



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 28 Márta 2017

Tuesday, 28 March 2017

Chuaigh an Leas-Chathaoirleach i gceannas ar 2.30 p.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

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

The need for the Minister for Education and Skills to provide assurances that additional funding will be available if needed to retain all existing courses at the Castlebar campus of Galway-Mayo Institute of Technology.

I have also received notice from Senator Aidan Davitt of the following matter:

The need for the Minister for Education and Skills to include St. Patrick's national school, Edmonton, Killucan, County Westmeath, in the summer works scheme 2017 for urgent upgrade of sanitation facilities in the school.

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

The need for the Minister for Housing, Planning, Community and Local Government to provide an update on the implementation of all the Mahon tribunal planning recommendations.

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

The need for the Minister of State at the Department of Health with responsibility for mental health and older people to outline the timescale as to when works will start on a new 50 bed unit on the Sacred Heart home site in Roscommon town following the announcement of capital funding for the project last year.

I have also received notice from Senator Robbie Gallagher of the following matter:

The need for the Minister for Transport, Tourism and Sport to provide an update on the proposed funding for the essential and urgent structural repairs required for Tyrconnell Bridge, Tyrconnell Street in Donegal town and Fintra Bridge just outside the town, as it is vitally important these works are carried out as a matter of urgency in the interest of road safety.

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

The need for the Minister for Transport, Tourism and Sport, to make a statement on his proposal for introducing an NCT scheme for tractors.

I have also received notice from Senator Maria Byrne of the following matter:

The need for the Minister for Education and Skills to address concerns from the hospitality industry regarding the shortage of qualified chefs and other associated skills in the hospitality sector.

I have also received notice from Senator Kevin Humphreys of the following matter:

The need for the Minister for Justice and Equality to outline the steps she has taken to ensure the accuracy of Garda statistics and reporting, especially on road safety enforcement.

I have also received notice from Senator Lorraine Clifford-Lee of the following matter:

The need for the Minister for Transport, Tourism and Sport to consider providing a swimming pool for the town of Balbriggan, County Dublin.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Ó Domhnaill, Davitt, Boyhan and Feighan and they will be taken now. Senators Gallagher, Lombard, Byrne, Humphreys and Clifford-Lee may give notice on another day of the matters that they wish to raise.

Commencement Matters

Institutes of Technology Funding

Senator Brian Ó Domhnaill: I raise the issue of third level funding in general, with particular reference to the Castlebar campus of GMIT which, like many institutes of technology, faces significant financial challenges, notwithstanding the fact that student numbers are growing at third and fourth level across the State. However, most of the buoyancy is within the universities sector and, unfortunately, the institutes of technology are struggling. A financial review carried out last year for the Department of Education and Skills identified this issue which I raise wondering what steps are being taken.

In the case of the Castlebar campus of GMIT, there is a debt shortfall of €2 million. I understand there is also a deficit in Letterfrack. The Castlebar campus matter was highlighted at the monthly meeting of Mayo County Council where concerns were raised by my colleague, Councillor Michael Smyth, and Councillor Michael Kilcoyne. A meeting has taken place with the president of GMIT, but I understand it may not have resulted in much. Ultimately, it is a matter for the Department to give a commitment to provide additional funding in order that the current suite of courses will not be reduced in any way. There is a precedent within the Department in the provision of an additional €3 million which was made available to a second campus of Letterkenny Institute of Technology in Killybegs for the ongoing suite of courses offered there.

I am not sure if a request has been made, but certainly one is to be made for a meeting between the Minister and a delegation from Mayo County Council to discuss this issue. I understand a motion was passed at the most recent monthly meeting of the council seeking a meeting. I encourage the Minister to meet councillors as they are the persons best equipped to raise local concerns about the campus. I hope he has some news or an update for us and can share the outlook of the Department. I note that he provided additional funding in the recent budget, which I welcome. Ultimately, however, there are increasing education demands and the IT sector must be funded to play a key role. It cannot leverage funding from the private sector in the same way as universities for research and development and in other avenues. The IT sector must be encouraged, supported and facilitated across the board to meet the capacity demands on the third and fourth level education sector in the years to come.

Minister for Education and Skills (Deputy Richard Bruton): I thank the Senator for raising this issue. The higher education sector is vital in achieving our long-term ambitions as a nation. After nine years of continuous cuts to the budget for these institutions, I have been pleased to provide for the first increase in investment this year. Beyond that, we have committed to a demographic dividend in the coming three years. On top of this, we have decided to develop, with the Minister for Public Expenditure and Reform, an Exchequer-employer mechanism. We have published a paper for public consultation and would welcome submissions.

Direct funding for individual colleges is not provided through the Department but through the HEA which we assign to deal directly with institutes of technology and the universities. It does not come through the Department. We assign the HEA to deal directly with these institutes of technology and with the universities. They are independent bodies and have their own governing authorities. The HEA is reviewing its funding mechanism.

The Senator is right that there was a recent review of the entire institute of technology sector during which issues such as the difficulties they have in funding were raised. Very specifically the difficulties of IOTs with multiple campuses were highlighted as an issue that the HEA wants to support as part of its ongoing development of funding in the sector. That is a positive backdrop to the discussion we are having.

My Department and the HEA are aware of the financial difficulties being experienced by a number of the IOTs, including Galway-Mayo Institute of Technology. The HEA has been closely monitoring the financial position of all of the IOTs and in particular is working closely with those institutes operating in deficit to ensure appropriate mechanisms are put in place to eliminate the deficit as quickly as possible. In line with the HEA's policy for dealing with financially vulnerable institutes, GMIT has agreed a three-year financial plan with the HEA to reach a balanced budget by 2017-18 and an external financial expert has been appointed to review the plan.

GMIT has also identified a number of areas to address its financial position including implementation of a retention strategy; review of the offering versus other higher institutes of education to try to increase demand; and a new programme development to bring increased student numbers. The HEA has also stated that plans for the future of Galway-Mayo Institute of Technology must support the sustainable development of provision on all campuses. That is a very important principle.

The HEA and the GMIT governing body have reconfirmed to my Department their commitment to implementing a viable development plan for the Castlebar campus as part of this

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process. GMIT has appointed an interim head of the campus in Castlebar to lead this process. The GMIT board has also established a sub-committee look at the overall strategy and future plans for the institute.

The Department and the HEA recognise the particular challenges attached to multi-campus provision in GMIT and other institutes of technology. A major review of the funding allocation model of higher education has commenced and the review will look at how the future model can take account of the additional costs associated with these arrangements. My Department and the HEA are committed to such multi-campus provision, including that at Castlebar.

The rest of the response deals with the wider issues of funding this sector. I believe, as the Senator does, that one of the keys to building a strong sustainable competitive advantage in our regions is building around the skill base. I regard the presence of campuses and the development of those campuses as vital to securing that long-term regional capability.

Senator Brian Ó Domhnaill: I thank the Minister. Is a copy of the Minister's script available as generally is the case?

Deputy Richard Bruton: I will definitely arrange to have it circulated.

Senator Brian Ó Domhnaill: That would be fine.

I understand the challenges that IOTs, including GMIT, are facing. It is important to recognise that rationalisation of services into the central pillar of GMIT would be at the expense of the Castlebar campus. I appreciate that the HEA has responsibility, but overall responsibility rests with the Minister. Would he be willing to meet the delegation from Mayo County Council to discuss not just that issue, but other issues relating to third level education in the Mayo area?

Deputy Richard Bruton: I thank the Senator. It is important that we develop this plan, particularly for Castlebar and that we carve out a strong and resilient future for it. I will be meeting representatives of the college to get an understanding of the challenges and how it will meet them. I regularly go to different parts of the education sector to have consultation sessions where we hear local ideas.

As local authorities are not specifically an education body, I am not committing to meet local authorities. Unfortunately, I get such requests on a very frequent basis. I assure the Senator that I am very conscious of the needs of Castlebar. I will ensure I get first-hand experience from those who are extremely committed to its development. I believe that together with the HEA and the new funding models we can carve out a strong future for Castlebar.

Summer Works Scheme

Senator Aidan Davitt: My query is a simple one that relates to Edmonton school outside Killucan. I am sure the Minister is aware of the situation regarding it. The school sought upgrading works for toilet facilities last year under the summer works scheme but was unsuccessful. The school has again sought a grant for this year. I have been in the school with the local Deputy Robert Troy and, to say the least, the facilities are exceptionally poor. I would be surprised if the school would pass a health and safety review. The facilities at the school must be upgraded with the utmost urgency. I implore the Minister to look at them himself.

The upgrade works that are required have been costed at €40,000, which is not a large amount. I am sure the Minister will fund a summer works scheme this summer. I am pleased he is in the House and that I can make him aware of the conditions in the school. It is not an exaggeration to say the amenities are exceptionally poor. In addition to the substandard conditions for the pupils, the teachers must also endure the existing facilities, which are just not good enough. I would very much appreciate if the Minister could give a firm commitment on Edmonton school.

Deputy Richard Bruton: I thank Senator Davitt for raising this issue. The summer works scheme is one that was completely suspended at the height of the downturn following the crash. It was reintroduced in 2014 to 2015 and it is to be provided in the 2016 to 2017 school year. It generally runs in two-year cycles. The scheme for 2016 to 2017 is again in a two-year cycle. The first phase of it for 2016 dealt with the first two categories, namely, gasworks and electrical works, and the next phase will go down through the remaining categories.

The position in regard to St. Patrick's national school, Edmonton, is that it has applied for summer works. As Senator Davitt outlined, it is a co-ed school with 77 pupils. The school applied for the scheme to upgrade toilet facilities. Under the classification for the summer works scheme, toilets come under category 5. The assessment of applications for the summer works categories is now being undertaken by the Department. I expect to be in a position to announce a further round of successful applications in the near future. I should point out that nearly half of all schools in the country have applied for the scheme and as Senator Davitt can imagine, given the interruption of the scheme for a couple of years, there is a backlog of demand. The Department must apply prioritisation criteria to ensure the most urgent cases are addressed. The 2017 scheme is a continuation of last year's scheme and if we are in a position, I hope we will announce a further scheme for 2018 and 2019. That is the current status of the scheme. The work is ongoing and decisions will be made shortly.

Senator Aidan Davitt: I appreciate that the Minister has come to the House today and the response he has given. We have made him aware of the position. I do not say it for the sake of saying it but because I have been in the school with the local Deputies and if the Minister were there on the ground himself he would consider making this an urgent case. I thank him for coming here today.

Deputy Richard Bruton: I thank the Senator. I will alert officials to the case Senator Davitt has made but I think the school itself has made a very strong case in its submission. Unfortunately, given the nearly 1,700 applications from schools around the country it is a challenge to allocate the resources in a fair way that meets as many of the needs as possible.

Tribunals of Inquiry Recommendations

Senator Victor Boyhan: I thank the Minister of State for being with us. The Mahon tribunal investigated planning corruption in Dublin between 1997 and 2012. The tribunal cost more than €160 million, consisted of 589 days of public hearings and taking evidence and had 427 witnesses. One might ask what the taxpayer has to show for all of this work and all this money and these hours of investigation? We know that court decisions relating to 12 named persons, including a former Minister, developers and a Dublin City assistant manager were subsequently quashed. Hard-hitting and clear recommendations have been made in the report by the tribunal. We need to hear how they are progressing. Can the Minister of State explain why some of the

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key recommendations of the Mahon tribunal report have not been implemented? For example, it recommended the disclosure of the identities of all those making political donations in excess of €55. That is not my choice nor my recommendation, but it is what Mr. Justice Mahon said to a Deputy. The report also refers to various thresholds concerning donations. That is an area on which the tribunal has made strong recommendations. I want to hear what the Government is going to do about it.

I am aware of the Corruption Bill, and no doubt the Minister of State is also. I recognise that it is not the Minister of State's responsibility nor the responsibility of his Department. There was a direct effect following Ireland's failure to implement recommendations in terms of corruption. We know that Ireland was recently placed 19th in Transparency International's Corruption Perception Index for 2016. It was expressly stated in its findings that, "The failure of the Government to implement the Mahon tribunal and the Moriarty tribunal recommendations was at the very heart of this change". That is profound, and it is something that we need to address.

The Mahon tribunal uncovered extraordinary information about widespread corruption in the planning process, and that infected the planning process for decades. That was a legacy we had in the past. The Minister for Housing, Planning, Community and Local Government, Deputy Coveney, and the Minister of State, brought in the Planning and Development (Housing) and Residential Tenancies Bill 2016, which has been passed by both Houses. How is the Minister of State going to implement the recommendations that have come from the Mahon tribunal? Can he advise the House of his plans to establish an independent planning regulators office? This was part of the programme for Government. The Minister of State has a lot of work on his plate. The key issues I want to identify today are the implementation of the recommendations of the Mahon tribunal - I would like a timeframe for that - and how it is intended to proceed with the independent planning regulator.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I apologise for being a little late but I was delayed by traffic.

An Leas-Chathaoirleach: No problem.

Deputy Damien English: I think Senator Boyhan for raising this issue. The Tribunal of Inquiry into Certain Planning Matters and Payments, otherwise known as the Mahon tribunal, was established by order of the then Minister for the Environment and Local Government back in 1997 to inquire into and report on various planning matters as set out in resolutions passed by the Dáil and Seanad concerning the establishment of the tribunal. As Senator Boyhan will be aware, the tribunal made in total 64 recommendations, of which ten are planning related and fall to my Department to implement. Some of the planning-related recommendations have already been implemented, such as the development of regional, spatial and economic strategies by the regional assemblies, and prohibiting the use of powers available to elected members under section 140 of the Local Government Act 2001 concerning planning matters.

The majority of the remaining Mahon tribunal planning-related recommendations are provided for in the Planning and Development (Amendment) Bill 2016 which is presently being progressed through the Oireachtas, with Dáil Committee Stage scheduled for 12th of April next.

3 o'clock

I understand the Senator raised this issue with me during a debate last week. All Stages of the Bill are progressing.

The Planning and Development (Amendment) Bill 2016 proposes to provide legislative underpinning in respect of the following tribunal recommendations. It proposes to place on a statutory footing the proposed new national planning framework, to be titled Ireland 2040 - Our Plan, as a successor to the 2002 national spatial strategy. It also proposes the establishment of a new independent office of the planning regulator to take over the functions of evaluating and assessing local development plans and regional strategies, to generally oversee the operation of the planning system and to conduct necessary reviews of the operation of the planning system. This proposal is particularly important and will introduce a further institutional layer of sophistication and oversight to the planning system.

The Bill also proposes enhanced transparency in the planning process, requiring the publication of submissions, local area plans and development plans, as well as the chief executive's report on such submissions on the website of the planning authority. It also proposes the forwarding of any proposed grant of planning permission which will materially contravene a development or a local area plan to the relevant regional assembly for observations. The payment of reduced or no fees by elected members when making submissions and planning applications as well as the noting of such representations on a development planning file is also proposed.

There are two planning related recommendations in the final report of the Mahon tribunal which have not yet been progressed, one of which the Senator mentioned. The first recommendation relates to the proposal that members of regional assemblies shall be directly elected. In this regard, the new regional assembly structures were only established in 2014, further to the Local Government Reform Act of that year. Accordingly, it is considered premature to progress this recommendation at the early stage of the operation of the new regional assembly structures. However, it is intended that implementation of this recommendation will be reviewed after the new structures have run a full five-year term in 2019.

The other outstanding tribunal recommendation which remains to be progressed, and to which the Senator referred, relates to the introduction of a requirement that applicants for planning permission be required to disclose if they have made a political donation to a member of a local authority or elected representative when submitting a planning application and also to indicate the identity of the recipient of any such political donation.

On this matter, it is considered that issues relating to political donations generally are probably most appropriately addressed in the standards in public office legislation, which is a matter for the Minister for Public Expenditure and Reform. However, the Minister will reflect further on whether it might be possible to address the issue of planning related political donations in the specific context of planning legislation. Committee Stage of the relevant Bill will be debated in April. I hope I have clarified the position for the Senator.

Senator Victor Boyhan: I thank the Minister of State for his comprehensive response. It will feed into a proposal on a draft Bill on which we are working and which will come before the House at some point.

I want to raise two issues. The Minister of State has not identified the new independent office of planning regulation. He acknowledged it but gave no commitment on its implementation, including the date of its establishment. I ask him to come back to the House on that.

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On the payment of reduced or no fees for county councillors and elected members of the 31 local authorities, we are none the wiser. I ask the Minister of State to share some of his thoughts on that.

Deputy Damien English: The Bill to which I referred - it is on Committee Stage - will deal with the matter. In terms of timelines in regard to the independent planning regulator I do not want to second guess what will happen on Committee Stage. As the Senator knows, proceedings can go quite smoothly or take time. Either way, we are open to having a lengthy discussion with all Members of both Houses on Committee and Remaining Stages of the Bill. I have no doubt I will be back in the House. I cannot comment on timelines.

Nursing Home Accommodation Provision

Senator Frank Feighan: I am glad to be given the opportunity to raise this important issue and thank the Minister of State for being here today. As he knows, at the start of last year, his predecessor, Kathleen Lynch, announced one of the most comprehensive investment programmes in public nursing home facilities in the history of the State. As part of this €400 million investment programme by the Government, 33 existing home facilities throughout the country will be replaced and 57 others will be refurbished or extended. Before this breakthrough announcement, many communities feared that some nursing homes would be closed because of a failure to meet the required HIQA standards. With this significant funding programme, that will now not be the case.

In County Roscommon, the Plunkett home in my town of Boyle and Áras Mháthair Phóil in Castlerea benefit from €1.14 million and €850,000, respectively. The single biggest beneficiary in County Roscommon was the Sacred Heart Hospital in Roscommon town. After a long and hard fought campaign by many stakeholders, including myself, €9 million in funding was finally secured to upgrade its facilities. The funding allocation of €9 million will ensure that the facility will become compliant with the environmental aspects of HIQA standards by 2021. It is important to state that HIQA inspections of the Sacred Heart Hospital have confirmed the excellence of care that residents receive, which is reassuring for residents and their families. If I may be a little parochial, my mother, who is 89 years of age, has been in the Sacred Heart Hospital for the past two months. My family and I are absolutely delighted with the care she receives and I thank the doctors, nurses and staff there.

Many people like my mother are availing of rehabilitative care but the health care ranges from continual care to rehabilitative, palliative and respite care for up to 95 residents. However, as is the case with many long-established public nursing homes, the physical environment needs improvement. Part of the Sacred Heart building dates from 1842 and has undergone modifications over the years to improve facilities but HIQA inspections have found that significant structural improvements are required to ensure compliance. From my regular visits, it is evident that the building is not designed and laid out to meet fully the needs of the residents. Most of the bedrooms are multi-occupancy and accommodate up to four beds in each room. No one can argue that this does not impact on the privacy and dignity of residents.

Thankfully, a specific plan is now in place to make provision for a new 50 bed unit on the site of the Sacred Heart Hospital. This will involve an extensive refurbishment of the building to provide residents' accommodation in en-suite, single and two-bed rooms along with a suitable communal space and sanitary facilities. As I stated at the outset, the funding was an-

nounced more than a year ago. We now need a commencement date for the works on the new Sacred Heart unit. I hope the Minister of State can give an indication of the timescale today.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Senator Frank Feighan for raising this important issue. I know he is committed to developing services for senior citizens, health services and disability services in the Roscommon area.

Although it is Government policy to facilitate older people to remain in their own homes for as long as possible, there will always be a cohort of people who need long-term care. Quality residential care must continue to be available to those who need it. We are strongly in favour of choice with regard to services for senior citizens. Public residential care units are a significant and crucial part of our framework of services for older people. They provide more than 5,000 long-stay beds, amounting to approximately 20% of the total stock of nursing home beds nationally. The standard of care delivered to residents in these units is generally very high but we recognise and accept that many of our public units are housed in buildings that are less than ideal in the modern context.

The HSE is responsible for the delivery of health and personal social services, including those at facilities such as Sacred Heart Hospital in Roscommon. The hospital was registered with HIQA in 2015 for a period of three years with the maximum occupancy of 95 people. The beds provided by nursing homes such as Sacred Heart Hospital are an essential part of our health care infrastructure. The beds provided by nursing homes like the Sacred Heart home in Roscommon represent an essential part of our health care infrastructure. Without them, many older people would not have access to the care they need. Therefore, it is essential for them to be put on a sustainable footing and for the fabric of the buildings from which they operate to be modernised and improved.

The capital programme that was announced last year is one of the most comprehensive programmes of investment in public nursing home facilities ever undertaken by the State. It provides for the replacement and refurbishment of 90 public nursing homes across the country. Significant work was undertaken by the HSE to determine the most appropriate scheduling of projects over the five-year period from 2016 to 2021, within the phased provision of funding, to achieve compliance and registration with the Health Information and Quality Authority. Under this capital programme, it is proposed to deliver a new community nursing unit at the Sacred Heart home by 2021. This project will replace existing beds where the physical environment requires significant improvement. Like all health care infrastructure developments, this project requires a lead-in time to complete its various stages, including appraisal, project brief, design feasibility, review of costing estimates and finalisation of financing. This project is at the appraisal stage. The HSE expects that construction will begin in 2020 and will be completed and operational by 2021. The works, when completed, will ensure the hospital's long and proud tradition will continue well into the future.

Senator Frank Feighan: I thank the Minister of State again. I am delighted that the Government is fully committed to upgrading the Sacred Heart nursing home. The Minister of State has said that the "project is at the appraisal stage". He mentioned that the various stages before the construction stage include "appraisal, project brief, design feasibility [and] review of costing estimates". I have sat in on the three stages that have happened at the Sacred Heart's sister facility at Roscommon County Hospital. It has taken almost four years for the endoscopy building at the hospital, which is now providing excellent facilities in Roscommon, to get up and running. I sat in from the appraisal stage to the design stage. I thank the management and

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staff of the hospital. Along with doing their own significant work, they were able to make an input into the development of the endoscopy unit. As a result, the hospital now has significant accreditation as a working hospital. The input of hospital management and staff enabled them to determine the best possible result. I would like to think the knowledge and endeavours of the staff of the Sacred Heart home will be included in the appraisal stage because it is absolutely vital. I am delighted that this project is going ahead. I do not think people fully realise how much work goes on during the appraisal, project brief and design stages. It is a long and drawn-out process. It has to include all the stakeholders, including the staff, to ensure we get the best possible result. I thank the Minister of State again. I wish him well.

Deputy Finian McGrath: I thank Senator Feighan for his remarks. I know how committed he is to the protection of our senior citizens and the elderly, particularly in the Roscommon area. I take his point that the bureaucracy associated with the different stages can sometimes lead to delays. I will be responsible after this debate for passing on Senator's Feighan message that we need to ensure progress is made with these projects. It is important to provide for services to be made available to senior citizens who otherwise do not fit into options like home support and home care packages. There are other issues with the provision of services for our senior citizens. As I have said, approximately 5,000 people across the country fall into that category. It is essential for the senior citizens in the Roscommon area whom we are discussing to get services of the best quality. The quality services they deserve as a right include proper, modern and state-of-the-art beds, conditions and toilet facilities. Senior citizens worked for all their lives. The least we can do for them, towards the end of their years, is our best to support them. It is very important that we do. I also take the Senator's point about the staff in the Sacred Heart Home. I reassure him that every provision will be made and every avenue followed to ensure the staff and patients will receive the support and services they deserve. I will bring the points raised by him to the Minister, Deputy Simon Harris.

An Leas-Chathaoirleach: I thank the Minister of State and the Senator.

Sitting suspended at 3.15 p.m. and resumed at 3.30 p.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, Health (Amendment) Bill 2017 - Second Stage, to be taken at 4.45 p.m., with the contributions of group spokespersons not to exceed eight minutes each and those of all other Senators not to exceed five minutes each.

Senator Catherine Ardagh: I wish to raise two issues, the first of which is the recent Garda scandal and the second is the protection of cyclists on our roads.

How the Government has dealt with the recent Garda scandal is incredible. Most notably, the Tánaiste and Minister for Justice and Equality has failed to appear in the Dáil today and has, for all intents and purposes, gone to ground. Some 937,000 false breath tests have been registered on the PULSE system and there have been more than 14,000 wrongful convictions. This is the most recent scandal affecting the Garda Síochána, demoralising the force and bringing it to its knees. There has been an inadequate response from the Government. Instead of answering questions and uncovering facts, we have been accused of being "Political" with a capital "P". Responses, or the lack thereof, by the Taoiseach in the Dáil today and the Commissioner, and the deafening silence from the Tánaiste, have been wholly inadequate. It is incredible that

the Tánaiste has not attended the Dáil. Both she and the Garda Commissioner must attend the joint justice committee to give a proper and detailed explanation of the wrongdoings. There must be accountability for one of the largest miscarriages of justice in volume terms in the State. Albeit relating to minor offences, this constitutes a significant wrongdoing.

The presumption relied upon in many District Courts around the country that a fixed penalty notice is deemed to have been served correctly is being challenged by judges, undermining the criminal justice system and putting it on the back foot. This is only one of the many repercussions that the scandal is having on the criminal justice system. At a point when we are not too far from the previous scandal and the force is on its knees, we need to know what steps the Commissioner and the Tánaiste are taking to unveil the truth. The culture and morale of the force are at an all-time low. We in Fianna Fáil believe that a Northern Ireland Patten-type commission needs to be established to improve the force and boost morale. We acknowledge the hard work of the majority of gardaí, but this scandal is effectively taking away from them. We need transparency and accountability. It is not credible that the Commissioner did not unveil the content of this revelation to the Policing Authority when they reportedly met six times in the past year. Will the Tánaiste attend the House to make a statement and answer questions on these matters?

The second issue relates to the deaths of three cyclists on our roads in the past two weeks. Yesterday, a lady in her late 30s was killed on Templeville Road, and I extend my thoughts and prayers to her family on my behalf and on behalf of the Fianna Fáil group. We need to start taking seriously the deaths of cyclists on our roads. We need to ensure more protection is given and there is an awareness campaign so motorists take heed of cyclists. If three murders had taken place in this city over the past two weeks, there would have been uproar. Three cyclists have died in the past two weeks and not enough has been done about it. The Government needs to take action on this.

Senator Michael McDowell: I want to raise the question of the appointment of judges. We have an increasing number of judicial vacancies and it would appear the legislation which was the subject of some pre-publicity has not materialised. The court system is becoming increasingly overburdened due to the absence of judges and, most importantly, the outlook is very poor.

The role of the Minister for Transport, Tourism and Sport on legislation on the appointment of judges is causing grave concern, because more and more the line is being taken that somehow our present Judiciary is failing the country, is not of adequate quality, needs to be changed and is the product of cronyism. The Constitution gives to the Executive of the State the right to nominate people to be appointed as judges in our courts. This is an important function for the Government. Nobody in his or her right mind thinks this can be abdicated without a change to the Constitution. It is a function of the Government and the responsibility of the Government. The choice of people for appointment to the Judiciary is a governmental decision.

It is also sometimes stated appointments should not be political. If this means party political I agree completely, but if it means political in the other sense I disagree fundamentally. The persons put on the Supreme Court are chosen for their outlook, their ideology, and by reference to a number of issues which are political in another sense. It is to the Government of the day the function of making nominations falls.

In the United States of America we can see that a highly party-politicised appointments system to the Judiciary exists, but nobody thinks Ruth Ginsburg, for instance, was appointed to

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the US Supreme Court other than on the basis she was a legal liberal. It was the entitlement of the US President to make an appointment in this respect.

Senator David Norris: Not a bad idea though.

Senator Michael McDowell: The simple fact is the composition of our Supreme Court is so important there is only one organ in our Constitution which is vested with the responsibility for it and that is the Government. Efforts to hem it in and prevent it from making appointments are, in my view, very misguided.

I notice the general secretary of the Law Society advocates drawing our Judiciary from a broader spectrum of society as an end in itself. I have a different perspective. I say what we need to do is have excellence in the Judiciary, but nobody in the current debate, especially the Minister, Deputy Ross, is talking about the need for excellence in our Judiciary.

Senator David Norris: Hear, hear.

Senator Michael McDowell: They all talk about petty political criteria for putting people on the bench. The quality of judicial appointments has, unfortunately, declined in recent times due to a number of economic factors. If we allow the quality of the Judiciary to decline, we will suffer economically and internationally in the long run as far as our reputation is concerned. I ask the Leader to arrange for the Tánaiste whom I know has plenty of other pressure points to come to the House to deal with the fundamental question of how we keep excellence in judicial appointments as the first criterion for appointment.

Senator Rose Conway-Walsh: I extend my sympathy and that of the Sinn Féin Party to the families of Captain Mark Duffy and Captain Dara Fitzpatrick. Ar dheis Dé go raibh a n-anam dílis. I commend the continuing efforts of all those involved in the recovery of R116 to reunite Paul Ormsby and Ciarán Smith with their families. I hope that will happen before too long. I am proud of my local community in Blacksod Bay on the Erris Peninsula for their hard work and solidarity with the families of the crew of R116 in the past 14 days.

This week there has been yet another dent in public confidence in An Garda Síochána. People are completely bamboozled by how the figures for breath tests could have been exaggerated by 937,000 and how 14,700 people could have been wrongfully convicted of motor-ing offences. If this was a one-off systems failure that could be dealt with in an efficient and transparent manner to reassure the public and restore confidence, we could live with it, but the fact that the Garda Commissioner is already at the centre of the Charleton inquiry and had knowledge of the latest debacle since 2014 is utterly unacceptable. Sinn Féin, through Deputy Jonathan O'Brien, has made several attempts to strengthen the powers of the Policing Authority, but it has been blocked by both Fianna Fáil and Fine Gael. I am ask the Leader, as a matter of urgency, to invite the Tánaiste and Minister for Justice and Equality to make a statement to the House in order that we can hear first-hand why she is refusing to implement section 11 of the Garda Síochána Act 2005 and why she thinks it is acceptable that the person in charge is not accountable. How much more does the integrity of An Garda Síochána need to be eroded before a change in leadership is necessary? It is absolutely urgent that the Minister come before the House to explain why she is taking a hands-off role in the latest debacle. We know that there will be many more debacles.

Senator Kevin Humphreys: Everybody in the House is in a state of shock and amazement at what is happening in An Garda Síochána. There is a substantial crisis of public confidence.

We have listened to commentators say it was carelessness or a systems failure and give many other excuses. What we have is a management failure. I am seeking to amend the Order of Business to have the Tánaiste and Minister for Justice and Equality called into the House to make a statement and take questions on the issue. In my mind are the 14,700 citizens who were not believed when they appeared before the courts. We have all read in local newspapers about people who said they never received notification and were never written to. The court system told them that they were telling lies.

Senator David Norris: I have been breathalysed 1 million times.

Senator Kevin Humphreys: It is not good enough to let it drift on and not to have a statement made in the House. I call on Senators to support the Labour Party's proposal that the Order of Business be amended to enable the Minister to come into the House to make a statement and take questions. That is the least we should do. There is an onus on us to do this for the public and the citizens who have been accused and been called liars in the courts. They probably made fools of the judges also. I ask the Leader to accept the amendment proposed to the Order of Business to ensure the Minister will come to the House today to take questions from Senators. It is the least the citizens of this country deserve.

An Cathaoirleach: I would like to clarify whether the Senator's amendment encompasses both matters - the exaggerated drink-driving claims and the 14,700 errors.

Senator Kevin Humphreys: It does, indeed. The 14,700 errors and the almost 1 million falsified breathalyser tests.

Senator Catherine Noone: I support Senator McDowell and I agree with his comments on the Judiciary. Excellence should be the aim at all times. It is both a populist and dangerous road that we are currently going down when it comes to the Judiciary.

It is a sad and costly reality that Ireland is on the road to becoming the fattest country in Europe. I was encouraged and delighted to hear that many Departments have installed healthier option vending machines in their offices at the request of employees who want to choose such an option. It is imperative that schools, workplaces and hospitals, in particular, follow. It makes no sense that hospitals have vending machines laden with sugary drinks and foods. Obesity has become one of the greatest public health challenges Ireland faces and many patients are in hospital because of obesity-related illnesses such as diabetes, high blood pressure, and coronary heart disease. They and other patients should be encouraged to eat healthily and those who wish to should find it easy to do so. It is difficult to find healthy options when visiting hospital tuck shops. Although there have been conscious decisions and plans have been put in place to address the State's obesity issue, we need to keep the ball rolling. I was encouraged by this move by Departments but we need to actively encourage workplaces, especially within Departments, to enforce these policies.

Senator Terry Leyden: I call on the Minister for Transport, Tourism and Sport to bring the parties together for discussions and negotiations on the Bus Éireann nationwide strike. It is imposing major hardship throughout the country on workers, employers and everybody else who is badly affected. This strike has the potential to escalate with Dublin Bus and school transport services in danger as well. The Minister should not be in on the negotiations but he should use his position to request or direct all parties to suspend the strike and to sit down and negotiate. I am long enough in the Oireachtas to recall that a previous Fine Gael Government under Garret

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FitzGerald and Jim Mitchell abolished Irish Shipping. This left ships throughout the world, which were seized. For an island nation not to have Irish Shipping was-----

Senator David Norris: And they swindled the employees out of their pensions.

An Cathaoirleach: The Senator, without interruption, please.

Senator Terry Leyden: Exactly. The danger in this regard is serious. I was told by people, who are concerned, that Bus Éireann will become insolvent and then be privatised, and then there will be no nationwide service. I appeal to the unions also to wake up and go back to the negotiating table. Mr. Kieran Mulvey is from my home town and he is one of the greatest industrial relations negotiators the country has ever had. He has resolved many strikes. I appeal to the Leader and to the House to suggest to the Minister the nomination of Mr. Mulvey to come back and bring the parties together as a neutral, independent arbitrator in this dispute. With his knowledge and experience, he could resolve this issue sooner rather than later. It is extremely grave.

Senator Victor Boyhan: I support the proposal made by Senator Humphreys because it is right and important. It has gone too far in respect of the Garda Commissioner. The gap between the number of breath tests the Garda claims to have carried out and the number identified by the Medical Bureau of Road Safety coupled with the extraordinary interview on “Morning Ireland” earlier have to raise widespread concerns about the way the Garda does its work, which certainly does not instill any confidence.

I do not want to pre-empt anything the Commissioner or the Minister for Justice and Equality, for that matter, might say but it warrants the Minister coming in here today to make some sort of a statement and be subject to reasonable questioning and clarification. There are serious concerns about Garda management and also about Garda supervision. Let us be clear here. What it amounts to is approximately 1 million falsified breathalysed tests. That is an extraordinary thing to happen on anyone’s watch. Who is responsible? Who will ultimately take the rap? Who will be sanctioned? It is important that the Minister comes in here now and shares the facts. Therefore I will support Senator Humphreys’s proposal to amend the Order of Business.

Senator Michelle Mulherin: First, I support Senator McDowell’s comments on judicial appointments. The kernel of the issue put forward by the Minister is somewhat spurious and I do not think it is helpful.

I would like to join in the expressions of sympathy to the families of both Captain Mark Duffy and Captain Dara Fitzpatrick who lost their lives. I hope the two others lost in the same rescue can be found as soon as possible. I join with the comments commending the people of Erris who have shown their true grit and humanity in responding to and supporting the search and rescue operation that is still under way.

I rise in particular on the matter of the Bus Éireann strike. As a general principle, I agree with the Minister’s position. The State has industrial dispute resolution mechanisms and they are there for a reason, but there are many bigger issues here that warrant the Minister to move on the matter in some fashion.

First, it has to be clear that there is a management issue. It has been said that Bus Éireann has made a 41% increase in the losses on Expressway in the period of one year. Staff are being

asked to take considerable cuts in their wages. Is management taking any wage cuts? I understand they are not. In an environment when this should have been well anticipated, why are we now at crisis and facing insolvency? If there are issues around management, faced with what we are faced in Bus Éireann, some action is required on the part of the Minister. This is in the context of public transport provision to rural areas and its commercial viability, in particular the people using bus passes on Expressway. It is suggested that Bus Éireann is not being properly compensated for the use of bus passes even though it is being asked to operate as a commercial concern.

There are a lot of questions there and the bull needs to be grabbed by the horns. I ask that the Minister would do that.

Senator Frances Black: I want to talk about the emotive topic in Ireland today that is eviction. Now, when I read the newspapers, it feels like we are turning back to the late 1800s where tenants were being evicted from their homes by rack-renting landlords but now the landlords are the foreign vulture funds and in some cases domestic lending agencies.

Senator David Norris: Hear, hear, well said.

Senator Frances Black: In rural Ireland, farms are being repossessed and lands that have been in families for generations are being sold off by vulture funds. Some banks are selling off agricultural debts to multinational property asset companies which subsequently demand immediate payment of moneys owed. Fears are growing that an entire generation of farmers could be wiped out, stalling hopes of a sustainable rural recovery. Vast tracts of lands are now in the hands of vulture funds and farmers are under immense pressure. When farmers lose their land, they not only lose an asset but also their income.

The stress and anxiety experienced by these farmers has led to countless suicides. We need to highlight the number of suicides that are directly linked to financial pressures from banks and financial institutions chasing their own debts. Last weekend the *Sunday Independent* published the findings of a national survey of the mental turmoil associated with debt, which were just scandalous. It talked about how 44% of participants felt depressed either all or most of the time. Over 30% said they had had suicidal thoughts in the previous four weeks, while 22% admitted they had active plans to kill themselves, which is shocking. A total of 45% indicated they consumed harmful levels of alcohol. The situation cannot be allowed to continue. Does the Government have any plan to implement strict legislation to regulate vulture funds, the activities of which will wipe out a generation of farmers? Young people lose interest in farming when they see the stress and anxiety their parents are suffering. It will spell the destruction of rural communities and be a further drain on mental health services. Banks are acting in a manner that is not acceptable in piling stress and misery on embattled farmers. They are destroying viable farms and undermining recovery in rural areas.

Another serious issue which is emerging is the refusal of banks to release sites to the sons or daughters of farmers who are paying off a loan. Evictions are not confined to rural areas. A friend of mine lost a job last October. She has a five year-old son and with her husband who is working has been served with a notice to vacate their apartment since it is being sold. They are entitled to receive housing assistance payments but no landlord is willing to take them. Their only alternative is to go onto a housing list and be given accommodation in a hotel which is totally unsuitable, as their child will not have play facilities and they will not have cooking facilities. There is a feeling of devastation in having to move into such places. Can legislation

be introduced to force landlords to accept housing assistance payments

Senator Trevor Ó Clochartaigh: Tá mé ag ardú ceiste inniu a bhaineann leis na tithe máithreacha agus leanaí agus go háirithe cás Thuama. I was talking to Ms Catherine Corless over the weekend. She is the lady who brought the issues around the Tuam Mother and Baby Home to public attention. Both she and the representatives of the survivors of many such homes are being frustrated by local authorities who are not allowing them access to very important public records on public funding that should be available to them to continue the research they are conducting. I know that this issue is being debated in the other House and that there is going to be a vote on it this evening. However, I am perplexed and dismayed that an amendment is being brought forward by Fianna Fáil to amend Sinn Féin's motion to try to block people from having access to files. It will not preserve the site which we are trying to have preserved, with all other mother and baby home sites and those at Magdalen laundries and industrial schools. I am absolutely dumbfounded that Fianna Fáil is trying to block this. One must ask the question: "Why is there such reticence on the part of some political parties and the State to allow people to see the historical archival files?" In Galway, for example, we want to see records of the public moneys paid to those homes, including State funding and payments from organs of the State such as Galway County Council for the upkeep of the homes, as well as other documents. I understand they are available on the websites of other local authorities. I would like the Minister for Housing, Planning, Community and Local Government to come to the House to see if it is possible to have a certain degree of homogeneity in order that all local authorities would have to make these records publicly available. People might then find the truth and join the dots of a very complicated jigsaw puzzle that is the history of these institutions. I call for a debate with the Minister on this issue.

I would also be grateful if the Leader updated me on an urgent issue I raised last week related to implementation of the International Protection Act 2015, the questionnaires being circulated and the issues connected with the direct provision system. The Leader indicated that the Minister of State, Deputy David Stanton, would come to the House to discuss the issue. It needs to happen sooner rather than later.

Senator Paul Coghlan: Last Friday, with many other public representatives, I was shown around the most beautiful mental health facility, Deer Lodge on Mill Road in Killarney. It is a wonderful facility which was constructed at huge cost, but it is lying idle. It has been ready to be opened for some time. It has been designed as a replacement unit for the very old O'Connor Unit, as it is known.

4 o'clock

Senator Ned O'Sullivan will know it on the site of the old St. Finan's Mental Hospital which has been disused for a long time. The facility will take 40 patients and have 62 staff and people would relish being transferred there from where they are at the moment. However, on foot of a problem I do not understand, this unit is not being utilised. It was built at a cost of I do not know how many millions of euro on the site of the old St. Anne's Isolation Hospital and is ready for use, but it is not being used. People involved in mental health in Cork and Kerry are very concerned. We are crying out for better mental health facilities because we need to look after people but this is an instance where a model building in a glorious setting in beautiful Killarney is being allowed to lie idle. It is absolutely crazy.

An Cathaoirleach: It is in view of Fitzgerald Stadium, if I am correct.

Senator Paul Coghlan: I did not want to go there today.

Senator Ned O’Sullivan: It is very disappointing and dispiriting to learn of a yet another collapse in the talks in Northern Ireland on the formation of an Executive on foot of the Good Friday Agreement. Unless wiser heads prevail, we are looking at a third election in the North in the space of a year or so or, even worse, the reimposition of direct rule from Britain. This is at a time when the North faces major questions, not least of a budgetary nature and specifically in the context of the overarching worry of Brexit now and into the future.

The people of this island endorsed the Good Friday Agreement and in doing so created a number of expectations on an awful lot of people. In the main, those expectations rest on the shoulders of the political parties in the North. When we were negotiating peace, in which, thankfully, we succeeded, the politicians in the North received fantastic support and goodwill from various Taoisigh, Prime Ministers and US Presidents. Is it expecting too much of them now to step into the breach themselves and do what politicians are meant to do, namely, work things out? I ask the Leader to keep the House briefed on developments in the North and, if he can, have the Taoiseach to attend to brief Members. We are all politicians and I will not point the finger of blame at any particular party. When it comes to it, however, the national interest, in this case in the formation of a Government in the North, is far more important than the preoccupations or vanities of any particular party.

Senator David Norris: Colleagues will remember that I raised previously the unilateral and unjustified closing down of the bank accounts of the Ireland Palestine Solidarity Campaign by the Bank of Ireland at the behest of the Israeli Government. Last night, I spoke at a TED Talks event in Trinity College before which there was a sponsored reception in the on-campus premises of the Bank of Ireland. When a spokesperson for the bank talked about encouraging the exchange of ideas and freedom of speech, I shouted up to ask why, in that case, the bank unilaterally closed down the accounts of the Ireland Palestine Solidarity Campaign. While I was then love-bombed by the staff of Bank of Ireland, I subsequently discovered the students were contacted and told their sponsorship might be withdrawn. It is a most extraordinary thing. This morning, I contacted the TED Talks people in Trinity to find out the amount of the sponsorship so that I could cover it in the event that the bank withdrew it. I was told, however, that the matter was covered by confidentiality clauses. So much for Bank of Ireland, freedom of expression and the exchange of ideas. This hypocrisy richly deserves to be exposed.

Senator Kieran O’Donnell: I have two issues to raise, the first of which is the Bus Éireann dispute. I know many of the workers who are out on strike. It is extremely worrying for them.

An Cathaoirleach: My only reservation is that people who speak for the second time - I am trying to be lenient - have only one issue to raise. The leaders can raise two.

Senator Kieran O’Donnell: Then I will stick to this issue.

An Cathaoirleach: If the Senator is brief I will let him in, but I have to be fair too.

Senator Kieran O’Donnell: I always attempt to be brief.

An Cathaoirleach: Attempting to be brief and being brief are different things.

Senator Paul Coghlan: With a large pinch of salt.

Senator Kieran O’Donnell: The brief politician is an oxymoron.

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I hope that common sense will prevail. People need to be talking to each other to find a resolution. I am on record as saying that I feel the business model under which Bus Éireann has been operating, particularly with the Expressway routes, is effectively an unfair model. Up to 60% of its passengers are people who avail of free travel, whereas the private operators are not required to take those who qualify for free travel. It is almost impossible to compete when it is not a level playing field. Everyone, including the workers, is aware that change is required. We cannot lose sight of the fact that many of these workers are people with young families and mortgages. They are under pressure. I ask the Leader to convey our hope that talks would get under way as quickly as possible to find a resolution so that we can have a balanced public transport system involving Bus Éireann.

My final point relates to Irish Cement. Limerick City and County Council has granted permission for a new plant to burn alternative fuels. Many people in the area have serious concerns over pollution and yet it is still not licensed by the EPA. We need to look at the law. Before planning permission is granted for any physical infrastructure, the EPA should first be required to grant a licence. I think it is the cart before the horse.

Senator Paul Gavan: I also raise the issue of Bus Éireann and call for the Minister for Transport, Tourism and Sport to come to the House, although I suspect it will not help us. I was on the picket line yesterday with workers in Limerick. I welcome that there has been support from all sides of the House on the issue. I also welcome Senator Kieran O'Donnell's comments to the degree that he recognises there are issues of Government policy regarding how the company is structured.

I will cite two issues. The PSO was drastically cut back between 2009 and 2015. It is not sufficient to support the public services that are needed at the moment. There is a €17 million deficit on the reimbursement for the free-travel scheme. The last time I raised this in the Chamber, the Leader said the company was losing €50,000 a day. That is because it is not being funded properly. The point is that it is not possible to solve an industrial relations issues when key issues of Government policy are underpinning the problem.

I say this with respect, Fine Gael has the power to fix this. It is that party that is in Government and it is being supported by Fianna Fáil. The workers are out on strike because the Government, for all Fine Gael Members' kind words, is not taking action to deal with it.

Senator Trevor Ó Clochartaigh: Hear, hear.

Senator Paul Gavan: Those workers do not want to be on strike. I was with them yesterday. They had no choice but to take this action. It is time that Fine Gael Members took responsibility and told their colleague, the Minister, Deputy Ross, what needs to be done. The issues of Government policy have to be dealt with. I remind Members of this House that we are talking about workers who have to wait 20 years to earn the princely sum of €624 a week, which is less than half of the salary Senators get from the outset.

Fine Gael should face up to its responsibility for its failures in Government policy. It has spent six years trashing this company financially.

Senator Jennifer Murnane O'Connor: Hear, hear.

Senator Paul Gavan: Otherwise it will, as Senator Leyden said, kill our public bus service, just as it did Irish Shipping.

Senator Trevor Ó Clochartaigh: Hear, hear.

Senator Aodhán Ó Ríordáin: I support what has been said about Bus Éireann. Across this House, we have been raising this issue and the issue of Dublin Bus for a number of months. SIPTU has announced that it is balloting its members in Dublin Bus and Irish Rail. The Minister has known this was coming from the first day of his appointment, it cannot be a surprise to him. From what was said on the radio this morning, I am quite sure the Minister is delighted with the fact that there is widespread support for his interest in changing the judicial appointments process. That is all very well and good but that is not his job. His job is to be the Minister for transport. The Independent Alliance now seems to be running around the place and getting very excited about the latest controversy with An Garda Síochána. At the same time, its senior Minister, who presents himself as the leader of the Independent Alliance group, is responsible for the transport policy of this country. On the day of his appointment, he knew there was impending industrial unrest in Dublin Bus and Bus Éireann. As someone with the responsibility for the purse strings of the Department, he has an opportunity to set out a three to five-year strategy for transport policy in this country. Senator Nash and I made this point as part of a Labour Party motion some months ago. There is deafening silence from the Minister unless he wants to post a selfie of himself going to work at 10 a.m. on a bus that, according to him, bizarrely seemed to be somewhat lacking in passengers. Most people who go to work at 10 a.m. on a weekday would probably find the bus slightly less packed than the good Minister, Deputy Ross.

Not to get personal about it - having just got personal about it - but people have to take responsibility for the jobs they hold. This is the same Minister who has written scurrilous article after scurrilous article in the *Sunday Independent* when he had the opportunity to write them, saying very personal things about the trade union leadership and now he has the responsibility as Minister for Transport, Tourism and Trade to set out a vision for public transport in this country and he has failed in the most categorical way possible to do so. I join with others in this House in respectfully asking the Minister for Transport, Tourism and Sport to possibly stop taking selfies in the bus, worrying about issues in the Department of Justice and Equality, to take responsibility for his own job in the Department of Transport, Tourism and Sport, and to come into this august Chamber and discuss with us how he sees the coming weeks and months progressing. One could ask what will happen in a couple of weeks' time if we have a Dublin Bus strike or a rail strike or the school buses do not run. Will he come in at that stage and admit that perhaps it is part of his portfolio? I respectfully support the contentions made by my colleagues across the House on this matter.

Senator Ray Butler: I wish to follow on from what Senator Noone said about obesity. I read an article today in *The Irish Times* about type 2 diabetes. Between last August and September, I was diagnosed with type 2 diabetes, my cholesterol was 7 and my blood pressure was crazy. I was told that I could get a long-term illness card that would give me all my medicines, which was a huge cost to the State. I went to the chemist and came out with a massive bag of tablets. I said to myself that at my age, which I will not be telling the House, I am not going down that road. Last September, I started to eat a proper diet and began to exercise again, something I had not done in a long time.

Senator Paul Coughlan: Senator Butler is looking very well.

Senator Ray Butler: Two weeks ago when I got my bloods done, my cholesterol had reduced from 7 to 3.3, my diabetes had gone from 42 to 32, my blood pressure is perfect and I am tablet free.

Senator Paul Coughlan: Well done.

Senator Ray Butler: I thank the Senator. The amount of people with type 2 diabetes who do not know they have it is unbelievable. I felt absolutely perfect and would not have known but for the fact that I got my blood pressure checked. One of the girls in the office bought a blood pressure monitor in Lidl and checked my blood pressure and it was crazy so I went to the doctor and that is how it all started.

An Cathaoirleach: Senator Butler is over the limit.

Senator Ray Butler: A significant number of people have type 2 diabetes and they are basically killing themselves. There is a huge cost to the State. I call on the Leader to bring the Minister to the House-----

An Cathaoirleach: I call Senator Mullen.

Senator Ray Butler: -----so that we can have a debate on the issue. Perhaps we could offer incentives to people, such as free blood tests.

An Cathaoirleach: Senator Butler should please conclude. He is well over the limit. I call Senator Mullen.

Senator Rónán Mullen: I compliment Senator Butler. It is always good to hear good news, which is rare enough. It was reported on Monday that the Minister for Communications, Climate Action and Environment is considering expanding the definition of a television set under the broadcasting legislation to include laptops, computers, and possibly iPads. The Minister has the power to do this under legislation of 2009 but it would be a drastic move, tantamount to bringing in a broadcasting charge. Virtually every person in the country has a computer, a laptop or an iPad, either for work purposes or day-to-day communication. Whether they watch television or not, every person in the country could be obliged to pay the licence fee if the Minister makes such a change to the law. There has been a lot of confusion in recent years about the possibility of such a charge. In July 2013, the then Minister, Pat Rabbitte, made a clear commitment to introducing a broadcasting charge by 2015 and by the time that date arrived his successor, Alex White, told this House that he believed a public service broadcasting charge was inevitable, though not during his term. Last year, our current Minister, Deputy Naughten, told the communications committee that the charge would not be introduced but should not be shelved completely. At the same meeting, Deputy Timmy Dooley of Fianna Fáil seemed to agree in principle with the idea of a charge. I do not like the idea of a broadcasting charge being introduced by stealth and I certainly do not like the idea of it coming in by the use of a statutory instrument.

We heard a bizarre interview on Newstalk with the new director general of RTE, Dee Forbes, who told us the licence fee would be good value even if it was doubled. She walked back any suggestion that she was seeking a doubling of the fee but it suggests that some people in RTE management are on a different planet. It is time to discuss the issues around the threatened broadcasting charge and the licence fee and I call on the Minister, Deputy Naughten, to come to the House. I have been critical of RTE, in particular in relation to the significant ongoing cost to the taxpayer of funding it, and it is now time to decide whether RTE should be scaled back to a public broadcast core or privatised. RTE confirmed in 2015 that two of its presenters were paid between €400,000 and €500,000 per year, with two more earning between €200,000 and €300,000 per year and seven contractors earning between €150,000 and €200,000. Five

staff were earning between €200,000 and €300,000. Is there any parallel for a taxpayer-funded organisation paying such massive salaries without any scrutiny or control by representatives of the people? Some countries have no television licence fee at all and others, such as Portugal and Greece, have very low fees.

An Cathaoirleach: The Senator is way over time. I call Senator Ó Donnghaile.

Senator Rónán Mullen: RTE is unique in having two sources of income and it is time this was discussed, especially given that it has 2,000 staff on average earnings of €53,000 per year.

An Cathaoirleach: Senator Mullen should show more respect to the Chair. He had two minutes and used three. One of these days I will walk out for 30 minutes and abandon the Order of Business because Senators on all sides are showing less and less respect for the Chair.

Senator Rónán Mullen: I apologise, a Chathaoirligh.

Senator Niall Ó Donnghaile: This week has been a particularly challenging time for members of my party, our supporters and most people across this island and beyond, following the loss of our dear friend and colleague, Martin McGuinness. Members made statements in the House last week but, unfortunately, I was not able to attend. I was in Derry with Martin's clan and I was very proud to stand with them. I pay personal thanks to the Cathaoirleach for travelling to Derry with the many tens of thousands who came to show their appreciation, thanks, respect and love for Martin for his work over many years.

I wonder whether the points raised by Senator O'Sullivan earlier arose from the fact that he and his party are so removed from the situation in the North. I suspect there are more cynical reasons but there is no one in this House who will accuse members of my party of not having stretched themselves, reached out the hand of friendship and in some cases put our lives on the line, not least in the form of Martin McGuinness, to advance this peace and political process and to ensure there is respect, equality and integrity for all our citizens. We certainly will not take any lectures on this matter. For once I agree with Senator Ned O'Sullivan because we need the Taoiseach to address us on this very important issue. The negotiations have not yet reached a conclusion, but I am encouraged by the remark of our leader in the North, Michelle O'Neill, that we want to continue to talk. That is important and what the people want. What they want, expressed most clearly in the election, are institutions that will function on the basis of commitments and agreements already reached. The Government signed up to the institutions and are co-guarantors. If it cannot stand up for Acht na Gaeilge and a Bill of Rights and face down a negative veto on the grounds of national security by the British Government that is prohibiting investigations from taking place into and conclusions being reached on matters such as the Dublin and Monaghan bombings, the case of Pat Finucane and the McGurk's Bar bombing, I am not quite sure what its role as co-guarantor entails. The British Secretary of State has said in the House of Commons today that he is considering all options in the process in the North. It is past time that we heard from the Government on the options it is considering.

Senator Frank Feighan: As Senator Niall Ó Donnghaile said, there is a narrow window to agree to power-sharing in the North. As the political leaders have still not resolved their differences, the Secretary of State for Northern Ireland, Mr. James Brokenshire, could call another election or reintroduce direct rule. I understand all parties are working as closely as possible, but I am disappointed. I was at the funeral of Martin McGuinness last week when there was a symbolic political moment when the people in the church on the Bogside gave a very warm

welcome to and applauded the leader of the DUP. It showed a huge degree of dignity and grace and I hope that good will and good feeling can be carried into the negotiations. We still have to work together.

Bill Clinton thanked the Taoiseach for what he had said in the United States on St. Patrick's Day on behalf of the undocumented Irish. It was incredible that we had an ex-President who was very close to the peace process acknowledging the Taoiseach's role. I repeat that the media in the Republic of Ireland did a great disservice to the words of the Taoiseach in the White House. The story eventually broke when Channel 4 in the United Kingdom and the *New York Times* reported on how significant it was. Where were the members of the Irish media? They had one agenda, which was to say the St. Patrick's Day visit to the United States had been a failure. It was not; it was one of the great successes. The Taoiseach spoke on behalf of the undocumented Irish and great progress is being made on their behalf in the United States. I hope it will continue to be made.

Senator Jennifer Murnane O'Connor: I read something in the local newspapers today that concerned me. It is a concern I have expressed for years through the local authorities. Some €63 million in compensation has been paid in the past five years by the four local authorities in Dublin. This is a massive issue for those of us who have worked in them during the years and have been calling for extra funding for improvements to footpaths, roads and services. We have been told there is no money available, but we are now at the stage where €63 million has been paid in compensation in five years by just four local authorities and I believe the figure is on the increase. I am asking for the relevant Minister to come to the House to address us and put funding into the local authorities in order that people will not be left in a position where they will fall and trip because works are not being carried out as a result of the Government not providing enough funds for services that the people need.

Senator Alice-Mary Higgins: I join others in expressing concern about the Bus Éireann dispute. Much of the debate has focused on whether the Minister should get involved. The Minister is involved and is the major funder, along with the Government, of Bus Éireann.

The point was made during a previous debate with the Minister in the House that this is an area of investment. We do not ask whether our schools are profitable. The areas under dispute involve public infrastructure and investment. The driver behind restructuring and the proposals that are on the table clearly send a message around the erosion of the subsidy and investment provided by the State for an essential public service. Dividends are not available on its profit sheet but, rather, in the social cohesion and all that it brings to Irish society in terms of making transport available to and engagement by all of our citizens in public life possible.

The Minister is involved. Therefore, it behoves him to be responsible for that involvement and talk to us about how he plans to manifest that involvement and take appropriate action in respect of it. I support those who spoke on the issue.

I want to highlight another issue. I am concerned about the comments of the Minister for Social Protection, Deputy Leo Varadkar, over the weekend. He is responsible for an important Department, namely, the Department of Social Protection, and has sent out messages regarding taxation. As somebody who has seen the importance of investment in our citizens through the social protection system, I am concerned that he seems to be prioritising a message in respect of the cutting of taxation which may make crucial investment more difficult.

I want to draw attention to one line of his comments because it is relevant today. He said, “We have allowed society to be divided into one group of people who pay for everything but get little in return due to means-tests, and another who believe they should be entitled to everything for free and that someone else should pay for it.” That is inaccurate because we know those in receipt of the lowest incomes pay a large amount through indirect taxation and VAT – in many cases, it is a larger proportion of their income than others pay. Others contribute through care.

An Oxfam report which was launched today entitled *Opening the Vault*, showed an extraordinary degree of tax manipulation and evasion. Some 76%-----

An Cathaoirleach: You are over time.

Senator Maria Byrne: I and many of my Oireachtas colleagues attended a briefing with University Hospital Limerick and the HSE mid-west. It was very enlightening. I welcome the €850,000 that will be invested in the surgical day care unit in Limerick. People will now be able to come to the hospital on the morning of an operation or be assessed outside of the unit and will not take up unnecessary hospital beds overnight. Operations can be carried out on the same day.

I also welcome that the new accident and emergency department, which will be three times the size of the current one, is due to open at the end of May. It will have state-of-the-art equipment. Some of the equipment that is due to be supplied will be among the best available in hospitals in Ireland. It will be able to communicate and send results, and is very advanced.

Senator Martin Conway: I agree with the comments on the significant contribution that Bus Éireann drivers make to our society. It has to be borne in mind that they are ambassadors for our country. They provide a significant level of assistance to those visiting our country, in particular the west coast of Ireland, on a daily basis. They provide information on tours, advice on places to visit and so on. They make a social contribution to our country and I hope the dispute can be resolved. As someone who uses public transport all the time, I must say that those who work in our public transport infrastructure are fantastic.

Senator Trevor Ó Clochartaigh: Hear, hear.

Senator Martin Conway: Last week I attended, as did many others, a briefing by the Irish Postmasters’ Union and much of what was said made sense. All payments such as the payment of fines and motor tax should be done through the post office. I cannot understand why that is not the case and I would like the Minister to come in here at some stage and explain it. I would go a step further and suggest that there should be a new public service obligation for post offices in areas where a post office will not make money because it is not possible for it to make money. Similar to the transport system, there should be a public service obligation contract for post offices in areas where they are needed.

I agree with my good friend, Senator Mullen. A debate on the future of public service broadcasting in this country is essential. It is true that people are watching television on their mobile phones, laptops and so forth, but I believe that RTE has done a phenomenal job in public service broadcasting as a whole, if not all the time. However, we need a re-evaluation and definition of what is public service broadcasting and what is balanced broadcasting.

I thank the Cathaoirleach for his indulgence.

Senator Máire Devine: I rise to welcome the report of the Irish Kidney Association on

the increase in transplants last year. A total of 298 transplants were performed, which is a 12% increase from 2015. A total of 600 people are awaiting these life saving transplants, whether it be of the heart, liver, kidney or pancreas. Organ donor awareness week commences Saturday and the Irish Kidney Association is calling for a donor organ registry, which we have previously discussed in the Chamber, to be set up in line with the HSE consent policy to help increase donations from deceased persons. The Minister for Health, Deputy Harris, is to prioritise this and I call on him to fast track it and to develop legislation to provide for an opt-out system where people would be regarded as having consented to organ donation unless they have specified otherwise. I encourage people to become aware of and use the organ donation card until the legislation is enacted. Apps and other systems are available for people to opt in but it is hoped that we will get the opt-out system soon enough.

Senator Jerry Buttimer: I thank the 25 Members for their contributions on the Order of Business. The Cathaoirleach made a point about the number of items raised on the Order of Business and the fact that many Members do not wait to get the reply. I might join him in walking out some day and giving no reply.

Senator Aodhán Ó Ríordáin: That is unfair.

Senator Gerald Nash: It is only Tuesday.

Senator Jerry Buttimer: We should respect the Chair.

I thank Senators Ardagh, Conway-Walsh, Humphreys and Boyhan who raised the Garda Síochána issue. All of us are united in considering the issues to be most disturbing and corrosive to the morale of An Garda Síochána and the way in which it is perceived by the public. This needs to be arrested and reversed. Government has committed to an external and thorough review of An Garda Síochána. Public confidence in An Garda Síochána should not be waning because every day many fine men and women do a huge job in difficult and dangerous situations. There is a culture within the Garda that needs to be changed. The revelations last week are disturbing. No one can stand over a misrepresentation of data or misuse or manipulation of statistics. I am sure the Tánaiste and Minister for Justice and Equality and the Garda Commissioner are committed to rectifying matters. The Tánaiste has met the Garda Commissioner, and the chair of the Policing Authority, Josephine Feehily, is also to meet the Garda Commissioner. The Garda Commissioner will come before the Joint Committee on Justice and Equality on Thursday. In that context, it is important for the Oireachtas to have a thorough discussion to probe the situation with regard to An Garda Síochána as we find it. It is important to recognise that gardaí have seen changes, particularly during the last Government's term in office. What has happened has been most unacceptable. The Taoiseach has said today that he is "very unhappy".

I will be happy to accept the amendment to the Order of Business that has been proposed by Senator Humphreys. I propose that the debate in question should take place at 8.30 p.m. The Tánaiste will be in the Dáil this evening. I propose that we accept the amendment and that we have one speaker per group with the Tánaiste in the House this evening. To be fair, the Business Committee of the Dáil was discussing its plans as we were speaking on the Order of Business here. The Tánaiste will be in the Lower House this evening. In light of the business and the commitments we have in this House, I am proposing that we have a debate at 8.30 p.m. One representative of each group will engage with the Tánaiste on the matter. I think I am proposing a fair accommodation, given that the issue was raised in the House this afternoon.

Senators Leyden, Mulherin, O'Donnell, Gavan, Ó Ríordáin, Higgins and Conway raised the issue of Bus Éireann. I join Senator Conway in saying that, in my experience, Bus Éireann's drivers and those who work on the buses in Cork are tremendous ambassadors for the company. None of them wants to be on strike. As I have said previously in the House, it is incumbent on all sides to engage, re-engage and emerge into talks. A resolution is required, not least for the staff of Bus Éireann, the company and the members of the travelling public who have been discommoded. We all accept that the current Bus Éireann model certainly has difficulties. There is an issue with the Expressway service. Equally, as Senator O'Donnell said, there is an issue with the amount of money being made available under the public service obligation, PSO, scheme. Private companies do not have to take the free travel pass. All of us who live in the real world recognise that changes are required. People are committed to wanting to see this dispute resolved. I appeal to all sides to engage and re-engage. We can all go down the line of politicising this dispute and trying to be populist and to score points against the Minister, Deputy Ross. A fair number of people here are good at tweeting and taking selfies.

Senator Trevor Ó Clochartaigh: The Leader is not shy himself.

Senator Jerry Buttimer: That is a fair point. The Minister is as eager as anybody to have the matter resolved.

Senator Paul Gavan: Is that why he is doing nothing about it?

Senator Jerry Buttimer: It is important that we get a balance in regard to the dispute. It is also about efficiencies and about a model that involves having a secure public-----

Senator Paul Gavan: What about Government policy?

Senator Jerry Buttimer: I did not interrupt the Senator.

An Cathaoirleach: I ask Senator Gavan to allow the Leader to continue.

Senator Jerry Buttimer: I want to have a public transport system that serves the commuters of this country. As Senator Gavan knows well from his experience of being involved in activity, cheap talk will not solve this.

Senator Paul Gavan: Cheap talk is Government policy and the Leader knows it.

Senator Jerry Buttimer: Equally-----

Senator Aodhán Ó Ríordáin: It will not be solved by the *Sunday Independent* either.

Senator Paul Gavan: The Leader should take responsibility for his party's part in six years of failed Government policies.

Senator Jerry Buttimer: I fully understand the personal impact this dispute has had on Bus Éireann workers. As I have said, this is about having a bus company. Government policy is supportive of the PSO model. That is why there has been an increase in the amount of money provided. Some €230 million has been provided to Bus Éireann across the PSO through free travel, capital programmes and school transport programmes. As Senator Gavan knows quite well, that figure was increased again in the most recent budget. Mar fhocal scoir on this issue today in this House, I appeal to all sides. I think there is a meeting of minds in this House. We want to see the dispute resolved. It will not be resolved by being on the national airwaves, on

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local radio or in the print media - it will be resolved by re-engaging. That requires the management and the unions to sit down and engage.

Senator Aodhán Ó Ríordáin: And the Minister.

Senator Jerry Buttimer: Then, when we have this matter resolved, I am sure the Government and the Minister, Deputy Ross, will be very happy to talk to all sides as well.

Senator Aodhán Ó Ríordáin: Will he not come in before it is resolved? Is the Leader genuinely serious?

Senator Jerry Buttimer: Senators McDowell, Noone and Mulherin-----

Senator Aodhán Ó Ríordáin: That is unbelievable.

Senator Paul Gavan: That is Fine Gael.

Senator Aodhán Ó Ríordáin: That is absolutely unbelievable.

An Cathaoirleach: Allow the Leader to respond, please.

Senator Aodhán Ó Ríordáin: Sorry, a Chathaoirligh. It is unbelievable. The Leader is telling the House that he will not bring in the Minister for Transport, Tourism and Sport until this strike is resolved.

An Cathaoirleach: Senator Ó Ríordáin, please, resume your seat.

Senator Jerry Buttimer: I did not say that.

An Cathaoirleach: Please, resume your seat.

Senator Aodhán Ó Ríordáin: He did. That is exactly what the Leader said.

Senator Jerry Buttimer: I did not.

Senator Aodhán Ó Ríordáin: That is exactly what the Leader said. When that is resolved, he would bring in the Minister.

An Cathaoirleach: Senator Ó Ríordáin.

Senator Aodhán Ó Ríordáin: That is unbelievable. What is the Leader waiting for?

An Cathaoirleach: Please, resume your seat.

Senator Aodhán Ó Ríordáin: Is the Leader waiting for a Dublin Bus strike or an Irish Rail strike? Is he waiting for a school bus strike?

An Cathaoirleach: Please, resume your seat, Senator.

Senator Aodhán Ó Ríordáin: Unbelievable.

An Cathaoirleach: Allow the Leader to respond. If there are issues to be clarified, it can be done tomorrow morning on the Order of Business.

Senator Paul Gavan: Nobody mention Deputy Alan Kelly.

Senator Jerry Buttimer: I will clarify what I said for the benefit of Senator Ó Ríordáin.

Senator Aodhán Ó Ríordáin: It would be privatised if it was not for Deputy Kelly.

An Cathaoirleach: Please allow the Leader to respond.

Senator Jerry Buttimer: The Senator is not on the stage on the Gaiety now. Let me respond.

Senator Aodhán Ó Ríordáin: I am responding to what the Leader actually said.

An Cathaoirleach: Senator Ó Ríordáin, please, allow the Leader to respond.

Senator Aodhán Ó Ríordáin: Would the Leader like me to ask if the record could be read back?

Senator Jerry Buttimer: Let me clarify it for Senator Ó Ríordáin again. What I said was that once the matter was resolved, I would assume that the Minister, Deputy Ross, would engage with Bus Éireann and the workers to have viable public transport. To give a definitive answer, the Minister has been here twice in the past couple of weeks and I would be happy to have him come in again. I have no problem with that. I just wish to clarify that point.

Senator Kevin Humphreys: As long as the Leader makes sure the Minister does not come in just to talk about the Rugby World Cup.

Senator Aodhán Ó Ríordáin: Or judicial appointments.

Senator Jerry Buttimer: In response to Senators McDowell, Noone and Mulherin regarding the issue of judicial appointments, the Bill is in gestation. I note the remarks of the Law Society this morning. It has changed its position and is now in support of at least having a lay majority on the judicial appointments commission. I know this puts it at a difference with the Bar Council. What is important, irrespective of one's viewpoint, is that we have been well served by our Judiciary. At the core of that is an independence that we must ensure is preserved. I agree with Senator McDowell and others who have spoken that there must be a continuation of excellence in regard to our Judiciary. In tandem with that, its independence must be maintained and preserved. We have been well served by our Judiciary and I would be happy to have the Minister come to the House in that regard.

Senators Ned O'Sullivan, Ó Donnghaile and Feighan referred to issues relating to the North and the Assembly. On Senator Ó Donnghaile's comments, to be fair I do not think Senator Ned O'Sullivan was lecturing. He was saying what many people are thinking, that the elections are now over. A mandate has been given to all political parties in the North to enter into government in the Assembly at Stormont and to act responsibly on behalf of all people in the North of our country. That is the point that I took from Senator Ned O'Sullivan and that is the point that I would make as Leader of the House and as somebody who is as committed as anybody to seeing the peace process continue. In the words of former US President Clinton last week, our legacy must be to ensure that the peace is brought home. It is important that, irrespective of whether it is Michelle O'Neill or Arlene Foster or whoever, there is a political responsibility to sit down and to govern on behalf of the people. The last thing that anybody wants to see is direct rule or a further election. That requires all sides to remember that the election is over. It is now time to govern.

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Senator Niall Ó Donnghaile: The problem, and where the problem rests, must also be named. It is important to call a spade a spade.

An Cathaoirleach: Senator Ó Donnghaile, the Leader-----

Senator Jerry Buttimer: There must be something in the water today.

An Cathaoirleach: Leader, one second.

Senator Jerry Buttimer: There are many agitated people here today.

Senator Niall Ó Donnghaile: We have good cause to be agitated.

An Cathaoirleach: Respect the chair. The Leader sits patiently here and listens to, sometimes, 20 or 25 contributions. He tries to answer. Sometimes the answer might not be what Senators would like, but he is entitled to respond. If the answers are inadequate, tomorrow morning Senators can come back in and say that they are not happy. Do not, however, continue interrupting the Leader. I have been in this House for almost 17 years and I have never seen such a lack of respect for a Leader of any party. Let him respond. He is entitled to that.

Senator Jerry Buttimer: Thank you, a Chathaoirligh. We should acknowledge Senator Feighan's point that it was a symbolic and wonderful gesture by Arlene Foster to attend the funeral last week. Equally, we had statements here last week. The Leader allowed for that to happen if the Senator did not know.

Senator Niall Ó Donnghaile: I referenced that in my own remarks.

An Cathaoirleach: Let the Leader respond.

Senator Jerry Buttimer: To clarify for Senator Devine, and for the record, there is no precedent for that happening in the House.

Senator Niall Ó Donnghaile: The point I am making is-----

Senator Jerry Buttimer: The other point I want to make is that equally-----

Senator Niall Ó Donnghaile: -----that Arlene Foster got the reception she got and then did not go to the talks on Sunday. She was not there. That is the problem.

An Cathaoirleach: Senator.

Senator Niall Ó Donnghaile: What is the Irish Government doing?

An Cathaoirleach: Senator, that is another issue and you can raise it another way.

Senator Jerry Buttimer: Equally powerful was the handshake between Michelle O'Neill and Arlene Foster.

Senator Niall Ó Donnghaile: Arlene Foster did not go to the talks on Sunday.

Senator David Norris: She did what?

Senator Jerry Buttimer: Finally, as Senator Ned O'Sullivan said, it is time to work things out and get it done. I hope the Minister for Foreign Affairs and Trade, Deputy Flanagan, will

be in the House on Thursday to have a debate on the matter.

An Cathaoirleach: Senator Norris should take his seat.

Senator David Norris: That is exactly what I am doing. I would never have thought of sitting down without your advice.

Senator Trevor Ó Clochartaigh: Arlene Foster should turn up to the talks, a Chathaoirleach.

Senator Jerry Buttimer: I hope the Minister will be in the House on Thursday to have a debate on the matter. To be fair, both he and the Secretary of State, Mr. Brokenshire, have been involved and engaged. The Senator made a comment about Arlene Foster. I understand there was an issue regarding not being engaged on Sunday.

Senator Niall Ó Donnghaile: The Leader should not be feeding into that. They have engaged previously in negotiations on a Sunday. I do not know if the Leader's party and Fianna Fáil have been at the talks-----

An Cathaoirleach: Senator Ó Donnghaile, please allow the Leader to respond.

Senator Niall Ó Donnghaile: He is providing enough cover for Fianna Fáil and now he is going to provide cover for the DUP as well. It is nonsense.

An Cathaoirleach: Senator, please, respect the Chair.

Senator Niall Ó Donnghaile: These issues are too important to try and play party politics in this House.

Senator Aodhán Ó Ríordáin: That is a humdinger.

Senator Jerry Buttimer: The person playing politics today is the Senator.

Senator Niall Ó Donnghaile: Nonsense, and if the Leader had any political backbone he would speak up for citizens in the North.

Senator Jerry Buttimer: I have long been doing that.

Senator Niall Ó Donnghaile: You have not, and certainly not in here.

An Cathaoirleach: I ask the Leader to respond.

Senator Niall Ó Donnghaile: The Minister, Deputy Flanagan, has been silent and so has the Taoiseach.

An Cathaoirleach: Please, respect the Chair. This is not an argy-bargy between Senator Ó Donnghaile and the Leader.

Senator Niall Ó Donnghaile: Tell us how James Brokenshire is. It is a scandal.

An Cathaoirleach: Senator Ó Donnghaile, if you interrupt again I will suspend the sitting for 15 minutes. You have interrupted seven times in a row. It is total disrespect to me in the Chair. If you are not happy with the Leader's answer, you can raise it in another way tomorrow.

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Senator Niall Ó Donnghaile: I will do that.

An Cathaoirleach: I try to be fair to everybody. We have gone 20 minutes beyond the proposed time and we are sitting late tonight, and then people ask why there is a delay in the Chamber. Let us have a little calm and allow the Leader to respond.

Senator Jerry Buttimer: Senator Ardagh raised an important point. I join her, on my behalf and on behalf of the House, in offering sympathy to the families of the cyclists who were killed, including in a tragedy on the streets of our capital yesterday. The safety of cyclists and those who use our roads is an issue we take very seriously. A Private Members' Bill has been published by Deputy Ciarán Cannon which provides for prohibiting passing cyclists at a distance any closer than 1.5 m. It is important that we highlight this matter. Equally, it is incumbent on all those who use the roads to offer due care to cyclists and pedestrians. Any death is a tragedy and the death of three cyclists is entirely too many. I will be happy to invite the Minister to the House to debate the matter.

Senators Noone and Butler raised the issue of obesity. I join them in encouraging all State agencies, particularly Departments that have a responsibility in this area, to play their role in reducing the incidence of obesity. I commend Senator Butler on his work with regard to diabetes. Type 2 diabetes is an important issue that must be addressed and I will be happy to schedule that debate in the House.

Senator Black raised the matter of evictions. The Minister of State at the Department of Housing, Planning, Community and Local Government, Deputy English, came to the House last week to discuss the progress report on Rebuilding Ireland. I did not catch the reference the Senator made in terms of the evictions but my information is that the number of evictions of people from their homes is decreasing. I will invite the Minister to the House to discuss the issue of landlords and private rented accommodation. All of us are anxious that people have security of tenure in their housing.

Senator Ó Clochartaigh raised a matter regarding the Tuam mother and baby home. If he gives me the details, I will refer them to the Minister. I have been in discussions with the Minister of State at the Department of Justice and Equality, Deputy Stanton, with regard to the International Protection Act and direct provision. He is away this week and I hope to schedule that debate next week or during the week before the Easter recess. It is on the list. As the Senator knows, I have worked with him in the past to have issues resolved, so I am hoping to have that done either next week or the week after.

Senator Paul Coghlan referred to the very fine facility in Deer Lodge on Mill Road in Killarney. I agree it is appalling that the home is not open for the 40 patients. It might be better for the Senator to raise it as a Commencement matter, but I will take it up with the Minister.

Senator Norris raised the issue of Bank of Ireland and the Ireland Palestine Solidarity Campaign. I agree with him that there is a need for Bank of Ireland to be open and frank about the matter. I am not surprised that he was love-bombed in Trinity last night. There is a need for freedom of speech and an exchange of ideas. I would be appalled if a student organisation or group had its funding suspended because it supported a particular action. All of us who were involved in different activities in college will recognise the importance of being able to express one's views.

Senator David Norris: It was because I said something. It had nothing to do with the

students.

Senator Jerry Buttimer: It is important that they can have people like the Senator there-----

Senator David Norris: Yes.

Senator Jerry Buttimer: -----to facilitate a discussion.

Senators Mullen and Conway raised the issue of the broadcasting charge. For the first time ever, I am in agreement with Senator Mullen on an issue.

Senator Rónán Mullen: I have a dim recollection that we have been in agreement once.

Senator Jerry Buttimer: I hope the broadcasting charge is not introduced in its present form. I am happy to invite the Minister for Communications, Climate Action and Environment to the House to discuss the matter.

I join with Senator Feighan in congratulating the Taoiseach on his performance in the White House again. The Taoiseach's speech has been viewed online by over 30 million people. He has even surpassed Senator Ó Ríordáin's viewer ratings on YouTube.

Senator Martin Conway: Hear, hear.

Senator Aodhán Ó Ríordáin: Surprisingly. I have reached 45,000 followers. The Taoiseach is absolutely brilliant. Up the Dubs.

Senator Jerry Buttimer: Senator Feighan asked where the Irish media were. We could debate the Irish media until the end of time but we will not do so today.

Senator Murnane O'Connor raised the issue of insurance and compensation claims that local authorities must pay, and mentioned that €63 million has been paid out by four local authorities. That is a large amount of money. In my own city of Cork and in County Cork there is a strong compensation claims culture. We need to eradicate such a culture. It is also important that we give local authorities the confidence to carry out work. Funding has been increased. I am happy to arrange a debate on the matter in this House.

Senator Higgins referred to the statements or comments made by the Minister for Social Protection. He is not the Taoiseach.

Senator Gerry Horkan: Not yet.

Senator Jerry Buttimer: The Minister expressed his personal view.

(Interruptions).

Senator Jerry Buttimer: Senator Byrne mentioned a briefing by University Hospital Limerick and the HSE. I join with her in welcoming the good news story in Limerick. I am sure that all Senators will join with me, including Senator Gavan, in welcoming the €850,000 investment in the surgical day care unit and the new emergency department. Both units will be fine additions to the hospital and will greatly benefit the people in the area.

Senator Conway made an interesting point about post offices having a new public service

contract. I am happy to invite the Minister for Communications, Climate Action and Environment to the House to discuss the matter. It is important that we have certainty about post offices.

Senator Conway made an important point about unviable or unused post offices. We should have a conversation on how frequently we use post offices as a society. People talk about encountering faceless banks, particularly when lodging money into their bank accounts, either social welfare, wages or whatever. Perhaps we should reverse the trend away from automation and encourage people to use banks and post offices.

I join with Senator Devine in asking people to support the Irish Kidney Association and organ donation week. I am the former chairperson of the Oireachtas Joint Committee on Health and Children that commissioned a fine report on organ donation. It recommended that we change the organ donation system. It is incumbent on us that we do so now, as a matter of urgency. As the Senator rightly said, it is wrong to have 600 people awaiting organ transplant when people can be given the gift of new life by people donating an organ. I hope that the Irish Kidney Association can work with all of us to change the system.

I am happy to accept the amendment to the Order of Business. I suggest, because of the Minister's schedule and our business, that we vote on the amendment to the Order of Business at 8.30 p.m. with one spokesperson per group.

An Cathaoirleach: I thank the Leader. Senator Humphreys proposed an amendment to the Order of Business: "That the Minister for Justice and Equality attend the House to discuss the situation in the Garda Síochána." The Leader has indicated he is willing to accept the amendment. Is the proposal by the Leader to deal with the amendment at 8.30 p.m. agreed to? Agreed. By way of clarification, how much time will be allocated for the principal speakers?

Senator Jerry Buttimer: Off the top of my head, I suggest eight or six minutes for spokespersons.

Senator Martin Conway: Six minutes per spokesperson.

Senator Jerry Buttimer: I suggest six minutes per spokesperson with the Minister to be given five minutes to reply at the end or whatever and for the debate to be completed not later than 9.15 p.m.

An Cathaoirleach: This could create a misunderstanding on the part of whoever is in the Chair later. Going by what the Leader has said, one person from each group will speak.

Senator Jerry Buttimer: Yes.

An Cathaoirleach: And the Minister will respond.

Senator David Norris: What about the independent Independents?

Senator Jerry Buttimer: I would be happy to accommodate Senator Norris.

Senator Martin Conway: As always.

Senator David Norris: I will leave it in the Leader's wise hands.

An Cathaoirleach: Six minutes per person and five minutes for the Minister to respond.

Order of Business, as amended, agreed to.

Health (Amendment) Bill 2017: Second Stage

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

Minister of State at the Department of Health (Deputy Finian McGrath): It is my pleasure to introduce this Bill to the Seanad. In A Programme for a Partnership Government, the Government set out its aim to increase access to safe and timely care as close to patients’ homes as possible. We outlined that progressing this objective would be a priority for the partnership Government. In our programme, we committed to extending the entitlement to a medical card for all children in receipt of the domiciliary care allowance. This initiative was subsequently announced as part of a range of health measures in budget 2017. The Bill delivers on this important commitment in full, on time and without qualification. We also committed to reducing prescription charges for medical card holders. The Bill will see the prescription charge reduced for medical card holders who are over 70 years of age and their dependants.

The legislation has two primary purposes. First, it will ensure that all children for whom a domiciliary care allowance payment is being made will be eligible for a medical card. Up to now, more than 9,800 of the 33,000 children for whom an allowance payment is made have not qualified for a medical card. The Bill will ensure that all 33,000 children will be eligible. This scheme will be operational from 1 June, with the HSE having a paper-based and online pre-registration system in place from 1 May. This pre-registration will assist in allowing all those who wish to do so to use their new medical cards from 1 June.

Second, it will reduce the prescription charge for medical card holders aged 70 years or older and their dependants. The charge will be reduced to €2 per prescription item, with a monthly cap of €20 for an individual or family. This targeted measure will benefit nearly 390,000 over 70s and their dependants. It is expected to save this group in the region of €10 million in 2017 and €12 million in a full year. Senators will note that this reduction was implemented on an administrative basis from 1 March. The HSE issued a circular to pharmacies setting out the reduced charge and process. I will take this opportunity on the Minister’s behalf and mine to thank the HSE and pharmacies across the country for their swift implementation of this measure.

In addition, I stress the importance of delivering the Bill in March in order to place this important measure on a statutory basis.

5 o’clock

I ask for the support of Senators in achieving this benefit for all of our older citizens.

Senators will be aware that I have long been a supporter of and campaigner for the rights of all people with disabilities, so it was extremely important that A Programme for a Partnership Government contained a commitment to provide medical cards to all children who qualify for a domiciliary care allowance payment. Children in receipt of the domiciliary care allowance payment are children under the age of 16 who the State has considered to have a severe disability which requires ongoing care and attention substantially over and above that required by a child of the same age. Caring for a child with a very serious disability is a most difficult, stressful and

worrying time and dealing with a diagnosis can at times require every ounce of strength from parents and guardians. That is why we are committed to ensuring that all children for whom a domiciliary care allowance is made will have access to a medical card. Provision of a medical card will undoubtedly relieve some of the financial burden these families have experienced over many years. By virtue of having a medical card, these children will now be eligible for the following services free of charge: inpatient and outpatient hospital care; GP care; prescribed drugs and medicines, subject to a co-payment; dental and aural services; and aids and appliances. In addition, parents and guardians will not be required to undergo the process of providing family financial information, expert or medical reports and additional supporting information when applying for a medical card. In other words, it makes their lives much easier. I appreciate this was a burden and the outcome was often uncertain. Providing these children with a medical card without the need for the detail required by the standard application process will ensure a quicker and easier process for parents.

To ensure that all families are treated equally, where there is one child or a number of children in a family in receipt of domiciliary care allowance and the payment is made to the same parent for each child, the legislation allows that the prescription cap of €25 per month will apply. The Government is committed to reducing the cost of medicines for Irish patients, and this includes reducing the prescription charge for medical card holders. The prescription charge was introduced in the Health (Amendment) (No. 2) Act 2010 to address rising costs in the medical card scheme. The charge is set by regulation. The current charge of €2.50 per item with a monthly cap of €25 per person or family was set in 2013. It reduces the cost of the GMS scheme by approximately €120 million a year.

Under the existing legislation, specific groups, such as asylum seekers and children in care, have been exempted from the prescription charge. While the Act provides for groups to be exempted from the charge, it does not allow the charge to be varied for a particular group. The Bill identifies the over-70s as that group and provides for a lower charge to over-70s and their dependants. The most effective use of the resources available for reducing the charge at this stage is to target a particular group of people who are under greater pressure because of their medical needs. People aged 70 and over have higher medication requirements than the general population. Patients over 70 make up just under 20% of the medical card population but receive nearly half of the drugs dispensed under the scheme. The average number of items dispensed per person over 70 is seven compared with two items per person under 70 so it is fair and just to use the resources available this year to reduce the cost of medication for this group. This is part of building a just and inclusive society. Accordingly, budget 2017 announced a reduction in the prescription charge for medical card holders aged 70 and over and their dependants. The reduction is from €2.50 to €2 for each prescription item up to a maximum of €20 per person or family per month, reduced from €25.

I will now outline the main provisions of the Bill. Section 1 provides a definition for the purpose of reference to the Health Act 1970. Section 2 provides a definition of who is eligible for full general practitioner and other health services, namely, children in receipt of the domiciliary care allowance. Section 3 amends section 59 of the Health Act 1970 to provide that persons over the age of 70 years and their dependants will benefit from a monthly maximum prescription charge. The monthly limit of €20 is provided for in section 4 of this Bill. Section 3 also provides that, where a child, or a number of children in a family, have full eligibility for a medical card solely for the reason that they are in receipt of the DCA payment, the monthly maximum prescription charge of €25 will apply.

Section 4 amends section 59 of the Act by inserting a new section, section 59A, into the Act to allow for the variation of prescription charges and monthly expenditure cap for medical card holders over 70. Section 59A(1) identifies medical card holders aged 70 and over and their dependants as the class of persons to whom the section applies. Section 59A(2) sets the prescription charge for this class of persons at €2 per item. Section 59A(3) sets the maximum amount of prescription charges payable in a month by this class of persons at €20. Section 59A(4) provides that the Minister may, with the consent of the Minister for Public Expenditure and Reform, make regulations to vary the amounts in this section. It also provides criteria to which the Minister should have regard when making such regulations. Section 5 states the Short Title of the Act and includes a standard provision relating to commencement of the provisions of the Act.

This Bill is all about looking after some of the most vulnerable in our society - children for whom a domiciliary care allowance payment is made and people over 70 years of age who have a medical card. By providing all children for whom the domiciliary care allowance is paid with eligibility for a medical card, the Government is addressing an anomaly where a substantial cohort of children, in the region of 9,800, were considered to need ongoing care and attention substantially above that required by a child of the same age but did not qualify for a means-tested or discretionary medical card. Providing these medical cards will help to alleviate the stress and anxiety of parents and guardians who are dealing with the medical costs associated with a child's disability. It is very difficult so this is a major assistance to these families.

The provision in the Bill to reduce this charge for people over 70 is the first step - and only a first step - in implementing the Government's commitment to reduce the prescription charge for medical card holders. It is targeted at the medical card holders facing the greatest burden of the charge and it is right and just that, within the constraints we face, this group of patients receive the earliest relief from the total charge.

I am very pleased to bring forward this legislation. It is our obligation as representatives of the citizens of Ireland to look after those who need it most.

Senator Gerry Horkan: I welcome the Minister of State to the House. I will be speaking on behalf of my colleague, Senator Swanick, who is unfortunately unable to be here today.

I welcome the opportunity to speak on the Bill as it was a specific commitment in Fianna Fáil's 2016 general election manifesto. Fianna Fáil supports this Bill which provides a medical card for all children in receipt of the domiciliary care allowance. We are also committed to the removal of prescription charges on a phased basis so we welcome the reduction for the over-70s.

In the Dáil and Seanad during the term of the previous Government, Fianna Fáil was to the fore in highlighting the Government's targeting of people on discretionary medical cards, especially from 2012 to 2014. I appreciate the Minister of State was not part of that Government. The subsequent U-turn and climbdown by the Government was testament to the strength of our opposition on this issue. More can be done, especially for children with disabilities, which is why we included a proposal in our 2016 general election manifesto to provide a medical card for all children in receipt of the domiciliary care allowance.

At the moment, there are around 10,000 children - the Minister of State referred to 9,800 - who receive the domiciliary care allowance but are not in receipt of a full medical card and

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are forced to pay for medical care that is not covered by this scheme. The Bill will provide all 33,000 domiciliary care allowance recipients with full eligibility for a medical card. While this is very welcome, will the Minister indicate the timeline for the roll out?

We also made it a provision in the confidence and supply agreement with Fine Gael that the more humane system for discretionary medical cards that was put in place prior to the election would be fully maintained after polling day. It remains imperative that we ensure that those experiencing financial hardship due to very serious illnesses will receive a discretionary medical card. We should never forget the appalling denial and deceit from the then Government over discretionary medical cards in 2013 and early 2014. It is extremely regrettable that thousands of families across the country were put through the stress and hardship of having their medical cards withdrawn before the Government finally saw sense in mid-2014. For two years the Government ignored the issue and denied there was a deliberate policy to cut discretionary medical cards. It was only in the wake of public outrage and backbench panic that it finally acted. Fianna Fáil will continue to ensure that the more compassionate and humane approach to medical cards is sustained.

The programme for Government also contains a commitment to request the clinical advisory group on medical cards to examine the guidelines for the awarding of discretionary medical cards to patients undergoing treatment for cancer. That is something we welcome and on which we want to see action. As the Irish Cancer Society has pointed out, many cancer patients and their families face a financial crisis while they are going through their treatment. The 2015 report, the Real Cost of Cancer, showed how a significant number of patients face a severe drop in income while at the same time running up extra bills on a range of items such as home heating, parking, child care, travel, prescription charges, hospital stays, over-the-counter drugs, consultant visits, dental care, physiotherapy and clothing and personal care. A medical card is designed to be available for those who are suffering financial hardship as a result of their illness, and from the Irish Cancer Society's research, we can see that more than 20% of survey respondents who applied for a medical card after their diagnosis did not get one.

I welcome the changes to prescription charges in 2011. The then Minister for Health, now Senator James Reilly, declared his intention to abolish prescription charges. However, within 18 months he performed a spectacular U-turn, trebling the 50 cent prescription charge to €1.50 and in budget 2014 he compounded his hypocrisy by adding another euro to the charge. That was a deplorable breach of faith by the then Minister and has taken hundreds of millions from the most vulnerable in society. The increase in prescription charges is having a disproportionate impact on fixed-income groups, in particular pensioners. Fianna Fáil is committed to the abolition of prescription charges on a phased basis as the cost makes it prohibitive for people to access medication.

Health care professionals have consistently described the charges as short sighted, potentially resulting in more people having to be hospitalised when that could have been avoided through primary care, which ultimately only increases the cost of health care for the State. The Government claims it is seeking to help low and middle income families. However, medical card holders who by their nature are some of the most disadvantaged in society are still paying up to €25 a month for vital medicines.

When the provision of medical cards is discussed, the issue of free GP care always comes up. Fianna Fáil is committed to making primary care stronger and embedding it as the first point of contact in health care. We want to expand GP care on the basis of income rather than

age, yet at the moment nobody in government or opposition can definitively say how much that would cost. We must bear in mind how the original estimate for free GP care for the under-sixes doubled following the agreement of a contract with GPs in April 2015. Therefore, before we proceed any further in that regard, Fianna Fáil wants to see a GP contract in place which has general practitioners on board for universal GP care.

The Bill is a welcome measure for those in need. However, we must ensure the smooth passage of the Bill through the legislative process so that those measures can be put in place without further delay. I will withhold my congratulations at this point until all recipients of the domiciliary care allowance receive their medical card.

Senator Victor Boyhan: I welcome the Minister and thank him. I know his absolute commitment to this matter. I have three points and four questions for the Minister. First, we know the Bill is to provide for an automatic entitlement to a medical card for those in receipt of the domiciliary care allowance. The Minister also intends to reduce the prescription charges for medical card holders aged 70 years and over, and their dependants. That is clearly the objective of the Bill.

I received some correspondence and a copy of a press release on budget 2017 issued on 11 October 2016 by the spokesperson for Age Action. The commentary was as follows, namely, that prescription charges had increased more than 500% since they were introduced and that older people are more likely to have multiple prescriptions so were particularly affected by a tax that targets the poor and the sick. They are the words of Age Action, not mine. Age Action welcomed the reduction in the prescription charges which the Bill will bring about, but it cautioned that not all older medical card holders would benefit equally from the cuts. It concluded by saying that the reduction in the cap on the “sick tax”, as it described it, announced today was good news and Age Action hopes it is a step in the right direction to its abolition. It cautioned that lone pensioners would not benefit greatly as they are unlikely to be paying more than €20. I will circulate the views of Age Action in case the Minister is not familiar with them.

I wish to focus on four questions. The first is what will happen to a recipient of the domiciliary care allowance, DCA, medical card once he or she turns 16 years of age. I would like the Minister to tell us here. I have my own views but I wish to hear what the Minister has to say.

The second question is what bearing the United Nations Convention on the Rights of the Child have on the Bill. I know the Minister and his officials have considered the issue. I looked at some correspondence in the Library today on the matter.

The third question is what entitlements, if any, do recipients of the DCA have in relation to medical cards.

The fourth question is what plans there are to continue to reduce or remove prescription fees for medical card holders over 70 years, or to reduce or remove prescription charges for medical card holders under 70 and their dependants. I accept the Minister referred to some of those issues in his concluding remarks. Furthermore, a number of organisations which represent older people, such as Age Action, welcome the reduction in prescription fees provided for in the Bill but have made a further call for the complete abolition of prescription charges for all those over 70 years. I would like the Minister to give a detailed response.

Senator Colm Burke: I welcome the Minister, and I very much welcome the Bill. I was worried when I listened to Senator Horkan of Fianna Fáil because he was so negative I thought

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the Bill was being introduced to abolish the charges. I reassure him that the purpose of the Bill is to introduce medical cards for people who are in receipt of the domiciliary care allowance. A significant number of people will come into the scheme. More than 33,000 people are currently in receipt of the domiciliary care allowance. My understanding is that approximately 9,800 of them currently do not have medical cards and they will have an entitlement as and from 1 June. I very much welcome that.

It is important that we give support to families who have an extra struggle. Many families have a significant struggle despite the income they receive. This is a really welcome development and the Minister should be thanked for his considerable commitment to people with disabilities. The Minister for Social Protection has also ensured the measure would be introduced.

When we bring forward proposals, it is important that we look to the long term and what we can roll out in the coming years. My colleague asked what would happen when a child reaches the age of 16. That is a very valid question. As recently as last Saturday, I met a family whose child had just reached his 18th birthday and he no longer had an entitlement to respite care. That was a major concern for his parent. I had a long conversation with the parent who outlined that the child is very good in every respect but has an intellectual disability and requires 24-7 care. The parent said that when the child was under 18 and in receipt of respite care, she slept for a full two days because it was the only break she had as she has to look after her child night and day. That is an issue of concern. I welcome the proposal in that regard and I welcome the Bill. It is long overdue. It will help people who previously had to fight tooth and nail to try to get medical cards on discretionary grounds but were not successful and now they no longer have to fight that battle.

There are mixed views on the prescription charge. On the one hand, we are one of the highest consumers of medication according to the OECD. At present, we are spending about €2.6 billion - not million but billion - per annum on medication and prescriptions. Therefore, the questions must be asked as to whether all the medication is necessary and if there is a better way of dealing with it. The previous Minister, Senator James Reilly, introduced the scheme on generic drugs but I wonder how successful are we in that area and whether we need to do a lot more work. By saving money through the use of generic drugs and lowering the use of medication and drugs, we can use that money to provide additional services. We sometimes seem to forget that. I refer to a lady with a child over 18 years of age who cannot get respite care. If we could save €50 million in the cost of medication, that €50 million would go a long way to helping parents with children over 18 years of age who want to get respite care. It is something we need to consider when we look at issues such as this about long-term planning. I can see where people are coming from on the question of prescription charges but I can also see that we need to do more work on making information available so that people can see that using generic drugs is the same as using the patent drug but also that the use or over-use of some drugs is not wise. This is something we need to work on. If we announced a scheme in the morning where people could surrender any unused or out-of-date drugs, we would fill a lot of bins and containers with medication that could be disposed of. Many people would be embarrassed if they checked their medicine cabinets and saw what they have stored that is really out of date and has been there not for a month, two months, a year or two years but a very long period of time and has not been disposed of. We need a major education programme.

Anywhere we can save money in one area of health, without anyone being at a disadvantage, is of benefit to the people who have a disadvantage, particularly for those with disabilities and for elderly care. We need to work on this.

I congratulate the Minister of State on this. This Bill has the support of everyone in this House and, hopefully, it is just another step in helping families and people who have disabilities to get the same advantage as anyone else. I welcome the Bill and thank the Minister of State for bringing it forward.

Senator Máire Devine: As others have done, I begin by acknowledging the work done by Our Children's Health, which has been at the forefront of this issue and has worked tirelessly to bring this question to the fore so that it gets the attention it deserves. It is a road to providing a first-class health system for all and I welcome it. Mobilising over 65,000 people to sign a petition in order to get medical cards for seriously ill children is no mean feat and I highly commend the tireless work of a campaign that is primarily run by three men on a voluntary basis - kudos to them. It is that type of activism, commitment and community duty that will change Ireland for the better.

I welcome this legislation, as I am sure all Members of this Chamber do. If enacted quickly and efficiently, this legislation will make a positive difference to many people in the Republic. Its primary purpose is for medical cards for children with domiciliary cards and the secondary purpose is for the lowering of prescription charges. Primarily, it is about the lives of children such as Louise, Isabella, Aoife and Laura, whose stories I read on Our Children's Health's website. Their struggle and their families' resilience in the face of unimaginable difficulties, coupled with the administrative hell, is beyond belief. I can barely imagine the reality of a very sick child where every day is filled with new challenges, heartache and worry. These brave and admirable parents have no respite. They care for their children out of love and their sheer armour of resilience that cannot be commended highly enough.

It cannot be the case that the weight of administration piles on their shoulders. When a child is sick, a parent needs, and is desperate, to be at home with him or her rather than chasing forms and phoning departments chasing a card that would ensure care. We cannot and should not take that time away from them. Therefore, it is our obligation to ensure access to medical cards is granted easily and as quickly as possible for families.

The negative impact on families' mental health from waiting for access to services is well demonstrated when we meet people in constituencies. The families and parents are burned out. Members can imagine the burn out which I often talk about among the nursing staff within our chaotic system, but imagine the burnout from 24-7 care, without respite care and with continuous responsibility. I have seen the stress, the anguish and the tears of parents. People have come to me, have dumped big plastic bags filled with forms and have asked me to please figure it out for them as they have been on to departments trying to figure it out and beg for a medical card. They have told me that they cannot wait on the phone with no one responding to try to access what is right for their child.

We cannot lump on the additional financial stress of the medical care and jumping through bureaucratic hoops. I am happy we can alleviate some of the financial barriers to medical services with medical cards but the HSE needs to confirm that this legislation and the process of accessing these cards will be quick and easy. There should be ample staff so that the families can have a one-stop-shop, a point of contact to apply to should they have any problem applying online. It should be quick and easy so that we steal no more time from them.

This brings me to a point to note. It is stated that these families will gain access to medical cards in June 2017, so that is in three months' time. Will there be any flexibility in the interim

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for those who so desperately need access to health care now? While two or three months may seem like a short amount of time, it is not to families struggling to navigate a health system and jump through hoops in order to receive health care for their beloved children. It is my belief, and that of my party, that all children on the island of Ireland should be valued. This should happen today; let us not wait until June.

I welcome this Bill as a move in the right direction to end the two-tier health system and move towards a system where every person - child, man or woman - who needs health care can avail of it. Every person deserves to live in a society that supports them and helps them in whatever way it can when they are sick, rather than in a State that tries to scour every penny from sick people who maybe too tired to fight for it.

This legislation is a start. At the very least, it grants medical cards to almost 10,000 children who deserve them. It is paramount that a public awareness campaign be launched so that every one of those families does not have to search for information regarding their medical cards. It is of utmost importance that this legislation be introduced with the necessary resources and personnel so that there is minimal to no waiting time for families. Time is more precious than we know in these circumstances. We need to do everything not to take any time away for unnecessary bureaucracy and red tape. I echo the questions posed by other Senators. What happens to a child after he or she reaches 16 years of age? What are the plans then?

I concur with Senator Colm Burke's point that the overall aim should be to reduce the prescription, and the use and perhaps abuse, of medications in this country. We need to look to training GPs, public health nurses and front-line workers. It has been done very successfully in the prison system here where benzodiazepines are no longer prescribed or tolerated. It has become accepted and they are no longer used. We need to work towards that as a society.

Senator Maria Byrne: I welcome the Minister of State and the proposals before the House today.

I welcome the domiciliary care allowance and the proposal to bring almost 10,000 extra children into the category in receipt of medical cards. I have been involved with one or two families that were just over the threshold in the past and know the pain that they went through. I compliment the Minister of State and the other Ministers with responsibility for health for having the foresight to take this on board. One particular family has two other children as well and were in negative equity. They went through considerable pain. Their daughter had severe difficulties and disabilities. They did everything and are still doing everything. It is going to be a great relief to many families, and especially to the almost 10,000 children who are now going to qualify from, I think, 1 June. Am I right in saying that?

Another area that I would like the Minister of State to look at is whether an allowance could be given to families who have children with severe disabilities and who also have other children, maybe younger or similar in age. Perhaps the Minister of State could look at providing an allowance in the future towards their child care or whatever. Even though the medical card is going to go a long way to help relieve the pressure for these families, they go the extra mile when they are blessed with children with severe difficulties and perhaps leave themselves short of things to make sure their child has the best of everything. We have to think of the other children that are in the family as well. I would like the Minister of State to look at whether anything could be put in place, be it child care relief or whatever.

I welcome that the prescription charges for over-70s are being reduced. I have had many people visit my office. Even though I know they were on a cap of €25, some of the older and vulnerable people, especially those on basic pensions, found it very tough going. I welcome that it has been capped at €2 per item and €20 per person over 70 and his or her dependants. Some people worked and contributed all their lives, but some of them who are only on basic pensions found it very tough going. While we are talking about people who oversubscribe to drugs, I met some people who were not even fulfilling their full prescription on a monthly basis. They were leaving some of the drugs behind. They were necessary drugs in some cases because of people's conditions. All these allowances are going to help children under 16. I ask the same question as other colleagues in this regard. What happens once they reach 16? I also ask about the help that is being given to over-70s.

Senator Gerald Nash: I welcome the Minister of State.

This is very good news and it is a credit to the Minister of State and to the Minister, Deputy Harris, that they ensured that this provision was contained in the programme for Government. They wasted little time in bringing the legislation forward and resourcing it through the Estimates in last year's budget to allow this measure to become a reality for many families across the country who need it. It is good to see that there is one Minister of State in the Independent Alliance who is prioritising the work in his Department. He might have a word with his colleague, the Minister, Deputy Ross, later on.

Deputy Finian McGrath: About what?

Senator Gerald Nash: He might ask him to take some interest in the bus dispute and the provision of public transport. In fairness, I know that the Minister of State is extremely committed to his own brief and has a long track record of campaigning in this area. It would be appreciated if he could use his good offices to make common cause with the Minister, Deputy Ross, and see if he could express the same interest in his brief that the Minister of State expresses in his own.

We have all dealt with heartbreaking issues in our constituencies over the years. I have been a public representative for 18 years in total. I have been a councillor, Deputy, Minister and Senator - the whole gamut. There are still a few positions that I would like to occupy at some time in the future. In any event, this issue has been deeply frustrating for everybody in public life. They deal with heartbreaking cases involving constituents who simply cannot access the type of support they need when they have children with severe disabilities because they did not meet very tight eligibility criteria to qualify for a medical card. This is €10 million well spent and I want to commend the Minister of State again. It will give peace of mind to children and families right across the land. It shows what we can do with a relatively limited amount of money. We can give that peace of mind and certainty to people who did not previously have it.

This legislation involves a registration system rather than an application system. That is welcome because this will ensure that the process will be expedited for those who qualify. It appears to be quite straightforward but we can never assume that administrative processes will be as simple as they initially appear. We do not want to be dealing with some of the difficult cases in our constituencies that may arise where somebody has been overlooked or has had difficulty when the system goes live on 1 May, only for it to turn out that that person does not receive his or her card by 1 June. I apologise for missing the Minister of State's earlier introduction and remarks. He may have addressed that issue, but we need to be very clear on the process that is

in place. I suggest that there be direct communication with the families concerned with regard to data sharing with the Department of Social Protection and indeed the HSE and the Department of Health to ensure that everybody is covered, included and involved, and that everybody who is entitled to a medical card gets it.

I will also ask, and I am sure there is a reason for this, why this is limited to children under 16 who received a domiciliary care allowance and their families, and not children under 18. That might be something that could be considered. I understand that Senator Boyhan may have raised that issue. The problem with regard to the age of adulthood is common across the system, as is the question of when people are entitled to services and so on. The Minister of State might refer to that in his response.

It is good to see a reduction in the prescription charge for single items for those who are over 70 and indeed a reduction in the monthly cap. It is a welcome development and should make a difference, particularly for those who are dependent entirely on the State pension, notwithstanding that it is good to see that the value of the State pension has been increased on a couple of occasions over the last few years. The research shows that older people, particularly those who are struggling, and less well-off socio-economic groups sometimes make choices when it comes to paying for medicines. We do not want to preside over a situation where that choice involves buying food or stretching their medication against medical advice. It is good to see that that is being reduced. I hope to see it being reduced further as resources permit over the next years.

Senator James Reilly: I welcome the Minister of State. I am sure it is pleasing for him to be the bearer of good tidings, as this Bill is.

It is always a challenge to rear children, but I think parents of children with disabilities face additional challenges and those with special needs more so. To be able to give some comfort with regard to medical care costs and the medical card scheme is something that I truly welcome. It is only right and proper that, as our economy recovers, those who are most vulnerable should be the first to benefit. It fits in with the general theme of trying to bring the medical card scheme and free primary care to all our citizens. This is another step along the road.

Primary care is the most cost-effective and closest to home service. It has been an abiding principle that the patient should be seen at the lowest level of complexity which is safe, timely, efficient and as near to home as possible. Sadly, because of the financial position we found ourselves in, many services were cut and, indeed, rather than remove services, charges were increased through the prescription charge. I am delighted that this charge has been reduced in two ways - first, by reducing the per item charge and, second, by reducing the monthly cap. This will also help many in our society who are elderly or vulnerable and who are on multiple medications.

I echo Senator Colm Burke's comments on the waste that occurs under the medical card scheme. I recently encountered somebody who was terminally ill and who did not have a medical card. On his passing, there were boxes of medications he had ceased using, which were still in date. If I brought them to certain pharmacies, I would be told they could not re-sell them because they were in somebody else's possession and they could not guarantee their propriety and safety. This is our health service and it belongs to us all. It, therefore, behoves us all to be mindful of waste, including doctors, nurses and patients, in respect of medications we no longer use. I would love to see more empowerment of the patient to say to the doctor, "I am not using

that so please do not prescribe it”, or to say to the chemist, “Please do not dispense it”. I have numerous experiences of opening a wardrobe only for a raft of medication to fall out, much of it out of date, because people believe that because the doctor has prescribed it, they should accept the prescription silently. Doctors, patients and pharmacists need to join together to avoid this waste. It is particularly prevalent in certain areas and we all need to guard against it.

I welcome the legislation, which is another step along the road to providing free GP care for the entire population, and I congratulate the Minister of State and the Minister on it.

Senator Jerry Buttimer: I welcome the Minister of State to the House and I thank the Minister for Health for the initiatives contained in the Bill. The Bill is a positive development, which is about looking after those who are most in need and ensuring ease of access, as the Minister said in the Dáil, for people who require health care. This means that people with disabilities will be empowered to ensure they are respected by our health system and those on the domiciliary care allowance will automatically qualify for a medical card.

When I was chairman of the Joint Committee on Health and Children, Senator Colm Burke and others were members, and we met representatives of Down Syndrome Ireland and other groups. They expressed constant worry about being able to access health care. The legislation removes the worry and stress associated with reams of papers needed to apply for services. The Minister of State will have a legacy in this regard, which will not be forgotten, nor will his approach to this. I appreciate the work he has done so far in office. I have always found him to be about the person with special needs and ensuring there is a commitment to care for them. The increase in money available to the Government means we must ensure there is increased and targeted investment in our health system. Senator Colm Burke highlighted the issue of waste and mismanagement and so on, but the money expended on our health system must be targeted at the people who require access and treatment.

As Leader, I was happy to facilitate the Minister and the Minister of State in respect of the introduction of the Bill and I thank Members of Opposition parties and the Independent groups for their co-operation in this regard. The Bill will be passed by the end of the month, which is important. This is a good day for families of children and young adults with disabilities. We must ensure that our disability policy is overarching because it is easy to forget people in our health system. A significant burden has been experienced by some people who have tried to access funding for aids and appliances, or gain access to therapies or to even to be assessed not only during the recession but during times of plenty when the world was awash with money and the then Governments could spend whatever it wanted. Waiting times were long and worries were experienced even during those times. In crossing the threshold from recession to recovery, the burden in respect of respite care and day care must be lifted. Earlier, Senator Coghlan raised the issue of the mental health facility on Mill Road, Killarney, and pointed out that there are still gaps that need to be bridged, not only in funding but also in staffing. This is the same in Cork.

I welcome the reduction in the prescription charge per item and the monthly cap for the over-70s. All of us who are engaged in constituency politics and who meet members of our community every week know they live in fear of not having the money to buy tablets and so on. As we move towards universality in our health care system and free GP care, I hope the threshold for the over-70s will be eliminated because that is a source of concern.

Today is a stepping stone but we should recognise we have a journey to travel in regard to

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our disability sector. I am more confident than I have ever been, with the Minister of State at the helm, that we have someone who understands and who will work with all of us to deliver change. Like him, I am committed to this sector. There needs to be a change in the way services are delivered by the HSE. The Government provides the money but the HSE administers the funding and I hope that will change.

I am delighted to have had the opportunity to contribute. Many of us worked to ensure the Bill would come to pass during the previous Dáil and I thank the members of the previous Oireachtas health committee for their work. I commend the Minister of State and the Minister on the work they have done. Today is a good day for the families of children and young adults who require this legislation.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank all Senators for their valuable contributions, support and positive criticism and new ideas. This is an important Bill. Its provisions will be a welcome development for two groups of people who have additional medical needs - children with disabilities in receipt of the domiciliary care allowance and those aged over 70 and their dependants. Children in receipt of the domiciliary care allowance have a severe disability and require ongoing care and attention substantially over and above that required by children of the same age. The legislation will mean all children in respect of whom a domiciliary care allowance payment is made will automatically qualify for a medical card and, therefore, will no longer be subject to the medical card means test while in receipt of the allowance.

As I stated earlier, I fully recognise the added stress parents and guardians are faced with when dealing with a difficult diagnosis. For many it is their first time to seek assistance from the State. Providing an automatic medical card to these children will reduce the uncertainty and anxiety they face in accessing the services required, as well as lessening the financial burden associated with managing their child's disability. I understand the new scheme will be live from 1 June and that the parents and guardians of those children who do not hold the medical card will be able to pre-register with the HSE from 1 May. The Senators are correct we need to get this message out to the families.

Another of the Government's commitments is to reduce the cost of medicines for Irish patients. Budget 2017 included a commitment to reduce the prescription charge for medical card holders aged over 70 years of age and their dependants. This legislation addresses this issue. I welcome the introduction of this measure as it will provide some relief for those aged over 70 and their dependants. In general, those aged over 70 have higher rates of medicine usage and therefore are most impacted by the prescription charges.

Senator Horkan stated more can be done, and I accept the point, but it is a start. He also spoke about the timeline, which is to roll it out on 1 June. He also raised a very important issue, about which I feel very strongly myself. This is cancer and the debacle people face when they are under severe pressure. I agree with the Senator and we will push it. Another important issue he raised is primary and GP care and services in the community. Recently, I met a group of GPs in my office who made this point. They strongly emphasised the GP contract and the ethos of primary GP care as a major start in developing a health service. These are the ideas I have and these are the ideas I will implement.

Senator Victor Boyhan spoke about our senior citizens and the issues raised by Age Action, and we will need to deal with these. He mentioned the cap with regard to lone pensioners. He

also asked about what will happen to 16 year olds. At present, there is a half rate domiciliary care allowance payment. These children will receive full medical cards. Between 16 and 18 years of age those with a recognised disability will receive medical cards, and this is something I want to push. I emphasise that while we are doing these reforms my objective is to ensure every child in Ireland with a recognised disability or long-term illness gets a medical card. These are the types of changes I want to implement. Senator Boyhan mentioned the United Nations Convention on the Rights of the Child. He also asked whether we have plans for those aged under 70. We have many plans but we have not developed them yet and I will come back to Senator Boyhan on these issues.

Senator Colm Burke raised a number of important issues. One of these, about which I feel very strongly, is respite care for children aged over 16. As Minister of State I have been going up and down the country meeting families. They seem to be grand with respite for children aged up to 16 but then it disappears for a while. I am determined to push respite services. In 2017 I plan to ensure we will have 41,000 day respite sessions and 2.7 million home support hours for 7,500 people. There are gaps in the system and we need to focus on this issue.

Senator Máire Devine spoke about the campaign group Our Children's Health. I know the group, which has been campaigning for many years. I acknowledge its contribution to the debate. Its objective is the same as mine, which is to ensure children with disabilities and sick children get their rights. The Senator also strongly emphasised the importance of community action. What saddens me about modern society is there is not enough community action. We need more community action coming from people on the ground. When I go to second level schools and meet transition year students I am always blown away by how interested they are in current affairs, human rights, disabilities, having a proper country and honesty in politics. There is a buzz in classrooms throughout the country but when they reach the age of 18, 19 or 20 we seem to lose them. We have a job as politicians to develop this. We must also highlight and publicise the difficulty in accessing medical cards and services.

Senator Byrne spoke about the pain of families and asked whether we could examine other ideas and allowances. We must look at this. In this year's social care and disability service plan we are looking at these issues. We managed to obtain approximately €16.2 million for a plan to develop home support for these families who are under severe pressure. We must look at other ideas and I intend to do this as part of my ministry. I also intend to work very closely with the Ministers, Deputies Leo Varadkar and Simon Harris. The Minister, Deputy Varadkar, has many ideas in social protection to assist families.

Senator Nash spoke about the process and direct communication, which a number of other Senators also mentioned. He stated we must ensure nobody is left out and that everybody is covered, and that we should keep an extra eye out for less well sections of society.

Senator Reilly mentioned the additional challenges for families of people with disabilities. He has been a long-time campaigner, when in government and as a Member of this House, of the idea of cost-effective primary care and free GP care to reduce costs and reduce issues in our accident and emergency departments and hospitals. The general practitioners I met last week also emphasised this point. We all speak about the fact the health service is short 3,000 beds but they argued if they had proper funding and support for primary and GP care and early intervention services there would be less need for beds in hospitals. This is a cost-effective argument to which I listened.

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Senator Buttimer spoke about the most needy and access. As long as I am Minister of State, my focus will not be on the HSE, the Department of Health or myself but on the person with the disability. I want to design services around people with disabilities.

I accept the point that some people might consider the reduction in prescription charges to be modest, but given the resources available in the health system it was considered the most effective use of these resources to apply the reduction to the cohort of the population. I am happy to note this measure was implemented on 1 March.

I thank all Senators for their support of this important legislation. I will come back to them with details and more up to date information on some of the points which I did not get to. We are reforming the disability allowance as well as the domiciliary care allowance and the Senators will need to be updated on this. I thank them for their contributions and I look forward to further examination of the Bill on Committee and Report Stages.

Question put and agreed to.

An Leas-Chathaoirleach: When is it proposed to take Committee Stage?

Senator Colm Burke: On Thursday.

Committee Stage ordered for Thursday, 30 March 2017.

Sitting suspended at 6 p.m. and resumed at 8.30 p.m.

An Garda Síochána: Statements

An Cathaoirleach: I welcome the Minister to the House.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank Senators for the invitation to be here this evening. I welcome this opportunity to address these important and very disturbing issues. I again stress, as I have just done in the Dáil and as the Taoiseach did during Leaders' Questions this morning, the utmost seriousness with which the Government regards these issues.

It is essential that the Government, the Oireachtas and all our citizens can trust members of An Garda Síochána because the security of our citizens is obviously central and we depend on An Garda Síochána for that. We need to be able to depend on An Garda Síochána carrying out its duties fairly, impartially and fully in accordance with the law.

The public has to be able to believe statistics and all information provided by An Garda Síochána because so much rests on that. Many policy decisions are made on the basis of it and that is why early on when some doubts were cast on the crime investigation statistics, I brought in the CSO for discussion on this. It began a process of verification and has now confirmed that we can rely more and more on those figures. There is a problem internationally with regard to the robustness of crime reporting, but we need to make sure we have the very best systems in place. The CSO is now monitoring that here.

It is essential that we get the answers we need and I am totally committed to ensuring that happens. The issues that have been raised go to the heart of policing in the State. They go to the heart of public confidence in our police force and the area of policing involved, that of roads

and traffic, is one that affects every one of our citizens. So many of us have been affected by tragedy on the roads, be it the death of friends, family members or colleagues - everybody has been touched by those accident statistics. We need to know as citizens that those charged with enforcing the laws designed to ensure our safety do so to the highest standards.

I met the Garda Commissioner yesterday and I conveyed the Government's very deep concern at the revelations of recent days. The facts we now know about how breath tests were being conducted and the operation of the fixed-charge system are completely unacceptable and raise very troubling questions. The scale and detail of these issues became apparent last week at the Garda press conference and I am determined that all the facts will emerge.

Obviously, everybody here has questions as to why this happened. How could it have happened? Who was responsible? Were there people in charge? What was the line of accountability? We are talking about an organisation that has a line of accountability. We have to go in and find out precisely how this could possibly have happened in an organisation such as An Garda Síochána.

An anonymous complaint was made to the Road Safety Authority in 2014, outlining a number of issues which included the operation of mandatory alcohol testing, MAT, checkpoints. This related to checkpoints as opposed to the actual giving of the breath test. The complaint was referred to An Garda Síochána by the then Minister for Transport, Tourism and Sport, the Minister, Deputy Varadkar. An Garda Síochána indicated in a detailed letter to my Department in May 2014 that it had looked into the claims regarding MAT checkpoints and was satisfied that correct procedures were in place to account for MAT checkpoints that ultimately proceeded. In legislation, the setting up of a MAT checkpoint must be authorised by the local station inspector. Therefore, there is a very clear record of where MAT checkpoints are authorised. That would only change if for some reason the checkpoint was not carried out because gardaí were diverted elsewhere. At that point it said it was satisfied as to the actual number of checkpoints as opposed to breath tests.

In June of last year my Department was made aware that some discrepancies had been identified in respect of mandatory alcohol testing and that the Garda was starting a national audit. It indicated in June 2016 that no issues stemmed from this audit with regard to the performance of MAT checkpoints or prosecutions arising from same. This means that the cases, relating to those people who were above the limit, that needed to go to court went to court and the prosecutions were sound. There is no issue with the prosecutions because those were the cases where the person was clearly above the limit. Of course, the issues that have arisen are about the number of tests carried out, which is different. In June 2016 it indicated it had become aware of some discrepancies, and an IT solution had been developed and would be implemented towards the end of 2016.

After that my departmental officials, who were liaising with the traffic division, sought regular updates from the Garda as to the progress of the audit that was then taking place into the issue. An Garda Síochána indicated in February 2017 that it was anticipated that the national audit would be finalised in the second quarter of 2017. I was expecting that national audit at the end of the second quarter of 2017. Although that audit has not yet been finalised, the Garda announced figures at its press conference relating to the discrepancy between the number of tests conducted at MAT checkpoints as per its own records compared with the records held by the Medical Bureau of Road Safety. The Garda first had its own national figures early in March. When it then compared them with the figures from the bureau, it saw this extraordinary

discrepancy of 1 million.

There was no indication as to the scale of this when the Garda originally informed me it was looking at this in June 2016. It is clear from what the Commissioner said yesterday and from her public statements, that it was not known at that time to Garda management either. It was in order to assess the scale of the problem that the national audit of MATs was launched one year ago. I did not become aware of the huge discrepancy in the breath test figures until it was revealed at last week's Garda press conference. I was expecting the report at the end of June but the personnel in the Garda dealing with this - because they were having their press conference - decided, having just found out shortly beforehand what the scale of the discrepancy was, that this material should be in the public arena.

On the question of the fixed charge notices, I was informed in June 2016 of an error in regard to summons having been incorrectly issued to persons who should have received a fixed charge notice for the offence of not having a valid NCT certificate, which became a fixed charge offence in December 2014. An Garda Síochána indicated that following on from those initial findings, further inquiries were being carried out in relation to all summons issued in relation to other fixed charge offences. In a press statement issued on the same date - this was in the public area as they had put out a press statement in June last - An Garda Síochána confirmed that it had commenced a review of prosecutions in relation to all fixed charge offences. That letter set out the remedial actions it was already taking, which included withdrawing prosecutions in any affected cases - there would have been cases from that period to this that were withdrawn - and putting in place an IT solution. Up that point the PULSE system had not identified that it was a charge of not having a valid NCT certificate on its own and a summons should not be issued. It is now developing a longer-term IT solution to that.

My Department sought regular updates as to the progress of the review taking place into the fixed charge processing system issues covering the period from 2014 to 2016. The results of that review for the two-year period were communicated to my Department on 14 March 2017. That letter indicated that a total of 1,781 cases had been identified where persons had been convicted in situations where they had been incorrectly summonsed to court, either without first having been issued a fixed charge notice or having been issued and paid a fixed charge notice. Of all the cases that have subsequently emerged, there were various charges against many of those who were brought to court, for example, more serious charges of driving without insurance or speeding, but there were 5,800 cases of not having a valid NCT certificate alone and they should not have been in court. In the other cases, it was a combination of offences. Clearly, the offence that should not have been bundled in with the others was the fixed charge notice for not having a valid NCT certificate, and all of them will have to go back. The Director of Public Prosecutions has been consulted. She indicated the review should be extended to include cases pre-2014. The letter I got more recently stated that consultations remained ongoing with the DPP and the Courts Service in regard to commencing the process of setting aside the convictions in the courts. The DPP states, as I have said, the review should be extended back, and the audit is still ongoing.

I became aware of the figure of some 4,700 cases where a conviction took place after an incorrect procedure when the Garda Síochána made that information public last week. It had finally pulled all of the audit together in the weeks since it had first indicated to me the 1,781 cases. It is a matter of great regret to me and I am sure everybody here that any citizen was summonsed to court who should not have been and had to deal with that, with all of the consequences that follow for individuals. We will not know the consequences until each of those cas-

es goes back into court and is examined individually. They will have to go back to the District Court first and then be referred on to the Circuit Court. It is critical for all of those persons and for the justice system that these mistakes are resolved and the necessary remedial actions put in place, which, of course, could include compensation. There have been situations where - we do not know the numbers - there would have been consequences. If, for example, drivers went over the 12 penalty points threshold, they could have lost their licence and there could have been consequences. There is a series of issues. We do not know the detail and we have to await the cases going back before we will be able to see precisely what the outcomes in court will be.

On the question of FCPN, at my meeting with her yesterday, the Commissioner assured me that arrangements are being put in place for the persons affected. All of these cases will be appealed by An Garda Síochána in order to ensure, as I have said, that the courts set aside these convictions, all fines will be reimbursed and penalties removed, and all of those affected will be contacted directly and individually by letter. Letters will begin issuing to all of these individuals on 3 April. I made it clear that I want this process to be as speedy as possible so that these wrongs can be righted in the speediest possible way.

There are IT and operational solutions in place now to ensure that these practices have now ceased. There is a permanent and comprehensive IT solution now in place. The PULSE system was not picking this up. It was not geared to do so but it should have been. Clearly, the practice issues were also failing where individual gardaí were not ensuring that these cases did not go to court. I imagine that in quite a number of cases solicitors will probably have picked this up for their clients and there may have been cases that were dealt with in the appropriate way but still should not have gone to court. There is a continuum of how they have been dealt with. The focus now has to be on what is being done to get to the full truth of what transpired and the accountability that must be brought to bear.

In the case of mandatory alcohol tests, first, there was a paper based system and a verification processes. In November 2016, a new IT upgrade was installed on the Garda PULSE system. The net effect of the new IT upgrade was that personnel now have to record the serial number of the device plus the meter reading before and after the checkpoint is concluded. This was not part of the procedure previously. If that was being done a much more robust system would have been in place. I met the professor with responsibility for this in the medical bureau, Professor Cusack, yesterday at the committee. The Departments of Transport, Tourism and Sport and Justice and Equality hold a number of meetings per year and we happened to have one yesterday. He confirmed that the new machines will have GPS and there is the ability for what is on them to be recorded automatically and go straight in to the medical bureau's system. That is a total change from the system that has been operating over the years and it will change the situation. It would mean that this type of thing could not happen again.

As I say, the focus now has to be on what is being done to get to the full truth of what transpired and the accountability that must be brought to bear. We must have accountability in this. In the Garda, there is a line of accountability. As for how this could have happened, we need to have an investigation that holds persons responsible at all levels of the Garda organisation who allowed such large discrepancies in the breath testing figures to arise. The Commissioner announced such an investigation yesterday. It was to be an internal investigation but, following our discussion at Government today and my one view that there should be an independent investigation, we will hold discussions with the Policing Authority to work out how to best achieve that.

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I met the chair of the Policing Authority, Ms Josephine Feehily, yesterday and informed her that I was formally referring both of these matters to that body under the Garda Síochána Act. At that meeting, Ms Feehily informed me that the authority will have an independent professional audit undertaken of the steps taken to resolve these issues. That is an essential part of providing the necessary public reassurance. The Government is now saying it should be completely independent. Under the legislation I brought in establishing the Policing Authority, there is a mechanism for myself and the Minister for Public Expenditure and Reform to authorise such an investigation and to make the funding available for it.

Following the briefings I gave to Government today, the clear view that emerged is that these issues have given rise to the most serious concerns, not only among public representatives but also the wider public. No doubt confidence in An Garda Síochána has been dealt a serious blow in the past week and we must rebuild that confidence in a variety of ways, but we must get explanations as well. We will use all the legal mechanisms that are in place in regard to the Policing Authority, or if necessary, the Inspectorate, to establish the full facts. There has to be accountability. It is essential that the process of reform is rigorously implemented in An Garda Síochána and it has to be seen to be implemented. The close oversight of the Policing Authority is one of the key ways of doing that.

As the Taoiseach stated, the Government believes that the level of public concern regarding some issues affecting the Garda is now so profound that it is time to conduct a thorough, comprehensive and independent root and branch review of the Garda. This proposal will require further detailed consideration by the Government. I would like to believe that such a proposal would have the support of the House and that we would have the opportunity to get input from Senators as to how the review should be conducted, its terms of reference and the issues that it should examine. For many years, people have discussed how, for example, the policing service also provides security. Points have been made about its management systems and questions raised about whether they are fit for purpose. Given all of these issues, the time is right to establish this kind of commission.

The Government accepts that change is required. As the Minister for Justice and Equality, I have introduced some of the most significant reforms in policing since the foundation of the State, including the establishment of the Policing Authority, additional powers for GSOC and greater civilianisation. The Government has shown significant support for the Garda through the investment of €200 million plus in upgrading ICT. There are considerable data-related issues in the Garda. If the ICT infrastructure is not there, categories of offences are not captured properly. There are serious issues as to how this happened. Was it a casual approach? Was it exaggeration? Was it an ethical issue? Was it deceit? Was there collusion? We must get to the bottom of how a discrepancy of 1 million tests across all districts could happen. It is a serious matter and conflicts with internal audits.

I hope that Opposition Senators and Deputies will accept the offer to work with the Government on our intended examination. In the meantime, the various bodies that we have established should proceed with their work. We want the Policing Authority to continue supervising the ongoing reforms. I have referred the Garda Inspectorate's reports to the Policing Authority. Senators will be aware that the first report has returned in terms of the implementation of the reform programme. That relates to the oversight of the Policing Authority, but there are more than 1,000 recommendations from the Garda Inspectorate and they will not be implemented overnight. It is important that their implementation is being monitored on a continuous and transparent basis. We continually need to empower the Policing Authority to do that.

Senator Gerard P. Craughwell: On a point of order, it was agreed this morning that there would be one speaker per group. Unfortunately, it is not always possible for Senators to be in the House for the Order of Business when these decisions are taken. This is probably one of the most serious issues that the Tánaiste has faced. She is doing an excellent job. Instead of extending time this evening, could we be allowed to share time so that everyone who is present is allowed to speak? This is an important issue and lies at the heart of our democracy.

An Cathaoirleach: The Senator has made his point. The difficulty is that this arrangement was agreed today by the Leader. The Acting Leader cannot change what the House agreed. Three times this morning, I asked about the times allowed and so on. One could also argue about how the Tánaiste only has five minutes to respond, which might seem like a short time, but my hands are tied and the Leader is not present to amend the arrangement. I cannot change it and, unfortunately, the Tánaiste has no discretion. When the House agreed this, no one said that people should have more or less time. When the Leader first spoke, he said that people would have eight minutes, but then that was reduced to six. No one said anything about it and Senators were quite happy to have the debate with one speaker from each group. I am sorry, Senator Craughwell.

Senator Lorraine Clifford-Lee: It is unfortunate that the Tánaiste is again in the House to explain yet another scandal or crisis concerning her Department. I have lost count of the number of times she has appeared before us since our formation last June to explain what is happening in the Department. I am sorry to say that her speech was full of fluffiness and platitudes. The public is shocked, as are most Senators, by the latest scandal to hit her Department, this time concerning almost 15,000 sanctions and convictions over fixed notice charges and the 1 million breath tests that were recorded in error.

The Tánaiste stated that the scale of the problem had only been spotted recently. That is unbelievable. If it was only recent, when did the Garda Commissioner say that she became aware of the scale of the issue? Is it good enough that the Tánaiste was only informed of the scale of the issue during the course of a press conference last Thursday?

The integrity of the Garda is in tatters as a result of this situation. As the Tánaiste mentioned, data inform policy. How can we have an effective policy on drink driving, which is a serious issue that has resulted in many lives, families and communities being shattered, and say that we as a nation are on top of it? There have always been claims that drink driving legislation has not been enforced properly. Is this falsification of drink driving tests the result of calls for greater enforcement? Was it a means of providing promotional opportunities for various gardaí? I am concerned about the language that has been used in recent days. It seems that there is an attempt to shift blame onto the ordinary rank and file gardaí away from management and the culture at the top. I am not happy about that. The situation needs to be clarified from the top and there has to be a culture of change. Were unrealistic targets set by management and ordinary rank and file gardaí had no other option but to do this? If so, that is a serious matter.

The Tánaiste stated that she was informed in June 2016 but only became aware of the scale of the problem last Thursday. What was she informed of last June? What scale did she believe would be found by the audit? In 2014, Gay Byrne informed the then transport Minister, Deputy Varadkar, of this matter. Was any action taken then? Why did the Commissioner not inform the Policing Authority that a national audit was taking place? There were six meetings between the two. Surely something as serious as this should have been raised at those. Why did the Tánaiste not inform the Oireachtas last June? Even had the scale been much less than what it has turned

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out to be, it was still a serious issue. How on Earth can the Tánaiste now express confidence in the Commissioner? My confidence and that of my party is gone.

The timing of last Thursday's press release was cynical, in that it coincided with the burial of Martin McGuinness. That needs to be explained. If the briefing had only been planned for a short time, when was it planned? Perhaps something better could have been done in PR terms.

There has been a failure to explain the discrepancies around who has responsibility. The Government seems satisfied when the rest of the country is completely dissatisfied. That shows a lack of connection with the country.

The Tánaiste referred to the cost of the fixed notice errors. It is not acceptable that there is no estimation of the cost to the State of the fines, legal charges and compensation due to the people affected. These fixed notice charges ended up in court and took up precious court time when many serious issues had to be put on the back burner and were not dealt with effectively, never mind the stress and upset caused to people when presented with court dates.

The Tánaiste referred to lines of accountability. From what I can see, however, none appears to exist in the Garda. This is unsatisfactory. The integrity of the Garda is in tatters. I would like an explanation.

9 o'clock

Senator Gerard P. Craughwell: I thank the Tánaiste for coming to the House today. I watched her speak in the Dáil for the past couple of hours and I appreciate her taking the time to come here. This cannot be an easy time for her. The last paragraph of her speech says a lot about her time in office. She referred to the various organisation that she set up to oversee the running of the Garda Síochána, and I compliment her on doing so.

I put on record this evening my deep respect for and express my gratitude to the ordinary gardaí who are on the streets tonight risking their lives for the Tánaiste, me and everybody else. What has happened in this country over the past couple of days must be soul destroying for these people. The Tánaiste and I know that many gardaí remain on duty after their shift has ended, etc., and to think that 1 million breath tests never happened, we are facing 14,700 reviews of court proceedings, some of which may finish up in the High Court, and that people may have lost their jobs as a result of penalty points given to them by the courts. This entire scenario is totally unacceptable. I have put on record my desire for the Garda Commissioner to step aside. I asked her to step aside when the McCabe tribunal started and she should definitely step aside now. The current issue does not lie just at her feet, however. There is a layer of people below the Tánaiste who have operational control of An Garda Síochána and they have not done their jobs. That layer has been negligent somewhere along the line.

How have we reached this situation? I have heard people today shout for the Tánaiste's head to roll, with which I disagree because she does not have operational control of the Garda Síochána and cannot be there morning, noon and night. There are people charged with responsibility in every Garda station in this country. This issue goes to the root of the organisation.

I believe that austerity measures might have hurt the force and that it might have tried to keep records going just because it did not have the personnel. I have no doubt that austerity measures have in some way impinged on what has happened. The public will take time to recover from this saga but the morale of An Garda Síochána must be restored now. Morale

cannot be restored by those who are already in charge because they have made a total mess of the job that they were entrusted to do by the Tánaiste in her capacity as Minister for Justice and Equality. They have failed the country, they have failed their superior officer who is the Garda Commissioner and they have failed the Minister. The blame does not just lie with the Garda Commissioner. I do not believe that any of these people should be in their jobs today. They should all be sent on gardening leave until we get to the bottom of what happened. Those who have turned a blind eye need to have their contracts revoked and to be sent on permanent leave. We do not need those sort of people in the country.

I received an e-mail today from a woman who outlined that her son finished up in court because he got into a small fracas after a few drinks. Last night, we learned that a woman from Dublin was escorted by two gardaí to Limerick jail because she did not pay a fine of €350. Where does that behaviour fit into fraudulent breath tests, which is what happened? For the past few days the Tánaiste must have been devastated by what has been done. As Minister, she trusts people to do their jobs, but these people have let her down badly. She has found herself in here and in the Dáil having to stand in front of a line of opponents demanding answers to questions that she could not possibly answer. She probably does not even know the number of questions that remain to be asked. Once we pull back the curtain on this dirty little secret, it will become more apparent. The Garda Commissioner said the other day that as we start to move to reform the Garda, there will be other stories and disasters. I do not know what the Tánaiste can do about this matter. I do not believe that she can handle the problem by continuing to work with people in whom she has now lost faith. She must have lost her faith in them. I do not believe that she can trust them to bring about the reforms that she has tried to make. The Minister has put agencies and the Policing Authority in place. I hope that the Policing Authority will say to her in the next few days that it does not have confidence in the senior management of An Garda Síochána and ask her to appoint a caretaker to look after the organisation until it solves the problem.

People said to me last night that ordinary gardaí were happy enough to have the breath tests fiddled with, but the problem does not lie with the ordinary gardaí on our streets because they do their jobs. If numbers have been played with, it was not by them. If the PULSE system is wrong, somebody somewhere should have reported it to the Minister months, years or decades ago because the PULSE system has been in place a long time.

The bottom line is that we need action so people must step aside from their roles right now and allow the Minister to appoint people to check the system who are impartial and independent of the Garda. I hope a firm of accountants will be appointed tomorrow morning to carry out a root and branch review. I listened to “Morning Ireland” this morning and heard that An Garda Síochána was informed that there was a problem with breath tests on 7 July 2014. The force kept that information from the Minister, me and everybody else for three years.

I appreciate the latitude shown by the Cathaoirleach. I am confident that the Tánaiste will fix this problem but I do not have confidence in those in whom she has placed her trust.

Senator Martin Conway: I have got a sense from the people who have spoken in this House so far that they support what the Minister is doing to reform An Garda Síochána, which is right. Since the Tánaiste took over as Minister for Justice and Equality in 2014, it is clearly and plainly obvious to anybody that she put structures in place to ensure that we will have a fit for purpose, proper, transparent, open and accountable Garda Síochána. The Policing Authority is an exceptionally important element of that reform. People give lip service to the notion

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of depoliticising An Garda Síochána but that is what the Policing Authority is there to do. The Policing Authority is the most appropriate authority to recommend whether a Garda Commissioner should be removed, not members of the Opposition, backbenchers or members of the public. The Policing Authority is the competent authority with the expertise and oversight that can make a recommendation to the Government that it feels a Garda Commissioner should be removed. People should stand back from this issue for a minute and consider the prospect. On the one hand, people have talked about depoliticising An Garda Síochána and, on the other, people have called for the Garda Commissioner to be removed or sacked. What is the point in having a Policing Authority if we do not let it do its job? Are people saying that the Policing Authority has not done its job?

Let us consider the reforms that have been made. On 8 March, Mr. Michael Donnellan, director general of the Irish Prison Service, attended a meeting of the Oireachtas Joint Committee on Justice and Equality. On that occasion he pointed out that there is no overcrowding in the prison services for the first time in years and it is primarily due to legislation on fines. Also, slopping out has been eliminated in prisons because they now have the resources to start a pathway to provide dignity in the prison services. These improvements are due to legislation that we all introduced in these Houses in the past couple of years. It was ridiculous that people went to jail for not paying for a television licence. At least this problem has been addressed.

Do not get me wrong - what has happened in An Garda Síochána is an outrage. Garda Commissioner Nóirín O'Sullivan is the head of the organisation but there are many more people at senior management level in An Garda Síochána. Many questions remain to be answered. Frankly, it was not good enough for the Garda Commissioner to announce that an internal investigation would take place. The Tánaiste was correct to recommend to Government today that the investigation should be conducted by an external organisation because none of us would have been confident that an internal one would achieve transparency, which is what we want.

We have GSOC, the Policing Authority and a raft of legislation to improve An Garda Síochána. We came from a position where the Garda Síochána was one of the worst hit organisations as a result of the recession. The Garda Training College, Templemore, was closed. The ICT facilities throughout the Garda force were not fit for purpose. PULSE had not been updated in years. There was a lack of investment in Garda vehicles. It is easy to see how these situations can develop and how bad practice can develop when there is no investment.

That situation has been rectified during the past three to four years. The college in Templemore has been opened and I do not think a Government will ever close it again. At least I sincerely hope it does not. We will have a professional Garda service.

Members have stood up in this House and the Lower House complaining about the closure of Garda stations that were not being used. I believe it was appropriate to close Garda stations that were not being used and invest that money in properly resourcing the Garda with computers and vehicles, so that the Garda is a modern force. We cannot have Ballymagash type politics, where people ask for their Garda station not to be closed, even though it might be used only three times in a week. At the same time, there is no investment in ICT or Garda vehicles, or upgrading, training and so on.

Senator Gerard P. Craughwell: Give up while you are ahead.

Senator Martin Conway: We are leaving the college in Templemore here. What does

Senator Craughwell mean by that comment?

An Cathaoirleach: Through the Chair, please.

Senator Kevin Humphreys: You know that Deputy Shane Ross loves Garda stations.

Senator Martin Conway: There is absolutely no way that I will be bullied or shouted down by the Senator over something that I feel strongly about.

An Cathaoirleach: I think Senator Craughwell is suggesting that the Senator is deviating from the specifics of the motion.

Senator Martin Conway: I am not, but I am sick and tired of listening to Members who on the one hand look for one thing and on the other hand look for something else, when the appropriate and correct thing to do was at that time to close certain Garda stations and invest in upgrading ICT and Garda vehicles

Senator Lorraine Clifford-Lee: There were 1 million false breath tests.

Senator Martin Conway: There is no doubt about it whatsoever there is a fundamental job of work to be done with the Garda to ensure the public has confidence in the force and to ensure there is appropriate open and transparent methods of auditing. That is where we should focus our attention. I wish the Minister for Justice and Equality well in the work she is doing in that regard.

Senator Rose Conway-Walsh: I thank the Minister for coming to the House. In her statement the Minister refers to these as important and disturbing issues. Are these not illegal activities? Yes, they are disturbing, they are even disgusting, but the bottom line is that illegal activities were carried out by those who were supposed to uphold the law. How many times do citizens of this State complete and submit forms, whether they be applications for carer's allowance, farm assist, child benefit or medical cards and in large bold writing at the bottom of the form, it states that submitting inaccurate and untrue information may lead to a custodial sentence. That is what hangs over the heads of people submitting information to this State. I will now ask a very direct question. Does the Minister believe that the falsifying of public records almost 1 million times is illegal? That is the bottom line we are looking at here. We either believe that is illegal or it is not illegal.

Senator Trevor Ó Clochartaigh: Hear, hear.

Senator Rose Conway-Walsh: Did Deputies Varadkar or Donohoe, who both served as Ministers in the Department of Transport, Tourism and Sport in 2014, not think the issue was serious enough to report to the Minister for Justice and Equality, as the Minister in charge of policing? Obviously the Garda Commissioner was informed of these discrepancies. I hate even calling them discrepancies because I think it somehow lessens the importance of them. Did the Minister for Justice and Equality not ask the Garda Commissioner why it took her more than a year to notify the Minister? Obviously the Minister has regular briefings with the Commissioner of An Garda Síochána. Can she understand why people will find it difficult to believe that not once during a period of 13 months did the Garda Commissioner mention the suspected illegal activities? Does the Minister think that is acceptable? What is it to say that right now there are other discrepancies, activities or whatever one may wish to call them happening in the Garda Síochána that are being kept hidden from the Minister? Is the Minister concerned about this?

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How many other disturbing or disgusting incidents are going to happen and how many more times will the Minister have to come to this Chamber to defend the indefensible? When exactly did the Minister notify the Policing Authority of the discrepancies? When exactly did the Minister notify the Taoiseach of the discrepancies? Will the Minister outline the remedial actions she plans to put in place to compensate the 14,700 people who were incorrectly convicted? I appreciate the Minister has outlined some of those in her statement. In the past few days, we have learned of the devastating effects these convictions had on individuals and families? What is the Minister's timeline for righting these wrongs? Should these letters start going out on 3 April 2017?

Senator Conway refers to the Policing Authority and rightly so, and that we should not politicise this issue because we are in new politics. The statement from the Policing Authority states that it has not yet been provided with the full internal reports from An Garda Síochána into the current issues. Despite questioning over several months, the authority has not been provided with the full internal reports or indeed a clear sense of how these matters have been handled in the Garda Síochána or the status and content of the audits which have been undertaken. It is very clear there is still a lack of transparency, that there are still attempts to stop the Policing Authority doing the job it was put there to do, albeit that the Policing Authority was informed very late in the day. We would have to say that the more things change, the more they stay the same.

We have had to endure scandal after scandal in respect of the Garda Síochána in recent years. The Minister for Justice and Equality congratulates herself and the Fine Gael Party in government for all the progress she has made. That really frightens me because it begs the question of what type of police force did we have under Fianna Fáil in government if the Minister has had to implement all of these measures. Can the Minister now commit to bringing forward emergency legislation to strengthen the power of the Garda Inspectorate, GSOC and the Policing Authority?

It is not only the reputation of An Garda Síochána that has been rocked to the core, but I am afraid the reputation of the Minister has been shattered by this and recent revelations. For the sake of the future of policing and justice is it not time the Minister listened to the people and used her authority to change the leadership of the Garda Síochána? I know with absolute certainty as sure as I am standing here today that the Minister for Justice and Equality will be in this House again before very long and we will be discussing yet another debacle, illegal activity, disgusting and disturbing activity, whatever she wants to call it.

Senator Alice-Mary Higgins: I thank the Minister for joining us in the House. What we have been hearing about in the past few days is either a matter of the most extraordinary inefficiency or a serious malpractice. I believe the scale and the fact that it took place in every district in Ireland seems to point strongly to the latter, and that we are looking at issues of malpractice.

We are looking at potentially not just errors of omission, but errors of the falsification of records in many cases. It has to be treated in a similar way, as my colleague has said, as it is potentially a criminal matter as well. In that sense I was very disappointed to see the Garda Commissioner at a press conference today, accompanied by the deputy commissioner, speaking of an administrative error. We heard one of the deputy superintendents speaking of his administrative error in terms of who he should have informed of the audit. It was unacceptable on two levels. First, because we are hearing the language of administrative error. We need to be very clear, one cannot make 1 million administrative errors. After the use of cut and paste language

that we have heard previously, we need to be clear and stop hiding behind such terms. That is not acceptable.

It was also of great concern that the Commissioner was taking no responsibility, accepting no culpability as the head of the force, but instead having her assistants take responsibility for various administrative errors. Aspersions were being cast and the language was that, “We will find who did this.” That sends out a message that there are a few rogue police officers who added a couple of hundred thousand extra to the figures. We need to be very clear that the scale of the operation is across the organisation. The responsibility sits at the top of the organisation.

I take in good faith the Tánaiste’s statement that she was not aware of the scale involved, but she indicated that it is clear Garda management was not aware of the scale involved in June 2016. I beg to differ because in August 2015 we already knew, as it had been indicated to the Medical Bureau of Road Safety, that there had been 400,000 reports filed with only 200,000 mouthpieces having been used. This is what prompted the audit. When we talk about scale, we should not be disingenuous. They may not have known the full scale involved. However, if they know that there is a 100% error rate, and we are talking about hundreds of thousands, then they know that there was a scale of a problem which I believe in itself was at that point unacceptable and potentially a resigning issue. The scale involved was known to the Garda at that point, although the full scale involved may yet unravel.

Others have spoken to the outrage on the part of the 14,700 people incorrectly convicted. The Tánaiste addressed this point. I urge that not simply employment and economic damage is examined, as there is considerable psychological, emotional and personal damage to people who undergo such a process. It can affect many aspects of their lives and not just employment.

Culture change is key. The Tánaiste stated that it is time now for a root and branch review. I respectfully suggest that it is long past time for a root and branch review. The signals and messaging have been coming forever. The Tánaiste mentioned the Garda Inspectorate report with its thousands of recommendations. These recommendations concern areas which are also of great concern. Along with the over-reporting of road incidents, I am concerned about the under-reporting of racist incidents and domestic violence, for example. Serious concerns have been expressed on their under-reporting, which also form part of the Garda Inspectorate report. The very fact of those recommendations indicates the need for a root and branch review.

It is clear that we cannot have a root and branch review of An Garda Síochána that is headed by the current management. That is unacceptable and will not work. The Tánaiste may speak of it being independent but there is a key concern around transparency of records. I will put a question that was put to the Tánaiste by, I believe, Senator Ó Ríordáin when we discussed the McCabe tribunal in this House. She was asked if she would issue a directive to the Garda Commissioner under section 25 of the Garda Síochána Act 2006 to secure all Garda records and equipment relevant to that inquiry and to safeguard evidence. I was a little shocked and surprised at the time because she said she would not issue such a directive. In respect of the independent inquiry that she is promising and any further root and branch review, will the Tánaiste issue a directive to the Garda Commissioner to secure all records and equipment? It is more pertinent here because this issue relates directly to evidence and the way equipment has been used and records monitored. I urge the Tánaiste to take this seriously.

Lastly, I concur with others that the Commissioner does not have the confidence of the public. Do we have to choose between the confidence of the public in its police force and the

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confidence of the Government in the Garda Commissioner? It does not seem that the Garda Commissioner has confidence in the body politic because she has indicated that she will not step down even if there is a Dáil vote. This indicates to me that the head of our police force is not confident in us as legislators. This is also a matter of concern.

Lastly, I note the press conference. That the Tánaiste learned information from a press conference is unacceptable and a sign of disrespect on those issues alone.

Lastly, I urge the Tánaiste to ensure that our Garda Síochána restores the-----

An Cathaoirleach: This is the fourth “lastly”.

Senator Alice-Mary Higgins: My apologies. Members of An Garda Síochána are the guardians of the peace and the public and our serving gardaí need to have peace of mind. I urge the Tánaiste to take serious action to deliver it.

An Cathaoirleach: I call Senator Humphreys - lastly.

Senator Kevin Humphreys: I thank the Tánaiste for attending. We must stay focused on what is the problem. Senator Conway did not do the House or the debate any service when he started talking about the Garda Training College in Templemore. Of course it was wrong that it was closed but it has been reopened.

Senator Martin Conway: I put it in context.

Senator Kevin Humphreys: Yes, it was wrong to put people in prison for not paying their television licences.

Senator Martin Conway: I have never done any disservice to the House. The Senator should withdraw that remark.

An Cathaoirleach: Senator Humphreys listened to Senator Conway without interruption for six minutes. Allow him, please, to make his contribution.

Senator Martin Conway: I never suggested he did a disservice to the House as he suggested I did.

An Cathaoirleach: The Senator has had his say and the Tánaiste will respond.

Senator Kevin Humphreys: It was right that certain Garda stations were closed but that is not the issue today. The Minister for Transport, Tourism and Sport, Deputy Shane Ross, told a public meeting in Stepside that it is a question of “when” and not “if” Stepside Garda station will reopen. I am not sure the report has been issued but such a statement undermines the independence of what is going on.

It takes a lot to shock me but I have been shocked over recent days by the report that 14,700 summonses were wrongfully served. Whether it is 14,700 or 1,700, this undermines the Garda Síochána. There were 1 million fake breath tests. If breath tests took just three minutes from the time to roll down the window to blowing into the recorder, this would total 50,000 man hours. No Garda checkpoint has fewer than two gardaí so it would be at least 100,000 man hours. This has been overlooked, which is unbelievable.

There is no doubt but that this is dangerous. I left my home to come back in here this

evening while the international match is on at the Aviva Stadium. Many gardaí are out on the streets, protecting citizens, ensuring the traffic moves and providing crowd control. The confidence of the citizen in the Garda Síochána is now undermined, which is dangerous for the ordinary garda on the street and the citizen. It is also dangerous for our democracy because we depend on An Garda Síochána to uphold law and order in the State. It is dangerous if it loses the confidence of the citizens.

These are all management issues. We cannot say that the closure of the Templemore training college introduced a culture. The culture had to have been there already and it had to go to the top. We cannot blame the ordinary garda on the street but we can blame the culture that allowed it. I am already starting to hear horrifying stories of what else went on and it makes me worry that the Garda Commissioner has stated it is inevitable that we will identify more examples of bad practice.

I will ask the Tánaiste to answer just one question, which relates to her earlier remark when she spoke about the statistics relating to the southern region. The early audit report was 17%. In response to a question, she said that she did question the figures and that the lowest figure was 65%. She may remember that remark. She then stated that she cannot rely on the internal audit. Are those on the internal audit committee that is chaired by Michael Howard the only people to be thrown under the bus? Is Garda management moving away from these for another investigation? I am not speaking about the Commissioner, Nóirín O'Sullivan, but the Garda management and the culture that has developed there and which has to be dealt with.

I have lost confidence in the Garda management to deal with this situation. This is dangerous for the garda on the beat and our democracy. We need to take action but not in three months' time. An enormous amount of disrespect has been shown to the Tánaiste when she said that the first she heard about the issue with the Garda breath tests was when it was revealed at a press conference. It is unbelievable that they would not ring her private secretary before the press conference and give the Tánaiste that information. This sort of practice cannot be allowed. It is another sign of mismanagement and bad management at the core. I heard the Assistant Commissioner, Michael Finn, whom the Minister mentioned, say in one interview that if the Commissioner were to ask him to move, he would. Anybody working in the private sector would be asked to move. If I was responsible or had any hand or part to play in the private sector, I would be imagining a knock on the door and being asked to clean out my desk, not move to another area and still keep the same salary and pension rights.

We have to act. The Minister has to act in respect of the culture within management. We have to move to protect our democracy, citizens and the ordinary garda on the beat who actually has to interact with the public and, on some occasions, put his or her life at risk to protect our democracy. We need to act now and not wait for another inquiry or investigation. It is quite clear to anybody who has listened to the debate in the Dáil and the Seanad where responsibility lies. What we need from the Minister is action.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank Senators for their contributions to this important debate. I have noted what has been said and how seriously every Senator takes this issue, as I do. I am very aware of the criticisms made about the lack of an explanation of how and why this happened. I am very disappointed that we do not have, at this stage, an absolute explanation of how it happened, who was involved, who is responsible and who is will be held accountable. What we have are the results of the audits carried out.

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I would like to make one point on the issue raised by Senator Kevin Humphreys and a number of other Senators about the facts emerging at the press conference. Apparently, Assistant Commissioner Finn who only took over as head of the traffic corps in December was only in a position in recent days, in the last week or the week before to receive the Garda figures and compare them with those from the Medical Bureau of Road Safety. I think I have said already that that is when the huge discrepancy arose and he and others made the decision that they should put the information in the public arena. I make the point that it was An Garda Síochána that, rightly, made the decision that the figures should be in the public arena, but, of course, there should have been more consultation. I believe it is because of the reforms we have brought forward and the oversight of the Policing Authority that this information is emerging.

The Garda Commissioner has made the point that there may be other issues to emerge. I was asked earlier today if there were other issues of which I was aware, or if the Commissioner had mentioned particular issues that would emerge. She said she had made the point in a general way that it was inevitable that, as the process of reform continued, more issues would emerge.

As regards what happened, at this stage there is only speculation. of which there is an awful lot, which I have to accept. Everybody has his or her own point of view. As I have said, whether it was carelessness, exaggeration or deceit, we have to find out what led to it.

I take the point Senator Alice-Mary Higgins made about section 25. I will examine it to see whether it would be appropriate to use it in this case. The tribunal had already moved to make sure evidence would be available in respect of the issue we discussed previously, but I will certainly check it out to see whether there is a need to use the section in the current situation and whether it could or should be used. I will look at that matter immediately.

I agree with what Senators have said about the need to rebuild public confidence. With An Garda Síochána, all of us insofar as we can influence these events - I influence them as Minister for Justice and Equality - have to start to rebuild public confidence. The way to do it is to get to the bottom of what happened in this instance, to be rigorous, open and transparent about it and to have information made available as quickly as possible. Many have spoken about management. Management in An Garda Síochána must be examined in a root and branch review to see how we can make it fit for purpose because clearly there have been serious failings throughout the system.

The Government retains confidence in the Garda Commissioner. It believes she needs to get on with implementing the reforms that are under way. She was given her position following an international competition in which she had come out on top. It was an independent competition in which she emerged as the person best suited to take on the job.

Clearly, there are systemic issues that go back a long way. If we look at them, in one case we are talking about something that happened well over ten years ago. We are probably talking about a practice that has continued for perhaps two decades. Clearly, we need to examine further the question of how and why it happened.

I note what Senators have said about whether I trust the people involved to do their jobs. Senators have said that if members of An Garda Síochána cannot be relied on, it has very serious implications for our democracy. As one Senator said, we expect members of the public to fill in forms legally and correctly. That is only right and what we expect gardaí to do also. This was happening in every division and it was a very serious exaggeration. The minimum figure

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was about 65% and the maximum, 159% or so. We need to examine the areas where very serious discrepancies emerged during the period and it will involve a lot of people. It will be a very broad investigation, given the scale of the discrepancy across so many divisions. It raises very serious questions about line accountability. We will have to ensure those who were accountable will be brought to book. That is precisely what should happen once we find out what caused this issue to emerge.

An Cathaoirleach: When is it proposed to sit again?

Senator Martin Conway: Ar 10.30 maidin amárach.

The Seanad adjourned at 9.40 p.m. until 10.30 a.m. on Wednesday, 29 March 2017.