae waiting list because of the delay.

I organised a briefing for Members of the Oireachtas on 9 January with the doctors at CUMH, long before the “Prime Time” programme was broadcast. At that meeting a Deputy asked why there had been no outcry about the number of women on the waiting list for gynaecological treatments in Cork, given the scale of the problem. One answer was those on the waiting list were women. Women keep quiet and do not talk about conditions such as the menopause, period pain, heavy bleeding or prolapse. It is not a subject to be discussed in mixed company.

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Women often keep their concerns to themselves so as not to upset or worry their children and families or to jeopardise their jobs. I had problems with bleeding and was barely able to go to work; therefore, I know and knew this from direct experience. Women battle on knowing that something with their gynaecological health is very wrong or even fatal.

The doctors have not been silent. They have been raising awareness internally of the alarming growth in gynaecology waiting lists for years, but their worries and concerns have consistently been minimised and ignored. This has resulted in CUMH having the longest gynaecology waiting lists in the country. The doctors eventually felt they had to go public and be political. It is not a doctor's job to talk to the media or politicians, yet this is what the doctors felt they had to do to attract some attention to this issue. They outlined a practical four point plan. The first was that additional gynaecology theatre staff should be employed to increase the level of theatre capacity from 30% to 100%. We were shown around an empty theatre which had been built for the purpose of dealing with gynaecological procedures. They also suggested developing and staffing a gynaecology day unit, an issue raised by Senator Colm Burke. They recommended building and staffing the gynaecology one stop shop which was part of the gynaecology plan published by the HSE in 2014. They further suggested employing a minimum of four additional consultant gynaecologists. Each of these things has to happen together. Using the National Treatment Purchase Fund or cherrypicking one of them will not help to solve the problem.

The doctors eventually received some attention and put their four point plan directly to the Minister for Health, Deputy Simon Harris, on 12 January. The Minister agreed to meet them and management again in six weeks. In fact, he asked me to contact his office to set up the meeting. What I want to know is whether he has been active in engaging with local HSE management and doctors since 12 January? What progress can he report to the women of Cork city and region and Members of the Oireachtas who are rightly concerned about the out of line, out of kilter gynaecology waiting lists in Cork? I know that one has not been set, but I have been asked to contact the Minister's office to set a date for the meeting, which is encouraging. Will he commit to and guarantee that he will see to and fix the dysfunctionality and the communication and teamwork breakdowns between doctors and management in CUMH and provide the resources needed? If local HSE management was asked if it was effectively harnessing the efforts of the workforce - its own performance indicator - I do not know how it would be able to answer the question in all honesty, given the size and scale of the problem.

Can the Minister eliminate the gynaecology waiting lists at CUMH which are the longest in the country? The only acceptable answer to that question for the women of Cork is: "Yes, I can; yes I will and I will follow through with actions and resources." That is why I welcome and support the motion. I also welcome and support Fianna Fail's motion. They should be added together, rather than have one substitute for the other because there is merit in both. People on waiting lists around the county, in particular the women of Cork, must receive the attention they need. It is a shocking shame that it has taken all of this effort and energy to shine a light on the problem.

Senator Gerald Nash: I commend Senator Colette Kelleher for sharing her personal testimony with us. It is very brave and courageous for a person to share his or her personal story with the House. It is very difficult and I congratulate the Senator on doing so. Since she entered the House she has been a very strong advocate for maternity, gynaecology and obstetric services at Cork University Maternity Hospital.

I commend our colleagues in Sinn Féin for introducing the motion which has been framed in a very sincere and genuine way in an effort to advise and support the Government in improving health services and the way they are managed. I would be interested to hear from the Minister of State, Deputy Catherine Byrne, and others about the cost of introducing such a system. There is significant capacity to adopt new technology to ensure better outcomes for patients and that the limited resources available will be applied in a much more sensible way. Senator Colm Burke is correct when he says there has been an issue in recent decades with capital investment in health services. One of the deficits is in the application of modern technology in the way the health service is organised. There is huge potential for digitisation and computerisation. I have some sympathy, as I said on a number of occasions in recent weeks, with the Minister for Health and his ministerial colleagues in dealing with the scandalous problem of waiting lists. I accept in good faith the Minister's bona fides and that he is as disturbed and moved as the rest of us on hearing of the tens of thousands who have been waiting far too long for basic treatments or diagnostic services and often very complex treatments that, in some cases, are life saving or, in every sense, offer life changing possibilities.

I note that Sinn Féin has acknowledged and recognised that, whether we like it, there is a private element in the way the hospital systems operate. Many of us in this House would prefer if that was not the case, but that is not how the health system has evolved organically since the foundation of the State, or, as some argue, before. We might not like it, but that is the way the system has evolved. In the short term and the absence of a radical restructuring of the health service, we have to look at how we can use capacity in the private system in dealing with public hospital waiting lists. We need to resource the National Treatment Purchase Fund to ensure those on public waiting lists will be treated. However, the over-reliance on the National Treatment Purchase Fund in addressing the waiting list problem is just a sticking plaster and in many ways lets the HSE off the hook, although it is not the panacea to all our ills. We should never lose sight of the fact that the Government and the HSE which is resourced by the taxpayer have the responsibility to fix the deficits in the health service. It is only through better management - a change of focus in how we allocate the resources we have available - and the recruitment and retention of key staff and key expertise in the health service that we will be able to fix the problem. While it represents an opportunity to move people through diagnosis and treatment over a short period, National Treatment Purchase Fund is not the panacea.

I accept that the Minister for Health is constantly on the hunt for additional resources. The former Minister for Health and my colleague, Senator James Reilly, knows what it is like to battle for the resources required for the health service. Every Minister for Health knows what it is like. I know that every Minister for Health has worked extremely hard to resource the health service in the way in which it should be resourced. We know that in cash terms the health service received the largest budget in 2017 that it has ever received to apply to the HSE and all that agency is responsible for.

I mentioned last week, when the Minister of State, Deputy Byrne, was here for our discussions on the national children's hospital, that I am concerned we will be unable to meet the growing needs of our population in terms of health treatments and our responsibilities to Irish citizens in terms of the public health service if we do not get a handle on some of the escalating costs in the health service. What do I mean by that? I mean in particular the projected cost of the national children's hospital and the approximate €350 million that appears to be owed to hospital consultants. All that is before we open negotiations with consultants and GPs on new contracts and before we seriously try to fix the nurses' dispute and the dispute with SIPTU

members in ancillary health service support roles. I remain to be convinced that the resources will be available even with the anticipated levels of economic growth we expect to continue, given all those challenges the health service will have. Will the Minister, either now or in the very near future, reassure the House that we can cover these bills without it having serious implications for the management and operation of the health service and our ambition to see it improved?

I wish the Committee on the Future of Healthcare well in its work. Its creation is an important advance. I do not believe that any citizen in this Republic ever accepts that one single political party or a number of Members of this House or the other House have a silver bullet to fix the problems associated with the health service. I am glad to see genuine efforts being made to develop a consensus on what our health service should look like and how it should be managed. The difficulty will arise when hard decisions must be made on how the health service is resourced.

Senator James Reilly: I welcome this debate. I listened from my office to what the Minister had to say and to the other contributions. As the Minister is on the record as saying, it is unacceptable that our citizens must wait such a long time to get treatment. There is a long waiting list in outpatients. It used to be referred to as the waiting list to get on the waiting list. For the first time the waiting list has been properly tabulated and people have been made aware of it. There is a waiting time and waiting list for people to get in for surgery. There was a policy, rightly, of treating people with cancer and urgent cases first and then everybody else in chronological order. That measure was not implemented in many cases.

I know, just as Senator Swanick knows because he deals with the following in his surgery every day, that patients who are treated electively in a planned way will always have a better outcome from that than they will if they are left on waiting lists for inpatient treatment and their condition develops into an emergency. That is a real concern for patients, citizens and parents.

I welcome the Minister's comments about children. Unlike adults, children grow and the window of opportunity to intervene is very limited. If a child does not get an intervention at the right time, the result can never be as good.

I wish to point out again that no part of the health service operates in isolation. While we focus today on waiting lists for inpatient treatment and we focused several weeks ago on the most acutely ill lying on trolleys in hospitals, to attack either problem in isolation will not work. We have to look at education and advise people to see their doctor or public health nurse. We must get away from the old culture of only going to the doctor when sick as opposed to going to the doctor to keep well. That is why we now have more screening and why we need a new GP contract which emphasises the policy of resourcing and rewarding GPs for doing such work. That is how we will prevent illnesses and intervene earlier, thus keeping many people out of hospital and away from an operating theatre.

Equally, we need to do more day hospital work. Much of that work is being done at the moment. As I said in the House before, there are great examples of day procedures such as gallbladder procedures, hernia repairs, plastic surgery and cataract procedures taking place in Nenagh, Ennis, Louth and many other places. The list is quite considerable. Endoscopy can be done outside of a major hospital. All these procedures can be done in day hospitals. Sadly, this work is lacking in Dublin. We do not have a day hospital system in Dublin. We badly need one in Swords and north County Dublin to service the large population between the Mater hos-

pital, Beaumont Hospital, the hospital in Drogheda and Cavan General Hospital. Two of these hospitals have national specialties and regional specialties. Despite this, we continually have situations where day surgeries and other surgeries are cancelled due to an overflow in their accident and emergency departments. I ask the Minister to turn his mind to the pressing need for new day hospitals throughout the country, particularly in Dublin and especially in north County Dublin.

We must examine what happens when people leave hospitals. We must analyse the need for step-down facilities for a short stay while people recuperate, as alluded to, and for a longer stay where necessary.

Again, we have too many people in the system operating at the wrong level. We have consultants doing work GPs can do and we have GPs doing work nurses can do. A classic case, if we want to prove the point, is colonoscopy. Advanced nurse practitioners perform colonoscopies. Nurses have tremendous skills and are excellent at delivering care. Many patients find it much easier to speak to a nurse than a doctor. That is not gender-based because patients find it as difficult to talk to a female doctor as a male doctor. I do not know the reason but the fact is nurses are a wonderful resource. Nurses must be given a greater role in prescribing and running protocols in primary care as well as more work in hospitals and more freedom to allow them to work currently done by doctors in hospitals.

Senators have touched on the subject of recruiting nurses. It is very difficult to recruit non-consultant hospital doctors or junior doctors. They are leaving this country mainly because of the manner in which they have been treated by the system and sometimes by their superior or senior doctors. I have asked the following question numerous times. Why does it take 12 years for a qualified doctor to become a specialist in this country? It only takes six years to become a specialist in the United States of America and other jurisdictions.

The health service has a myriad of problems but, without question, they can be addressed. If we keep doing the same thing in the same way and expecting different results, then as Einstein said, it is the definition of insanity. We need to change things. Many changes have been made.

I want to correct the record. Senator Boyhan spoke about the National Treatment Purchase Fund, NTPF, and inferred that there had been some interference by the Minister. The NTPF was not discontinued and its board was not dismissed. The NTPF was asked to do a different job because we did not have the money to fund it and I will not score political points about why that was the case. The reality is we did not have the money. The small bit of money we did have we put into a special delivery unit, which is an entirely separate entity. With that small amount of funding, the NTPF, with the co-operation of front-line staff, made a huge difference. The numbers on trolleys were reduced by one third and waiting times for inpatient treatment fell to eight months. This is not just about money, although money was a real problem then, particularly in 2013 and 2014. There is more money going into our health service and I welcome that but I do not want to see it going down a black hole. I echo what has been said here about management and accountability but I also want to remind people about the amount of money we spend on training and supporting doctors and nurses in terms of continuous professional development and so forth. What do we do for managers? Many are plucked from administration jobs, put into management and then left there without the supports to allow them to continue to learn and to do the job that we want them to do.

I will conclude by saying that I hope the additional money that has been allocated to the

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health service will have the required impact and lessen the suffering of our citizens. We do not want to see our loved ones, families, friends and members of our communities suffering when we know are spending so much money on health. The NTPF is welcome in terms of having additional funds but it is only a temporary sticking plaster. If we do not address the core of the problem, we will never fix it.

Senator Trevor Ó Clochartaigh: Tá mé chun mo chuid ama a roinnt leis an Seanadóir Gavan. Tógfaidh mé cúig nóiméad agus beidh trí nóiméad aige.

Acting Chairman (Senator Gerard P. Craughwell): Ceart go leor.

Senator Trevor Ó Clochartaigh: Cuirim fáilte roimh an Aire Stáit. Tá an-áthas orm ta-caíocht a thabhairt don rún atá os comhair an tSeanaid anocht. Tá an-áthas orm freisin faoin gcur chuige atá ag an Rialtais maidir leis an rún seo. Is maith an rud é go bhfuil an Rialtas ag glacadh i bprionsabal leis an rún. I welcome the Minister of State and I welcome the approach that has been taken by the senior Minister in the Department of Health to this motion. I am glad that he has been so positive towards it because it was put forward in a very constructive manner.

The figures are very stark. Indeed, they are always stark but we have become somewhat immune to them. There were 425 people on trolleys today, 28 of whom are in University Hospital Galway, UHG, my local hospital. These are huge figures but we have become so used to rattling them off that we forget how many people are actually affected. I was in UHG recently and I saw the situation for myself at first hand. The conditions in places like the emergency department are absolutely unbearable. My heart really goes out to all of the clinicians and nurses. The work they are doing is incredible. The same is true of the paramedics who come in with the ambulances and look after people on trolleys.

We have particularly chronic issues in the west when it comes to waiting lists. In UHG we have the longest inpatient and outpatient lists in the country. The figures in UHG are double the nearest other worst-case scenario. We often have the highest number of patients on trolleys and we have a mental health system in the west, which I have raised previously with the Minister of State, that is in absolute chaos. The situation is particularly bad in that area. I have called on numerous occasions, as have other Members of this House, for the Minister to visit the hospital in Galway. He was supposed to visit recently and it is a shame that he did not get there. I hope that he will come soon. There have been calls from across the board for consideration to be given to providing a new hospital in Galway on either a greenfield site or on the Merlin Park site. I do not know which would be best but we must first conduct a feasibility study. Every time I have raised this issue with the Department, it has been shot down and I have been told that the Department will not even bother to look at it but it is the least we can do for the region. Galway is providing services for people from Donegal all the way down to Clare, a huge area, as part of the Saolta University Healthcare Group. The least we can do is some kind of feasibility study on the development of a new hospital in Galway which would take some of the pressure off UHG.

We had 12,454 cancelled surgeries in the west last year, across Galway, Mayo, Sligo and Roscommon. In UHG, the figure was 6,194, in Sligo General Hospital it was 1,958, in Portlinculla in Ballinasloe it was 976, while in Roscommon the figure was 815. These figures from the Saolta University Healthcare Group, which covers all of that region, demonstrate that there is an east-west divide when it comes to cancelled surgeries. The main reason for surgery cancellations is capacity constraint. In many cases, our acute hospitals are at 95% and 100% capacity

and do not have any spare wriggle room to deal with crises.

There are 42,000 patients on inpatient and outpatient waiting lists in UHG. There are 31,000 on the outpatients list, 4,700 of whom have been waiting over a year. Areas of particular difficulty include orthopaedics, cardiology, dermatology and ear, nose and throat, ENT. The inpatient list at UHG is twice as long as the next worst waiting list in any other hospital and one quarter of the 11,000 people on that list have been waiting for over a year. I must say, having visited the hospital recently, that the front-line staff are absolutely excellent. However, there were a number of practices I noted that are of some concern. I saw people being brought into the emergency department on a Friday evening and being held over a full weekend until Monday because diagnostics or consultants were not available. People were kept for three nights in the hospital which may not have been necessary had tests been done over the weekend. I also noted something quite strange. I saw three security guards on a ward with a number of older people. I wondered if they were expecting a fight but after a while I realised that a number of the patients had either dementia or Alzheimer's disease and had a tendency to wander. Three private security guards were attached to individual patients. What is the cost of that? Would it be not be cheaper to have nurses available to look after such patients? How appropriate is it to have that work carried out by people who do not have training in the area?

I was contacted recently by several health care assistants, HCAs, who were brought in recently and promised that they would have contracts within 18 months. They are still waiting for those contracts but agency workers are being brought in at a much greater cost to the HSE.

The issues around addiction services in the west have not gone away. I have raised them with the Minister of State previously. People who have been looking for alcohol addiction services since before Christmas are being turned away because they have not gotten a dual diagnosis. It is a big problem because these people are ending up in the acute system, taking up beds.

I welcome the fact that the Government is willing to take on board this Sinn Féin motion. I call on Fianna Fáil to withdraw its amendment and, in the spirit of new politics, support what we have promoted.

Senator Paul Gavan: I am not going to repeat what has already been said but I will make a couple of additional points. I welcome the very constructive contributions from Senators on all sides. This debate is a demonstration of this House working at its best, where rather than scoring points, my party is trying to come up with constructive proposals. I acknowledge that the Minister has recognised that by not opposing our proposals today.

I want to talk about Limerick, with which I am very familiar. There are 37,000 people on the waiting lists there at present. There are major issues in terms of the chaos in Limerick and the impact that has on both recruitment and retention of staff. A colleague of mine in the trade union movement described a situation of nurses in absolute turmoil and tears because they had lost a patient who was pushed onto a corridor and who, for that reason, did not get the help needed. It is those kinds of situations that lead nurses to make the decision not to stay here and to go to Australia or to Britain. To be fair, we are only going to be able to address the recruitment and retention of staff in the health service if we acknowledge the chaos that currently exists and the need to address that chaos immediately. We must also recognise that terms and conditions for key staff, namely, support staff and nurses, must be improved. In that respect, we must have an honest conversation about the fact that if we choose to cut capital acquisitions tax, inheritance tax or the universal social charge, USC, we will not have the funding for the ad-

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ditional 96 beds that are needed in Limerick right now. These are political choices and all of us have to do better than that. We have to recognise that if we are going to fix the problems in our health service then, as Senator Colm Burke rightly pointed out, additional capital investment is essential. We do not have enough resources to be able to give tax cuts and improve services and we have to make a fundamental choice in that respect.

There is a need for better regulation of nursing homes. I have seen some dreadful conditions in private nursing homes and with private home-help operators.

I reiterate what my colleague, Senator Ó Clochartaigh, said. Given the constructive nature of the debate today, I cannot see the point of Fianna Fáil Members trying to wipe out our motion today. I appeal to them to be constructive here and let us see the best of our Chamber by acknowledging the worth of our motion.

Senator Jerry Buttimer: I do not want to begin on a discordant note. In the spirit of the motion and the amendment, the fundamental point is that if we are spending money in the health service we must have accountability in how that money is spent. It is not the case that we have a pot of gold, as Sinn Féin has discovered in the North of our country where it has had to make tough decisions in government relating to the health system.

I have huge respect for Deputy Ó Caoláin, with whom I worked in the previous Oireachtas Joint Committee on Health. However, other Sinn Féin Deputies seem to want to be populist and promise all things to all people. If we are to have a cross-party collaborative approach to health, let us have it in real time and real terms. We do not have enough money to spend on everything and we need to recognise that the most important thing we can do as a country is to have people at work who can make a contribution so that we can have money to pay for services while at the same time respecting that those who need our help and assistance should have that from the State.

We all begin from the premise that the waiting times are unacceptably long. The most important point is that this is about expediting access to surgery and treatment. Those of us who are living in the real world have people coming to us every day of the week looking for hospital appointments fast-tracked or to be taken off a trolley.

We need the whole of the Oireachtas to stand firm in bringing reform, including the HSE's lack of accountability because there is no person who will take the flak for the waiting times or for the cancellation of appointments. Senator Colm Burke has been beating this drum for a long time. While I accept there has been a multiplicity of reasons, 487,519 appointments have been cancelled. What does that do to the system? Trying to bring reform through the future ten-year strategy or whatever requires us to stand up to vested interests. I say to Senator Gavan that means standing up to the unions. I say to Senator Swanick that means standing up to the GPs and consultants. We all need to ask how we can make it better for the patient, who is at the centre of what we should be doing, as opposed to pursuing vested interests.

The amendment to the motion indicates what Fine Gael is trying to do in government. We must change work practices relating to diagnostics. It is crazy that a person cannot get an X-ray on a Sunday. I know of a patient who has been in hospital since the second week of January because his consultant is not available to carry out an operation and he cannot leave the hospital bed because if he does, the operation will be cancelled. That is the height of daftness; it makes no sense. I can get an operation in a private hospital at 9 p.m., but in some cases we cannot do

that in public hospitals. Where we find commonality is in how we can change work practices, as Senator Reilly said.

I believe the model of the money following the patient is very good because it delivers to hospitals that perform and treat patients as patients, and get benefit from it. We need to revisit the special delivery unit model, because it delivered at a time when we did not have money in our health system. It went down to the coalface and had an impact. It engaged with clinicians and analysed what could be done, and delivered.

Irrespective of our ideology, we all agree that we need more beds, be they in Limerick, Cork, Galway or Mayo. Senator Colm Burke pointed out that the last new hospital built was in 1998. If we went into our communities and said that there was no new school built since 1998 we would be frogmarched to every public meeting and told it was unacceptable. I fully endorse what Senator Colm Burke has been saying, namely, we need new hospitals. This could be done through public private partnerships. We can approach the European Investment Bank proposing a model that can deliver patient care, cutting waiting lists and getting people inside hospitals. I accept that is a quantum leap for some.

I have made that journey because I have the experience of teaching in a public private partnership school. Let me tell Members who have a difficulty with that, the school is still there. There is no denigration of service. There is still community access. The building is pristine and the school is operational. Why can we not do the same with our hospitals? We do it with our roads and pay a toll. Today someone travelling from Cork to Dublin will pay a toll; we could use public private partnerships to deliver hospitals buildings.

Senator Máire Devine: The Senator should not point his finger.

Senator Jerry Buttimer: I am not; I am making a point. The Senator should relax.

Senator Máire Devine: The Senator needs to relax.

Senator Jerry Buttimer: Let us look at the model of delivery of our public hospitals. We can see what the private hospitals can do.

Senators Colm Burke and Kelleher spoke about the maternity services in Cork University Hospital. I welcome the appointment of John Higgins to his post. He has done a huge job in his role on reconfiguration. He is an eminent person who will deliver for Cork University Hospital and for the women and babies who require treatment and urgent access to diagnostic services.

Cork is the second city and the capital of the south. The region needs a new hospital. I will not have a debate in the House today on how or where we should build the hospital. However, we need an increase in the number of beds available in Cork. We need a new hospital. In tandem with that we need investment in the Mercy University Hospital and the South Infirmar-Victoria University Hospital, not least because those hospitals provide a service that is incrementally important to the different catchment areas and the specialties that are being catered for in those hospitals. On Monday Senator Colm Burke and I were in Cork University Hospital when the Taoiseach opened the first phase of the paediatric unit. Many people made a gargantuan effort in the fundraising for and delivery of that project.

I welcome the agreement on the broad thrust of this motion. I welcome the Pauline conversion of some to how we should do business in the health system. However, it requires a

collegial common approach. It is regrettable that no Member of this House is a member of the Committee on the Future of Healthcare. Just to name the people here, Senators Devine, Kelleher, Colm Burke, Reilly and Swanick could provide valuable insight to that committee. They were deprived of that opportunity and should not have been. This motion will bring commonality. However, what will require further commonality is that we agree that there is no one model that will deliver. We need to put the patient at the centre of what we do and tackle the vested interests because if we succumb to vested interests we will not succeed in reforming our health system.

Senator Frances Black: I also commend Sinn Féin and thank it for tabling this issue in Private Members' time. As we all know, the number of people on waiting lists for essential hospital procedures is a scandal. That has been spoken about a lot today. We also know that thousands of people are being forced to spend months in pain while they wait for an operation or to see a specialist. It saddens me deeply that we are one of the richest countries in the world and we cannot, or will not, take care of our most vulnerable, weak and sick.

The HSE states that even though the overall length of time people spend on waiting lists has improved in recent years, the total numbers waiting and the numbers waiting in excess of four months for outpatient assessment and inpatient treatment are at an unacceptable and unsustainable high. The HSE is working to ensure that no one is waiting more than 18 months for an outpatient or inpatient appointment. These figures give an idea of the problem but the personal statements of people in agony while waiting for operations are the most telling criticism of our health service. Families are forced to look at their loved ones suffering while the better-off in society, with private health care, can access services.

A friend of mine, whose wife is waiting for an operation, told me of the effect that it is having on him and how devastated he, his children and especially his wife are. She has become suicidal, not because she was depressed but because she could not bear the constant suffering and pain. Another friend of mine, and these are all people who are talking to me at the moment, wants to make a case for an opt-out clause to be introduced for organ donations. A Cork mother of two, Linda O'Mahoney, called for the Government to introduce the opt-out scheme which would mean that everyone would automatically be an organ donor unless they specify otherwise. The 40-year-old said she had to be at death's door before she got a liver transplant and is calling for immediate action to try to tackle transplant waiting times. I ask the Minister if he would consider, or if he has a plan to introduce, this scheme.

The justified industrial action by nurses, midwives and hospital staff scheduled will have a major impact on waiting times. The grievances of these front line workers must be addressed as a matter of urgency. Senator Reilly mentioned the great work that our nurses do. The state of our health care system is summed up by the people who know best, the nurses, who do an incredible amount of work. We have heard comments from them like:

All my life I wanted to be a nurse. I love looking after people but I can't do that as a nurse in Ireland. I didn't realise that my dream would lead me to being a slave.

Another post that went viral and appeared in international media stated:

We are so unbelievably undervalued and we find it difficult to strike in numbers because people may actually die if we do strike as we are so short of staff. Who is going to look after the dying patients if we strike?

The president of the Irish Hospital Consultants Association, IHCA, Dr. Tom Ryan, said that the public had become immune to the acute crisis in the health care system, the thousands of extra hospital beds needed, the waiting lists of over a year and a serious shortage of nurses and doctors. These indictments of our health care system have to be taken seriously and acted upon. If nurses and other hospital staff are prepared to go on strike then we know the situation is critical. INMO industrial relations officer, Mary Rose Carroll, said that the conditions nurses are working in mean that they fear for their patients' safety.

On the comment that Senator Ó Clochartaigh made about addiction services, and I know the Minister of State is very aware of it, I will come back to the point that there are 1,500 people in hospitals every day who have an alcohol problem. We could easily lower that if we just looked at the issue of alcohol. That is what we are trying to do in the Public Health (Alcohol) Bill 2015. It really is an important issue.

Questions need to be asked as to why the number of senior managers in the HSE has grown by almost 40% in the past four years since 2012 while hospital wards are often understaffed due to the severe curbs on the recruitment of nurses and doctors. It is scandalous that we have an increase of 40% in senior managers in the HSE. There is something not right with that picture.

An Leas-Chathaoirleach: I call on Senator Rose Conway-Walsh. She has five minutes.

Senator Rose Conway-Walsh: I will not even need five minutes. I just have a few words from earlier on. I want to thank Minister Harris very much for the spirit in which he is agreeing to take this very positive proposal on board and for putting a six-month time limit on investigating its feasibility, because I think it is a very positive suggestion. We have seen that it works in Portugal. The evidence is there. We do not have to re-invent the wheel. It does not cost a huge amount of money. The cost issue was raised earlier. I think it will cost something like €10 million initially. If we compare that with what was spent on the PPARS computer system, which I believe was something in the region of €50 million and which was a complete waste of money, it is a drop in the ocean. It would save us an awful lot of money.

I refer to what was said about the number of missed appointments. There are many reasons people miss appointments, but among my own constituents in Mayo the most common reason I find, particularly in respect of the Galway hospital, is that people do not have transport. Elderly people and others do not have transport and cannot afford to take the six-hour round trip to Galway by taxi for their appointments. They will not do so unless they really feel ill. If they can feel they can get away without having the appointment or putting it off to a further date, they will do that because they just do not have the money. At one time one could go to the community welfare officer and get some help with transport costs. I believe this is the single most prohibitive factor in people keeping hospital appointments at the moment.

This integrated list would help very much in scheduling. Somebody, for example, from Mayo, can have appointments three days in a row, in three different clinics in the Galway hospital or whichever hospital it is. If there was a properly integrated IT system, that person could have the three appointments on the one day rather than being seeing for ten minutes one day, taking the six hour round trip back and coming back again for a half an hour two days later. In that way, the list could be reduced and a lot of money could be saved. It would also take people out of pain who are currently suffering because they cannot get the treatment they need.

Deputy Harris referred to scoliosis, which I will address briefly because I know many sco-

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liosis patients. I would ask him to look at the medical certificate that allows for transport, particularly for rural areas. If children or others have scoliosis and all that involves, they should automatically be entitled to a medical certificate that would give them and their parents some help with private transport, instead of being refused one time and time again.

That is all I will say. I appeal to Fianna Fáil at this stage to withdraw its amendment and to let this motion go through, for us all to work together in the interest of new politics and in the interests of the more than 600,000 people who are on the waiting list and for us to see if this would work and to give it a genuine chance of working. I appeal to Fianna Fáil.

I thank the Leas-Chathaoirleach, I thank the Minister of State for coming in and I particularly thank the Minister, Deputy Harris, for his genuine attempt to work with parties across the board to address this problem which has existed for decades.

Amendment put:

The Seanad divided: Tá, 28; Níl, 16.	
Tá	Níl
Ardagh, Catherine.	Black, Frances.
Boyhan, Victor.	Conway-Walsh, Rose.
Burke, Colm.	Devine, Máire.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Maria.	Higgins, Alice-Mary.
Clifford-Lee, Lorraine.	Humphreys, Kevin.
Coffey, Paudie.	Kelleher, Colette.
Daly, Mark.	Mac Lochlainn, Pádraig.
Daly, Paul.	Nash, Gerald.
Davitt, Aidan.	Ó Céidigh, Pádraig.
Feighan, Frank.	Ó Clochartaigh, Trevor.
Gallagher, Robbie.	Ó Donnghaile, Niall.
Hopkins, Maura.	Ó Ríordáin, Aodhán.
Horkan, Gerry.	O'Sullivan, Grace.
Lawless, Billy.	Ruane, Lynn.
Leyden, Terry.	Warfield, Fintan.
Lombard, Tim.	
McFadden, Gabrielle.	
Mulherin, Michelle.	
Murnane O'Connor, Jennifer.	
Noone, Catherine.	
O'Donnell, Kieran.	
O'Donnell, Marie-Louise.	
O'Mahony, John.	
O'Reilly, Joe.	
Reilly, James.	
Richmond, Neale.	

Swanick, Keith.	
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Tellers: Tá, Senators Paul Daly and Keith Swanick; Níl, Senators Paul Gavan and Trevor Ó Clochartaigh.

Amendment declared carried.

Question put: “That the motion, as amended, by agreed to.”

The Seanad divided: Tá, 34; Níl, 11.	
Tá	Níl
Ardagh, Catherine.	Black, Frances.
Boyhan, Victor.	Conway-Walsh, Rose.
Burke, Colm.	Devine, Máire.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Maria.	Humphreys, Kevin.
Clifford-Lee, Lorraine.	Mac Lochlainn, Pádraig.
Coffey, Paudie.	Nash, Gerald.
Conway, Martin.	Ó Clochartaigh, Trevor.
Daly, Mark.	Ó Donnghaile, Niall.
Daly, Paul.	Ó Ríordáin, Aodhán.
Davitt, Aidan.	Warfield, Fintan.
Feighan, Frank.	
Gallagher, Robbie.	
Higgins, Alice-Mary.	
Hopkins, Maura.	
Horkan, Gerry.	
Kelleher, Colette.	
Lawless, Billy.	
Leyden, Terry.	
Lombard, Tim.	
McFadden, Gabrielle.	
Mulherin, Michelle.	
Murnane O’Connor, Jennifer.	
Noone, Catherine.	
O’Donnell, Kieran.	
O’Donnell, Marie-Louise.	
O’Mahony, John.	
O’Reilly, Joe.	
O’Sullivan, Grace.	

Ó Céidigh, Pádraig.	
Reilly, James.	
Richmond, Neale.	
Ruane, Lynn.	
Swanick, Keith.	

Tellers: Tá, Senators Paul Daly and Keith Swanick; Níl, Senators Paul Gavan and Trevor Ó Clochartaigh.

Question declared carried.

Annual National Transition Statement on Climate Action and Low Carbon Development: Statements

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I thank Senators for giving me the opportunity to address the House on the important matter of climate action.

We have a thriving agrifood sector which includes the forest sector, and one that is efficient and environmentally conscious. However, everyone in this room will be aware that we face one of the greatest dual challenges of our time, namely, ensuring food security for all and simultaneously dealing with dangerous climate change.

As Minister for Agriculture, Food and the Marine I am very conscious of these challenges - challenges that have been acknowledged globally in both the Paris Agreement and the sustainable development goals. I assure the House of my commitment to ensuring the agriculture sector and our forests play their part in doing everything to address these challenges through the development and adoption of mitigation and adaptation measures. I am not alone in this regard and I think the importance of the Climate Action and Low Carbon Development Act 2015 in putting our climate policy on a statutory basis shows the commitment of the Government to addressing this challenging task.

In terms of mitigation and as required by the Act, the national mitigation plan is currently being prepared by the Minister for Communications, Climate Action and Environment who is the lead in this area. Agriculture sector mitigation measures, including the afforestation programme, have been prepared for input to the national mitigation plan and there has been ongoing consultation and co-operation between both Departments. As a sector, we engaged with our stakeholders through open policy debate and public consultation on agriculture and forest measures, and continue to refine and further develop appropriate measures.

The agriculture sector measures which have been inputted to the national mitigation plan not only focus on the mitigation of greenhouse gases and improving resource efficiency but are also aimed at restoring, preserving and enhancing ecosystems related to agriculture. Good farming practices supported by the Common Agriculture Policy under Pillar 1, and the rural development plan under Pillar 2 contribute to the protection of the carbon pool stored in Irish

farmland. Additionally, by influencing change and improving sustainability at farm level, this can increase farm viability leading to quality of life improvements.

With regard to forest, the measures include increasing the level of forest cover, supply of forest-based biomass, wood mobilisation and enhancements to the environmental and social benefits of forests. There are national, economic and rural development benefits from the harvesting and processing of wood, increasing and sustaining the wood processing sector. Public leisure and health benefits also arise from forest recreation. Forests also have a role in the protection of water and the alleviation of flooding.

A national mitigation plan briefing document has been published by my colleague, the Minister for Communications, Climate Action and Environment, in advance of a public consultation on the full draft plan.

I will now turn to adaptation. Under the Act, a national adaptation framework is required by December of this year. When the framework is in place, it will set out the requirement for sectoral adaptation plans.

Under the national climate change adaptation framework which was released in 2012, my Department was charged with the development of sectoral adaptation plans in three areas, namely, agriculture, forestry and the marine. Currently, my Department is developing two separate adaptation plans - one covering the agriculture and forestry sector, and one for the marine sector. Due to the extensive nature of the plans and the vast areas covered by the three sectors of agriculture, forestry and the marine, extensive consultation took place with the members of the internal departmental adaptation teams and also with external stakeholders. Their collective expertise was fed directly into the plans.

An open policy debate workshop on adaptation in the agriculture and forest sector was held on 24 November 2016 to encourage stakeholder debate and to coincide with the publication of a draft adaptation plan for the sector. Submissions received as part of this nine-week non-statutory public consultation are currently being considered.

As we seek to continue to sustainably develop the value of the marine sector both to the wider economy as well as to the many communities which it supports, a changing climate poses a tangible threat to our efforts. Developing a greater understanding of the changes occurring around our shores will enable us to plan and adapt in order to ensure the sustainability of the industry and the employment it offers.

The Climate Action and Low Carbon Development Act 2015 provides that an annual transition statement must be presented to both Houses of the Oireachtas not later than 12 months after the passing of the 2015 Act and not later than each subsequent anniversary of such passing. The first such statement was presented by the Minister for Communications, Climate Action and Environment last December. My Department contributed to the written statement laid in the Oireachtas Library at the time. The written statement included an overview of climate change mitigation and adaptation policy measures adopted to reduce emissions of greenhouse gases and adapt to the effects of climate change in order to enable the achievement of the national transition objective.

Specifically for agriculture, we are working towards an approach of carbon neutrality in the agriculture, forest and land use sector which will not compromise capacity for sustainable food and fibre production. It is important that people have access to a wide and varied diet which

can include beef and dairy products. It is equally important that this produce come from the most efficient production systems. Ireland is one of the world's most efficient food producers in terms of carbon footprint per unit of output and the latest indications are that Irish agriculture greenhouse gas emissions are almost 6% below 1990 values. Ireland also has the capacity to grow a range of tree species which, with the wood products they provide, make a real and sustained contribution to climate change mitigation. However, there is no room for complacency, especially while the agriculture sector, dominated as it is by grass fed ruminants, accounts for approximately 33% of overall Irish greenhouse gas emissions. Steps must be taken at all levels, including in industry, in policy and on farms, to continue to implement measures to drive down the greenhouse gas intensity of Irish food production even further from its already existing efficient level. We must produce food and fibre in ways that preserve soil and water quality, protect our biodiversity and mitigate the impact on the climate.

Acting Chairman (Senator Gerry Horkan): I thank the Minister. There is a very tight timeframe. I have to ask Members to be as brief as they can. I do not want to curtail debate, but if the first few contributors go on too long, later contributors will not get to speak at all.

Senator Paul Daly: I welcome the Minister to the Chamber. Fianna Fáil has a strong record in introducing progressive measures to tackle climate change which is perhaps the single greatest threat to the future of our children and grandchildren. By contrast, the Government has repeatedly ducked and dived in tackling climate change. Its policies lack a strategic vision and have fundamentally failed to progress the decarbonisation of the economy.

We welcome the opportunity to discuss the 2016 annual national transition statement on climate action and low carbon development published last December and the initiatives being carried out by the Department of Agriculture, Food and the Marine in this area. The EU 2020 target for Ireland was to reduce emissions by 20%. The Environmental Protection Agency, the EPA, has estimated that Ireland will reduce its non-emissions trading system, ETS, emissions by 6% to 11% from 2005 levels by 2020, or significantly below our reduction target of 20%.

Ireland's greenhouse gas emissions profile is unique within Europe in that it is heavily weighted towards agriculture owing to the lack of heavy industry within the overall economy. However, it is important to stress that since 1990 agricultural emissions in Ireland have reduced by 9.7%, while emissions in other areas such as transport have increased by over 120%. The inclusion of land use, land use change and forestry within the scope of the new EU climate change framework will be a welcome development and represent a sensible approach to broaden the tools available to Ireland to reduce greenhouse gas emissions through carbon sequestration.

In 2015 total national greenhouse gas emissions were estimated to be 3.7% higher than in 2014. Agriculture remains the single largest contributor to overall emissions, at 33% of the total. The transport and energy industries are the second and third largest contributors, at 19.8% and 19.7%, respectively. Agricultural emissions increased by 1.5% in 2015, most likely reflecting the expansion of the dairy herd in the post-quota era. However, this is not because agricultural output is highly polluting. In fact, Ireland is one of the most highly intensive, lowest carbon food producers in the world. The carbon footprint per kilogramme of output of Irish farms is one of the lowest in the world. According to the Joint Research Centre of the European Commission, the Irish dairy sector is the most efficient in the European Union in terms of carbon dioxide per kilogram of milk. The director of agricultural policy at the World Bank has lauded the contribution Ireland is making to tackling climate change. I quote: "If every cow was as good as the top 10% of cows in Ireland, we would have one-third less methane emissions

on this planet.”

Bord Bia argues that there could be significant economic gains from raising standards on less efficient farms through the use of more carbon efficient technology. According to it, a reduction of 10% in the beef industry’s carbon footprint through the use of more efficient food production technologies could make it the most carbon efficient in Europe and generate additional on-farm income in the region of of €300 million per year, as well as improving our green image on global food markets.

I acknowledge the role of the farm schemes in promoting the reduction of greenhouse gases. The green low-carbon agri-environment scheme, GLAS, promotes low-carbon agriculture, the delivery of targeted environmental advice and best practice at farm level.

The objective of the beef data and genomics programme, BDGP, is to lower the intensity of greenhouse gas emissions by improving the quality and efficiency of the national beef herd. The carbon navigator is a key component of the scheme. It delivers feedback and advice on practices that effectively reduce the carbon footprint of farm produce and improve the economic performance of a farm. It encourages the shift in slurry application from the summer to the spring, a practice which can help to significantly reduce emissions. Knowledge transfer is vitally important in this area for the transfer and exchange of information to farmers on a wide range of topics, including sustainability and husbandry practices which contribute to climate action, for example, animal health, breeding and nutrient management.

Organic farming naturally is a major contributor. It promotes organic agriculture as an alternative farming system, contributing to improved soil quality, the mitigation of and adaptation to climate change.

The targeted agricultural modernisation scheme, TAMS, provides for capital investment in a number of target areas to promote sustainability, for example, in low emissions slurry spreading equipment, farm nutrient storage and renewable energy efficiency.

While I acknowledge these schemes, we could achieve more. Fianna Fáil is supportive of environmentally sustainable farming. The model of Irish cattle production is among the most environmentally sustainable on the planet. Final negotiations on EU 2030 targets must underpin the need for food security and the central role of an exporting country such as Ireland which has an efficient food production sector. Irish and EU food security concerns must be put on an equal footing with climate change concerns. Among developed nations, Ireland is second only to New Zealand in having the highest proportion of total greenhouse emissions from agriculture, at 33%. This compares with an EU average of 10%. As stated previously, it must be recognised that this dominance is due to the central role of agriculture in the economy and the absence of high polluting heavy industry. There is a risk that by setting onerous and unrealistic targets for methane and ammonia - emitted mainly by the beef and dairy industries - as proposed by some commentators there could actually be an adverse effect by shifting food production to lower cost but far less carbon efficient countries.

It is essential that Ireland get a fair deal in the negotiations on the technical details associated with greenhouse gas reduction targets and their measurement. Ireland needs to push for land use, land use change and forestry to be recognised as providing a major contribution to greenhouse gas target measurement. We welcome the inclusion of this feature in the scope of the draft EU 2030 binding greenhouse gas emissions reduction targets published in July 2016.

This feature can afford huge opportunities to Ireland to achieve win-win outcomes in meeting our reduction targets. For example, only 11% of our land is forested compared to 33% across the European Union. Afforestation has high potential to help us to meet our emissions targets. Even the forests planted since 1990 absorb a massive 18% of agriculture's annual greenhouse gas emissions. At the same time, the economic returns from forestry are strongly competitive compared to those from other land uses and could yield a high dividend in terms of regional development and employment.

It is essential that as a country we live up to this agreement and meet our emissions reduction and renewable targets across all areas. We also need to do more to ensure Ireland meets its climate justice commitments, including making progressive contributions to the cost of adaptation, mitigation and emissions reduction measures in developing countries. It is unfortunate that the Government has been so slow in introducing innovative schemes to achieve our greenhouse gas reduction and climate justice targets. Although the latest emission reduction figures are encouraging for some sectors, they show that much more needs to be done. While progress has been made by some areas, especially electricity production and agriculture, to meet our 2020 emissions reduction targets, almost no progress has been made in other areas since 2011, notably home heating and transport. There is no policy in place for reducing home heating emissions, and despite paying lip service to renewable transport, the Government has effectively given up on meeting our targets by 2020. Fianna Fáil is fully committed to meeting our 2020 targets in these areas and has a detailed policy plan for achieving this.

Senator Pádraig Mac Lochlainn: Sinn Féin is committed to reaching the State's renewable energy targets for 2020. The State has committed to generating 16% of its overall energy requirements from renewable sources by 2020. Our party will introduce measures on an ongoing basis to grow renewable energy production and to reduce Ireland's carbon emissions. This will require involvement from the State and at community level.

Our party supported the passage of the Climate Action and Low Carbon Development Act 2015 after years of inaction by successive Governments. This was a small but significant step in the right direction, considering the absence of any prior climate action legislation. Inaction by successive Governments means Ireland has hit a carbon cliff and now has to play catch-up to avoid up to €1 billion a year fines after 2020. Our party proposed investing in retrofitting of houses as a means of carbon reduction and tackling fuel poverty. In the first instance, this will mean extending the warmer homes scheme to windows and doors. We oppose any further privatisation of State energy assets. It will involve the full implementation of existing legislation and practice, the setting of sectoral targets for emission limits that Sinn Féin and others tried to correct during the passage of previous legislation through the Dáil. The expert advisory panel created in the Act should be independent of Government. Definite targets for emission limits should be included in legislation. Annual emission limits for each of the ten year periods from 2020 to 2050 should be the same as those agreed by member states under the European Union's Energy Roadmap 2050. Local authorities should be given a greater role in the mitigation plan and in sustainable development more generally. A national green climate fund separate from the environment fund should be established, funded from carbon taxes, emissions, trading profits and other environmental taxes, to be used to support climate mitigation and adaptation in developing countries.

We support the need to advance global commitments to reducing greenhouse gases and meeting goals of holding the increase in the global average temperature to well below 2° centigrade. The progress made at the UN Conference of the Parties in Paris in December 2015 must

be welcomed. The conference involved world leaders, 196 countries and NGO campaigns, including those from Ireland North and South, so we are broadly supportive of that. We believe the Government should be investing in our green industry to boost the economy and provide jobs. We have one of the highest *per capita* rates of oil consumption in the world. Investment in wave and wind power and other alternative sources of energy must be a priority. The Sustainable Energy Authority of Ireland, SEAI, has reported that every euro spent on better energy homes delivers a net benefit of €5 to society through energy, CO2 and other pollution savings.

I say all of this as an introduction to the agricultural role. There are many ways that we can collectively meet our objectives. The assessment of the Minister's own Department is that, "The emissions from Irish agriculture are lower now than they were in 1990 - the reference year against which targets are set, when the sector accounted for 34% of national emissions." That sounds quite positive. The Department goes on to talk about carbon sequestration and how:

[W]ell managed grassland soils, the predominant land use in Ireland are effective at sequestering carbon. Scientific measurements in Ireland have shown that this sequestration process cancels out much of the emissions associated with food production. In addition, planting of new forests and good forest management further mitigate emissions from the use of land for food production. Ireland has a programme in place, supported by the Department to increase the planting of new forests.

Again, that is very positive. If one reads what the environmental lobby has to say, it has a completely different analysis. There are contradictory views on this matter.

I will say, because I am from a rural area, that we cannot put the boot into our agricultural community to meet the responsibilities. It has to be shared. There are schemes like the green low-carbon agri-environment scheme, GLAS. According to a presentation to the Joint Committee on Agriculture, Food and the Marine by the Minister's officials, the Department is on target to meet more than 50,000 applications for that scheme, which is very welcome. More schemes of this nature that contribute to our responsibilities are very welcome.

Other sectors of society have to step up here. This is a collective effort and I am concerned. I have read all the different points of view, come from a rural area and understand the critical and important role farmers play in these communities. It will be the Minister's responsibility to square the circle. Food Harvest 2020 sets ambitious targets for our island in food production and contributing to our overall economy. While the Minister needs to square that circle, it is not just his responsibility. Other colleagues such as the Minister, Deputy Naughten, and the Minister, Deputy Ross, in the area of transport, will have to work with the Minister, Deputy Creed. There is a collective responsibility in Government.

This is the Department's analysis. It is published. The Minister is accountable to the European Commission and has to stand over everything he says in that. I could quote from the farming sector and I could quote from the environmental pillar. Both sides have their own perspective and analysis. It will be the Minister's responsibility to stand over the science and to get the balance right. I would be concerned that an unfair emphasis will be put on the farming sector to meet the responsibilities while other sectors are not stepping up when that is what we need to see happen. I thank the Minister for his statement. He has a very challenging balancing act but I think all rural representatives will say there are many things we can do other than what is suggested, which is to slash the national herd. I do not support that.

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Acting Chairman (Senator Gerry Horkan): We have 11 and a half minutes left for three people. That is the order of the House, not me, so I ask everybody who is left to try to be as brief as they can be to allow everybody to get some say. I could possibly eat into the time allowed for the Minister, but I am trying to give him ten minutes at the end to address everybody's concerns. I do not want to delay any more talking about it but I ask every speaker to be as brief as possible to allow others in. I call Senator Mulherin.

Senator Michelle Mulherin: I welcome the Minister. We are having a very important discussion and debate, whereby we can discuss the different sectoral mitigation measures which will feed into the national mitigation plan which is obligatory and which has to be *in situ* by June this year as I understand it. To my mind, listening to comments, and we all know about the climate debate, the Paris Agreement and the Kyoto Protocol before that, farming tends to get a lot of criticism, and there is a balancing act. We cannot talk about climate change in agriculture without talking about food security. We have to look at things in the round. I believe that is what Government policy is doing. On the one hand, there has been extreme criticism by people at a very high level that there is no interest in tackling climate change. Clearly, that is not the case as the Climate Action and Low Carbon Development Act 2015 provides a framework. However, the legislation is nuanced. As mitigation measures cost money, we must answer the following questions. Who will bear the cost? How can we get around the issue? It is all very well, no more than with health, to say we should spend more but every service must be paid for out of the public purse. In addition, we do not wish to crush agriculture and leave the sector unproductive. Instead, we want to grow the sector in a responsible manner. At the end of the day, people must eat and we need protein.

The great thing about this debate is it affords us an opportunity to talk about the good stuff that is happening in the agriculture sector. The sector represents 33% of the total national emissions but since 1998, which was the peak level, there has been a 13% reduction in emissions by the sector. There are many reasons for the reduction. Extensive grasslands emit the lowest emissions and luckily that is what we have with our temperate climate. Education is provided through the green cert scheme and Teagasc, which are preaching production efficiency, the proper use of fertilisers and grassland management. We also have Government schemes such as the green low-carbon agri-environment scheme, GLAS, the beef data and genomics programme and the targeted agricultural modernisation scheme, TAMS, as well as organic farming supports.

I am a member of the Oireachtas Joint Committee on Agriculture, Food and the Marine and together with its other members, I hear how vast the farming industry is all of the time. At committee meetings we hear from all of the agricultural sectors, the marine sector and the forestry sector. Cost must always be discussed and while imposing a carbon tax would be a crude mechanism, what effect would an increase in the cost of fuel have on farming and on domestic households? Who will carry the burden of a carbon tax?

We must be responsible when it comes to climate change but be willing to compromise. I refer to the comments of the former President, Mary Robinson, who is now an advocate for climate justice. While I am in favour of climate justice and am delighted that someone with her profile is an advocate, it is not a good idea to change to crops that are used in energy production but do not suit our climate. A carbon footprint will be created if we import such crops from the tropics. Ireland produces beef and dairy products that meet a great part of our protein requirements in our diet. If one talks about Armageddon or about extreme scenarios such as halving the national herd, people switch off. Let us remember that farmers are responsible people but

they must be able to make a living. If everyone went back far enough they would discover that they hail from a farming background. Generations of farmers have passed on their knowledge and interests. They have safeguarded the countryside for so long. The best way is for us to work with farmers, talk to them and overcome any hurdles.

I wish to refer to targets and tackling the mitigation of carbon emissions. As the Minister will be well aware, food waste is a massive problem and happens in the food chain due to food grading. Sadly, a lot of nutritional food is discarded for not looking a certain way. For example, ugly tomatoes do not make the grade. It costs money to produce and transport food yet food is wasted. There are initiatives to make greater use of food waste. Such initiatives would allow us to be more environmentally conscientious and face up to our responsibilities.

Microenergy generation is another issue for farmers. Our policies do not lend themselves to microwind initiatives. What about introducing district heating systems using biomass and biogas? As there has been investment in sustainable forestry, there are more opportunities to have in place systems that will grow the sector and add value such as producing wood chip or whatever in rural areas that are crying out for jobs, investment and growth. The forestry sector would lend itself to further growth and holds potential for rural areas. Investment in the sector would help us to meet job creation targets.

Can the Minister tell me the status of the renewable heat incentivisation scheme? The horticultural sector and mushroom growers have raised this issue.

On transport, we face challenges in meeting certain targets. While pilot projects have focused on big HGVs and the like, how can the Government support farmers with this issue?

With all due respect to Senator Paul Daly, nothing he says can change the reality. He sounds like he has become a member of the Green Party but that is untrue. The idea that Fianna Fáil made massive strides towards creating a low carbon economy is untrue. I was a Deputy for five years before becoming a Senator so I know this is not the case. However, I commend the work that has been done. We need to bring people with us. There is no point in making ridiculous statements on how to tackle carbon emissions without discussing how measures will affect the people who will have to make the necessary changes and incur the associated costs and hardships.

Acting Chairman (Senator Gerry Horkan): Senators O’Sullivan and Higgins have indicated that they would like to share time.

Senator Grace O’Sullivan: Yes, we wish to share time.

Acting Chairman (Senator Gerry Horkan): If they use up all of their time then Senator Humphreys will not get any time.

Senator Grace O’Sullivan: I shall speed-read my presentation. I thank the Minister for attending and for his statement. I was delighted to hear him talk about the marine sector because Ireland’s greatest asset in sequestering carbon is our marine environment. It was good to hear him talk about adding value through creating jobs in the forestry and marine sectors.

Ireland is doing good work in addressing the production efficiency of our livestock agriculture. We have undermined that good work, however, by promoting an even greater concentration on ruminants with their particularly high greenhouse gas emissions. At the same time that

concentration has also had negative impacts on water quality and biodiversity. Over recent decades our agricultural policy has increasingly specialised in livestock, particularly ruminant agriculture. We have put all our money into one basket and this policy will reduce our resilience to potential food security shocks and will increase significantly our greenhouse gas emissions compared with a more mixed and balanced agricultural sector.

This is not an issue for Ireland alone, as we share competence for agricultural policy with the EU. Although the EU has long proclaimed that climate change is an objective to be pursued across policy areas, the Common Agricultural Policy still fails to integrate climate change and continues to drive increased emissions from agriculture. It is not an EU issue alone. Increases in agricultural emissions are being driven by a global dietary shift towards being more emissions-intensive, more land-intensive and having less sustainable foods. The information from the Intergovernmental Panel on Climate Change is clear. Its review of the science of climate change mitigation demonstrates that agricultural emissions must be tackled on the production and demand sides. Specifically, as well as increasing production efficiency, we must reduce the amount of food waste, reduce over-consumption of food and shift food choices to more sustainable foods. Science also demonstrates that these changes will have major benefits for human health, including addressing the growing global obesity crisis. Unfortunately, the good work on production efficiency which Ireland is doing under Origin Green has been used to promote increased consumption of beef and dairy, the most greenhouse gas intensive foods. Not only are we doing ordinary promotion, we are sending anthropologists to distant countries to understand how to convince people to change their food choices to more greenhouse gas intensive foods. This is wrong. It shows our statements about sustainable food production to be hypocritical. I am particularly deeply concerned by the ethics of Bord Bia promoting the use of breast milk substitute in Asia.

Far from addressing the demand side of greenhouse gas mitigation in agriculture, Ireland is actively promoting demand for carbon-intensive foodstuffs. This must change. We also need a large-scale programme of restoration of our native mixed-species broadleaf forests, as well as the protection of our peatlands and wetlands, which act as carbon sinks. Ecosystems will help us re-absorb the carbon we have put into the atmosphere, if we are willing to work with them and restore them.

Climate change is the greatest challenge we face. It will not be fixed by tinkering at the edges of our agricultural and forestry systems. Food Harvest 2025 and our forestry policy, centred on Sitka spruce plantations, are in conflict with our climate commitments. We need fundamental changes.

Senator Alice-Mary Higgins: I welcome the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, to the House. We already have heard that Ireland is off track to reduce greenhouse gas emissions by 20% across non-industrial sectors by 2020. At present, we are heading for cuts of only between 6% and 11%. I am more concerned about a report from Brussels-based non-governmental organisation, Carbon Market Watch, which highlighted how Ireland has negotiated a wide variety of get-out clauses and other special exemptions for 2020 to 2030. We need to be on target and send strong signals in that regard. Any short-term negotiation to reduce our targets will not serve us towards the overall 2050 target of cuts of 80% to 95% of our emissions.

We need to make strong decisions now to ensure we are actively incentivising and demanding from the public and private sectors the investment in the necessary emissions-reducing

technologies, as well as sectorial priorities, which will help us transition to a low-carbon economy. This means new choices. Ireland has an extraordinarily low level of horticulture and fruit production, despite our conducive climate. This area represents about 10% of our action production, as opposed to grassland. How will we re-focus in that regard?

Ireland has indicated a land use move from 11% to 18% of forest cover to be utilised as carbon sinks. There are recognised scientific concerns about flaws in the reliance on forestry as a carbon offset. The intergovernmental panel on climate change stated land sequestration itself is uncertain and subject to carbon cycle rebound and can be of reductive value. I am concerned we are overstating our reliance on the land use alone.

That said, it is important we are talking about forests, not simply about trees. In 2013 in an article 17 report as part of the habitats directive, Sitka spruce forestry, which is not biodiverse and does not create an organic setting but single crop forestry, was recognised as a conservation threat to our habitats and species. What are the Minister's plans to make forestry more diverse? How does the pollinator plan fit in with the forestry plan?

We did not include our national peatlands in our land use strategy. I am curious, as well as concerned, that we do not seem willing to move away from peat extraction. The Bord na Móna deadline of 2030 to move away from peat extraction is inadequate. The fact we still intend to extract peat for horticulture and mushroom casing beyond 2030 seems unsustainable. Has the Minister spoken to the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs about hedgerows?

Senator Kevin Humphreys: What I have heard from the two main parties this evening does not encourage me that we are taking climate change seriously. All we get is an approach of “on the one hand but on the other”. We must face down one of the largest lobby groups, namely the farmers' organisations. We have tough choices to make and we have to show leadership. The debate is not about food security or how much beef or milk we can generate. While we have to ensure and secure a viable living can be had by those in rural areas, we cannot do that at the expense of tackling climate change. I supported Senators when they raised the issue of the effects of climate change on tillage farmers who were unable to harvest their crops due to heavy rainfall on the western seaboard. However, we cannot start dealing with alternative facts.

Fianna Fáil stopped and blocked the Climate Action and Low Carbon Development Act when it was in government with the Green Party. It was up to the previous Government to get that legislation passed which is why the Minister for Agriculture, Food and the Marine is taking this matter in the House. Now, we need to be brave. This is not a charge from the anti-rural brigade or about an urban-rural divide. We need a realistic debate on climate change and how we reach our targets in this regard. We need to discuss how we will assist people to change over to the new reality that climate change is happening and will affect every single person in this country. We need to discuss how we invest in rural Ireland to ensure we alleviate these effects as much as possible. Change we must but the clock is ticking. It is two minutes to midnight and there is a real need to show leadership. Instead, it is just the old mantra about food security and how, on the one hand, we will do this and, on the other, we will do that.

I thank the Minister, as well as the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, for attending the House to debate the issue of climate change. Unfortunately, the Minister for Transport, Tourism and Sport, Deputy Shane Ross, has not attended.

15 February 2017

Minister for Agriculture, Food and the Marine (Deputy Michael Creed) (Deputy Michael Creed): I thank all Members who contributed to this debate. Everyone is sincere about where we need to go on this. The most important point is that we have a capacity to bring people with us.

On the point that Senator Kevin Humphreys made about the farming organisations, I do not believe it is a case of facing down anybody. It is about recognising who has done what to date and what more we need to do. Facing down the agricultural community flies in the face of the fact that it is among the most carbon-efficient producers on the planet. This is not an idle boast. The EU's Joint Research Centre acknowledged that Ireland is the most carbon-efficient producer of beef. I take Senator Grace O'Sullivan's point about ruminants. We can have a philosophical debate about all of that but we must acknowledge what has been done and is under way with initiatives such as the beef data genomics, which improved herd fertility, food conversion and so forth. We are committed to driving down further our carbon footprint in this regard.

On the dairy side, we are the most carbon-efficient producer of dairy products on the planet, alongside New Zealand. Why would one face down the farming organisations to tell them to dismantle this? What would happen if we dismantled it? It would facilitate imports with a far higher carbon footprint because one is not going to change immediately the dietary habits of people disposed towards beef or dairy product consumption.

As Minister for Agriculture, Food and the Marine, I acknowledge the farming community has led the way. Ill-informed people will point the finger claiming it contributes to 33% of our carbon footprint. While that is true, we have not had the history of coal and steel production like the UK or continental Europe. We are the most carbon-efficient producer of food. Why dismantle that and have it displaced by food produced with a far higher carbon footprint, as Senator Mulherin said, which streams into this country from far-flung corners of the world?

We can do more, for example, to promote horticulture and my Department is incentivising that sector, but this is a complex, nuanced area. I do not believe this debate is advanced one iota by the pejorative proposal to face down the farming organisations. I suggest
6 o'clock Senator Humphreys meet them and he would find a community whose members are as concerned as he is about this issue. They are concerned about the future of their children and grandchildren and the planet they will inherit. They are committed to addressing this issue and they have done a good deal in that respect but they acknowledge that the agricultural sector needs to do more.

I acknowledge Senator Paul Daly's bona fides and I equally acknowledge the points that have been made about his party's bona fides in the past. I do not want to go anywhere else with that. A good deal has been done. The Senator talked about ducking and diving but that does not advance this debate one iota.

Senator Michelle Mulherin: Fianna Fáil eco-warriors.

Deputy Michael Creed: In terms of actions in this area that this and the previous Government have taken, they are numerous, and I would cite the introduction of the green, low-carbon, agri-environment scheme, GLAS, and the beef data and genomics programme, which are critical in protecting groundwater sources etc. We have much more to do. I am focusing in on the argifood side and I acknowledge the point made by Senator O'Sullivan on the marine area. Is there anybody more exposed to climate change in terms of rising sea levels than coastal com-

munities? We need to factor all these into the debate and, hopefully, we will be in a position to publish our consultation on the marine side perhaps before the end of March and then we will invite other submissions. We acknowledge that we must bring people along with us. The approach is not to take a stick and beat people in other areas to take action.

Acting Chairman (Senator Gerry Horkan): In line with an order of the House, I must ask the Minister to conclude, as the Minister, Deputy Zappone, has arrived to take the next business. If the Minister, Deputy Creed, continues he will reduce the amount of time available to the Minister, Deputy Zappone.

Senator Kevin Humphreys: I would like to hear that Minister answer questions.

Deputy Michael Creed: I thank colleagues for their contributions and we will take them on board because we acknowledge we must bring people along with us in this debate.

Clarification on Statements made by the Minister for Children and Youth Affairs: Statements

Acting Chairman (Senator Kieran O'Donnell): I welcome the Minister to the House. I invite her to give her opening address and advise her that her time is unlimited, and following her contribution, I will proceed to call Senators who will have five minutes each to make their contributions.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): Like many colleagues, I have heard first-hand the pain, anguish and horror that has been inflicted on the McCabe family. This has been the result of the actions of the State, its agencies and its employees — those who should protect and serve our citizens, not persecute them. Since meeting Maurice and Lorraine McCabe on 25 January my primary concern has been to ensure that I do not take actions, inadvertently or otherwise, to add to their pain.

Members will be aware of my remarks in the Dáil yesterday and I will give an overview of them to put them on the record of the Seanad. However, it would be useful, in terms of informing our discussion, to start by giving some updates on a number of questions which have been raised. First, in regard to the second whistleblower, I have met with Garda Keith Harrison and Marissa Simms - I have just come from a meeting with them. They have also had meetings with other Deputies. I am examining if it is possible to include a module which would cover their case as part of the independent tribunal that is being established. If it is possible to do this in a way that will not cause a delay in reporting on Maurice McCabe's case, then I would be in favour of doing this.

I have a lot of concerns about how Tusla is dealing with child abuse complaints. For this reason, I have initiated a statutory investigation regarding Tusla's practices and procedures when dealing with complaints of child abuse. This investigation is being carried out by the Health Information and Quality Authority, HIQA. It will be separate from the matters which are under investigation by the tribunal. Since I confirmed this on Monday, senior officials from my Department have met with the chief executive office, CEO, of HIQA to progress the investigation. We want to ensure that the terms of reference are sufficiently focused to get the reassurances that I will need. I do not want a very lengthy investigation though and it is important that the HIQA inquiry provides answers as quickly as possible. The issues are simply too

important for any delay.

I have been impressed by other statutory investigations carried out by HIQA and, in particular, the investigation into the tragic death of Savita Halappanavar. It has a track record of conducting sharp, thorough investigations that result in specific recommendations and learning. I note that children's rights campaigners have welcomed the decision to ask HIQA to conduct an external independent investigation.

There has been public commentary about my meeting with Maurice and Lorraine McCabe which happened on 25 January. It was an official meeting in my office in the Department of Children and Youth Affairs. The McCabes signed into the building like all visitors do. An official attended the meeting. It was an official meeting in my capacity as the Minister for Children and Youth Affairs.

Since the events of the weekend I have made two public statements - to the media on Monday and then yesterday's statement to the Dáil. They set out the timelines and the approach that I have taken. I will now give an overview to place those remarks on the record of this great House.

I met Lorraine and Maurice McCabe on 25 January 2017. They spoke of the heavy burden of the hurt and wrongdoing that has been inflicted on them. They told me that the most recent development involving the information they had received through the freedom of information process from Tusla was worse than anything else that had already happened to them. I was deeply conscious then and since then that it is the State which has almost destroyed this family. I was absolutely determined that in every action I took I would try to ensure that I, as a Government Minister, did not inadvertently cause them any additional hurt. They have now and will always have my support. They told me what was contained in the file. It is shocking. It showed an unacceptable breakdown in procedures. This translated in human terms into the most vile, graphic and false allegations made against Maurice McCabe. At my request, Tusla provided a chronology and outline of its case to me on Friday, 27 January. I made arrangements to give this to the McCabes on Saturday, 28 January. I also included a letter saying that the report may "raise further questions" that they would need answered. I advised them that the CEO of Tusla had offered to meet with them if they wished but I acknowledged that I would understand if they chose not to accept that offer. I offered to facilitate in getting them further information directly from Tusla as an alternative. Tusla has apologised to the McCabes. Tusla will co-operate fully with the tribunal of inquiry.

The third request made to me from the McCabes at the meeting involved the expression of a wish to have their children's names removed from Tusla records. Tusla has deleted the information held electronically on the McCabe family, including the information on Sergeant Maurice McCabe and the four children. Only the paper file will be retained holding all information to date for the purposes of review and the tribunal. The paper files relating to the McCabes have been put under lock and key. They have been taken out of the system in which they would normally be held.

It is my view that the apology and these actions are not enough. A statutory investigation of Tusla procedures and protocols for dealing with child abuse complaints will take place. This will be done under section 9 of the Health Act 2007. This process must be swift in order that we can begin to restore public confidence in Tusla and ensure that its systems are fit for purpose to deal with these issues now and in the future.

I will set out the position on the political developments. There were three interactions with Government colleagues. My advisor met with an advisor from the Taoiseach's office on Tuesday, 24 January, the day before I was due to meet with Sergeant and Mrs. McCabe. My advisor told him about the upcoming meeting. She told him that it related to a complaint that the McCabes had about Tusla.

Before I met the McCabes, I told the Tánaiste and Minister for Justice and Equality that I was meeting Sergeant and Mrs. McCabe. As I stated when I spoke to the media on Monday, I also spoke with the Taoiseach prior to the Cabinet meeting last week. To be clear, this was after my meeting with the McCabes. I told him that I had met the McCabes and that we had discussed false allegations of sexual abuse made against Sergeant McCabe to Tusla. The Taoiseach said that this would be covered by the commission of investigation. I did not go into any of the details of the allegations that I was aware of, but I did indicate to him that this was the nature of the conversation. During the Cabinet meeting, it was my belief that Tusla would be covered by the inquiry under the terms of reference before us. I understand that the proposed chair of the commission shared this view, that is to say, the contents of the RTE "Prime Time" programme would have been covered by the initial terms of reference.

Perhaps I was overly cautious in protecting the details of the information that I had. If that is the case, then I can accept that. However, let us be clear: incorrect information circulating about the McCabes is at the root of the horrendous damage done to the couple and their family. Therefore, I, for one, did not want to risk spreading these false allegations any further. In conversations I have had since with the Taoiseach and other ministerial colleagues, they have accepted the reasoning behind my decision - it was an extremely difficult one.

My final remarks relate to the statement by Maurice and Lorraine McCabe issued just before statements in the Dáil yesterday. I have read the statement issued on Monday by Maurice and Lorraine McCabe. They have asked questions of current and former Ministers. They have asked if the persons who have acted as Minister with responsibility for children since 2013, among others, were "briefed formally or informally of the making of such allegations at any time by the Garda Síochána, or by the Commissioner of An Garda Síochána at any time since August 2013". As I fall into this category, I can confirm that I have never been briefed of such allegations by the Garda Síochána or the Commissioner.

The McCabes have further identified six questions they would like answered. I believe that two of these questions relate to Tusla. First, who interviewed the alleged victim in respect of the allegation in May 2014 as claimed by her solicitor? Second, was any decision made not to inform Maurice of the making of the 2013 allegation and, if so, why and by whom? I have been in touch with Tusla to establish the answers to these questions. I received a response yesterday afternoon. We e-mailed it to Sergeant and Lorraine McCabe. They may wish to come back on this and interrogate it further. If they do, and if I can, I will assist them.

Senator Lorraine Clifford-Lee: I thank the Minister for coming to the House. I listened to the Minister's statement with great interest. I listened yesterday to the Minister's statement to the Dáil. Both statements were clear and concise and I thank the Minister for that. They have brought much clarity to several days of mass confusion when things have been changing and moving by the hour. I thank the Minister for being so concise.

However, arising from the statements of the Minister today and yesterday as well as the events of recent days, I have several concerns and perhaps the Minister can address those con-

cerns today.

A major concern relates to the counsellors outsourced by Tusla. A counsellor outsourced by Tusla created the copy-and-paste file, whether in error or otherwise. That employee was an employee of Rian Counselling and not Tusla. When there is a lack of direct responsibility within an organisation and a lack of cultural control within an organisation on all its employees or those acting on its behalf, mistakes and errors arise. I am rather concerned that other errors have arisen because of this lack of control.

Will the Minister explain the reason these counsellors are being outsourced? Is it because of a lack of resources to employ them directly? If that is the case, will the Minister outline how she will tackle that issue? It is of concern that the line of command is being disturbed by a lack of funding and that this, in turn, is impacting negatively on children, people involved in the care of children, other guardians and people who are the subject of vile allegations. It is in the interests of everyone that errors are not made. That is the first concern I wish to put to the Minister.

My second concern relates to a communications issue in Tusla. Will the Minister tell the House how many people are employed in Tusla in the communications department? It is a large organisation with many serious statutory obligations. What has emerged in recent days is the lack of communication or a breakdown in communication. Can the Minister confirm how many people are employed specifically to deal with communications? Will the numbers be beefed up in light of the current scenario?

I have concerns regarding the workings of Cabinet. It is clear that conversations and communications have been happening in an *ad hoc* manner. Issues as serious as those we are discussing should be discussed in a more formal manner, with proper notes being circulated to other Cabinet members. I take on board the comments of the Minister to the effect that she was being overly cautious, and perhaps that is something she intends to correct in future. Will the Minister explain how she intends to correct that in future? Things should be done in a more official manner. Things should not be done with a nod and a wink and a conversation here or there. Things should be done officially in order that we, as Members of this House and as citizens, can believe collective Cabinet responsibility around important decisions. I call on the Minister to address that.

The Minister made reference to the apology made to the McCabe family by Tusla. This apology was actually delivered to a neighbour. Again, I am keen to know why that apology was delivered to a neighbour and then eventually passed on to the McCabes. Given something as serious as this, one would think that another error would not be made. I call on the Minister to address that. It has been reported that Tusla files were opened on two adult McCabe children. Why did Tusla open files on two adults?

Deputy Katherine Zappone: I am not following the question. Will the Senator ask it again?

Senator Lorraine Clifford-Lee: Files were opened on all the McCabe children at a time when two of them were over the age of 18. Tusla should be concerned with children under the age of 18 only. Even if this error occurred when these allegations were copied and pasted, it should have become apparent that these children were over the age of 18 and, therefore, files on them should not have been created in the first instance. The most important thing is for the tribunal of inquiry to be established as soon as possible so that we can come to some kind of

resolution within both Houses of the Oireachtas. The horrors that have been inflicted on this family, and the families that are associated with other whistleblowers, need to be brought to an end. I am glad to hear the Minister is thinking about expanding the terms of reference to include other whistleblowers.

Senator Victor Boyhan: I warmly welcome the Minister. These are difficult days for her and for the Government as a whole, but they are exceptionally difficult days for the McCabe family. I do not doubt the Minister's empathy for them. We know that Tusla carried out covert and overt surveillance on Maurice and Lorraine McCabe and their children. This is totally unacceptable in any state. They were victims of rumour, innuendo and malicious falsehoods. Nobody can stand over that. Before I ask the Minister two questions about data protection issues, I want to deal with her statement. I thank for and commend her on the openness, clarity and consistency. I want to acknowledge that because it has been apparent to me as I have been following this story in recent days. I have read every newspaper and I have followed everything. I have been in the Public Gallery in the Dáil. I do not deny that other people have views on the level of clarity that has been achieved this week, but I want to acknowledge the absolute consistency and clarity in what the Minister has said in both Houses of the Oireachtas.

I would like to refer to seven key points I noted as the Minister spoke. She said she has initiated a statutory investigation into the practices and procedures of Tusla on foot of her concerns about the role of that organisation in dealing with the child abuse complaints in this case. I welcome that.

I think the Minister's confirmation in her speech that her meeting with Mr. and Mrs. McCabe "was an official meeting in my capacity as Minister for Children and Youth Affairs" is an important and profound statement. She is telling us that she met the McCabes in her official capacity as the Minister. Contrary to what we were led to believe in the other House, this was not some sort casual meeting that the Minister attended in a private capacity. Someone described it as a "private meeting", but the Minister has clarified that it was a meeting she attended in her capacity as Minister. This important line in the Minister's speech jumped off the page when I read it. I am glad the matter has been clarified.

The Minister said that "Tusla will co-operate fully with the tribunal of inquiry". Of course it should do so. I would expect that of Tusla. It should not be a surprise. Tusla will be compelled to co-operate fully, particularly in light of the travesty it has inflicted on people. The Minister also said that "Tusla has deleted the information held electronically on the McCabe family, including the information on Sergeant Maurice McCabe and the four children". Can she confirm that all of this data is retrievable? This is critically important. I understand the need for protection, but I do not like to see people deleting stuff. Was the cut-and-paste administration error reported to the HSE data protection unit as a breach of data protection rules? If the Minister cannot confirm that this evening, she might be able to come back to us on it at some future stage.

Can the Minister assure us that all data are being held, electronically or in any other form? Given that Tusla is to be investigated, in whose charge is all of that data at present? This is a very important matter. I do not know what conversations the Minister and her departmental officials have had with those who work in data protection. There are data protection issues here. All of this information must be kept in hand in a credible manner. I do not know how that can be done. There are serious concerns to be raised.

I welcome the Minister's confirmation that there is to be "a statutory investigation regarding

Tusla's practices and procedures when dealing with complaints of child abuse". She briefed us on her ongoing dialogue with the Taoiseach and the Minister for Justice and Equality. We take that as it is. I presume it will all become more apparent at a later stage.

In the final paragraph of her script, the Minister referred to the request made by Maurice and Lorraine McCabe to be told whether "the persons who have acted as Minister with responsibility for children since 2013, among others, were "briefed formally or informally of the making of such allegations at any time by the Garda Síochána, or by the Commissioner of An Garda Síochána at any time since August 2013". The Minister has not given us an answer. I do not know if she has that answer. If she is aware of the answer, will she share it with us?

Deputy Katherine Zappone: Will the Senator clarify the question he is asking?

Senator Victor Boyhan: I am referring to a request made by the McCabes. As the Minister said earlier, "they have asked if the persons who have acted as Minister with responsibility for children since 2013, among others, were "briefed formally or informally of the making of such allegations at any time by the Garda Síochána, or by the Commissioner of An Garda Síochána at any time since August 2013". The Minister did not give us an answer to that question.

Deputy Katherine Zappone: I did.

Senator Victor Boyhan: Does she know? If she has an answer, she might share it with us.

Deputy Katherine Zappone: Okay.

Senator Victor Boyhan: I thank the Minister for coming in.

Senator Catherine Noone: I welcome the Minister and thank her for her clear statement. The crux of this matter is the achievement of justice for the McCabe family. Since this story broke, I have not encountered anyone who does not have enormous sympathy for the McCabes and the ordeal they have been subjected to. I thoroughly believe the Minister is sincere in relation to this issue. I welcome the Government's commitment in principle to the establishment of a public tribunal of inquiry to investigate allegations. Having been involved in a couple of public inquiries as a solicitor, I have misgivings about this kind of structure because we have created monsters in the past. I hope we will be given clear guidelines about the kind of tribunal we can set up. It would not be helpful to anyone if we were to create a tribunal that will go on for years and years at enormous cost to the State. I have personal experience of this. I would be interested to know what kind of timescale is envisaged for the proposed tribunal of inquiry.

It is imperative for us to be crystal clear at all times that every citizen enjoys a presumption of innocence. This whole affair has brought to light how easy it is to throw mud - for want of a better expression - and for it to stick to someone until he or she is cleared in the way that Sergeant McCabe has thankfully been cleared. Perhaps a wider debate is needed on this aspect of the matter in the months to come. We have to remember that people are innocent until proven guilty. It is worth bearing in mind, notwithstanding the serious and real allegations that are made against individuals, that it is very easy for allegations to be made. I hope the tribunal will unearth the truth. The priority has to be full justice for the McCabe family. As politicians, we accept the he-said, she-said dynamic as part of the business of politics but it is not necessarily helpful to the McCabes - or indeed to the business of the Government - to speak in this way as if we were children in the playground. The statement the Minister has made in this House today is very clear. I do not think we need to go on about that side of things any longer.

I would like to discuss the reform of the Garda, which has inevitably been highlighted as part of this affair. The Government should be given credit for its good track record in this regard, most notably in establishing the Policing Authority. The establishment of this independent body certainly represented a sea change when it comes to policing in this country. I am encouraged by the commitment of the Minister for Justice and Equality to introduce the strongest possible protections for whistleblowers in the policing area. These measures, along with the new code of ethics that is being introduced to new recruits in Templemore, are welcome and necessary. We must put in place strong, durable and sustainable policies and procedures to prevent a recurrence of recent events. It is of the utmost importance that allegations of wrongdoing by members of the Garda are fully addressed. I put it to the Minister that we need to stress that this is not an issue of what was said to whom. We need to get on with investigating what happened with regard to Tusla and Sergeant McCabe. We should move away from the media entertainment of the past week.

I would like to ask the Minister a couple of questions about the McCabe issue and to remind the House of this Government's achievements in the area of child welfare. It has set up the Department of Children and Youth Affairs and an agency for children has been established for the time in the history of the State. The Minister, Deputy Zappone, is a very welcome addition to that Ministry. This Government has also enshrined children's rights in the Constitution by way of a referendum. The big question for me concerns communication links between the staff of Tusla and the Garda. As Senator Clifford-Lee has already touched on this point, I will not repeat it as I had a similar question.

I have heard of other alleged breaches, which include cases of medical notes being sent to the wrong patients, a Tusla report being attached to an information booklet and posted out by mistake, and an incident of a patient's chart being left on a garden wall. I do not know if the Minister has heard of such incidences but I welcome the proposal to set up a statutory investigation. Hopefully that will be a speedy investigation and we will get answers sooner rather than later. As we await the tribunal's outcome, the Minister might confirm whether Tusla has made similar mistakes in respect of any other members of An Garda Síochána. The Minister may not be in a position to answer that today but I would be interested to learn whether other members of the force have been subjected to similar instances. If they have, what supports can be given to these individuals and their families? What are the immediate measures proposed by the Minister? I welcome the statutory investigation into the abuse allegations in Tusla. What kind of assurances can be given to those members of the public who have files in Tusla that their data will be protected? I thank the Minister for coming to the House expeditiously this week to address these matters.

Senator Rose Conway-Walsh: I thank the Minister for agreeing to my request to come before the Seanad today. I appreciate it and that she is busy. I also appreciate the openness and the manner in which she has endeavoured to explain, in a very open way, exactly what has happened from her perspective. The Minister's honesty is refreshing, in the sense of all that has been happening and continues to happen over the hours.

I send my commendations to Sergeant Maurice McCabe and to the McCabe family. I thank them for the service they have done for all of us in enduring the State-sponsored torture of them over the past ten years. They certainly have done us all a favour and we owe them a lot. It is clear that there was error upon error and failure upon failure with regard to child protection and Tusla's handling of the file relating to the allegations made against Sergeant McCabe. On the HSE counsellor's involvement, the reason the counsellor was in contact with the Garda and

who contacted whom is all contrary to the Children First protocol. How could a file of such seriousness be treated so casually as to allow copying and pasting? I do not believe it. I have worked in offices all my life in different situations and that does not happen. It stretches the imagination.

Senator Colette Kelleher: Hear, hear.

Senator Rose Conway-Walsh: It certainly challenges my intelligence to tell me that a file of such seriousness was copied and pasted. Is that counsellor still engaged with Tusla? I am not apportioning blame to anybody. I am certainly not apportioning blame on the counsellor. It appears to me that calls were made, in the way other calls were made, but that will come out in the inquiry. Is the counsellor still engaged by Tusla and has any individual been suspended thus far from his or her job within Tusla? Have the phone records to and from the Tusla offices and the mobile phone records held by the counsellor been seized? It is hugely important that this be done at an early stage. Will the Tusla investigation look into the specific case in question here and the specific circumstances involved, as well as the wider systematic issues referred to in the Minister's report? Some systematic issues may have influenced actions that took place in this instance.

In addition, clearly there are aspects of the particular cases that require special and specific attention. Will Tusla disprove that the file was deliberately created without basis and if it does not do so, will it publicly acknowledge that? Tusla's credibility has been rocked. Many people believe this file was created not in error but maliciously and deliberately. Mr. Fred McBride, the chief executive officer designate of Tusla, has said he would not knowingly allow this but these events occurred before his time. The processes were so comprehensively disregarded it is difficult not to be concerned that this file was created with sinister intention. If the credibility of Tusla is to be restored, then it needs to demonstrate clearly that this did not happen. If it is the case that the file was created deliberately, then Tusla must admit this and make changes to ensure it never happens again. I have challenged the behaviour of An Garda Síochána on the Corrib gas project and in respect of other matters and this is what we, as public representatives, must do. As a citizen and as a mother, how do I know there is not a file open on me or my children in Tusla? That is what worries me and many other mothers and others in the State. How do we know? If one speaks out and says something that displeases people in authority and in power, do they have the facility to instigate such a vile investigation and allegations against another citizen?

Acting Chairman (Senator Kieran O'Donnell): I must remind the Senator to be conscious of time.

Senator Rose Conway-Walsh: When the Minister spoke directly to the Taoiseach regarding the McCabe case, did she inform the Taoiseach that, inasmuch as it related to allegations of sexual abuse, it referred to an attempt to smear Sergeant Maurice McCabe?

Deputy Katherine Zappone: Could the Senator clarify?

Senator Rose Conway-Walsh: Did the Minister refer to how the intention was to smear Sergeant McCabe? When the Minister spoke to the Taoiseach about the matter did she just speak about the allegation of sexual abuse or did she speak about it as being an attempt to smear Sergeant McCabe? Having spoken directly to the Minister, to what extent did the Taoiseach assure her that Tusla would be within the terms of reference of the inquiry and that he had had the

opportunity to consult with Mr. Justice Charleton on the matter before he informed the Minister that he was satisfied?

I have one final question for the Minister. As a Cabinet Minister, does she believe it appropriate that Nóirín O'Sullivan would continue on as Garda Commissioner for the duration of the inquiry?

Acting Chairman (Senator Kieran O'Donnell): I now invite Senators Black and Higgins. I understand they will be sharing time.

Senator Frances Black: We are sharing time at two and a half minutes each.

I welcome the Minister to the Chamber. I am aware that she has had a crazy week and it has been very busy for her. We all, however, must keep in mind what Sergeant Maurice McCabe and his family have gone through. I shudder to think of the trauma for them and the children in particular, which has been horrendous. The treatment of Sergeant Maurice McCabe appears to be of great concern at present because it may lead to the collapse of the Government or the loss of office for some politicians. The real issue, however, is the effect on the lives of Maurice McCabe, an innocent man, his wife and his family. I ask the Minister if she believes there was collusion between some members of An Garda Síochána and some people in Tusla? It is very worrying that, despite no evidence of any child abuse being produced, both Sergeant Maurice McCabe and Garda Keith Harrison were referred to Tusla as being a danger to their children. The questioning of Garda Harrison's partner for eight hours and the way she was told that unless she signed a statement, she would put her children in danger, reminds me of the case of Joanne Hayes in Kerry and her shameful treatment during interrogation by gardaí. This behaviour does irreparable damage to the reputation of the Garda. It is incumbent on the Minister to ensure that the individuals responsible for these actions are held accountable. An investigation must be held into any other referrals from An Garda Síochána to Tusla about other Garda whistleblowers because there is a danger that this tactic was used in other cases. The reputational damage done to An Garda Síochána and Tusla by these revelations can only be put right if the people responsible are held fully accountable. If we do not have transparency in the handling of these matters then two agencies of this State that are essential for the protection of children will have been compromised. I am sure that no one in the Oireachtas wants that.

Senator Alice-Mary Higgins: I thank the Minister for coming into the House and for the clarity, sincerity and consistency of her remarks. I also thank her for her willingness to take the McCabe family seriously and to engage appropriately with them at a very early point, which is commendable. I will not, in the limited time available, dwell on the indefensible and appalling treatment of the McCabe family but I welcome the fact that the Minister has recognised that an apology - wrongly delivered or otherwise - is not enough. This is not simply about a failure of the State. We are talking here about actions of the State, which is the real concern. It is a step beyond concerns around a failure of the State; we are talking about the dangers of proactive actions of the State that do such a disservice to our citizens.

On the forthcoming tribunal of inquiry, I welcome the fact that it will be held in public, which is obviously necessary. Independent persons should be involved in that process and we must ensure that the McCabes are happy with the terms of reference of that inquiry. I welcome the Minister's announcement of a statutory investigation by the Health Information and Quality Authority, HIQA, but would like to hear a little more about it. The Minister spoke about practices and procedures. I am hoping that the investigation will be deeper and will not just look

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at formal practices and procedures in terms of errors but also in terms of malpractice. We need to look to where malpractice may be occurring as well as errors. As with others in this House, I find the cut and paste argument very unconvincing. We need to look to areas not only where errors may have occurred but also where malpractice may be occurring within the system.

I welcome the extension to involve other whistleblowers. This investigation must be short and sharp but we will need a deeper examination of Tusla into the future and I hope the Minister will lead that. Finally, there has been much focus on the timelines of last week in terms of who said what on Monday, Tuesday, Wednesday and so forth but the timelines that we must now focus on are in April and May 2014. We must focus on whether there were attempts to introduce the Tusla forms to the O'Higgins inquiry, for example. Is that something that occurred? The full tracking of timelines is vital. On that point, I wish to add to what Senator Boyhan said earlier-----

Acting Chairman (Senator Kieran O'Donnell): The Senator's time is up.

Senator Alice-Mary Higgins: This is an important point. We have had a number of Ministers for Children and Youth Affairs in the relevant period. It is important that we in this House ask those Ministers what they know, what briefings they received from An Garda Síochána or from departmental officials. The current Minister for Justice and Equality, Deputy Frances Fitzgerald, who is engaging with us on justice-----

Acting Chairman (Senator Kieran O'Donnell): The Senator must conclude.

Senator Alice-Mary Higgins: -----was the Minister for Children and Youth Affairs in May 2014. As well as asking the former Minister if she was briefed on this, I ask the Minister to ask her officials and Tusla if they attempted to engage with or brief various Ministers and, if not, why not. We need to know why a succession of Ministers were not told of an issue which was very much in the public frame at that time. We need to find out what was happening, what briefings were or were not occurring and so forth.

Senator Jerry Buttimer: I welcome the Minister to the House and thank her for her remarks. I also thank her for her swiftness in responding to our request that she come to this House.

The opening paragraph of the Minister's address is one upon which we should focus and reflect. I will quote from it because it is very important. The Minister said: "This has been the result of the actions of the State, its agencies and its employees — those who should protect and serve our citizens, not persecute them." That is the fundamental issue that must be addressed by the HIQA inquiry. I welcome the Minister's commitment in setting up that inquiry. Who will lead that inquiry on behalf of HIQA? What resources will be put into it? The Minister said that the inquiry will be swift. What is the timeline for the inquiry? The Minister made reference to section 9 of the Health Act 2007 and it is very important that we restore public confidence in Tusla.

I speak as the former Chairman of an Oireachtas Joint Committee on Health and Children which interacted with Tusla on numerous occasions and I must put on record that there are many fine social workers, counsellors and staff in Tusla who do an excellent job. We should not tar all of them with the same brush but whether one has a jaundiced, cynical or even supportive eye, the copy and paste argument simply does not add up. I must stress that point. I understand, as I said earlier on the Order of Business, that we are not the judge and jury here but that just does

not add up. Something, somewhere is very wrong. One can argue, in the context of electronic files, as to whether one can open one or two files at a time but that needs to be fully addressed.

The Minister almost had a hanging this week, in terms of accountability and her being a political figure. The Minister is accountable, as are the Taoiseach and the Minister for Justice and Equality. As politicians, we are accountable but nobody in the HSE or Tusla has been held to account to date. There must be accountability. I am not looking for a head and am not taking a populist approach when I say that I want accountability. This Government, the Minister and the inquiry she has set up must be on the button in terms of ensuring accountability.

The Minister made reference to the role of Tusla in her speech and it is very disappointing to see Tusla embroiled in this controversy. We all share the desire to see the McCabe family get what they deserve, namely, truth and justice. In saying that, have we learned nothing from the abuse scandals of the past? Have we learned nothing from the collusion, the obfuscation and the denial of justice to victims? I thought we had turned a corner. Following all of the reports into various incidents of abuse, I thought we had learned from the past. If the Minister does nothing else, I ask her to ensure that the organisation that is charged with minding and protecting our young and most vulnerable gets its house in order. In doing so, she will be adding to her very important legacy in public life in this country. I listened to Mr. Fred McBride, whom I know and respect, and wondered how he, as the head of Tusla, could not get an answer. Am I right in saying that he did not get an answer for 18 months? Senator Clifford-Lee is correct to point out that Tusla has statutory obligations that it must fulfil.

I commend Deputy Jim Daly, the Chairman of the Oireachtas Joint Committee on Children and Youth Affairs for bringing Tusla before that committee so swiftly. The committee system in the Houses of the Oireachtas, despite the limited scope in terms of questioning, interrogating and compelling witnesses, has very strong cross-party support and it is important that the committee system stands up for itself.

At the end of her speech, the Minister referred to incorrect information about the McCabes and described it as horrendous. She is right in that. The damage it has done can never be erased and its impact can never be overestimated. The wounds are deep and will linger.

There is a big question around the links between Tusla and An Garda Síochána that must be answered. In conclusion, I ask for a timeline on the HIQA inquiry, when it is expected to report and the mechanism for reporting back.

Senator Aodhán Ó Ríordáin: The Minister is very welcome. I welcome the clarity of her statement, which is no less than I would have expected from somebody of the Minister's integrity. She is well known in this country as a politician with great integrity and honesty and her stature has been reinforced this week. After the week's events, I find that hers is one of the only voices in the Government I can believe. Unfortunately, I have come to the conclusion that I cannot believe a blind word that comes from the mouth of the Taoiseach or the Tánaiste.

I was previously a primary school principal. We stored files in the school and the place where the filing cabinet held them was probably the most sacred in the entire school. Nobody had access to it; nobody went near it and nobody was allowed to take anything out of the filing cabinet without making sure it would be put straight back in again. Anybody who gained access to the room was strictly overseen by me and people working with me. That a cut-and-paste effort in the case of one child could be misplaced in a file on another is absolutely unthinkable in

a small primary school with 100 children. Of all the files in all the world, it is just not credible that a cut-and-paste effort could find its way into Sergeant Maurice McCabe's file. The problem, as alluded to by Senator Rose Conway-Walsh, is that citizens now believe the State will find a way to take them down if it considers they are a threat.

I can appreciate the difficulties the Minister is having because my party and I went through this for five years in dealing with shambolic handling of justice issue after justice issue. We had to keep the show on the road because there was an economic crisis and it was not worth plunging the country into a general election because of the nature of what we were dealing with. However, we had a Minister for justice on the bloody television leaking bits of information on what he knew about how a Dáil Deputy had behaved in using his mobile phone at traffic lights. Then the Taoiseach effectively fired the Garda Commissioner without telling anybody in either party in government, including the Tánaiste. It was absolutely outrageous. We had to drag Fine Gael Members kicking and screaming into accepting any concession or change in the justice portfolio. They did not want to know about the proposal to establish a policing authority until they were shamed into accepting it.

Senator Jerry Buttimer: That is ridiculous.

Senator Aodhán Ó Ríordáin: They had no comprehension of what equality and justice really meant. It is polling company stuff. That was our experience in government. Fundamentally, Fine Gael does not have an instinct for what is just and right until it reaches the point of disaster and no return. Now Brexit does not matter. Various reports are under consideration in the Houses today that would put Ministers under pressure at any other time. I genuinely do not want to say this, but I can no longer believe a word that comes out of the Taoiseach's mouth.

Senator Jerry Buttimer: That is ridiculous.

Senator Máire Devine: Senator Aodhán Ó Ríordáin is right.

Senator Aodhán Ó Ríordáin: The Taoiseach's presentation of what has happened in the past few days is just not credible.

Senator Jerry Buttimer: The Senator should withdraw that remark.

Senator Aodhán Ó Ríordáin: The media performances of other members of the Government in the past few days are just not credible. What we are dealing with is a family whose names have been destroyed. There are people wondering why anyone would bother being a whistleblower. They are asking themselves what would happen if they were to see a great injustice or a terrible wrong being done in the institution in which they are working and why they should bother to stand up. They are saying to themselves that the agencies of the State would pick them off and do them down. The very people in public life who are supposed to defend individuals in these situations cannot remember, pretend that they cannot remember or give a presentation of events which cannot be believed. I have absolute faith in the Minister before us and her presentation on what has happened in the past few days. I commend her for being willing to meet the McCabe family, signing them in at Leinster House - there was nothing private about it - and standing with them again today. I also commend her for her statements, but I know what she is dealing with.

Senator Jerry Buttimer: That is a scurrilous remark.

Senator Aodhán Ó Riordáin: Until senior members of the Government cop on to the fact that in this republic it is “justice be done though the heavens fall”, we will return to this issue time and again.

Senator Gerard P. Craughwell: The Minister is very welcome. This is my first time to address her since her elevation. The saying goes, “What a tangled web we weave.” I cannot begin to imagine what it was like for her to step off an aeroplane on Monday afternoon and walk into a firestorm, but I must compliment her and she has been consistent ever since. I have heard grand speeches and the shouting and roaring. According to “Prime Time” and various other programmes, Members of this House knew all about the McCabe affair for years and did nothing about it; therefore, let us not grandstand. All I will say about the McCabes is that a tribunal of inquiry will be an extremely expensive affair. I sincerely hope Sergeant Maurice McCabe and his wife and children will be provided with all of the legal brains they need to protect their good name which has been hammered for long enough.

I will not slag off the Taoiseach, the Minister for Justice and Equality or anybody else. If somebody has lied, let him or her live with his or her conscience, but I hope they have not lied, as the mixed stories are certainly very hard to take.

Tusla, which comes within the Minister’s direct responsibility, is a dysfunctional organisation. I know that she has not been in the Department long enough to have a decent look at it. I thank her office for contacting me first thing this morning about an issue I had raised in the House. A family in the midlands approached me to tell me about the gross physical and mental abuse of their child. The child is now 12 years old and being treated for post-traumatic stress disorder. The family went to Tusla with this problem, I think five years ago. It stated it would investigate the matter. Another family in the same part of the country went to Tusla with an identical problem and the person whom they met said it was very interesting that Mrs. and Mr. Bloggs who had visited three weeks previously had told the same story. The Tusla staff member said they did not realise another family were involved. They were sitting at home, minding their own business. They are extremely private. There was a knock on the front door and people from the village with whom they had never engaged in their lives were standing there saying they had heard they had the same problem. The mother said she did not understand what they were talking about. The people from the village said they were referring to the abuse of

the mother’s child. She asked them where they had heard this. They said that that
7 o’clock day they had been in Tusla’s offices where staff members had told them all about it.

Confidentiality is at the core of an organisation such as Tusla. Who, in God’s name, released the information? I contacted the family again today having been contacted by the Minister’s office. They are prepared to meet the Minister and put before her the file they have which is quite extensive and lists seven individual social workers and two counsellors who had been assigned to the young boy. This is unbelievable on the part of an organisation that is supposed to look after the welfare of children. I know that the McCabes have a problem, but it seems anyone can contact Tusla in the morning to say there is a problem with Mr. and Mrs. Bloggs’ child or that Mr. and Mrs. Bloggs are injuring their child in some way and that Tusla will commence an investigation. The family are then under the spotlight, even if they have never laid a hand on their child. The organisation is away with itself and needs to be reeled in.

I have two requests for the Minister. First, I ask her to meet the family to whom I have referred. Second, when the statutory investigation starts, she must start a root and branch reform process. We cannot have contractors working for an organisation such as Tusla who cannot keep information confidential.

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This organisation needs to suspend all inquiries until such a time as it is established that it is capable of doing the job it was set up to do. Another garda has come forward who had been reported to Tusla because somebody wanted to have a go at him. At the end of the day, we really need to get a hold of Tusla and find out what is going on.

I compliment the Minister, Deputy Zappone, on what she has done since she has gone into office and I wish her well as she goes forward. She will be a Minister to be reckoned with if she finds that there is wrongdoing anywhere within the area of her portfolio and I compliment her on that.

As I said at the outset, I am not interested in slagging off the Government. I could not care less. The Government and what has happened will find its own level when the statutory or public inquiry starts but before anybody else in this House gets up and starts shouting and roaring about what this Minister or that Deputy said, let us ask ourselves how many of them knew. I heard last night on television that the allegations against the McCabes were widely known in Leinster House. Why did somebody not stand up in Dáil Éireann and say it?

Acting Chairman (Senator Kieran O'Donnell): Senator Craughwell will have to conclude.

Senator Gerard P. Craughwell: All right.

Senator Máire Devine: I thank the Minister. While it is taking time, we are beginning to learn timelines and who said what to whom. I disagree with my colleague, Senator Noone. We need to know who said what, when and how. People need to be accountable and not hide behind the assertion that one should bury it now and get on with the inquiry.

I believe the Minister is winning the moral ground and the Taoiseach and the Tánaiste are lagging significantly behind in that. What has occurred in the past week or so is insupportable. Primarily, it has affected the McCabes but there are other whistleblowers coming out and there will be others in the future. It is insupportable for us and we are charged with upholding the democracy of this country. It will be the scandal of our time. I do not know how more scandalous it can be. If, as Senator Craughwell says, Members were aware of it, I certainly am a bit naive and was not aware of it. Perhaps that is naivety; I am not sure.

I have a few questions. I note the Minister has gone to the Health Information and Quality Authority, HIQA, for the investigations. While that is the correct option to take, how could a file on alleged child abuse exist and not be picked up for several years? It was sitting there and was not picked up. It is clear that normal procedures were not followed and that raises the question of handling in its entirety the child protection issues that Tusla comes across on a systematic basis. People with whom my party's councillors have been involved ask whether this child abuse can really be true or real, whether it was imagined or whether Tusla was trying to get at people and now one thinks perhaps that is the case. Perhaps there is a vindictiveness or whatever there. It is political, in this sense, for Sergeant McCabe.

The copy and paste error would be laughable if it was not so serious. It is unbelievable and complete and utter balderdash and we need to find out how that occurred. How Tusla could think it could get away with that excuse is pathetic. Anybody knows copying and pasting will not cut it in these circumstances.

There are questions for HIQA. As a member of the Joint Committee on Children and Youth

Affairs, I will have more time next week to put more pertinent questions to the authority.

I have questions for the Minister. On the timeline, when did the Minister inform the Taoiseach about the false allegations of sexual abuse by Sergeant McCabe? Was it two days before the “Prime Time” programme? I am still not clear on that. Could the Minister give an exact date? What did they discuss? Is the Minister 100% certain that the Taoiseach heard the words “false allegations of sexual abuse” from Tusla? Third, does the Minister believe that the Taoiseach is being economical with the truth, to use a euphemism? The people on the streets would say, “Redact, redact, pants on fire” - something that rhymes with “fire”.

Senator Jerry Buttimer: Senator Devine should ask her own leader.

Senator Máire Devine: Will Senator Buttimer move along? This is too important for the Senator to try and make a political point out of it.

Senator Jerry Buttimer: Senator Devine should ask her own leader. The Senator just made a political charge.

Senator Máire Devine: Senator Buttimer has done so, day in, day out.

Acting Chairman (Senator Kieran O’Donnell): Senator Devine-----

Senator Máire Devine: Perhaps the Acting Chairman should ask Senator Buttimer to “Dún do bhéal” for a minute.

Acting Chairman (Senator Kieran O’Donnell): I ask both Senators.

Senator Máire Devine: Go raibh maith agat. I apologise to the Minister for being so rudely interrupted by an ignoramus on my right. I hope the Minister can answer the questions-----

Acting Chairman (Senator Kieran O’Donnell): Maybe the remarks-----

Senator Máire Devine: -----and I wish her the best of luck.

Acting Chairman (Senator Kieran O’Donnell): Senator Devine has concluded. The Senator had a bit of extra time, if she had wished to use it.

Senator Máire Devine: I thank the Acting Chairman.

Senator Colette Kelleher: I thank the Minister for coming in to make her statement.

I speak as a Senator with a background as a social worker. The children of Ireland need and deserve supports and protections, particularly when things go wrong and especially when children need others to step in to safeguard and protect them. We need a children’s safeguarding system that works, that has the competence and resources to do the work and that has the children’s and our confidence. Disturbing matters have been reported that raise very serious question on the workings of Tusla and I welcome the Minister’s announcement on Monday of an independent statutory investigation.

I have a few questions for the Minister. What are the terms of reference for the independent statutory investigation of Tusla by HIQA? What is the timeframe? I was encouraged that the Minister stated she wanted something quick and sharp but what is the timeframe for the independent statutory investigation? Who will be involved in the independent statutory inves-

tigation? What happens for children while the independent statutory investigation is taking place? Will any wrongdoing or wrongdoers be held to account and dismissed as a result of what emerges from the investigation? In her statement, the Minister states that she has lots of concerns about how Tusla is dealing with child abuse complaints. Does the Minister believe that the terms of reference for the independent statutory investigation are broad enough to address all the issues that are pertinent to having a high-performing child protection agency that the children of the State, particularly vulnerable children, desperately need and deserve? Finally does the Minister have confidence in Tusla? Has she full confidence that Tusla has the organisational capacity and culture to take on board the findings of the HIQA statutory investigation, that it can implement Children First and that it is capable of protecting the children of Ireland properly and adequately? I want the Minister to answer those last questions carefully because they are of utmost concern, not only because of the wrong done to the McCabe family but also because vulnerable children nationwide desperately need an agency on which they can trust and rely. It is a shocking thought that those children cannot rely on such a system here tonight and the Minister should respond to that point.

Senator Kieran O'Donnell: I thank the Minister for coming in for this debate. I want to make a few points and pose a few questions to the Minister.

I first came across Sergeant Maurice McCabe when I was a member of the Committee of Public Accounts at the time he sought to appear before it. Many were reluctant for him to appear. I felt strongly that it should not go to a vote and we collectively as a group would meet him. I am glad that reason prevailed and that he came in and appeared before us. That was my first engagement and contact with Sergeant McCabe.

The questions I want to pose are as follows. Had the McCabes not submitted a freedom of information request, would this information have ever come to light? It is stark that a family was exposed. That question must be posed. There must be a defined timescale on the HIQA report. Are the terms of reference set at this point and what exactly are they? One of the main issues is that one must separate corporate governance from the individuals involved in Tusla. In my experience, in all organisations, most staff are doing their best but clearly, one must question this cut and paste error. It defies credibility. Clearly, in terms of corporate governance, there are major problems with the organisation. If Tusla is not fit for the purpose then the Minister must consider whether it should be disbanded.

As Senator Kelleher emphasised earlier, on a daily basis we deal with people. In cases where children are at risk we deal with parents who are under enormous pressure and we try to strike a balance. In most cases taking children from parents is a measure of last resort. What happens if people do not have confidence in the system? I fundamentally believe that children should be with their mother or father, or parents. If that cannot be the case then we must have a system that we can trust.

When did the Minister meet Garda Keith Harrison and Marissa Simms?

Deputy Katherine Zappone: At 4 o'clock.

Senator Kieran O'Donnell: Will there be a follow-up in terms of the meeting? The Minister can answer but I do not wish to get involved in the issues.

The fundamental issue is that we have an investigating commission with a defined timeline. Previous commissions of inquiry were used as a means to run the clock down. It is important

that we have a public hearing but it must be linked to a controlled mechanism. How long does the Minister anticipate the public inquiry will take in terms of the commission of inquiry overall? How long will it take to produce the HIQA report?

Had the McCabes not lodged a freedom of information request this matter would never have come to light. That is a scary proposition. We must have systems that are fit for purpose.

I welcome the fact that the Minister has come before the Seanad and I look forward to her contributions. First and foremost, this matter is about the McCabe family and other families. I want to know whether what we are talking about is an isolated incident. How did such a cut and paste error take place in the first place? We must ask hard questions. How did it happen? In my experience, people rarely act alone.

Senator Paul Gavan: I welcome the Minister to the House. I shall be brief. She already has plenty of questions to answer and I shall add a few more. I have huge admiration for the work that the Minister is doing at the moment and I think I speak for a lot of people when I say so.

My first question is difficult but I must be direct. How can the Minister have confidence in a Taoiseach who, by his own admission, invented a conversation with her that never took place? It is a pretty fundamental issue. By his own admission, he invented a conversation that never happened in terms of a matter as important as this.

As the Minister will know, there is a fair degree of speculation about when the Taoiseach first heard about the false allegations against Sergeant Maurice McCabe. The Taoiseach has changed his story repeatedly. Last night, having admitted the conversation that he made up was made up he replied to my colleague, Deputy Maurice Quinlivan, that the first time he heard about the allegations was when he watched the “Prime Time” programme on Thursday night. We know that is not the case. We know that is not true. Does the Minister believe the Taoiseach when he says to her that the first time he was aware of these allegations was his conversation with her? That is what he has now implied. I ask because I do not believe what he says is credible. Many people knew about the allegations and they have swirled around here for years. I cannot believe that what the Taoiseach says is credible given the statements made by others, including Deputy John McGuinness. I would like an honest and direct answer to the following from the Minister. Does she believe the Taoiseach when he says that the first time he ever heard of these false allegations against Maurice McCabe was when he spoke to her?

Acting Chairman (Senator Aidan Davitt): The Minister has the floor whenever she is ready.

Minister for Children and Youth Affairs (Deputy Katherine Zappone) (Deputy Katherine Zappone): I thank the Acting Chairman. I am very appreciative of being here and for all the questions. This debate is a great example of the way this House can and does operate. The Senators have clearly contributed to us attempting to move forward from these extraordinarily difficult times, particularly for the McCabes as we have all identified, as well as the huge concerns and difficulties in terms of what happened to them, what is going on in Tusla and what other aspects relative to the wider tribunal of inquiry that will be established that the questions asked by the Senators drill down into. I shall attempt to address many of the questions as best I can, as well as the questions on democracy, the ways in which the Cabinet operates and the systems of decision making. All of those things are part of this matter. I am really appreciative

of the questions raised and having the opportunity to answer as many as I can.

Before I begin, I would like to know how much time I have.

Acting Chairman (Senator Aidan Davitt): The Minister has until 7.30 p.m.

Deputy Katherine Zappone: I noted the questions so I shall reply to the Senators in the order in which they asked their questions. I may run close to the time trying to identify some of the themes that came through. If I do not reach all of the questions I am happy to supply the Senators with a direct reply.

Senator Clifford-Lee mentioned a counsellor was outsourced by Tusla. It was a HSE counsellor, that this person went to, who then referred what she heard to Tusla. Just to be clear, it was not a Tusla person. There are no difficulties with Tusla in terms of the counselling aspect of this case. That person had a responsibility, in light of what she heard, in order to make the reference.

The Senator asked whether there were communication issues. Yes, there are communication issues. Tusla employs five people to work on communications within the organisation. Certainly, the focus on improving communications throughout this very large organisation is a key part of the 2017 business plan. It is something that I have discussed with the organisation. I meet the senior officials and the chair of Tusla on a quarterly basis. The Senator is right to ask questions about communications, particularly in terms of this matter.

The Senator asked about communications at Cabinet level, the *ad hoc* nature and ensuring proper notes are circulated ahead of time. I have raised these issues too. We have agreed, subsequent to the past couple of days, that we will have memos ahead of time. They are required in terms of the sensitivities and difficulties that are before us and will ensure that we are not put at a disadvantage, particularly the Independent members of the Cabinet.

The Senator referred to the fact that the apology was delivered to a neighbour. Yes, it is indefensible.

The Senator ask why files were opened on children who were over 18 years of age. Again, another one of the mistakes. The Senator has asked good questions. These are the kinds of things that will be looked at in terms of-----

Acting Chairman (Senator Aidan Davitt): It would be helpful if the Minister spoke directly into her microphone.

Deputy Katherine Zappone: My apologies. Let me say the following by way of more generally answering a couple of the thematic questions on the HIQA investigation and tribunal of inquiry. We need to be careful that there is no overlap. It will take a little bit of time to develop the terms, particularly for HIQA. That will be done subsequent to the terms for the tribunal of inquiry.

More generally what we can say is the tribunal of inquiry will look at this specific case in terms of the McCabes, Tusla, the gardaí, etc. The HIQA investigation will consider the systems and processes in terms of the complaints made about abuse of children, which has to be done as well. Senator Kelleher and others have raised questions highlighting the importance of this being done as quickly as possible in order for the people of Ireland to have confidence in Tusla. I completely agree with that. I earlier expressed deep concerns about Tusla. In respect of the

timing of the HIQA investigation, we are trying to balance, on the one hand, the need to get it done as swiftly as possible for all the reasons the Senators have identified and on the other, the need to ensure that the focus is as right as it can be. This is to ensure that we get the answers and the reassurances that I need, as Minister for Children and Youth Affairs, to be able to maintain confidence in the organisation. Those are the things that we are dealing with right now.

In terms of how long it will take, my Secretary General has been having meetings with HIQA in the last couple of days. My understanding from him is that it will probably take us until some time next week to be clear about how long the investigation will take. That is because we need to balance those things I have mentioned, as well as ensuring that it does not stray into the commission of investigation. My officials know that I want it to be as swift as possible and yet it must address all of the issues. I do not have the terms right now. My officials are working with HIQA, its CEO and its senior management team to put the best possible terms together. They will be done as soon as possible and we will have a timeline but these are complex issues.

To respond to many of the questions that have been raised in respect of Tusla, I will say that HIQA has done, and continues to do, independent investigations of all areas in which Tusla works throughout the country. They have done baseline reviews of each of these areas with regard to how systems and processes are implemented. One often hears in the news that we are getting another report from HIQA in terms of a particular area in which Tusla works. These reports are to ensure that the work carried out meets certain standards. Obviously they review it against a number of standards. In some of those areas these standards are met, in other areas it is recognised that there is still a risk for children.

Baseline reviews have been carried out and we are now into the second phase. This is about identifying particular key concerns, depending on what the area is. They try to focus a little bit more on identifying some of those concerns and then go back in and focus on those aspects in that particular area. It is not as if this is the only review. I am not sure what the technical term is, or whether they might be called investigations but they are doing independent reviews of what is going on within those different areas and presenting their reports to me and to the public, identifying things that need to be improved upon. That is going on currently and that is part of what HIQA's job is, in addition to this particular investigation which we will be establishing. In light of these reviews taking place, we can say that there is monitoring and identification of child protection and welfare issues.

I hope the Senators will excuse me if I pass on a couple of other areas. Senator Boyhan asked about the data protection issues. If I remember his exact question correctly then, yes, there are issues here and we need to examine if they can be part of the investigation. He also asked a specific question about the deletion of the data. Let me be clear about that. The McCabes requested that the data be deleted from the Tusla files on their children and on the sergeant himself. That was done at their request. It should not have been on the system, if the Senator understands what I am saying. Having said that, files were deleted electronically. The paper files are under lock and key, so that they are there and available for the tribunal of inquiry in order for it to do its examination. The Senator also asked a question, which was repeated by another Senator, on the exact questions that different Ministers were asked. I have given my answer in that regard. I did not have any briefings in relation to any of those matters. I believe the Tánaiste is on record as saying that she does not either, but I will just offer my answer to that question. The Senator is perhaps right to ask that in respect of others.

Senator Alice-Mary Higgins: Did Tusla attempt to brief any Minister, or had it briefed any

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of the previous Ministers? If not, why not? That was the other part of that question.

Deputy Katherine Zappone: In respect of these issues that we are discussing?

Senator Alice-Mary Higgins: Yes. For example, did it approach the then Minister, Deputy Fitzgerald, during the period in 2014 when this was happening?

Deputy Katherine Zappone: I can go back to Tusla.

Senator Alice-Mary Higgins: Will the Minister ask them?

Deputy Katherine Zappone: This may go back to a later question from Senator O'Donnell in respect of the freedom of information, FOI, request but my understanding is that if they had not requested the FOI, we would have missed this altogether.

Senator Gerard P. Craughwell: I think what we are trying to get at is, at the end of it, if I may-----

(Interruptions).

Senator Gerard P. Craughwell: We will come back to it.

(Interruptions).

Deputy Katherine Zappone: It is part of the public story that the McCabes got a letter from Tusla, and then a second letter which said that Tusla had been wrong, which led the McCabes to request the FOI.

Senator Kieran O'Donnell: That is extraordinary.

Deputy Katherine Zappone: It is extraordinary, which is why the tribunal and the investigation are going on.

Acting Chairman (Senator Aidan Davitt): Senators, please.

Deputy Katherine Zappone: I thank Senator Conway-Walsh for asking me here. I am very pleased to be here. She spoke articulately and with such great passion, as have others, in respect of the cut and paste issue. In one sense that is probably shorthand for all of the errors. The cut and paste, the original error, came from the HSE side and was then carried through to Tusla, where there were other errors. These are extraordinary things which are very hard to believe. They created this incredibly damaging set of experiences for the McCabes after all they had gone through. That is why it is absolutely imperative that this becomes part of the tribunal of inquiry, in respect of finding out why these things ultimately happened, how they happened and who was responsible. People have asked questions about accountability and these would be all part of the context of the tribunal of inquiry. It is 7.30 p.m. Is there something-----

Senator Rose Conway-Walsh: Is the counsellor still engaged by the HSE? I am just trying to be helpful in reminding the Minister. Is the counsellor still there? Have any of the staff been suspended?

Acting Chairman (Senator Aidan Davitt): We want to try to get the rest of the questions answered.

Deputy Katherine Zappone: No staff have been suspended. We are in the midst of rais-

ing these issues, taking a look at them and determining who is ultimately responsible. All of those things, as I said, will be part both of the inquiry and of the investigation. These are still good questions the Senator has raised as to whether this is something that needs to be done immediately. I have not had the opportunity in the last couple of days to sit down with the senior management team, face to face, to address many of the other questions Senators have identified that need to be sorted out as we move forward.

Acting Chairman (Senator Aidan Davitt): To be fair to everybody, and I am not trying to be overpowering here, but we need to let the Minister finish because we are out of time. She can answer the questions these people have validly asked, but she is not going to get around to answering them if we keep butting in.

Deputy Katherine Zappone: No, I will not.

Acting Chairman (Senator Aidan Davitt): We will let the Minister finish. Perhaps we will have a little time afterwards. Let the Minister finish the initial questions first, please.

Deputy Katherine Zappone: I am trying to identify a couple of questions. In terms of the freedom of information request mentioned by Senator Kieran O'Donnell, I have identified the timing of the tribunal of inquiry.

Senator Colette Kelleher: Does the Minister have confidence in Tusla?

Deputy Katherine Zappone: I have said that I have deep concerns, and I am also initiating an investigation. HIQA is out there identifying other areas. There is a huge improvement and reform programme going on that I am overseeing. I have deep concerns and I am acting on those. That is the respectable way forward.

Senator Paul Gavan: Does the Minister have confidence in the Taoiseach given that he has made up conversations that never happened? It is a fair question.

Senator Jerry Buttimer: More political charges.

Acting Chairman (Senator Aidan Davitt): Time is up.

Deputy Katherine Zappone: I was asked if I believe what the Taoiseach says. I hear that the Senator says he does not. I do not have proof in front of me to say otherwise. In terms of the account of what did not happen regarding my own meetings with him, the Taoiseach has already rectified that, but I do not have proof otherwise. We can discuss later what proof there is, and if the evidence can be demonstrated I would accept that.

Senator Paul Gavan: That does not sound very confident but it does sound very honest.

Acting Chairman (Senator Aidan Davitt): When is it proposed to sit again?

Senator Jerry Buttimer: Ar 10.30 maidin amárach.

The Seanad adjourned at 7.32 p.m. until 10.30 a.m. on Thursday, 16 February 2017.