



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Business of Seanad	239
Commencement Matters	240
National Dementia Strategy	240
Neuro-Rehabilitation Services Provision	243
Apprenticeship Programmes.	245
Northern Ireland	247
Order of Business	249
Flooding: Statements	264
Technological Universities Bill 2015: Report Stage	283
Versatis Medicated Plasters: Statements	312
Services for People with Disabilities: Motion	324

SEANAD ÉIREANN

Dé Céadaoin, 21 Feabhra 2018

Wednesday, 21 February 2018

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

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

An Leas-Chathaoirleach: I have notice from Senator Colette Kelleher that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Health to make a statement on the findings of a project led by the HSE and the Alzheimer Society of Ireland to map dementia-specific services across Ireland, and when these findings will be published.

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

The need for the Minister for Health to report on the closure of 12 hospital beds at the National Rehabilitation Hospital, Dún Laoghaire in January 2017.

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

The need for the Minister for Education and Skills to consider including the traditional trade of cooper in the list of apprenticeships in Ireland.

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

The need for the Minister for Justice and Equality to release the Crowley report into the death of Aidan McAnespie 30 years ago, and if he will make a statement on the matter.

I have also received notice from Senator Aodhán Ó Ríordáin of the following matter:

The need for the Minister for Education and Skills to consider removing the cap on enrolment in Educate Together schools in Trim, County Meath, New Ross, County Wexford, Tuam, County Galway, Tramore, County Waterford and Castlebar, County Mayo.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Minister for Finance to consider the introduction of legislation to pro-

vide for a separation between the commercial and retail arms of all regulated financial institutions operating in Ireland to protect retail customers against the effects of future bank failures.

I have also received notice from Senator Fintan Warfield of the following matter:

The need the Minister for Health to address the waiting lists for hormone replacement therapy at St. Colmcille's Hospital, Loughlinstown, County Dublin.

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

The need for the Minister for Education and Skills to end the restrictions on pupil intake for the 2018-19 school year in the Educate Together national school, Castlebar, County Mayo.

Of the matters raised by the Senators suitable for discussion, I have selected those of Senators Kelleher, Boyhan, Lombard and Gallagher and they will be taken now. I regret I had to rule out of order the matter submitted by Senator Swanick on the ground that it is a repeat of a matter taken on 20 February 2018. The other Senators may give notice on another day of the matters that they wish to raise.

Commencement Matters

National Dementia Strategy

An Leas-Chathaoirleach: The Minister of State, Deputy Daly, has stepped once more unto the breach. He is very welcome to the House.

Senator Colette Kelleher: I thank the Cathaoirleach for allowing me to raise this important issue and I welcome the Minister of State, Deputy Daly, to the House. Dementia is an issue that affects every community throughout Ireland, and an estimated 55,000 people are living with the condition, with this figure expected to more than double over the next 20 years. People with dementia need a wide range of community services that will support them from the moment of diagnosis and throughout their journey. We are all aware of the significant gaps that exist in these vital services and supports.

Under the national dementia strategy, the HSE committed to reviewing health and personal social services for people with dementia to identify these gaps and prioritise areas for action. I am aware that this mapping project was undertaken by the HSE in partnership with the Alzheimer Society of Ireland and concluded in October 2017. That was four months ago and during those four months another 1,300 people have developed dementia, and still the findings of the HSE review have yet to be published.

As co-convener of the all-party Oireachtas group on dementia, along with Deputy Mary Butler, I am acutely aware of the lack of equity in the provision of dementia services. In our budget 2018 proposals we advised the Government to provide funding for 30 dementia advisers throughout the country, increasing this funding over the following two years to reach 90

dementia advisers, one for each primary care network. Dementia advisers signpost people to services and provide much-needed support training, information and support to families and communities, and yet there are only eight of these advisers in Ireland. Access is on the basis of a postcode lottery, and for people living in counties such as Mayo, Roscommon, Kildare, Wicklow, Meath and Wexford, where the demographic profile and prevalence rates for dementia confirm a strong dementia population, this vital support does not exist.

The gap in post-diagnostic support was also highlighted recently by a former Minister for Justice, Nora Owen, on 8 February at the all-party Oireachtas group on dementia in Leinster House, and again in conversation on radio with Marian Finucane on Saturday last. She told us that it took 18 months from her husband Brian's diagnosis of dementia to a visit from the HSE occupational therapist. That is a very long waiting time. This is not good enough for the estimated 4,000 people who develop dementia each year. That is at least 11 people per day. Those are not my estimates, rather they come from the official HSE Understand Together information campaign.

Other gaps that exist include the lack of intensive home care packages for the majority of people with dementia who want to remain living in their own homes as part of their communities. The all-party group advised that an additional €6 million should be invested in intensive home care packages for people with dementia this year, moving towards €30 million by 2021. Such funding needs to be ring-fenced and there must be equality of access, with these packages being made available to people with dementia under the age of 65.

We also need to address the gaps that exist in services and supports for specific groups, particularly for those living with dementia and Down's syndrome. People with Down's syndrome are at a much higher risk of developing dementia. An estimated 700 people with dementia and Down's syndrome live at home with ageing parents. Professor Mary McCarron, who presented to our group in June, estimated that 88% of people with Down's syndrome will develop dementia compared with 7% of the general population. We are not prepared for this challenge and must begin to establish regional centres of excellence with trained and experienced staff to complete assessments and to offer advice and support to people with Down's syndrome living with dementia and their family members. While I welcome the work being done by the HSE's national dementia office to implement the national dementia strategy, the Government must now give a clear commitment that it will provide the resources required to plug the gaps which exist in dementia community-based services and supports. Will the Minister of State ensure the findings of the HSE's mapping project, completed four months ago in October, are published as soon as possible? Will he also set out clearly the specific actions that will be taken to address and close the gaps in each community in order people with dementia and their carers all over Ireland can have a better life?

Minister of State at the Department of Health (Deputy Jim Daly): I thank Senator Kelleher for raising this important matter and for giving me the opportunity to respond to the issues raised.

With some 55,000 people living with dementia, and 4,000 new diagnoses every year, it is important to ensure appropriate services are available to meet the various needs of people with dementia. To determine what supports are required, a mapping of services currently available needed to be conducted. To support the future development of services and supports for people with dementia, the HSE's national dementia office and the Alzheimer Society of Ireland collaborated on a project to map dementia specific community-based services across the country.

This measure is in line with the national dementia strategy which calls on the HSE to critically review health and personal social services for people with dementia, to identify gaps in existing provision and to prioritise areas for action in accordance with resource availability, with priority being given to the most urgent deficits which can be addressed either within or by reconfiguring existing resources.

This project is one of a series of data collection measures being taken by the national dementia office to increase our knowledge of dementia and the services supporting people with dementia. The project was concluded last October. It illustrates what dementia specific services are available in locations across the country and will support the development and planning of resources in the future. Findings also show that existing services are concentrated around dementia specific day care centres and carer support programmes.

While the final draft of the report has been sent to the HSE and the Alzheimer Society of Ireland for approval, it should be noted the report has not yet been adopted. That said, the national dementia office has used the findings from this project to develop a service finder, which is now available on the HSE's *www.understandtogether.ie* website. The service finder allows people to search for dementia specific community services in their area. The national dementia office is working with the Centre for Economic and Social Research in Dementia in NUI Galway to identify the full range of services people with dementia can access to further populate the service finder. The evidence will be used to support dementia service planning in each community health organisation area.

The Department of Health is determined to work with the HSE in providing the supports that people with dementia need, irrespective of their location, as well as to ensure that the national dementia strategy is implemented as fully as possible. Resources have been secured from the Dormant Accounts Fund to support people with dementia and their carers across a range of measures such as post-diagnostic supports, assistive technology libraries, community groups and a national dementia registry. Additionally, €9 million is provided in the 2018 HSE's national service plan for intensive home care packages, many of which are provided to people with dementia. These projects highlight the commitment of the Department of Health to improving the range and quality of supports to people with dementia across the country.

Senator Colette Kelleher: The questions remain unanswered. When will the report be adopted? Who is responsible for its adoption? When will it be published? When will the service planning in each of the community health organisation areas commence and finish?

Deputy Jim Daly: As the prevalence of dementia increases, greater efforts must be made to provide a range of support services for people with dementia. The national dementia strategy was created with the aim of improving dementia care and to enable people with dementia to continue living and participating in their own communities for as long as possible. The mapping of dementia specific services allows us to see what supports are available and, more importantly, which areas are not offering adequate supports.

The national dementia office and the Alzheimer Society of Ireland have carried out extensive work to map these services across the island. I commend them on this work. The information they have gathered will provide an opportunity for the development of resources in communities all over Ireland and will deliver valuable services with dementia in a greater number of locations.

The HSE has not adopted it as yet. I do not know when it plans to do so. I will find out and get back to the Senator on that. I expect it will be published as soon as it is adopted but not ahead of time.

Neuro-Rehabilitation Services Provision

Senator Victor Boyhan: I thank the Cathaoirleach's office for facilitating this Commencement matter today. I welcome the Minister of State, Deputy Jim Daly, to the House. I have raised the issue of the National Rehabilitation Hospital approximately 14 times in the House, yet I have only been here for about two years. I live close to the hospital and I know many of the staff who work there and have personal direct contact with them, meaning I am on the inside track, despite what people on the professional side of the service and the executive might say. I also know some of the patients. I am very familiar with the service, having lived right next door to the hospital until a few months ago. When I am persistent in asking the questions, I invariably know the answers already. However, I have a job to do which is to come into this House to ask the Minister of State to explain.

To be fair, the Minister for Health and the Taoiseach recently turned the sod at the hospital for a phase 1 development. My real concern, however, is that in January 2017 the hospital took a decision to close 12 beds. The Department seems to be somewhat confused and cannot understand why it took that decision. The Department, rightly, is of the view that the hospital's resources and their deployment are a matter for the day-to-day operation of the hospital. Between all that, the Minister committed to engage with the hospital administration. The last I heard was that officially seven, possibly eight, of the beds were open. Despite meeting the Taoiseach and the Minister on the site at the opening of the new development, as well as several other Ministers, I was assured the beds would be open in a matter weeks. They too were alarmed and concerned by this.

The key issue is that there is a substantial waiting list to get into both day and residential services in the hospital. A substantial number of these people on the waiting list are holding beds in acute hospitals where we have a crisis with bed provision. I am putting this on the agenda today just to keep the focus on it. We need confirmation as to how many beds will be reopened and some assurance as to when that will happen. It is important that we get these beds back in service.

Deputy Jim Daly: There is not a more important resource we could be discussing here. Nobody will appreciate the importance of this resource until their own family requires its services. On behalf of everybody in the State, I thank Senator Boyhan for raising this important issue and for giving me the opportunity to respond to it.

The HSE has advised that the complexity and acuity of patients referred to the National Rehabilitation Hospital for rehabilitation programmes has increased in recent years, resulting in greater challenges for the hospital. In response to this situation, management at the hospital took the decision in late 2016 to reduce its existing bed capacity by 12 beds in order to enable the hospital to provide a safe and appropriate level of care to patients from within its existing resources. Eight of these beds were in the brain injury programme and four in the spinal cord system of care programme.

The Department of Health has been assured that the HSE has been actively engaging with

the National Rehabilitation Hospital since this time with a view to optimising capacity in the hospital and to address ongoing concerns regarding funding. It should be noted that the bed capacity situation is made more difficult as a result of the challenges associated with discharging patients with complex needs.

I am pleased to report that the situation at the hospital has improved significantly in recent months. In September-October 2017, funding was secured to reopen four of the closed beds. Two brain injury programme beds were reopened in September, while in October another brain injury programme bed reopened along with one bed in the spinal cord system of care programme. In late December 2017, additional funding was secured to reopen a further two beds in the brain injury programme, through the assistance of the HSE's national social care division as part of its winter planning strategy 2017-2018. As things currently stand, a total of six beds have re-opened at the National Rehabilitation Hospital, five of which are in the brain injury programme and one of which is in the spinal cord system of care programme.

The Government recognises the excellent rehabilitation programme which the National Rehabilitation Hospital delivers and the hospital's excellent patient outcomes. In terms of capital developments, the priority at the present time is the delivery of replacement accommodation at the hospital. This development will see the existing ward accommodation replaced by a new fit-for-purpose ward accommodation block of 120 single en suite rooms with integrated therapy spaces, a new sports hall, a hydrotherapy unit and a temporary concourse as well as clinical and ancillary spaces. It will be a major enhancement for rehabilitation services in the country and will have a direct and significant impact on patient recovery by providing an optimal ward and therapeutic environment for patient treatment.

Construction works are currently under way and the new development is expected to be operational in 2020. Funding for phases I and II of this major redevelopment project was included in the Government's recently announced Project Ireland 2040 policy initiative as part of an overall €10.9 billion strategic investment in health. The model of care proposed in the strategy is a three-tiered model of specialist rehabilitation services, that is: complex specialist tertiary services; specialist inpatient rehabilitation units; and community based specialist neuro-rehabilitation teams.

As a first step, a managed clinical rehabilitation network demonstration project is in development to establish collaborative care pathways for people with complex neuro-rehabilitation care and support accommodation needs. The National Rehabilitation Hospital will be participating in this demonstration project, along with Peamount Healthcare and the Royal Hospital Donnybrook.

Senator Victor Boyhan: I again thank the Minister of State, but we have made no progress. I ask him to look at all of the written replies. We were told that seven beds had been opened, but it now appears the figure is six. I was correct. For little over a year, the Government has presided over the closure of 12 beds at a time when there is a crisis in the hospital sector. We have now been told there are only six beds. Nowhere in the response from the Minister of State has he said that he will open the remaining six beds. I will commit to circulating this to the media today, in particular in Dún Laoghaire. It is a very strong area for the Government, given that three of the four Deputies there are Fine Gael members. This is a major issue there, but it is also a national issue. I will have to make this a political issue week in and week out in here and also locally.

I want to acknowledge the Minister of State's reference to the new capacity building. It is correct that there are 120 beds in the National Rehabilitation Hospital today. A new development will provide 120 beds and the old building will be knocked down. There will be no increase in bed capacity.

Last night I had a look at Project Ireland 2040. I note the suggestion that it deals with this issue. I understand, having engaged with the Minister a few days ago, that this is part of phase II, which is to be welcomed. It is marvellous and I want to acknowledge that, but we have a crisis if we cannot reopen the six rehabilitation beds. We all have to pull together and work to reopen the beds. There is a bed capacity crisis in the hospital. I will come back here next week with the statistics on the number of people waiting because the only way this issue will be dealt with is if I stand here every day, call out the waiting times in the National Rehabilitation Hospital and repeat that six beds are empty. That is the only way to bring attention to the issue. I do not want to be difficult. The issue is important and I do not doubt the commitment of the Minister or Minister of State. We have to get the six beds open, and I would like to think we could have them open within a month.

Deputy Jim Daly: I again thank the Senator. I have no difficulty whatsoever with his sincerity and commitment to this issue. As I said at the outset, I sincerely welcome it. Anybody who has ever had any experience of the National Rehabilitation Hospital and has waited to access a bed knows the trauma that inflicts on a family at a very difficult time. I support the Senator wholeheartedly in his endeavours and encourage him to continue raising this issue.

Our job as public representatives is to identify issues of real importance to people, and make sure we raise those issues in fora such as this and ensure we get progress. I very much welcome his efforts and will work with him to ensure we can reopen the remaining six beds. As I said at the outset, this is a complicated health and safety issue. It is not a straightforward case of opening beds as happens in other areas. That does not mean it cannot be done and that the necessary resources and assistance cannot be provided. I will help the Senator every step of the way.

Apprenticeship Programmes

Senator Tim Lombard: I ask the Minister for Education and Skills to include the traditional trade of cooper in the list of apprenticeships for Ireland. I welcome the Minister of State, Deputy John Halligan, to the Chamber. He is a man who has a great passion for apprenticeships. I note the announcement that 50,000 apprenticeship and training places will be brought before Government in 2020 via the new policy. It is an important statement of intent to ensure that trades and apprenticeships are promoted. The Minister of State is leading the way in that regard.

There are 27 different apprenticeships available in Ireland. Other countries, such as Germany, have anything up to 300 apprenticeship programmes which take into consideration some of the more traditional arts. I wish to bring one such trade, which is in many ways a dying trade, to the attention of the Minister, that of cooper. Coopers were a major part of this city and country's heritage over many decades. Hundreds, if not thousands, of coopers worked in Ireland in the 1950s, 1960s and 1970s. They made barrels for the distilling and brewing industries and it is a recognised worldwide trade. Whether one is in Scotland, Canada or other countries, coopers are considered to be skilled artists if not tradespeople.

We should consider having an apprenticeship programme for coopers so we can ensure the trade can be kept alive in Ireland. It is an important and integral part of the whiskey industry. In many ways, it is one of the key elements in ensuring our thriving whiskey industry can move to the next level. In June 2017, we launched a comprehensive tourism strategy for the whiskey industry which proposed tripling the tourist numbers coming to Ireland in terms of the whiskey industry between now and 2025. Part of that involves visitor centres, which are springing up all around west Cork and other parts of Ireland. We need to show how whiskey is distilled and the craft of the cooper so that we can show how barrels and caskets are made. That is an important part of telling this unique story.

We currently have a shortage and we need to work with the Department to ensure we can train skilled craftsmen and that the industry and craft can survive. There is no fear about the whiskey industry, but we need to tell the story from the beginning from where it starts in the fields to the craft of the people who make barrels and how we can ensure this part of our culture can be maintained. We should include coopers on the list of apprenticeships and work with the industry to promote this skill and art so that the entire industry can rise with the rise of the whiskey industry.

Minister of State at the Department of Education and Skills (Deputy John Halligan):

I thank Senator Lombard for a very interesting question. I read up on coopers and found it astoundingly interesting. I thank him for his very kind words.

Apprenticeships are demand-driven educational and training programmes which aim to develop the skills of an apprentice in order to meet the needs of industry and the labour market. The Government is committed to supporting the increased registration of apprentices across all sectors. A key commitment in the action plan is to expand apprenticeship and traineeship to achieve 9,000 annual new apprenticeship registrations by 2020; almost doubling current levels of activity.

Since the 1970s it is estimated that over 100,000 apprentices have been trained through the Irish system. Over the last number of decades we have seen major changes to our economy and the nature of our employment, and this is reflected in the types of apprenticeships being developed.

The Government is currently expanding the range of apprenticeships on offer to meet the identified skill needs of industry. Arising from our first call for apprenticeship proposals in 2015, 11 new apprenticeships have been developed in a wide range of sectors, including financial services, engineering, information and communications technology, ICT, and accounting.

In addition, arising from last year's second call for proposals, we recently announced 26 new programmes for further development into national apprenticeships across a wide variety of sectors, including construction, engineering, horticulture and agriculture. However, currently there are no proposals resulting from our open calls to develop an apprenticeship in the cooper trade and I will go into that further later. The new programmes, in development, will add to and complement the range of apprenticeships currently on offer. It is estimated that the development process will take 12 to 15 months.

I spoke to the Senator outside the Chamber and he made interesting and forthright remarks regarding trades that go under the radar that could have an impact on our tourism industry. The objective of all apprenticeships is job creation first and foremost and the development of the

economy through sustainable jobs and the long-term sustainability of crafts. We have many apprenticeships in the crafts sector. I am very interested in what the Senator said. Having read up on cooperage and the craft involved, the Senator's proposal is a very interesting one.

When we do a call out for apprenticeships a combination of factors is involved, including the involvement of the education and training boards, ETBs, businesses and even the trade union movement which will have an interest and will point to the lack of lack of apprenticeships here and there. Cooperage is one that has not come on our radar. Other apprenticeships such as film animation did not come on our radar until people came forward and said there was an interest in it and we then opened up an apprenticeship on it.

I know the Senator has a great interest in this area. He needs to contact the ETBs about this proposal. An assessment of it needs to be done, with which we can help the Senator, to ascertain if there are people interested in cooperage, and I suspect there will be, as it is a great trade. I can appreciate the value of it in promoting tourism and bringing tourists to see a cooper in action. The Senator might contact the ETBs for information on it. Apprenticeships are worked through the ETBs, while traineeships are done through SOLAS. The Senator could ask the ETBs to do an assessment and he could then contact my Department and we would work on it together to see if there is a need for such a proposal. If the indications were such that an apprenticeship in the cooper trade was necessitated, the Senator would have my assurance that we would do a call out for that.

Senator Tim Lombard: I thank the Minister of State for his forthright remarks. He has been very helpful on this matter. I will definitely abide by his advice and we will work together. It is to be hoped we will be able to get some movement on this important issue.

Deputy John Halligan: Without going over old ground, there is a great interest among the ETBs and the Government in crafts and we do assessments on them all of the time. All the apprenticeships associated with crafts are on the increase. It would be interesting for me to make further contact with the Senator to see how we can develop this proposal. It would be a good thing for the Government to do, and it is also welcome that the Senator raised this proposal in the House, because this skill has gone under the radar. Having read all the statistics on it and history of it, it is an important issue for craftsmanship in Ireland and for the development of our tourism industry. We will talk again on the matter.

Northern Ireland

Senator Robbie Gallagher: I welcome the Minister to the Chamber and I thank him for his presence here. Thankfully, due to the efforts of many people, citizens can travel freely across the Border with Northern Ireland without having to be stopped at a military checkpoint. We certainly welcome that development and long may that continue. Unfortunately, it was not always the case. In 1988, one checkpoint had a reputation of being one of the most notorious checkpoints throughout the North. It was a very uncomfortable situation and experience for anybody who happened to cross at that point in Aghnacloy on the Tyrone-Monaghan Border. I can testify to that from personal experience.

Thirty years ago today a young County Tyrone man by the name of Aidan McAnespie, then 23 years of age, was shot shortly after walking through that British Army checkpoint there on his way to Aghaloo football grounds to play a football match. The 23 year old, who worked in

County Monaghan, was well known and well respected in the area.

The anniversary, as the Minister can imagine, has brought renewed focus on the as yet unexplained circumstances of the loss of his young life. The members of Monaghan municipal district council have joined others in the chorus of calls appealing to the Irish Government to release the report into the killing of Aidan McAnespie by an 18 year old British soldier in February 1988. Manslaughter charges were brought against the soldier but were later dropped. He was fined shortly after that for negligent discharge of a weapon and allowed to return to duty. He was given a medical discharge from the British Army in 1990. The British Army later claimed that three shots were fired that morning after a general purpose machine gun which the soldier was holding slipped out of his hands which, we were told, were wet at the time. Mr. McAnespie was hit in the back by one of those stray bullets which, it was claimed, had ricocheted off a road a short distance behind him.

Before his death Mr. McAnespie complained and had claimed many times that he had been constantly harassed and threatened by British soldiers as he walked through that checkpoint. The Historical Enquiries Team concluded in 2008 that the soldier's explanation was the "least likely version" of events and in 2009 the British Government said it "deeply regretted" Mr. McAnespie's death. In 2016, the then Attorney General, John Larkin, referred the case back to the Director of Public Prosecutions, and I understand it is still being considered.

The killing, as the Minister can imagine, caused widespread anger, and the Irish Government under the stewardship of Charles J. Haughey appointed Deputy Garda Commissioner Eugene Crowley to investigate the killing. However, the findings of that report have never been made public.

The Irish Government has it within its power to hand over the Crowley report. It would be another step in getting the truth of what happened on that morning. There are many families, as the Minister well knows, from both communities who continue to wait for the truth. It is an injustice to stand in the way of that.

Aidan McAnespie's father, John, is now 82 years of age and in failing health. All he and his family are looking for is the truth of what happened on that February morning 30 years ago today. George Washington once said, "Truth will ultimately prevail where there is pains to bring it to light." I call on the Minister here this morning to help bring the truth of this case to light by releasing the report at the earliest opportunity so that the family can have final closure as to what happened to Aidan on that morning in February 30 years ago today.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Senator for raising this matter of importance on what is the most poignant day, the 30th anniversary of the killing of Aidan McAnespie, a 24 year old man from County Tyrone who was fatally shot as he walked through the British Army checkpoint at Aughnacloy on this day on 21 February 1988. What happened on that day 30 years ago was a devastating tragedy for the McAnespie family and for the community in the Aughnacloy area. His death was needless. I am very conscious of the continued suffering of his family and the continued concern in the community. Given the widespread public disquiet at the death of Aidan McAnespie, the Government requested that an inquiry be carried out into the shooting and surrounding circumstances. The then deputy Garda commissioner, Eugene Crowley, was appointed to conduct this inquiry. However, many people in the local community expressed their fears to him as to their safety and security and co-operated only and explicitly on the basis of an assurance of absolute confidentiality and

that what they related to Deputy Commissioner Crowley was for the Government only. This report was submitted to the Minister for Justice in April 1988. To release the entire contents of the Crowley report even at this stage, 30 years later, would be a breach of trust of the Irish Government to the parties involved. In 2002, the Government approved an outline summary of the Crowley report's conclusions and this was provided to the McAnespie family. At that time, detailed consideration was given to producing an edited or redacted version of the report that would be meaningful, would not compromise confidentiality and could be provided to the family. However, given the nature of the report it did not prove possible to do so.

I have recently arranged for further copies of the limited summary and the post mortem report prepared by Professor John Harbison to be provided to the McAnespie family through their legal representatives. Senators will appreciate that the Government has a persisting obligation to the commitment that was given to those people in the locality and elsewhere who co-operated with the inquiry. Under these circumstances, therefore, it is not considered possible to publish or further disseminate the report. It is a source of regret to me that this will inevitably be a disappointment to Aidan McAnespie's family who suffer from his tragic loss to this very day. However, the fact is that I must have full regard to the expectations of the many people who contributed in good faith to the Crowley inquiry on the basis of an explicit guarantee of absolute confidentiality and to the persisting obligation that I have in that regard.

Senator Robbie Gallagher: I thank the Minister for his response which, as he noted himself, will be a disappointment to the McAnespie family. As any parent knows, losing a child is unnatural and goes against the grain but to lose a child in circumstances such as those in which Aidan was lost must be heartbreaking. In addition to the life sentence that they are going through, not knowing the circumstances or the truth of what happened on that day only adds to their grief. With that in mind and noting the Minister's comments, would it be possible for him to facilitate a meeting with the McAnespie family at his earliest convenience? The Minister might be in a position to provide more details to the family, over and above what he has just said in the House, in a private setting so that the family can know exactly what happened on that fateful day 30 years ago.

Deputy Charles Flanagan: I would be happy to arrange such a meeting.

Sitting suspended at 11.15 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, statements on flooding, to be taken at 12.45 p.m. and to adjourn not later than 2.15 p.m., if not previously concluded, with the contribution of group spokespersons not to exceed eight minutes, and time can be shared, and all other Senators not to exceed five minutes; No. 2, Technological Universities Bill 2015 - Report and Final Stages, to be taken at 2.15 p.m. and to adjourn not later than 4.30 p.m., if not previously concluded; No. 3, statements on Versatis medical plasters to be taken at 4.30 p.m. and to conclude not later than 5.30 p.m., with the contribution of group spokespersons not to exceed eight minutes, and time can be shared, and the Minister to be given not less than four minutes reply to the debate; and Private Members' business, No. 64, motion 14, which is to be taken at 5.30 p.m. with the time allocated to it not to exceed two hours.

Senator Gerry Horkan: I wish to raise a couple of points this morning. I acknowledge there will be statements on the Permanent TSB loan book sale. I hope we can rename them statements on the proposed sale of the Permanent TSB loan book because it has not happened, despite the best efforts of everybody yesterday. Although it had been suggested, the Taoiseach said in the Dáil yesterday that there was no imminent sale of it but then Permanent TSB announced yesterday evening that 14,000 home loans were going up for sale, potentially to a vulture fund, or to somebody else. However, I do not think there will be too many other people looking for them. It is very important that we look at this matter in the round and that we realise that whether it is 14,000 or 20,000 loans - it was 20,000 last week but now there is talk of 14,000 - if one divides that over 40 Dáil constituencies, it works out at about 350 households per constituency. In some areas, there will be more and in other areas there will be less. Every time that happens, a household, a family and an extended family go through huge distress and end up presenting on the local authority list for houses that do not exist or trying to get into the private rented sector where the supply is not available.

Some 75% of Permanent TSB is still owned by the State. The directors should be representing the shareholders but I am not sure they are. The Minister for Finance is the shareholder of three quarters of the company, on behalf of all of us, and it makes no sense for us to potentially throw people out of their houses and then have to rehouse them at enormous cost.

We must look at the long-term sustainability of some loans. I am sure some people have not engaged but I find it hard to believe that Permanent TSB has left people in their homes for ten years without any level of engagement whatsoever. If it has, it is grossly irresponsible that it has left loans in that way without managing them or trying to seek a solution, such as rescheduling debt or examining a proportion of write-down. It is crucial at this point, before the sale goes ahead, that we look at this and try to make sure people in such a situation will not be as badly affected as we think.

The issue has been discussed in-depth in recent days. The Master of the High Court was on the radio this morning talking about it. Deputy John McGuinness was on radio recently and Deputy Michael McGrath was on the radio yesterday. The Taoiseach and Deputy Micheál Martin discussed it yesterday in the Dáil. We are talking about thousands of people. It is not just the 14,000 actual households; it is multiples of the number. Everybody who is associated with the loans will be affected. There is probably not a person in the country who does not know someone who is affected by this. Somebody who has never paid a loan and has completely buried his or her head in the sand needs to be tackled but, equally, we do need to take-----

An Leas-Chathaoirleach: As Senator Horkan said, the issue will be debated tomorrow.

Senator Gerry Horkan: It will be, and I acknowledged that.

An Leas-Chathaoirleach: Senator Horkan does not need to anticipate the debate.

Senator Gerry Horkan: If I was sitting where you are sitting, I would probably make the same point.

An Leas-Chathaoirleach: I have no help whatsoever.

Senator Gerry Horkan: It is important that we have such a debate as it is a very serious issue. I know you shown forbearance but-----

An Leas-Chathaoirleach: Senator Horkan will have another opportunity tomorrow.

Senator Gerry Horkan: -----it is the most topical issue on the Order of Business and it must be discussed today.

I acknowledge the references made yesterday to the misdiagnosis of breast cancer in St. James's Hospital. I do not think it is fair. St. James's Hospital is a centre of excellence and is supposed to be the best place in the country, which we look up to, along with a couple of other centres, including St. Vincent's University Hospital. Many people go there thinking they are going to get the best care in the country. There have been misdiagnoses. St. James's Hospital issued a statement to RTÉ saying that while it accepted and apologised for the mistake, a full review of the work was not warranted. Two misdiagnoses ever is too many; in a year it is definitely too many. If we did not have the further review we do not know how the second patient would be. It is serious and I would like to hear from the Minister.

I am conscious of time but I want to mention Syria. We need a debate on Syria where so many innocent victims are being killed. The regime needs to be held to account. We will not be able to do that alone. However, we should not allow what is happening in Syria to happen without a discussion.

Senator Victor Boyhan: I want to raise three related issues in respect of children.

An Leas-Chathaoirleach: I thought the rule was two?

Senator Victor Boyhan: No, three.

An Leas-Chathaoirleach: I am sorry, it is okay for a leader.

Senator Victor Boyhan: The Leas-Chathaoirleach is cutting into my time.

An Leas-Chathaoirleach: I stand corrected.

Senator Victor Boyhan: Does he want to restart the clock?

An Leas-Chathaoirleach: The Senator will manage.

Senator Victor Boyhan: Okay, three minutes. All of these relate to children. The chief executive of Barnardos, Mr. Fergus Finlay, spoke in some detail this morning on the launch today of its "Lost Childhood" campaign. This is an important campaign and I looked at the heads of it this morning to see what it is about. It talks about an equal start, equal access and equal opportunity for every child. That is the key campaign message. I refer to equal access to education, health and child care. Everyone is entitled to that equal start.

It was interesting to see in the figures today that 3,000 children are classified as homeless. I spoke yesterday on the Order of Business about the 52 children waiting for consultants with the National Treatment Purchase Fund. All of this is around children and it is important. I do not doubt the Government's commitment but we need to emphasise and re-emphasise the importance of every child having an equal start to realise their full potential and to feel loved, cared for, secure and safe. That is the objective of all of us in both Houses. It is something we need to keep at the centre of our political deliberations. It is important.

Mr. Finlay also referenced Project Ireland 2040 and child care on RTÉ this morning. It is important we focus on that as well. I also want to talk about the hospital figures. It is important

we have some confirmation from the National Treatment Purchase Fund because there are different figures from different sources. It is important we have correct figures on the number of children waiting for a year and a year and a half.

To conclude, I want to raise an issue I have raised before. I refer to Caranua. For those who do not know, it is a statutory body responsible for administering services and funds for people who were victims of abuse. It arose from the national residential institutions redress scheme. There is much disquiet about this organisation. It is important we have another look at Caranua. We see what its terms of reference are. Do they need to be adjusted? Do they need to be changed?

I started off talking about children. I always use the analogy that we see the world from where we stand and our experiences within it. The people at the other end of the spectrum were the children of the 1930s, 1940s, 1950s and 1960s who are now having to avail of the services of Caranua. They are telling us they are not getting the support, the housing and the holistic supports needed. We need to look at that organisation again.

Senator Pádraig Mac Lochlainn: I thank my party for allowing me to raise a local issue on the first part of the Order of Business today. Over a decade ago, a generous decision was taken by parents and teachers in the Inishowen area that they would agree to look for one site for a three-school campus. The three schools are Crana College secondary school, based in Buncrana but serving the Inishowen Peninsula, Gaelscoil Bhun Crannacha and Coláiste Chineál Eoghain, an Irish language secondary school, which is the first of its kind in Inishowen and vital to the Irish language and its sustenance in the area.

They came together and agreed that approach over a decade ago. At the time the vocational educational committee, VEC, was tasked with finding a site. I understand it did find an appropriate site. However, the process was then handed over by the Department to Donegal County Council. As I stand here today, over a decade has passed and still we do not have a site for a three-school campus based in Buncrana and serving the Inishowen Peninsula. It is a scandal that we are in this situation.

Crana College will soon have no area for sports and amenities because it is taken up with temporary buildings to house students. Gaelscoil Bhun Crannacha, a fantastic school, is based in a youth club. It is inappropriate for its needs. Similarly, Coláiste Chineál Eoghain is based in a mill. It is a fine building but again not suitable for a school and for its needs. The issue has come to this. In the public interest, where a site cannot be secured, it is important to move to a compulsory purchase order. The process has been at a snail's pace getting to this point. Negotiations surely cannot go on forever. Where there is an overriding public interest, as there is in this case, the Minister will finally, and I will wrap up with this-----

An Leas-Chathaoirleach: The Senator does not need to but he will get a much fuller answer if he does.

Senator Pádraig Mac Lochlainn: I want to raise it on the floor of the Seanad. I will see the Minister for Education and Skills, Deputy Bruton, at 3 p.m. today. I will be raising this in person with him. However, I want to raise it on the floor here because the Minister is finally meeting with the board of the Donegal Education and Training Board tomorrow evening in Letterkenny. Before he has that meeting, I want to put it on the public record that he needs to make it clear the deadline for negotiations has come to an end and his Department will invoke

a compulsory purchase order. I refer to securing a site and stopping the messing around after all these years. I am calling on the Minister to do that tomorrow night and to end the nonsense. Over a decade has passed. I am asking for this issue to be finally resolved tomorrow night. I ask the Minister to take the opportunity tomorrow night to do what is right.

Senator Lynn Ruane: I want to talk about the issue of prisoners and the prison system and call for a debate with Minister for Justice and Equality, Deputy Flanagan. Two weeks ago some Members might have seen the Joint Committee on Education and Skills discussion on educational disadvantage. A report will come before the House. Figures from the Irish Penal Reform Trust on the education of prisoners show that 25.6% of prisoners had no secondary schooling before they entered the prison system. Another 52% left before their junior certificate and 80% left before their leaving certificate. This shows a common link between the lack of early intervention and investment, and criminality at a later stage in life. I refer to the impact educational disadvantage has.

We acknowledge early intervention is key. I refer to the current prison population. I want to have a debate on the wider issue of whether we are truly meeting the objective of rehabilitating our prisoners so they can be fully functioning members of society. When I was younger a lot of my friends went in and out of Oberstown Child Detention Campus and St. Patrick's Institution for Young Offenders. The common themes among them all at that age were, "When I get out I am going to go back to school", or "I am going to get a job", or "I want to stop robbing". However, something happens that aspiration. They come out and realise they are back into the same cycle. I am referring to the relationship between their own agency and the environment they are in. Perhaps we should have a debate on the current prison system and how we can make it more rehabilitative so we can give people a second chance.

Senator Paudie Coffey: The population of Ireland is going to increase by over 1 million people to 5.7 million people over the next ten to 20 years. That is going to create demand for additional services, jobs and infrastructure around the country. It is critical that we plan in a coherent and sustainable way for the future of our country. Now is the time to put that plan in place. That is why I welcome the launch of the Project Ireland 2040 national development plan last Friday. I commend the Minister and the Departments that put their forces together to map out a strategy and vision for Ireland in that plan. It is important that adequate time is given in the House for a full debate on the national development plan to outline the differences to those that cannot understand the failures of the previous national spatial strategy of 2002. The strategy was ambitious for our country at the time but, unfortunately, the infrastructure and capital investment did not follow the strategy. That is why it failed. The difference this time is that there is a ten-year capital plan of over €116 billion being committed to enable the ambitious goals of the national development plan. I ask the Leader to make provision for a fulsome debate in the House on that plan.

Senator David Norris: A full debate. Fulsome means something else.

Senator Paudie Coffey: I thank Senator Norris for the correction. At the time of the launch of the national spatial strategy, a decentralisation plan was launched by the Government of the time. Fianna Fáil announced various initiatives around the country where Departments were to be decentralised to the various constituencies. It would be timely to invite the Minister of State responsible for the Office of Public Works, OPW, to the House to review the plan. The OPW purchased many sites around the country and we should know, as a matter of public record, what happened to all those sites. Are they in use and what did they cost the taxpayer? I

am aware of one in Dungarvan in County Waterford that had a substantial purchase cost, with the view to decentralising services to that site. It lies vacant and is not being used. It was an investment by the taxpayer at the time so we should review the decentralisation plan and learn from the mistakes of the past. We should get behind the new national development plan, Ireland 2040.

Senator Paul Daly: This morning I raise the matter of the humble spud, the Irish potato. Yesterday, the Irish Potato Conference took place and some of the results from it are stark manifestations of many of the issues I raised here in the past taking in the entire agriculture sector. It was revealed yesterday that the average price a farmer gets for a tonne of potatoes is €200 to €300. When a potato is sold from a supermarket shelf - potatoes are purchased in our retail outlets every second of every day - the same tonne of potatoes would be retailed at €1,400. The farmer is not even getting 20% of the price but the same farmer takes all the risk. The farmer would be doing very well to get €300.

My colleague in the Dáil, Deputy McConalogue, introduced a Private Members' Bill last year seeking to establish a food ombudsman. That was in March 2017. There is a serious need to introduce a food ombudsman. The farmer cannot be a price taker any more when we see the exorbitant profits being made by everybody who handles the farmers' product before it gets to our kitchen table. We must look into this. The Common Agricultural Policy, CAP, review is ongoing and with Brexit there is no guarantee the payment will be what it was. Farmers are living on subsidies from Brussels and not the price they can get for their products. What they get for a tonne of potatoes is below cost but the price goes from €300 to €1,400 for a tonne when, at most, two other people handle the product. These are a packager and retailer. The time for talking about this is long gone and it must be addressed. I ask that we take immediate action to introduce a food ombudsman.

The Joint Committee on Agriculture, Food and the Marine produced a report on the tillage sector and the grain grower is in the same position. While Irish distillers are becoming global kings, the grain growers of Ireland are working for cost price. Some action must be taken. The day for talking is gone. We know Brexit is coming and the British will leave Europe. We are all lobbying for an improved CAP but it is possible it will not come about. Without it, farming, the agriculture industry and food production will be affected. It is not just about farmers; consumers need food production. The farmers will not be here to supply us with the food we need if serious action is not taken. The figures yesterday were startling. The potato goes from €300 per tonne leaving the field to €1,400 sitting on the shelf of the supermarket. Who is making the money there?

Senator Pádraig Mac Lochlainn: Hear, hear.

Senator David Norris: I have spoken many times about Permanent TSB and I do not intend to rehash what I have said but it has just announced that 14,000 of the loans being surrendered to vulture funds relate to individual house owners, and some of these are revised but perfectly functioning loans. I do not see why they should be on the list.

An Leas-Chathaoirleach: The matter is being discussed tomorrow.

Senator David Norris: The Government should immediately indicate to the board of Permanent TSB its opposition to this sale. Deputy McGuinness will introduce in the Dáil a revised version of the Bill we had in this House produced by Mr. Ed Honohan, and that is very wel-

come. We should in this country be prepared to say “bugger off” to the European Central Bank, ECB. Those were the people who helped to create this situation-----

Senator Máire Devine: Well done.

An Leas-Chathaoirleach: That is an unparliamentary term.

Senator David Norris: It is not on the list of excluded terms.

An Leas-Chathaoirleach: What about the judgment of the Chair?

Senator Gerry Horkan: Perhaps we could get the list.

Senator David Norris: The ECB was criminally involved in the financial distress of this country.

Speaking of financial distress, I have been pilloried to some extent in the columns of Ms Miriam Lord - I had to look for her name on my sheet - after raising the question of the wages we get from this House. She gave half my argument in a frivolous way. I am glad she thinks it is funny. To show how gutless we are in this House and how much we lack respect for ourselves, by my calculation, 111 of the civil servants employed by us in this House get more than we do. That is twice the number of Members in this House. We are pilloried when we say this is not the rate for the job. We need to look at this and show some respect for ourselves.

Senator Gabrielle McFadden: As Senator Coffey mentioned, last Friday Project Ireland 2040 was announced, and I welcome it in its entirety. I particularly welcome the recognition of the role that Athlone has to play as a regional centre for the midlands. I thank the Minister for listening to me, and I harassed him a lot, the poor man.

Senator Paul Daly: What about Mullingar?

Senator Gabrielle McFadden: I made submissions to the plan. While I was writing to the Minister I got to thinking about what Athlone had to offer. Among these elements are projects that were delivered to the town by previous Athlone town councils. I served on the town council, as did my late sister and my father before me. Through the years, Athlone town councils, made up of councillors from all parties and none, set aside money in the budget every year in order to have funding to match that coming from the Government to develop projects in the town. Over a number of years, we have built an amazing regional sports centre, the Luan Gallery on the banks of the river that is second to none and an interpretive centre in the castle. All these are fantastic projects and they are just to name a few. We have also contributed money to the fantastic sports facilities in Athlone Institute of Technology.

If Athlone is to reach its potential as a regional centre, perhaps we must consider reinstating a local authority. The terms of reference of the local electoral area boundary committee are such that towns like Sligo, Dundalk and Drogheda, which were also given a designation in the plan, would be designated as municipal borough districts. It is clear to me that the logic of the role identified for Athlone suggests that the town should be designated as a municipal borough district. I ask the Leader to ask the Minister of State, Deputy Phelan, to come to the House. As Senator Coffey mentioned, we should have a debate on Project Ireland 2040 to iron out such issues.

The role of Athlone has changed since the terms of reference of the local electoral area

boundary committee were defined and the entire settlement of Athlone should be designated as a municipal borough council. I ask the Leader to suggest this to the Minister and perhaps we could have a debate on it in the House. It could be based in the civic offices in Athlone, as opposed to the county buildings in Mullingar.

Senator Paul Daly: The Senator is leaving us out altogether.

Senator Paul Gavan: There is some really good and positive news from Limerick today. The Nestlé plant in Askeaton has become the first living wage site anywhere in Ireland. This is a result of three years of negotiation and I had a small role to play at the beginning. The key recognition must go to SIPTU and Mr. Enda McDaid in particular, who has delivered a tremendous result. Nestlé is an excellent employer in Askeaton, as we know, and it has always respected the trade union.

Today, however, canteen staff, cleaning staff, security staff and everyone else who works at that site, are guaranteed a living wage. This is a massive breakthrough. It is the first of its kind. It should prompt a conversation on what more the Government can do to promote actively the model of a living wage. It makes a huge difference. One will see staff having a wage rise in the order of the best part of €2 per hour. It makes a massive difference to low-paid employees. It is great to see that Limerick has been at the forefront in producing this good news and in bringing forward something really positive and progressive.

12 o'clock

Perhaps we should consider making the Oireachtas a living-wage employer.

Senator Máire Devine: Hear, hear.

Senator David Norris: Hear, hear. Exactly.

Senator Paul Gavan: Maybe we could ensure that the people we work with - the cleaners and canteen staff — all have a living wage, as a minimum. Why do we not take a lead that can be followed throughout the country?

I would like a debate on the living wage on the basis of this good news. Let us see what positive, concrete steps we can take to help low-paid employees.

Senator Maria Byrne: The new health centre in Limerick, Barrack View, was opened last Monday week. There has been a rise in the incidence of measles in Limerick and the wider region. Today, free vaccinations are being given at the centre from 12 p.m. onwards. It is quite frightening to note the number of people who die from measles each year. I encourage people to avail of the opportunity to acquire a free vaccination for their children. It is free from 12 p.m. until approximately 3 p.m. today.

Senator Paudie Coffey called for a debate on Project Ireland 2040. This is a very positive call and I endorse it. The announcement last week was very positive not only for the country as a whole but also for all the regions. The chief executive officer of the chamber of commerce in Limerick has criticised the plan but he forgets that it is about creating a counterbalance to development on the eastern seaboard. The Atlantic corridor, which the Limerick chamber refused to join up with, will enable us to go from Sligo to Galway, from Galway to Limerick, and from Limerick to Cork. This represents a counterbalance to the development of the east coast region. The economy in the mid-west is growing at a faster rate than in the rest of Ireland. The chief

executive officer might have forgotten that also. It is important, therefore, that we present the full facts and figures. We certainly should have the debate.

Senator Máire Devine: I do not have good news, unfortunately. INMO trolley watch figures for Our Lady's Children's Hospital indicate there were three on trolleys at the beginning of the year and 11 this morning. This is really surprising given that much of the focus in recent weeks has been on waiting lists for extremely sick children. Young children with serious degenerative diseases must wait for up to ten days to access a bed.

I received a response to a parliamentary question about rapid-access clinics for patients with suspected prostate cancer. There are designated centres throughout the country. The national target is to have 90% of patients with suspected prostate cancer seen within 20 working days. This target is not being met. It is significant in St. James's Hospital, Dublin 8, which is in CHO area 7, my area. There are 15 not being seen within 20 working days, while there is none in Beaumont, one in the Mater and none in St. Vincent's. Therefore, CHO area 7 has a large number while CHO area 9 does not.

What is the position on the Comhliosta system, which is the system in the Sláintecare report, and its implementation? Fifteen people are waiting for an appointment in St. James's Hospital for over three weeks, yet none is waiting in Beaumont Hospital. Addressing this just involves common sense; it is a no-brainer. It is not brain surgery that could sort this out. Could the Leader get an update from the Minister on Comhliosta, a very simple initiative that will be easy to implement and that will reduce the long waiting lists by using services in other hospitals?

Senator David Norris: Maybe people do not want to go to Beaumont.

Senator Máire Devine: If one had cancer, one might want to.

Senator Aodhán Ó Ríordáin: I appreciate that the Leader has facilitated statements on housing. I hope to contribute to the debate.

The issue of the sale of loans by Permanent TSB to a vulture fund has been highlighted in the media recently, particularly by Fianna Fáil.

An Leas-Chathaoirleach: There is to be a debate tomorrow.

Senator Aodhán Ó Ríordáin: That is a good move because all of us in this House should be very concerned about this. When one comes across families who are in mortgage distress as a result of the actions of vulture funds, as many in this Chamber do-----

(Interruptions).

Senator Aodhán Ó Ríordáin: It is particularly difficult to make my contribution.

An Leas-Chathaoirleach: The father of the House should resume his seat.

Senator David Norris: I did not resume my seat because-----

Senator Aodhán Ó Ríordáin: May I start again?

Senator David Norris: I did not want to pass in front of the speaker.

An Leas-Chathaoirleach: Senator-----

Senator David Norris: He is such a prima donna.

Senator Gerard P. Craughwell: It is ruining his video.

Senator Aodhán Ó Ríordáin: It is, actually.

An Leas-Chathaoirleach: Senator Norris is being unfair to Senator Ó Ríordáin.

Senator David Norris: I would be a lot more unfair if I had passed to Senator Craughwell.

An Leas-Chathaoirleach: The Senator can go around the back, or to wherever he wants to sit. He should sit anyway.

Senator Rónán Mullen: Arrah, sit down here beside me, David, why don't you?

Senator David Norris: I will sit down beside my friend and colleague Senator Rónán Mullen. We shall discuss abortion.

An Leas-Chathaoirleach: Senator Ó Ríordáin, without interruption.

Senator Aodhán Ó Ríordáin: My problem is that, having just come from an RTÉ debate on education, I am back in principal mode. Students should be seated at all times.

(Interruptions).

An Leas-Chathaoirleach: Order, please. One at a time. Senator Ó Ríordáin should continue.

Senator Aodhán Ó Ríordáin: I appreciate that the Leader has facilitated the debate. It is a timely one.

My second point is on multidenominational education. There was a Commencement debate yesterday on the five schools across the State that have limited enrolment, the Educate Together schools. There is an ongoing issue concerning the relationship between the State and schools that are selling off lands. With Councillor Deirdre Kingston, I met a group yesterday that is very concerned about the issue in Clonkeen. We are concerned about the lack of movement on Educate Together second level schools and on the baptism barrier. There is a considerable debate that needs to be had in this Chamber with the Minister on the relationship between the State and patron bodies and on the facts that patron bodies are selling off lands under the noses of boards of management, that boards of management are now being threatened with abolition, that primary schools that do not have religious patronage are now being told they can have only a certain number of students in September, and that Educate Together skills at second level are not getting support from the Department.

An Leas-Chathaoirleach: A related Commencement matter is selected for tomorrow.

Senator Aodhán Ó Ríordáin: That is news to me. That is great and much appreciated. I do not know what to say now. I talked about housing-----

An Leas-Chathaoirleach: The Senator need not repeat himself. He can save it all for tomorrow.

Senator Aodhán Ó Ríordáin: The Leas-Cheann Comhairle just ruined my Facebook video.

An Leas-Chathaoirleach: Sorry about that.

(Interruptions).

Senator Michael McDowell: The Leader of the House is presumed to know everything on these occasions and to be able to answer everything. There has been great fanfare over the announcement of the State capital programme recently. It suddenly struck me that I was listening to a proposal for a metro system for Dublin that was no longer to involve metro north but metro north and south. There are statements that it will surface somewhere near where I live, in Ranelagh, but that does not indicate my purpose in asking this question.

Senator David Norris: They will take one look and go underground again.

Senator Michael McDowell: Does this mean the green line will effectively be abolished and transformed into a rail line that goes underground somewhere in leafy Ranelagh? Will there be a green line anymore? Nobody has been able to explain this.

Senator Gerry Horkan: Maybe the Minister for Transport, Tourism and Sport will.

Senator Michael McDowell: Are all the long trams we are now buying to be redundant or what is to happen to them? The Leader knows everything so I ask my question in a spirit of curiosity. Will the Leader ask the Minister for Transport, Tourism and Sport or a Minister of State at that Department to come into the House to explain to us whether the green line will be abolished as part of this process, whether tram and metro carriages will share the same lines and whether we will have yet more lines? While there is great fanfare about all of these matters, there is absolute lack of clarity on what precisely is meant. Will the tramline along Dawson Street end somewhere like St. Stephen's Green, for example? All of these things are a bit of a mystery and before we get wildly enthusiastic about programmes, it would be interesting to know whether the current complexities in Dublin due to the lengthening of trams on the green line and the extension of the line to Broombridge are a purely temporary phenomenon, whether we are to have an entirely new transport solution and whether both solutions will coexist on the same tracks.

Senator Fintan Warfield: I refer to the desperate situation with which students in the Six Counties are faced because of the Conservative Government's failure to provide adequate information on solutions which will allow for the continuation of the Erasmus+ programme after the withdrawal of the United Kingdom from the European Union. The UK agency for Erasmus+ issued a Brexit update in December which stated the agency "remains wholly committed to" the Erasmus+ programme and its benefits and that it strongly supported continued full UK membership of the programme through to 2020 as planned in the proposed Brexit implementation package.

An Leas-Chathaoirleach: I am sorry to interrupt the Senator, but as the matter is outside this jurisdiction, it is hardly relevant to the Order of Business in this House. While I accept what he has said, I am not too sure the Leader's knowledge is so all-embracing as to-----

Senator Fintan Warfield: My point is-----

An Leas-Chathaoirleach: The Leader will not be able to represent the British Government in this House.

Senator Fintan Warfield: My point is that the Irish Government must not allow Mrs. The-

resa May's Government to do this and that the Department of Education and Skills should defend the right of students in the North to take part in Erasmus+ programmes. Such programmes provide them with vital funding to enable them to undertake third year placements that are a compulsory component of their degree programmes. Will the Leader request the Department to stand up for this right? Any engagement by the Irish Government with the British should include standing up for the rights of Erasmus+ students.

Senator Rónán Mullen: Two weeks ago I referred to the emerging concern about the over-prescribing of certain drugs. I indicated that the prescription rates for some opioid pain-killers had increased by over 200% between 2006 and 2016. I am talking about drugs use to provide pain relief, anti-depressants and sleep-related drugs, some of which are habit forming. Questions about finance and for the Exchequer also arise in the over-prescribing of drugs, but the more serious question concerns patient safety. Obviously, there is a danger in prescribing certain drugs for months when they should only be prescribed to be taken for a period of weeks at most. In raising this issue previously I also mentioned the problem of the prescription drug dependency epidemic in America. Professor Michael Barry, head of the HSE's medicines management programme, has since said some startling things, including that not enough is being done about this issue. Perhaps most troubling is his belief a root cause of over-prescribing is the fact that doctors are obtaining their information on medicines from the pharmaceutical industry. Doctors are not graded on their drug prescribing capabilities after they graduate from medical school. Certainly I thought the only requirement to be met by a doctor in writing a prescription was that someone be able to read his or her writing, but it seems that there is a serious issue which is all the more serious, given that it is Professor Barry who is raising the matter, saying not enough is being done. He has also referred to the possible troubling dependency of doctors on the pharmaceutical industry for information. Approximately 85% of prescriptions emanate from GP settings, but after they qualify doctors are not tested on their drug prescribing abilities. It is also worth noting that approximately €17 million was paid out by the pharmaceutical industry to doctors and health care institutions in fees and emoluments. There is a connection with doctors who are trying to do a good job while being overly dependent on those with a profit motive. I raise the issue because of Professor Barry's very important intervention. Given what he has said and the fact that it is he who has said it, we in this House must pay attention to the issue.

Senator Jerry Buttimer: I thank the 15 Members who contributed on the Order of Business.

Senators Gerry Horkan, Aodhán Ó Ríordáin and David Norris referred to Permanent TSB, following the discussion yesterday on the Order of Business. The Minister of State at the Department of Finance, Deputy Michael D'Arcy, will take the debate on Thursday on behalf of the Government because the Minister for Finance, Deputy Paschal Donohoe, will not be available. It is important to reiterate that all of the Members who have spoken about the issue thus far agree that we need to protect the homeowners, families, business people and farmers affected by the potential sale of the loan book. However, it is somewhat premature to get involved in the hysteria about vulture funds and so on because there has been no consultation yet with the Minister for Finance. Deputy Micheál Martin raised the matter in the Dáil yesterday, as did Deputy Mary Lou McDonald. The Minister for Finance and the Fianna Fáil spokesperson on finance, Deputy Michael McGrath, are due to meet today. We all agree that there is a need to protect and assist mortgage holders. The Minister for Finance is also very much aware of the views of members of the Fine Gael Parliamentary Party on the issue. As many Senators said, we have all

met in our offices the holders of distressed mortgages and in the vast majority of cases they are trying to work with and do deals with their banks. However, it is a two-way street - the banks must also communicate and engage with their customers. It is important that during the debate tomorrow we discuss the potential sale of the loan book. It is also important to differentiate between those who have tried to engage and those who have not. There are many people who are not being heard in this debate who are struggling to pay their mortgages. There are business people, farmers and homeowners who are struggling, but who are paying their mortgages. There are others, however, who are not engaging with the banks, which is wrong. The banks' treatment of customers must be measured and balanced, fair and proportionate, but those who do not engage with them are wrong.

Senator David Norris: Half of the time it is the banks that will not engage.

Senator Jerry Buttimer: I accept that, but there is a balance to be struck. It is not a one-way street, as is often presented. There are people who will not engage, while there are others who are struggling to pay their mortgages. We all know people who are making sacrifices and engaging with the banks. Are we to abandon them, too? The answer is no, but we must be critical also. It is important to point out, as I did yesterday, that there are protections that will not be affected. It is important that we have a debate on the issue because nobody wants to see vulture funds preying on people and making vast sums of money on the back of their distress.

On foot of last night's "Prime Time" programme, Senator Gerry Horkan referred to the breast care service at St. James' Hospital. The hospital has assured the HSE that following the misdiagnosis that was revealed, it carried out a review that was appropriate and in line with agreed procedures. The HSE's National Cancer Control Programme, NCCP, has advised that in the review or look-back exercise no evidence of incompetence on the part of the pathologist involved was found. The NCCP and St. James's Hospital are of the view that another review based on the cases referenced is not warranted and point out that since 2010, a number of processes have been put in place. I agree with the Senator that care must be provided to give the patients involved confidence and peace of mind. As I said yesterday, receiving a cancer diagnosis is horrific in itself but to then discover that one might have been misdiagnosed is equally horrifying. We all accept that mistakes happen, but they should not. I will be happy to invite the Minister for Health to come to the House for a wide ranging debate on health issues.

I also join the Senator in his utter condemnation of the recent atrocities in Syria. The killing of innocent people is appalling in anyone's language. There is an obligation on the State, working through the United Nations or the European Union, to ensure there is accountability and that the regime will be held to account for its actions. None of us can condone or support what has happened in Syria.

Senator Boyhan raised the issue of child care and the remarks of Mr. Fergus Finlay around the equal childhood campaign. All of us want to see equality of opportunity. The Government, through child care and education, is trying to enhance the lives of children and young people. I heard this morning's interview with Fergus Finlay. By any measure, to say that a report does not contain the word "poverty" is not a guide as to how one can view a Government or a political party's manifesto, whether it is Sinn Féin's or Fianna Fáil's. It is the actions and outcomes which are important.

Disadvantage is mentioned right across the national development plan. Equally, poverty is mentioned under the child care and education and lifelong learning parts of the document. It is

important that affordable child care is available. Under the Government, 7,000 extra children have been brought into child care schemes. We have seen an extension of the early childhood care and education, ECCE, scheme and more access and inclusion for young people with special needs, as well as Tusla, the Child and Family Agency, supporting communities across the country.

It is important, however, to recognise that the most important way of getting people out of poverty is by people having jobs and providing more schools and school places. That is what the Government is committed to. I am happy to have this as part of the debate on the national development plan next Wednesday.

Senator Boyhan also raised the issue of Caranua. While I am not fully *au fait* with the matter he raised, it is important that any redress scheme and any organisation involved with it should be held to account. If there are issues, then they should be looked at and addressed.

I apologise but I do not have the information to hand relating to Senator Mac Lochlainn's question on school accommodation. I know, however, as an educationalist in a school which was involved in a public private partnership, that it can be frustrating. A ten-year delay is inordinately long. I am not familiar with the exact intricacies of what has happened in the schools in question. The Minister is going to Donegal tomorrow and it is important the matter is resolved. The compulsory purchase order issue the Senator raised can only be done by the county council. It is an important issue and I wish for all involved that it will be resolved. Having taught in a classroom in a prefab with a storage heater that only worked half the time, its windows falling out and a leaking roof, I certainly would not wish anybody to be working in such conditions. That was during the time of the boom and bloom under Fianna Fáil. One can imagine what it is like now.

Senator Paul Daly: The prefab is still there and the windows are still out.

Senator Jerry Buttimer: It is even better with new schools, new classrooms, new buildings and new technology. The future is good.

Senator Ruane raised the issue of the Prison Service and remarks made by the Irish Penal Reform Trust at the Committee on Education and Skills. As somebody who was involved in that aspect of education, the importance of a second chance and rehabilitation for people in our prison system is one I subscribe to and actively engage with. It was part of my job in Ballincollig community school to work with prison officers in Cork Prison to provide a hurley-making course which gave offenders an opportunity to have a trade and a skill. Several of them did quite well as a consequence of it. The levels of educational achievement and dropout are startling. This is a matter we need to address through inclusion and access to education and second chance. I am happy to have such a debate in the coming weeks.

Senator Coffey raised the importance of Waterford in the national development plan. He has been active in advocating for Waterford. There will be a debate on the plan next week. I would like to have a debate on the current state of decentralisation. I am sure Members opposite would too.

Senator Gerry Horkan: We would be delighted.

Senator Jerry Buttimer: In his pertinent contribution, Senator Paul Daly raised the ongoing issue of the need for our farmers to be given a fair and proper price for their products. In

this case he referred to potatoes. In some supermarkets, they are being sold for 99 cent or 49 cent a bag. It is important a fair price is given to the farmer in this case. I am not sure whether we need a regulator or an ombudsman, but farmers need to be looked after. From farm gate to table, they are being left out. I am happy to support any action in this regard. The Minister for Agriculture, Food and the Marine, Deputy Creed, is aware of this issue and has been putting measures in place. I would be happy to have a debate on the matter.

Senator Norris raised the issue of Permanent TSB. That debate will be held tomorrow. The issue of the pay and conditions of politicians is contentious. If we raise the matter, we are seen as greedy or precious. It is an important matter. There will be a debate next week about the pay and conditions of city and county councillors. Senator Norris could raise the issue then as part of that.

Senator McFadden spoke eloquently about the centrality of Athlone and it being the new regional capital in the midlands. I commend her on her advocacy in that regard. The roles of local authorities and town councils were decided by the previous Government. There is a review taking place. Deputy Cassells tabled a motion on this matter in the Lower House. Does reform of the Better Local Government programme mean we have more councils or fewer? That is debate we can have in the future.

I join Senator Gavan in welcoming the introduction of the living wage for workers in the Nestlé plant in Limerick. I hope all of us, as either employers or employees, will ensure people will have a just living wage. The Government and the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, is committed to this. I would be happy to include this in the debate on the Low Pay Commission report. If I am not mistaken, IKEA was part of the living wage agreement. It gave an indication it supported it.

Senator Paul Gavan: It also has precarious work contracts. It is not a good example.

Senator Jerry Buttimer: I know people who work in IKEA who came to me about it. Senator Byrne raised the issue of the importance of immunisation in the context of the Limerick measles epidemic. That is an initiative which Members need to promulgate. Vaccinations work and we must ensure that message is sent out to people throughout the country.

Senator Devine raised the issue of rapid-access clinics for patients with suspected prostate cancer. I do not have the specific information for community health care organisation, CHOs, areas 7 and 9. As the Leas-Chathaoirleach indicated, she may get a faster response to the specific issues if she raised them as a Commencement matter. Prostate cancer is one of the fastest growing diseases in the country and it kills.

Senator Ó Ríordáin's issue on education will be taken as a Commencement matter tomorrow.

Senator McDowell will be pleased to know that I do not have the answer to the Luas green line, other than the Government is making Dublin a better place to be in terms of public transport. There are issues at the moment but they will be ironed out. I will endeavour to facilitate his request to have the Minister for Transport, Tourism and Sport, Deputy Ross, attend the House. He can put his pertinent question about the green line to him then. I do not share Senator Norris's view that they will take one look and go back underground. It will be of benefit to the city and to the people of Dublin.

Senator Warfield raised the important issue of the ERASMUS programme and the benefit of it to students, whether north, south, east or west, and across Europe. Brexit has put this programme into question. The national agencies responsible for ERASMUS are committed to it and it will be part of the Brexit negotiations process. Senator Warfield will have heard Jean-Claude Juncker's concerns that the programme was increasing the European libido. Up to 1 million babies have been born to couples who met on the ERASMUS programme. That in itself is a good support for it. Notwithstanding that, the benefits of it are ones that should be maintained for the students in the North of our country. I am happy for the Tánaiste and the Minister for Foreign Affairs and Trade to attend the House to discuss this important issue. I do not mean to denigrate Senator Warfield's remarks but Jean-Claude Juncker's comments on it were interesting.

Senator Mullen raised the important and timely issue of the overprescription of drugs. I am sure he saw the "Prime Time" programme last week with Professor Michael Barry and representatives of the Irish Pharmaceutical Healthcare Association, IPHA. Whether it is habit-forming or patient safety, it is an issue on which we need to have a national conversation. There are people who become addicted to prescription drugs. We are a nation guilty of overprescribing. Professor Michael Barry has strident views on it. I am happy to have this included in the wider health debate.

The Minister of State, Deputy Michael D'Arcy, will attend the house tomorrow on the issue-----

Senator Gerry Horkan: The issue of the proposed sale of the Permanent TSB loan book.

Senator Jerry Buttimer: Yes, the issue of the proposed sale of the Permanent TSB loan book. I hope that will facilitate Senator Devine's request from yesterday. The Minister is not available for which I apologise.

Senator Máire Devine: May I respond?

An Leas-Chathaoirleach: Not really, unfortunately. I would love to allow it but I am precluded from doing so.

Senator Máire Devine: I just wanted to say "Thank you."

An Leas-Chathaoirleach: The Senator has got that on the record.

Order of Business agreed to.

Sitting suspended at 12.31 p.m. and resumed at 12.45 p.m.

Flooding: Statements

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): I thank Senators. Flooding is an issue across the country. While one can look at and see the sunshine today, flooding is still an issue for people looking on and seeing the height of the Shannon, of other rivers and the canals, which are major problems. I note the Senators' concerns and concerns across Ireland where people are affected by flooding.

Much has been done to alleviate flooding across the country. Some 42 major flood defence schemes have already been completed, providing protection to over 9,000 properties. Almost 500 minor works projects by local authorities with OPW funding protect a further 6,500 properties. Some 650,000 acres of agricultural land benefit from the programmed maintenance of 11,500 km of river channels by the OPW under the Arterial Drainage Act. Some eight major flood schemes are under construction with a further 25 schemes at various stages of design and planning. The biggest ever study of flood risk in the country, catchment flood risk assessment and management, CFRAM, has been completed. It produced 40,000 maps and 29 flood risk management plans. Work has started to implement the new national flood forecasting system. There is the voluntary homeowners relocation scheme for those places flooded in 2015 and 2016.

A key finding of the CFRAM programme is that 95% of the properties assessed to be at risk can be protected by continued investment in flood defence schemes. Some 12,000 properties will be protected by the existing programme of capital works when completed. A further 11,500 properties currently at risk of flooding will be given protection when the proposed schemes in the CFRAM plans are delivered in the next decade. This is why the Government is fully committed to increasing investment in the flood relief area and has just allocated €1 billion for this under the national development plan 2018 to 2027. For those in the House who have been criticising the national planning framework and capital plan, who always say nothing new is in the plan, the figure of €1 billion shows the Government's commitment relating to flooding. Personally, I am delighted with this announcement as it reflects my determination and the Government's determination to ramp up flood relief measures and to get protection to people quicker. Flood relief capital budget allocation has risen from 50% this year to €70 million and the annual capital allocation will increase to €100 million by 2021. In April 2017, the Government agreed a once-off voluntary homeowners' relocation scheme for residential properties that flooded between 4 December 2015 and 13 January 2016. A total of 75 homes are currently under consideration in this category.

I came into government and took on the responsibility for the OPW because I believe it is on the right track with regard to flooding. I also believe that I have brought my own unique experience on how to do things right.

Senator Terry Leyden: I am delighted to have my first opportunity to welcome the Minister of State, Deputy Moran, to the House. Come the moment, come the man - the Minister of State has taken to the job like a duck to water. There is no doubt that it was a very wise choice to seek that job and work in it. I know the Minister of State's personal commitment in Athlone over the last few years was enormous. The damage done to his own town in Athlone was serious. I know the Minister of State is working on solutions there too and has the personal experience. Let us be genuine about that.

I am also impressed that the Minister of State is proposing the dredging of the River Shannon this year, which he might confirm, specifically the weir at Meelick. This has been a bone of contention for years. I was in government myself and was a Deputy for the area of south Roscommon. This issue arose every year, particularly in spring. I was in Clonown, which is beside the Minister of State's area, in the 1970s when it flooded. We relocated, as with the policy the Minister of State has outlined, as certain houses just cannot be protected. We put a good deal in place for that. That is a last resort but it is a solution in some cases. Back in the 1950s, long before the Minister of State was born, there was an enormous crisis during the time of the late Brian Lenihan and there was some relocation then. The road from Athlone to Clonown has

been cut off on numerous occasions. It happened long before these recent flooding problems. It goes back years in that callows area. There is a causeway into Clonown. When the floods come, it is covered. There is no way in or out and it is very difficult for the people of that area.

All politicians have local concerns. There was a problem in a place called Correal near Athleague. The Naughton family there was very badly flooded at the time. That was approximately a year ago, at the time of the last big weather crisis. I do not expect answers straight away but maybe the Minister of State or his official can provide some. The place is called Correal and it is a question of people trying to get insurance. They refurbished their house but no insurance is available for them. They are fearful that properties affected by the flooding in the past which are now refurbished will be in danger of flooding again. The levels of the River Suck are very high at the moment. We border it. Much of the land of the farm my wife Mary and son Conor are farming is under water but that is a traditional flooding situation and we are able to cope with that. I will not make any case for that.

The maintenance of that river, the Derryhippo, which flows into the River Shannon, is an issue. Before the Minister of State's time, when the joint drainage committees were abolished, the River Suck Drainage Board was a nice board which worked very well. One could raise issues with it. I was elected to it in 1974. I think it was the only job that was left. Every other job was gone when I was a councillor at that time so it was decided to put me on that board. I was there for a number of years. One could make representations. Could some form of board not be re-established that would look at the levels of the River Suck? One could go to the engineers working on it and the council maintained it. It was a joint board. There are numerous joint boards. The Acting Chairman would know this from his own area. That was a useful board.

Another area is Ardeevin in Castleplunkett. That is a flood area which came up more than ever before. Talks are going on with landowners between Roscommon County Council and probably the Minister of State's Department. I appeal to him for funding for that project. The flood cut off a business, a pub in that area. The road from Castleplunkett to Tulsk was cut off for months. That man was practically put out of business. There is a solution. The engineers are in discussions. The Roscommon County Council senior engineer, Eugene Dwyer, is looking at that issue. He has had some success with work already, particularly in Early's pub in Brierfield and Ballinaheglish, which was flooded for a long time. The levels in the loughs are an issue. The level of Lough Funshinagh is going down at the moment. I know an investigation is being carried out by the Minister of State's Department. I understand he was at Lough
1 o'clock Funshinagh. It is a very unusual case. It has been there for years and nobody can understand where the water is going. I believe there is work to trace where the water is going from there but it is not the first time. It was raised before and there were many efforts in the years gone by. It is not a new situation but it has created more difficulties in the last few years than it did for numerous years. It was a natural phenomenon. It came up during the winter and went off in early spring. It did not affect houses. The Minister of State was there himself and knows the situation. I compliment Roscommon County Council for acting to raise the level of roads which helps in that regard.

I was in Galway yesterday and what happened with the area beside Jurys Inn was a serious flooding issue. The water levels came up very quickly. The Minister of State was there. There should have been some sort of early warning. I know the Minister of State said at the time that it was not the time to discuss it.

However, he met the councillors there, including one Labour Party councillor whose shop

was badly affected. I was in the shop, which has flooded before. I am unsure what solution the Minister of State has for that particular area of the docks in Galway. It will be a costly exercise to bring about a solution but I know the Minister of State has endeavoured in that area.

I understand people in Donegal are dissatisfied with the results. My colleague will outline what happened in Donegal. The people there are unhappy with the follow-up in that regard.

The €1 billion funding is welcome but funding is needed for the immediate situations arising now rather than for the period up to 2027, which is a long time from now. The Minister of State made the point that he could do with €1 billion now to solve the problems and he is making an effort in that regard as well.

Weather conditions are relevant. Storms are coming. Recently, Storm Ophelia and other storms have caused havoc.

I appeal to the Minister of State to look at the situation in the constituency of Roscommon-Galway, in particular the situation I raised today. All in all, I know the Minister of State is hands-on and available. If the Minister of State is in Roscommon, I would like him to take the opportunity to visit some of the areas under review to ensure we can prevent recurrence of flooding.

Senator Tim Lombard: I wish to take this opportunity to welcome the Minister of State to the House. I acknowledge his great efforts in what really is an important portfolio. The Minister of State has exceptional knowledge of these issues. Given that he comes from Athlone, he is familiar with the unfortunate issues there in recent years.

One key issue we need to consider is climate change. That is one aspect in terms of where we are as a society. The question is how to deal with the dramatic climate change we have seen in recent decades. Climate change will intensify in the coming decades at the very least as the temperature of the surface of the earth increases. This presents major issues for our society and Government. The ministerial portfolio with responsibility for the Office of Public Works is probably the key portfolio in government in this regard. The Minister of State is charged with looking at how we can engineer ourselves to work around climate change issues. That is probably one of the greatest challenges we face.

Unlike Senator Leyden, I welcome the €1 billion announcement. That is a positive step forward and a momentous moment. Now we have the budget to look forward and see how we can provide the 25 schemes in the pipeline and the eight major projects and the 500 other smaller schemes that the Department is running at the moment. Now we have clarity on the budget. We have a vision, money and projects in place and we are working towards delivering them. The Minister of State should take a bow for his personal commitment to drive the Department forward. It is a challenge.

Unfortunately, whether we are in villages in rural Ireland or in big towns like Bandon, most of us have seen flooding. Literally, five weeks ago on a Saturday I was in Bandon as the river was going to flood. It did not happen but the water level came to within three inches of the top of the wall. Major work is under way in Bandon. We have seen major investment in towns such as Bandon, Clonakilty and Skibbereen. In time this investment will ensure the whole west Cork platform of major towns will be saved when it comes to flooding.

When I first entered the council in the early 2000s I saw huge flood relief schemes put in

place in Mallow and Fermoy. We have seen how they have changed those towns. Towns like Mallow and Fermoy were destined to flood when it rained but they are now thriving towns on the back of the work done by the OPW and Cork County Council. We have seen the benefits from the economic side. Certain living standards are required if these works are put in place as well. I believe the Minister of State has tackled this issue and I wish to acknowledge his efforts in this regard.

The Bandon flood relief scheme is probably one of the largest schemes that the Minister of State is involved in. The amount of work undertaken in that town in the past 18 months to two years has been phenomenal. Those responsible are doing most of the work in the river during the off-peak season - in other words, during summer time rather than the winter time. They are doing other drainage work at the moment throughout the town. It is phenomenal to see the amount of activity in Bandon at the moment.

One of the concerns in Bandon relates to the walking bridge or footbridge which was closed before Christmas. It was supposed to be reopened before Christmas it is not open to the public at all. Will the Minister of State look into that? A major issue for residents of the town is connectivity. People need to cross the river to get to the shopping centre and Main Street. Can the Minister of State provide clarity on when the bridge will be reopened? That would be helpful for residents of Bandon.

It is important to acknowledge that the residents of Bandon are happy with the works undertaken there. There is extraordinary investment and vast sums of money have been spent. Considerable manpower is in place at the moment. The contractors are working with the people to ensure minimum disruption. However, if we could get clarity on that small point, it might be helpful.

A small village west of Bandon is Ballinhassig. It is another pinch-point. It is in a glacial valley, an area with flooding valleys. We might look to see how we can work with the communities there in order that they will not be affected. Every time it rains, there is almost a panic there. They are the two pinch-points that the Minister of State might examine.

This is going to be a challenge to our society. It will be a challenge for the people to work with our climate change issues to ensure that for the next 20, 30 or 40 years the settlements we have in place will not flood. Proper planning is vital. We have seen the mistakes of the past, including building on flood plains and low-lying areas. The CFRAM programme maps produced by the OPW will help the local authority when it comes to zoning land. That is one vital element to ensure we take appropriate steps in order that the land we build on will not be flooded.

Senator Pádraig Mac Lochlainn: This is another opportunity to discuss the plans of the Minister of State for flood prevention and defences throughout the State. The Minister of State will appreciate if I focus my comments on Donegal and the aftermath of the flooding there. I wish to acknowledge that the Minister of State came up straight away when the flooding occurred in August in Inishowen and east Donegal. The Minister of State saw it for himself. He spent some days there and I wish to acknowledge that. I know he has been back since and has spent some days in the county. I believe the Minister of State is personally genuine about addressing the issues at play.

I will start with the big one at Burnfoot, although I could look across the Inishowen peninsula and east Donegal in discussing the areas flooded. We could have said that it was an act of

God. The amount of rain that fell that night was horrendous.

The Minister of State inherited this challenge as this happened before his time. Burnfoot should have had flood defences built long ago. It has flooded again and again over the years. There are people who live in the council houses in Pairc an Ghrianán in Burnfoot and who say that it has flooded a dozen times perhaps. They have flood gates at the back of their homes. A cost-benefit analysis, which is a crude way of looking at these things, was carried out. As a consequence, almost the entire village was flooded. As the Minister of State is aware, probably 25 or 30 people were put out of their homes and many businesses were flooded too. It is vital that we get flood defences up at Burnfoot. I wish to acknowledge that on the day he visited, the Minister of State committed to building flood defences. Any time I have raised the matter with the Minister of State, he has said that he is committed to making it happen, and I wish to acknowledge as much today. I hope the Minister of State can give an update. I appreciate that at the moment the engineering consultants RPS are carrying out works at Burnfoot. I hope we can get to a stage soon when an official announcement can be made. A related issue is that Donegal County Council has advised the council tenants that they will not be back in their homes this year and that has caused consternation. I would appreciate it if the Department could liaise with the council. I assume the council has sought assurances that flood defences would be built before people are put back in their homes. Perhaps there is an issue in regard to sequencing, or dialogue is required. I encourage the Minister of State to bring that issue to the fore and take advantage of it being in the public domain as I know people are listening in to the debate today.

The other issues affecting the Inishowen Peninsula are Quigley's Point at Tromaty. I am sure the officials are taking notes of the discussions. I know some officials were at Tromaty and Quigley's Point recently and gave some assurances to local people, which is key. The Point Inn has been closed for six months affecting approximately 20 jobs. The business is very popular locally so we need to get it opened again. Some homes are under threat so there is a bit of work involved.

There is a riverside walk in Carndonagh that was destroyed and a bridge linking a local council estate to other amenities that must be looked at. Homes adjacent to the rivers in Carndonagh were under threat and businesses were seriously impacted. I ask that the OPW would take another look at the rivers in Carndonagh to see what could be done.

There are concerns about the Riverside housing development in Clonmany and other homes in the village that were flooded. There is an issue with land that was realigned close to the location of the three arch bridge at Clonmany. A number of rivers run under the bridge and make their way out to sea. In a response I received from the Department I was told that no problems had been identified with Clonmany. The Department must go back and look at Clonmany as there is definitely a need for some work to be done, although it is not significant.

Half a dozen families are out of their homes in Elm Park in Buncrana and work needs to be carried out. Different points along the Crana River need to be addressed. In fairness to the OPW, it is looking at the issue but it is important that I would put such issues on the record today so the officials can revisit them. Issues arise in east Donegal in the Finn Valley where work remains to be done in Castlefinn and Lifford. I know the Minister of State has committed to work being done in west Donegal as my colleague, Deputy Pearse Doherty, has acknowledged his efforts there.

I wanted to put all that on the record today in order that the officials can revisit some of those

issues. Donegal County Council and other local authorities are responsible for some rivers and the OPW is responsible for other rivers. Inland Fisheries Ireland is responsible for other waterways. Perhaps it has been done but, if not, it is necessary to publish a list of streams, burns, rivers and tributaries in each county. It needs to be put on the public record who is responsible for each river, burn or stream and to provide a contact number if there is a need to engage. That would mean farmers, business people or other persons with a concern about the maintenance of a river could engage with those responsible. The situation was an eye-opener for me. It is correct that there are legal and environmental constraints about what can be done on a river. For example, if a farmer puts up an embankment on the land it can impact on somebody downstream so it is right and proper that there should be procedures and protocols. It is important that local authorities and the OPW would publish a full list of all streams, burns and rivers in every county, stating who is responsible for it and who one goes to to seek permission or consult with on any proposed works or maintenance.

A dedicated budget must be put in place so that the various authorities have funding available to them, working in partnership. The maintenance of rivers is a big challenge. A very good event was organised in the Inishowen Peninsula by Inishowen Waters. Various people were there, including people from the Department. The intention was to try to educate people about river maintenance and how we can all work together to address the challenges. Given climate change we know we are, unfortunately, going to face more such weather events.

The Minister of State has a tough job but he went out and met people. He did not hide away. He met them over a number of days and he has done that a number of times. I appreciate that. He has not tried to hide or to avoid the issues. I hope something can be officially announced soon about Burnfoot in particular. It is a big deal. I also hope to hear some announcements on areas that are works in progress. I commend the Minister of State on securing €1 billion in the national development plan. It will go a long way to protect communities and do what is right. I say that as an Opposition Member. This is above and beyond politics. When the floods happen all over the country it is a case of all shoulders to the wheel. It does not matter whether one belongs to a political party or not, it is about helping one's community through a crisis and protecting them in the future. This is about what is best for the country. The €1 billion will go a long way towards that. I commend the Minister of State in that regard and I hope to work with him more in the future.

Senator John Dolan: I welcome the Minister of State, Deputy Moran. In fairness to him, not alone did he not hide away but he was very happy to meet me before Christmas. We looked at flooding and protection from the point of view of people with disabilities and chronic illnesses. We have more work to do on that. I would welcome an update at some stage on efforts to get down and dirty and forensic in terms of knowing where people are and how they can be contacted.

Protection always trumps coming in with the fire brigade afterwards. It is very important that we would keep the focus on that. Building defences is one element of that, as is having good public planning so that we do not have houses where they ought not to be. Most days I travel to and from work along the Clontarf Estuary. I am amused by the idea that a flood defence, a wall, that has been put up is going to be lowered because drivers cannot see the estuary. People must get real about the issues. Everybody wants something different for themselves. I support the Minister of State and public policy to make sure that flood defences come before any other considerations. Drivers should be watching the road rather than looking over the ditch to see the flora and fauna or whatever else.

I have four very specific asks. Perhaps they will form part of what the Minister of State will come back to deal with at a later stage. There needs to be a register of vulnerable people. I refer to people with medical conditions and disabilities that would be affected by an interrupted power supply. The HSE, the Civil Defence, ESB Networks and others must work on that to give solace to those people and their family members in a very practical way so that they know who they are and where they are. A text alert system should be developed to facilitate the notification of deaf or hard of hearing people when a flood event or major emergency arises.

The Office of Emergency Planning must have an Irish Sign Language interpreter on-call. Sign language updates were not given until I made representations, which were responded to immediately, during those couple of days in October. The response of the support services was quite magnificent. I refer to the Garda, the HSE, the fire service and others. There was no sign language interpreter in camera shot until later in the day. Those little things are vital. It is easy to plan such things, it is a case of being thoughtful about them and making sure they are in place. It is important that the Office of Emergency Planning would make sure that happens. The RTÉ1+1 channel can be used. It normally starts broadcasting at 7 p.m., but if it was available around the clock it could be a major source of information to update people on what was happening throughout an emergency period. They are my very practical key asks. Others have rightly lauded the Minister of State for getting stuck in and being with people. He was quite happy to meet me.

I have one almost humorous story which will be of particular interest to Fine Gael. The grandfather of a former Fine Gael leader, Alan Dukes, went to live in Kerry and never became comfortable with the soft weather. He was often noted as saying that if God had intended people to live in Kerry, He would have given them webbed feet. I hope people do not need webbed feet throughout the rest of the country. That is what this work is about.

Acting Chairman (Senator Diarmuid Wilson): No wonder his grandson was able to drink soup with a fork.

Senator Maria Byrne: I welcome the Minister of State to the Chamber and thank him for the very positive day we had recently in Limerick. He met many people from rural and urban areas of the county. He is aware of a number of ongoing issues, and I would like to highlight some of them. During the meeting we discussed embankments and areas where there had been flooding and there is ongoing work. I compliment the council workers who have done great work. They have engaged in consultation with the Department on building up some of the banks, walkways and flood relief defences.

Land owned by a farmer in rural Limerick is subsiding into a river and there has been a lot of consultation with the local authority and Department. The farmer has been told the situation will be kept under observation. That is all very well, but the land has been under observation for five years and he still has no commitment that defences will be erected on his land. While I know the Minister of State cannot comment on individual cases, it is important that work is committed to in a positive light in respect of those living in rural Ireland.

There has been a lot of very positive work. After the Minister visited Limerick in January, different areas of the city flooded. Water rose in Merchants' Quay beside the local authority and courthouse. When one part is fixed the problem is pushed further down river. We have to consider solutions to these issues.

While successful work was carried out on Clancy Strand, O'Callaghan Strand was subject to a lot of flooding at the end of January when there were very heavy waters. It often boils down to the fact that gullies had not been cleaned. When people contact my office about gullies I report the problem straight away because it is very important that the local authorities carry out an extensive cleaning of them, especially when leaves have fallen. It is a major issue in some areas.

The Minister of State got a very firm view on what happened and what needs to happen. I thank him for his visit. Some projects are coming from the local authority and I ask him to consider them. Rural and urban areas of Limerick have experienced a fair amount of flooding over the years. Any help he can provide to support projects from his €1 billion budget for flood defences would be most welcome.

Senator Kevin Humphreys: I apologise to the Minister of State because I have to leave after I make my contribution as my committee meeting is starting at 1.30 p.m. I pay tribute to the Minister of State, who has done an excellent job since he has taken up the portfolio. I am very jealous because it is an area I would very much appreciate having an opportunity to work in. There is probably very little that I would do differently from the Minister of State.

I also compliment his staff. I have dealt with OPW staff over the past ten to 15 years and the professionalism and courtesy with which they have treated me and many others has been much appreciated. I want to put the work they do on the record of the House. It has been excellent. Any time I am offered a private contractor or the OPW, I always opt for the OPW and long may it continue its work to its excellent standard.

Flooding is an issue on which the country is united. Whether one lives in an urban or rural area, we all have the same problems. Councillor Fiona Bonfield contacted me about Newport in County Tipperary, and I had a conversation with the Minister of State about the town's additional needs since it was flooded. The Nenagh municipal council contacted me and is crying out for additional resources to deal with drainage and flooding issues affecting that area of Tipperary. I could mention many others right across the country.

The €1 billion budget the Minister of State has is very welcome and it is probably what he asked for because he is capable of spending it. We have to be practical. These things require resourcing, planning and time. We will have to consider flooding in the long term and the short term. I suggest that the Minister of State consider investing some of his €1 billion budget in some short-term mechanisms which could help to prevent flooding. I refer in particular to sustainable urban drainage, SUD. Some of the €1 billion invested in that area would alleviate some flooding in towns and cities by delaying monster rain from entering watercourses. Investment in SUDs would be worthwhile and cost-effective.

It would require buy-in from the Department and local authorities as well as local communities. In certain circumstances, people will have to give up parking areas to allow for soakage. An area the size of the Phoenix Park has been lost to driveways in urban areas. There is cause and effect. People often ask why they cannot cover their driveways with tarmacadam or cement, but driveways provide important soakage.

I foresee problems in respect of Irish Water and flooding. Urban areas such as Dublin, Cork, Galway and Limerick have combined sewers. Rivers such as the Swan in the Pembroke drainage system are part of a combined sewer. When flooding happens or there is monster rain, the

effect is seen in that the sewers flood. The Minister of State will have to work with local authorities and Irish Water to deal with combined sewers. That will be very difficult to negotiate.

I did a lot of work with the Minister of State's predecessor, Brian Hayes MEP, on a memorandum of understanding with insurance companies. I acknowledge the work officials put into that. The insurance companies have reneged on the agreement. Millions have been spent from Clonmel to Ringsend to ensure houses will never flood again, yet homeowners cannot get flood insurance. I attended many of the meetings when the negotiations were ongoing. Insurance Ireland wanted the OPW to give the information in a manageable mechanism which insurance companies could use. The Department bent over backwards to supply the information in the form the insurance companies wanted, but they are still reneging on the agreement. I would like them to be called to task, and no better man to do this than the Minister of State. If such amounts of taxpayers' moneys are to be invested, people should be able to get household insurance. Some people may ask why this is important. If the house is secure and will not be flooded again, what is the big deal? The big deal arises when the homeowner tries to sell his or her home. Any prospective buyer will be unable to get a mortgage if he or she cannot get flood insurance, even though the taxpayer has invested millions of euro in ensuring these areas are now safe from flooding. This inability to sell on means people are stuck in homes that are unsuitable because their families have got bigger. I believe there has been a breakdown of trust from the insurance companies. I reiterate that the staff of the OPW did a huge amount of work to ensure this work was supplied in the manner requested by the insurance companies. Those companies are now looking for excuses. I do not believe that is acceptable. I should mention that Brian Hayes worked might and main to make sure a memorandum of understanding was drawn up. The insurance companies came in for the photo call when we launched it in Government Buildings, but then they did not deliver.

The challenges of climate change have been touched on by previous speakers. We need to have joined-up thinking, but we are seeing very little of it. Bord na Móna is talking about harvesting peat from soakage areas until 2030. The turf-burning stations in the midlands are churning out carbon, which means we will be fined in 2020. I am by no means trying to score political points when I mention this issue, which is a sensitive one for the Minister of State. I believe the workers have to be protected and secured. We have to make sure alternative careers are offered to them and their families. We do not want to see a rust belt in the midlands. I want to see viable and sustainable jobs. We have to plan for the harvesting of turf and for the turf stations in the midlands much more quickly than we are doing at present. The co-burning of turf and wood pellets will not work because the emissions will still be too high. I believe the reins are being pulled in on Bord na Móna's madhat scheme, which involves shipping timber pellets across 3,000 sea miles from Georgia in the US to these stations. It is just madness. This timber is being taken from wetlands, which in itself will have an effect on climate change. The challenges are great. The Minister of State has shown that he has the ambition to take them on. I will support him as much as I can. For heaven's sake, a little joined-up thinking in relation to cause and effect should take place when Senators are speaking here over the coming months and years. We cannot continue to think that the destruction of our boglands and forests will not have an effect on climate change, one manifestation of which is the flooding in our towns and villages.

Senator Maura Hopkins: Like other Senators, I welcome the Minister of State, Deputy Moran, to the Chamber. I thank him for his ongoing work in this brief. The difficult issue of flooding affects many communities. As the Minister of State will know, flood defences were

deployed in Ballinasloe town centre in recent weeks when there was a fear of flooding. The worthwhile works that have taken place in the Derrymullan area of Ballinasloe, including the construction of a flood wall, have had a real and positive impact on homeowners in that area. As the Minister of State is aware, more needs to be done. The wall needs to be extended and works are needed at the East Bridge in Ballinasloe to ensure other homeowners enjoy the same positive benefits.

As the Minister of State is aware, County Roscommon faces particular difficulties due to the presence of turloughs. I understand that geological surveys have been conducted to monitor how flood levels are affected by the filling and emptying of turloughs. I would like to see a little more action in terms of how we deal with this problem. I would be interested to get an update from the Minister of State in this regard. There are many examples in County Roscommon of turloughs causing major problems for homeowners and businesses. Senator Leyden has mentioned Bushfield, Boyle and Lough Funshinagh. I would like to see some progress. Like other Senators, I strongly compliment our local authorities and the OPW. In my experience, Roscommon County Council has been very proactive in implementing the minor works scheme and in trying to identify solutions to deal with this difficult issue, to which it is difficult to find an engineering solution.

The Minister of State will be familiar with the homeowner relocation scheme, which I raised in the Seanad last week. I understand that 75 homes are under consideration by the OPW under the scheme. A family does not apply under such a scheme for no reason. I want to raise an issue with the criteria for the scheme. I understand the need for rules to be set. Criteria are required to ensure the scheme is fair and consistent across the country.

I have concerns about a family I am working with at the moment. The Minister of State will be aware of the case. The members of this family cannot get flood insurance because they are living in a turlough area. An engineering solution to deal with the problem has not yet been identified. There has been no on-site visit from the OPW. This family has been turned down under the home relocation scheme. These people have not submitted an application for no reason. They would like to stay in their own home, but they have a constant fear that flood waters will return to their previous levels. I have evidence of those levels. I was down there at the time. Various agencies, including the emergency services and Roscommon County Council, were involved. This family cannot benefit from the scheme because the flood waters did not enter the family home. I know the Minister of State is aware of this case and has taken a proactive approach to it. I ask him to reconsider the need to meet all the criteria. This family meets 99% of the criteria. The members of the family worked so hard to prevent the flood waters from entering their home, but it now appears that they cannot access the scheme for this very reason. I will leave it at that. I ask the Minister of State to provide an update on the turloughs and on the relocation scheme.

Senator Rose Conway-Walsh: I thank the Minister of State, Deputy Moran, for coming to the House to discuss the Government's flood defence plans. Many Senators have first-hand experience of flooding in their local areas and are aware of the impact of flood damage on homeowners, business owners and farmers. I ask the Minister of State to update the House on the defence barriers in County Mayo and on the length of time it is taking the OPW to approve works that need to be done. As I have said previously, these delays are unacceptable. Areas near Westport like Carraholly, Rosmindle and Kilmeena have been waiting since 2014. The damage that was done in such areas during the floods of that year needs to be repaired immediately. It is disgraceful that after four years, approval has not yet been provided. There are two

things wrong with that, the length of time and the cost of drawing up plans. All that is required is a simple wall, a flood barrier for the communities. It is wrong that four years later nothing has been done. I accept there have been plans and so forth but the wall is still not in place for the community. It is unacceptable that the OPW and other consultants have failed to engage with or listen to local communities when they have the solutions to many of these problems. It is very difficult for the people in these areas to get excited about €1 billion being allocated in the national development plan when all they want is a simple wall to be built. We are spending millions on consultants without consulting the local communities that are most affected by flooding.

The Minister of State is a practical person and he will understand that when I was working in the local authority, it was distressing to see people being moved out of their homes or not feeling safe in them. It comes down to the fact that people have a right and a need to feel safe in their homes. There are many homes throughout the country and certainly many in Mayo that I have visited where people do not feel safe. This affects areas such as in Doohoma, Ballycroy, Ballina and Crossmolina to name but a few. There has to be a better congruence between the Department, the local authorities and the National Parks and Wildlife Service. For farmers, the main factor for productivity is the land. There has been flood after flood. It is hugely important that we consider the future and that we plan and make the relevant commitments in capital investment. We have seen many areas flooded due to coastal flooding or river flooding, but those areas are still left without protection.

Business owners, and the generations before them, who have spent their lives building up their businesses live in fear that everything will be taken from them. The Minister of State probably was in Crossmolina and saw the businesses that were ruined overnight. The owners have had to try to build the businesses up again to make a living, but they have not been able to do it without the proper protections being in place. There is also the damage to roads. The roads budget in Mayo has been cut by 40% over recent years. People see banner headlines about the allocations being made, yet they must travel on roads that have been damaged by flooding. Somebody referred earlier to drainage. It has been hugely neglected in these areas and often only simple solutions are required. We make matters far more complicated when consultants do not consult the local communities and when we do not keep up with general repairs and the general drainage works that must be done.

The Minister of State said there were big improvements with the minor works scheme and that the criteria to allow local authorities to come back in where schemes have failed in the past have changed. He also said it is now easier for them to get more funding to deal with minor works schemes. I ask the Minister of State to elaborate on this, especially in light of the cases I mentioned in Mayo. The Minister of State regularly refers to the flood prevention works being carried out, but for many businesses and families that is irrelevant if the insurers will not offer insurance at a reasonable price in those areas. I have some sympathy for the Minister of State because the Irish insurance industry is an absolute disgrace. It is a disgrace in respect of motor insurance as well as other insurance. It is grasping for any excuse not to do its job. It is willing to offer insurance and it wants people to pay for insurance, but only on the basis that they will never need it. Consumers are paying the price of the recklessness of that industry over the past decade or so. Will the Minister of State intercede with the Minister for Public Expenditure and Reform to provide a money message to the Consumer Insurance Contracts Bill, which Sinn Féin has before the Committee on Finance, Public Expenditure and Reform, and Taoiseach, that would greatly empower consumers against the insurers and their nonsense?

Climate change is the elephant in the room. We can plan for and predict what the climate will be like, but we are entering a period where it appears that it will be more unpredictable and extreme. We must have the maximum level of preparation not just to fix the problems we have now but also for the predictions for the future. Common sense must be brought to the issue of flooding and there must be an urgency about it. The Minister of State's main job is to direct the money to freeing the blockages that will get the walls in Kilmeena and elsewhere built. It is unacceptable that four years later people still feel unsafe in their homes and on their land in these areas.

Senator Joe O'Reilly: I congratulate the Minister of State on the hands-on, effective job he is doing. I thank him for visiting Cavan recently, where he witnessed the good work of our chief executive, Tommy Ryan, Paul Mulligan, all the outdoor staff, the Civil Defence and so forth. On that occasion, too, the Minister of State announced €205,000 for relief works in the Drumullan area of Cavan, which is very welcome.

In the midst of the dramatic cases around the country, it can often be missed that counties such as Cavan have a problem with flooding as well. The River Erne catchment area and the catchment areas of its subsidiaries have a flooding issue. Some 17 homes have been flooded over recent years and a further 14 were under threat and saved by sandbags and various defences. Many of them were flooded previously years ago. During the recent winter floods, 83 public roads were impassable, 112 families were cut off and five had to be evacuated. Thousands of hectares of agricultural land have been flooded with a significant loss of income to farmers. Land is unusable for months after floods, there is a loss of land to spread slurry and there is delayed growth of grass. These are the tangible outcomes and realities in County Cavan, which the Minister of State witnessed when he was good enough to visit in the company of me and my colleagues.

I am happy we have the national response the Minister of State cited in his remarks earlier and that there is €1 billion in the national development plan for it. I welcome that funding. A total of 42 major flood defence schemes have been completed along with 500 minor works schemes, and 6,500 acres of land have benefited. These are good developments. However, I share the annoyance of colleagues with the insurance industry for not doing its business. There should be a tangible response from the insurance industry to any works that are carried out anywhere in the country. There should be no question of people not getting insurance when works have been carried out in areas. In addition, there should be competitive insurance.

I am anxious that the Minister of State leaves this debate with the realisation, which he is developing, that there is a problem in many counties in the country, not just in the dramatic cases. Second, we must confront the insurance companies head on. It is not right that the Minister of State is doing such an excellent job and we are not getting a response from the insurance companies. That is unacceptable.

Climate change is another issue my colleagues mentioned and which I wish to emphasise. Indeed, Senator Lombard raised it in his opening remarks. We cannot avoid the question. We must tackle climate change head on. A number of strategies and a multisectoral response will be required to deal with it effectively. We have a particular difficulty with transportation as transport is the highest offending area, for want of a better term. I hope the Minister will advocate that we will have to have a response by way of electric cars and the further incentivisation of their use. We will also have to examine a number of other rounded solutions. This is a national problem. It transcends politics and all societal divisions. Every class of people and

social grouping is affected. Flooding affects everybody. Being flooded is a crisis for a family. Their house and area are never the same afterwards.

It is good this debate is taking place. I am very pleased with what the Minister of State is doing and I hope he will take on board what we are saying to him today.

Senator Gabrielle McFadden: I welcome the Minister of State to the House and thank him for coming here. He is always quite obliging when asked to come here and we appreciate that. He and the Office of Public Works, OPW, have been working very hard to address the flooding issue and we acknowledge that. I welcome the €1 billion allocation he mentioned in his contribution. I apologise for not being here for it but I was late in getting here.

In 2015, the then Minister of State, Deputy Simon Harris, allocated €430 million to the flood relief area and it is great for that investment to be more than doubled with the allocation now of €1 billion. It is an acknowledgment that flooding is a massively serious issue. It is not merely a parochial issue. We have helped out in our own area with sandbagging and doing all sorts of work. One gets a feel for the impact flooding has when one has worked at local level to alleviate it. It is not only towns like Athlone or towns in County Mayo that suffer from it, it affects many towns around the country.

The river will do what it will do and water will always find its course. Nothing can stop that. If there were no towns or roads to disturb things, the water would flow down the natural channel and that channel would be the size it needed to be to accommodate the water. Alas, that is not the way we live. Many planning decisions were made down through the years that might not necessarily have been the right ones.

Nobody knows the river better than the people who live alongside it, be they people in towns like Athlone or farmers in places like Carrick O'Brien or Golden Island. Everybody who lives there knows the river. I have raised with the Minister of State in this House and with the previous Minister of State, Deputy Harris, the carrying out of small remedial works that people have suggested. What is the position regarding the lowering of the level of Lough Ree? The Minister of State will know that the level in Lough Ree was raised in 1979 for navigation purposes. People have questioned that. I am not an engineer and I do not know if lowering the level would be of benefit. Has it been assessed as to whether lowering the level would be of any assistance down the line? When the former Deputy Brian Hayes was Minister of State half the cut at Meelick was cleared but the other half was not because of various licensing issues. Farmers living along the shores of the river would say that if small works like that were addressed, perhaps it would alleviate some of the flooding.

Senator Martin Conway: Hear, hear.

Senator Gabrielle McFadden: I do not know if the Minister of State mentioned the dreaded, or not dreaded catchment flood risk assessment and management, CFRAM, report which has been under way for a long time. The previous Government took a good deal of flak from people who said we did not need a CFRAM report coming out in 2016 or 2017 because they know the river but we all know that we do need a CFRAM report. We have Lough Allen and Lough Ree and we have to look at the big picture and take account of the River Shannon from the top of it in County Cavan down to County Limerick. Where are we at with that report? Is there anything coming out of it that could help us? Those are my questions and the Minister of State might deal with them.

Acting Chairman (Senator Diarmuid Wilson): I thank the Senator for being brief. I call Senator O'Donnell.

Senator Kieran O'Donnell: I thank the Minister of State, Deputy Moran, for coming to the House. The Minister of State came to Limerick on 1 December 2017 at my invitation. He was very well received. I remember he announced in Castleconnell, when the cameras were there, that he was seeking €1 billion in funding. I am glad that has come to fruition. He announced on the day that Limerick would get €57 million and we might even get a few more million euro if we are good.

I will put the flooding issue in context. We have a particular issue with flooding in Limerick for two reasons. The first is the River Shannon in terms of Ardnacrusha and Parteen Weir, and the height of the water level in Lough Derg. People in Castleconnell are more interested in the weather in Athlone than they are in the weather in Castleconnell because it will determine the height of the water level in Lough Derg and the flow of water down the river. Second, Limerick is a city that is tidal, so we have a tidal issue with the River Shannon. Areas like Montpelier, Castleconnell and Annacotty are affected by the Shannon.

Linking in to Annacotty is the issue of the River Mulcair. We have two rivers, the Shannon and the Mulcair. A good deal of works have already been done in St. Mary's Park in the city, which the Minister of State visited, but we are looking for major works to be done on which I believe the planning and design are under way. We are also looking at areas like Corbally Road, the Mill Road and Richmond Park, which the Minister of State visited, and Clancy Strand and O'Callaghan Strand. The announcement of specific funding of €750,000 for Castleconnell village is very welcome. More recently, the River Mulcair flooded and we had issues both with the Newport River and the River Anner, which flow into the River Mulcair. We had major flooding in Clonsingle, Newport and Ballymackeogh. I had the OPW staff meet with the farmers and residents. They have moved to do a good deal of work, which is to be welcomed. The Minister of State would be fully aware of that. As previous speakers said, when people's homes are flooded it not only affects their homes but their livelihoods. One could not describe the impact it has on people.

The previous speaker mentioned the CFRAM study. When does the Minister of State expect it to be published? He mentioned the speeding up of applications. A big issue we have in Limerick is getting applications to the OPW to get schemes under way. The Minister of State said he would be appointing somebody who would operate specifically in the OPW with Limerick City and County Council to progress these applications. I know discussions are ongoing between the council and the OPW but what is the current position?

The Minister of State's visit to Limerick on 1 December 2017 made an enormous difference to the people on the ground as well as him having been able to put the measures and the funding in place. I know how much it means to people. People referred earlier to the Minister of State's get up and go attitude. He is the first Minister that has come down to our area who has arrived a half an hour early. When we went to Montpelier he had the place scouted before we got there.

When will the CFRAM study be published? How does the Minister of State anticipate the process will work in terms of getting applications in for places such as Montpelier, Castleconnell, for which there is a specific funding of €50,000, and Annacotty village and Mulcair Drive where schemes are needed for people who were flooded? They ended up being very close to the waters of the Mulcair River in recent times. There are the issues along the back of the Corbally

Road and the Mill Road. The works at St. Mary's Park will be getting under way. There is also Clancy Strand and O'Callaghan Strand. There are also the areas of Newport, Clonsingle and Ballymackeogh where the OPW will carry out works. The fact that the Minister of State has secured €1 billion in funding and his initial strike on that funding was launched in Castleconnell village in Limerick is symbolic. I welcome the fact that he more than doubled the funding that is available from €430 million to €1 billion. We will very much be looking to assist him in enabling him to spend as much of it as he can in Limerick. I very much welcome the €57 million allocation for Limerick

Senator Colm Burke: I thank the Minister of State for the coming to the House to deal with this important issue. I thank him and all the staff in his Department for the work they are doing. It is always a complex issue when dealing with trying to alleviate flooding. There are many parties involved from landowners to property owners to local authorities and other authorities. We need to approach this issue by setting timelines to meet targets. That is extremely important.

There is one issue on which I seek clarification. In fairness to the Minister of State, he gave a very comprehensive reply to a Commencement matter I raised on 24 January in regard to the Glashaboy flood relief scheme. In the reply, he referred to it being important to note that due to changes in EU legislation and a new environmental impact assessment, EIA, directive, there is now a requirement for additional consultation with designated bodies which will impact the programme. I ask for clarification on that issue because it is a 2014 directive which is then transposed, which takes a significant amount of time. There are technical issues in that regard. Will it delay projects and, if so, what will be the timeframe and who else do we need to consult?

Flood relief schemes often involve several contracts such as for the removal of knotweed, the cutting of trees, drainage and work on bridges. A project may involve four or five contracts and it is about tying them together. Can a programme be put in place to co-ordinate that in such schemes? One may get one contract up and running and then run into difficulty with another.

I recently visited the area of the Glashaboy flood relief scheme and looked at where major damage was done by flooding. It is a housing estate which was built within the past 15 or 20 years and the houses are below the level of the embankment around the river. The major flooding there in 2012 was caused by debris and many other things, including a large volume of water, but I noted a huge amount of tree growth overhanging the river. If some of that growth breaks off, it will fall into the river and could cause a blockage or other damage downstream. I am surprised that the local authority or whoever is responsible has taken no action to remove those trees in the intervening period of time nor ensured that there is no escalation of the problem. Is the buck being passed in terms of waiting for the OPW to make a decision on work that should be undertaken at a local level? Local authorities must be tied down in that regard. The local authority, rather than the OPW, gave planning permission for the housing scheme. The houses are under the level of the river embankment and when water came over the embankment there was approximately four feet of water in them. That was a case of poor planning, as was allowing the situation to worsen since the major flooding occurred in 2012.

Another important issue is the Cork flood relief scheme. The flood defences in Cork city are extremely important and I acknowledge that the Minister of State's Department is working very hard in that regard but the process must be speeded up. I appreciate that various procedures must be gone through but it is important for that work to be started as soon as possible

because many business premises are directly affected when flooding occurs in the city and it is, therefore, important that the required remedial work be given priority.

I again thank the Minister of State for the work he and his Department are doing. All Members have a part to play in ensuring local authorities work with him to deliver the necessary remedial works.

Senator Michelle Mulherin: The Minister of State is very welcome to the Chamber. I compliment him on his work in the area of flood defences and the gusto which he brings to the position.

It is very welcome that the recent national development plan allocates €1 billion, increased from €430 million, to tackling this issue. Members will have to repeatedly visit the Minister of State or his Department as we face the fall-out from and implications of climate change in terms of trying to guard our built and natural environments from the devastation that flooding can cause. It is important that the funds be available but we must also drive forward projects such as catchment flood risk assessment and management, CFRAM, programmes and projects listed as qualifying and eligible for flood defences or that have been identified as such. There are a couple of areas we have discussed many times before but on which I wish to ask for an update.

I wish to raise the issue of flooding in Ballina. The affected area is an older part of the town and has experienced more frequent flooding in recent years. Contrary to media reports that this problem affects development that took place during the Celtic tiger era, most areas of Mayo that experience flooding have not done so previously or as regularly. In Ballina, because part of the river is tidal, pumps are at the ready on the bank of the River Moy, almost central to the town, whenever there is a high tide. If there is a lot of surface run-off, heavy rain and a high tide, houses on Bachelor's Walk and in the surrounding area that were previously flooded are again in danger. The pumps are often in place.

I am aware that the CFRAM programme there has been completed and I warmly welcome that the Ballina proposition or solution has been deemed to be economically viable such that we can expect flood defences to be built. I wish to ask the Minister for Public Expenditure and Reform, Deputy Donohoe, to update us on the status of the project. His Department is considering the Ballina programme with a view to prioritisation but the water is seeping through the riverbank wall, which is porous and has been there for a few centuries, and that urgently needs to be progressed. I suggest that Ballina be given priority. The pump is a regular feature in front of people's houses. Something must be done to progress the project and ensure the flood defences, including the flood wall, are built as soon as possible. I ask the Minister of State for an update in that regard and to respond to the points I have made.

I welcome the options report which suggests that a diversionary channel be placed upstream from Crossmolina, between it and Nephin. However, this is an area in which we must press on and conclude public consultation because, although people there may not feel fortunate in this respect, Crossmolina is listed as one of the towns that will benefit from the money and its position is more clear cut.

As regards coastal erosion, I acknowledge that the Minister of State mentioned agricultural land and drainage works being carried out but the reality on the west coast of Mayo is that farmers' agricultural lands are often taken by the sea during big storms and debris from the sea is thrown significant distances of up to a couple of hundred metres inland. In my area, there

21 February 2018

is an issue near Lacken Pier involving a public road which runs along a cliff edge and is being eroded away. The council is seeking a solution. One will soon be unable to access the pier unless something is done to address the undercutting of the road by the sea. It seems that the issue is being batted from the OPW to the Department of Transport, Tourism and Sport. I ask the Minister of State to give particular consideration to what can be done in regard to Lacken Pier because it is a piece of public roads infrastructure and if something is not done there will be no road for people to access the pier.

Acting Chairman (Senator Gerry Horkan): I thank Senator Mulherin. The final Senator to speak on this issue is Senator Conway, who has five minutes. I remind Members that we must adjourn this debate at 2.15 p.m. The Minister of State will have approximately 15 seconds to respond after Senator Conway concludes.

Senator Pádraig Mac Lochlainn: That is not acceptable.

Acting Chairman (Senator Gerry Horkan): The Minister of State may return to address the House. He will not be curtailed. It must end at-----

Senator Pádraig Mac Lochlainn: That is very unfair to the Minister of State.

Acting Chairman (Senator Gerry Horkan): I accept that.

Senator Pádraig Mac Lochlainn: He has listened to Senators from all over Ireland but is not being given a chance to respond to the points made.

Acting Chairman (Senator Gerry Horkan): I accept that. The agreed Order of Business states that this debate will finish at 2.15 p.m.

Senator Pádraig Mac Lochlainn: I must protest.

Acting Chairman (Senator Gerry Horkan): I do not mind.

Senator Pádraig Mac Lochlainn: Some of us have sat through the entire debate.

Senator Martin Conway: It is more important that people get to have their say.

Senator Pádraig Mac Lochlainn: The Acting Chairman is in charge. Some of us have sat through the entirety of this debate waiting for the Minister of State to respond to the issues we raised. It is very unfair to us and the Minister of State to give him only a minute or two to wrap up at the end.

Acting Chairman (Senator Gerry Horkan): I accept that. I did not set the Order of Business.

Senator Pádraig Mac Lochlainn: Some other contributors should have been cut then.

Acting Chairman (Senator Gerry Horkan): The Order of Business as agreed by the House was that everybody would be allowed to speak for up to five minutes each. This was to be adjourned - not curtailed or guillotined - at 2.15 p.m.

Senator Pádraig Mac Lochlainn: When will it return to the House?

Acting Chairman (Senator Gerry Horkan): It is a matter for the Leader.

Senator Pádraig Mac Lochlainn: Is it agreeable to the Minister of State?

Acting Chairman (Senator Gerry Horkan): The Leader will have to reschedule it and the Minister of State was aware of this. We could have another ten speakers who wish to contribute.

Senator Pádraig Mac Lochlainn: It is unfair to the Minister of State.

Acting Chairman (Senator Gerry Horkan): I accept the point but there was nothing in the Order of Business indicating we must allow the Minister of State back in. If there was, I would have curtailed contributions. I only go by the Order of Business agreed by the House.

Senator Terry Leyden: Will the Minister of State act on the issues raised today? We are neighbours.

Acting Chairman (Senator Gerry Horkan): Senator Conway's time is eroding so I will allow him in.

Senator Colm Burke: To clarify, subject to the Minister of State's approval, I believe time will be set aside for the Minister of State to respond. If other Members wish to contribute-----

Acting Chairman (Senator Gerry Horkan): It is the case. We are adjourning the debate at 2.15 p.m. Anybody who has not spoken will be allowed to speak the next time.

Senator Martin Conway: I have the floor. There is already a minute gone at this stage. I take the Senator's point on board and the Minister of State should have the opportunity to respond. I sincerely hope he gets the opportunity to come in within a week or two, when the matter is fresh in our minds and that of the Minister of State. I am sure he would be happy to do that.

I live beside the sea between Ennistymon and Lahinch in County Clare. We got a terrible battering in 2014 and the damage done was significant. To be fair, the Government response was significant as well. The promenade at Lahinch had already seen spending of €12 million, and many more millions of euro were spent going down the coast of Clare. Significant coastal protection works are needed in the hundreds of millions of euro. I remember writing an opinion piece in 2015, a year after the storm, saying the spending would be in the billions. It is commendable that this Minister of State has been able to fight the good fight and get this into the national plan for 2040, as that is the type of approach required.

There is a small issue with the work done specifically at Lahinch. There seems to be an argument over €1.6 million. Between the Department and the Office of Public Works, they have left Clare County Council short to the tune of €1.6 million. I know the people of Clare and I would be delighted if the Minister of State could find where the €1.6 million has gone and send a cheque in the post.

There are many intricacies in the coastal protection area. Foreshore licences are required, along with environmental impact studies. There are myriad different stages to be gone through. There are a number of schemes in Clare, including the one at Spanish Point. I know the Minister of State was to visit last week but between one thing and another, it did not work out because of the schedule. I am sure he will come in the next couple of weeks. I would like him to have a word with the various stakeholders that come together to create the processes so as to hurry them on. They should get the foreshore licences over the line and move on the process. The next time we have a significant storm or sea eruption, it could cause much difficulty with

property.

There is a scheme that had available funding and perhaps the Minister of State could check it out. It is called the minor flood mitigation works and coastal protection scheme. Individuals could apply through the local authority and have some works done to help their own situation. There is a case in Inagh, County Clare, involving Mr. John Leahy, and perhaps the Minister of State could take a look at it. I know one of his predecessors, Mr. Brian Hayes, committed funding for the project to be done. I will leave that in the Minister of State's capable hands as well as I know he is a very good man to get jobs done. He may be able to sort that one out.

The case of Cloghauninchy in Quilty has been a challenge, although it is progressing. Again, we call on the Minister of State and his good offices to pull the stakeholders together, perhaps, and ensure it happens quickly.

Acting Chairman (Senator Gerry Horkan): The Senator may come back in when the statements resume.

Senator Martin Conway: I have a minute left but I will not make an issue of it. I will propose the adjournment in the hope that the Minister of State will return in the next week or two to respond.

Deputy Kevin Boxer Moran: With respect to Burnfoot, I spoke to members of the local authority and security will resume to those houses. I have accelerated the report, which will be on my desk in the second week in May. We will then be able to come back with a solution for Burnfoot.

Acting Chairman (Senator Gerry Horkan): I hope that is of some use to the Senator.

Senator Kieran O'Donnell: This happens repeatedly in debates. From now on, if a Minister or Minister of State has come in and there are a large number of speakers, we must find some way for a reply, even if it is only an interim response.

Acting Chairman (Senator Gerry Horkan): I completely agree. It is a matter for the Order of Business. It could have suggested there would be 15 minutes for a ministerial reply but it did not. I cannot make up the Order of Business. The debate is to be adjourned, if not concluded, at 2.15 p.m. That is what we are doing.

Senator Gabrielle McFadden: We agreed the Order of Business.

Acting Chairman (Senator Gerry Horkan): Exactly. If Senators do not like it, they can oppose the Order of Business and it can be amended.

Sitting suspended at 2.15 p.m. and resumed at 2.25 p.m.

Technological Universities Bill 2015: Report Stage

Acting Chairman (Senator Gerry Horkan): I welcome the Minister of State, Deputy Mary Mitchell O'Connor, to the House. Before we commence I remind Senators that a Senator may speak only once on Report Stage except for the proposer of an amendment who may

reply to the discussion on the amendment. In addition, on Report Stage each amendment must be seconded.

Amendment No. 1 is in the names of Senators Lynn Ruane and Alice-Mary Higgins. It arises out of committee proceedings. Amendments Nos. 1 to 3, inclusive, are related. Amendments Nos. 2 and 3 are physical alternatives to amendment No. 1. Amendments Nos. 1 to 3, inclusive, may be discussed together by agreement. Is that agreed? Agreed.

Senator David Norris: We can talk on the section?

Acting Chairman (Senator Gerry Horkan): There are no sections as such. We are talking about the amendments only.

Senator David Norris: Yes, but when it comes to the-----

Acting Chairman (Senator Gerry Horkan): We are just dealing with amendments today.

Senator David Norris: So there is no discussion on the sections?

Acting Chairman (Senator Gerry Horkan): No, unless there is an amendment on that section and that is being discussed.

Senator David Norris: I see.

Acting Chairman (Senator Gerry Horkan): A section cannot be discussed unless there is an amendment about it on the Order Paper. Amendment No. 1 is in Senator Ruane's name.

Senator Lynn Ruane: I move amendment No. 1:

In page 9, lines 34 to 36, to delete all words from and including "student", where it secondly occurs, in line 34 down to and including "university" in line 36 and substitute the following:

"representative body elected by students and recognised by the institute or technological university, which promotes the interests of students".

I can speak to the three amendments together?

Acting Chairman (Senator Gerry Horkan): Yes, the Senator can.

Senator Lynn Ruane: I thank the Chair and the Minister of State for her time. We have three amendments tabled in this section. They all relate to how a student union is defined in the legislation. In the new technological universities structure the development of the academic institutions is going to happen quickly. The early period following their creation will be crucial in setting the practices of how these universities are going to operate for decades to come. It is important the student voice is not only at the centre of these discussions and development but also has statutory protection in how it contributes to the governance of these universities.

These student unions will essentially be new and starting afresh. They will have to learn quickly how to best represent the interests of the student body in the management of their universities. They need to be protected and supported in this developmental process. They will not have the many years of experience present in our current student union cohorts in our universities and that is the spirit in which these amendments have been tabled.

It is crucially important to get the definition of “student union” right from the outset. In every part of the Bill where student representation is mentioned, it is through reference to the university’s students union that a role and a voice is given in the governing structure. We have to strike the right balance and ensure a level of equality of status exists between university administrations and the representatives of the students they are educating.

I have said this to the Minister before, but I shall repeat the point. The current definition of student union does not strike this balance. The current definition completely ignores the democratic and representative mandate of student unions from which they derive their authority. Instead, student unions in this Bill are given legitimacy solely by virtue of their recognition by the university. Student unions do not derive their representative functions and authority from recognition by the university. They derive them from regular democratic elections of the student body.

The Bill, as currently drafted, completely ignores this. How can a student union be an equal partner in the governance of a technological university if the only reason it is allowed at the table is that the body which it is meant to be holding to account says it is allowed to be there. These are not solid grounds for a full and equal partnership. We are seeking to change this with amendments Nos. 1 to 3.

Amendment No. 1 is a redraft of the amendment we submitted on Committee Stage. It incorporates feedback we received from the Minister of State and Senators in that debate. It acknowledges the representative functions of the union and recognises the mandate the union receives from democratic elections. It clearly defines the union as a body that promotes the interests of students, as distinct from solely being a service provider of education and welfare services. It also allows for the university to play a part through recognition. The current definition would allow for either or both undergraduate or postgraduate unions to be recognised as long as they were elected and representative bodies. The Minister of State mentioned this issue on Committee Stage. It is a good strong definition of the union and a massive improvement over what is currently there. I hope the Minister of State can accept it.

Amendments Nos. 2 and 3 are variations on the theme, if amendment No. 1 is not accepted or passed. Amendment No. 2 removes the ability of another representative student body to be treated as a student union by a university. This amendment simply seeks to guard against a worst-case scenario. I refer to a situation where the relationship between the union and the university is starting to break down over a contentious issue and the university administration decides to treat another, nominally representative body as its student partner and shut out the democratically mandated union from the process. I am not saying this situation is likely but just that it is possible under the current definition. Most student unions and their universities have a great relationship. I certainly did when I was the Trinity College student union president. However, we do not legislate solely for rosy scenarios. We make sure legislation is future-proofed against every possible development that could potentially occur. The conflict that emerged last summer between Dublin Institute of Technology and its student union over a threat to withdraw funding is exactly the sort of scenario we are trying to safeguard against. That is why we are proposing amendment No. 2.

Amendment No. 3 is the mildest of the three in this section. It has been very deliberately phrased in response to the statements of the Minister of State on Committee Stage. The Minister of State said we cannot change the definition of “student union” in this legislation because it would then not be in line with the definition in the Universities Act 1997. I do not accept that

this is the case. The section of the Bill to which the Minister of State referred was not even a definition of “student union” but actually referred to setting out student representation on university governing boards.

Even if we ignore that, the definition that the Minister of State read into the Seanad record was “students of the university who are elected officers of the Students Union or other student representative body in the university recognised by the governing authority”. While that definition largely mirrors the definition in this Bill, a critical part is being excluded. There is a part in the Universities Act that refers to “elected officers” of the student union. At every single opportunity, the Minister of State has rejected calls to alter the definition in the Bill because of the definition set out in the Universities Act, yet she has not included any reference to an elected mandate of the student union in the current Bill.

Therefore, what we are trying to do in amendment No. 3 is agree with the Minister of State. If she says we cannot alter the definition beyond what is in the Universities Act, which I do not accept, we must include every aspect of the 1997 definition, a definition that refers clearly to the elected mandate of a student union. A student union does not derive its legitimacy from recognition by a university; it derives it from student democracy and regular elections. The Universities Act recognises this.

Since the Minister of State is so set on that legislation being the model we must follow, I cannot possibly see how she could not accept amendment No. 3 - the mildest option on the table. It would simply allow for a reference to this democratic mandate, as in the Universities Act, and allow for the correct balance of power to exist between a student union and the technological university. This is a small, but crucial, change the student unions around the country are clamouring for. The Government should show them that it is listening to their concerns. I really hope the amendment will be accepted. If not, it will illustrate that the Minister of State did not come into the Seanad ready to engage with us on this Bill and is willingly open to contradicting herself just so we do not have to send the Bill back to the Dáil. That is really not good enough. I look forward to the Minister of State’s response.

Senator David Norris: To a certain extent, this is a theoretical exercise. I do not believe for a second that the Minister of State is going to accept a single amendment from this House. She is smiling so I am obviously right. It is a theoretical exercise. We are setting out the arguments but I hope they will be taken up in the other House.

Senator Ruane has demonstrated a very clear reason for the Minister of State to accept the proposal. There is nothing whatever in the Minister of State’s position to militate against amendment No. 3, which concerns election by students. As the Senator has pointed out so effectively, it is in the Universities Act, which the Minister of State has been consistently quoting. Therefore, what is sauce for the goose is sauce for the gander.

If we must slavishly adhere to the definition of “student union” contained in the Universities Act, the least we could do is give the full definition. This will be a critical test case. If the Minister of State refuses to accept amendment No. 3, it will be perfectly obvious that what we are doing here this afternoon is an academic exercise. What the students are looking for is autonomy, independence and democratic accountability. That is not a great deal to expect from an Irish Minister of State in 2018.

I have received quite a lot of correspondence on this matter. I will put just two emails on

the record of the House. The first is from a gentleman called Mr. Kieran McNulty, who from 2016 to 2017 was the president of the student union in Trinity College, where I used to teach. After a little preamble, he states:

Autonomy is always an issue for students' unions. TCDSU is lucky to have a loud voice in the governance of Trinity and thus students are able to engage in the running of the university. We are by far the largest stakeholders in the college. Indeed last year, we passed a historic student partnership agreement which cemented students as partners in Trinity governance. [Well done Trinity.] This would not have been possible if we did not sit on committees and were not recognised as student representatives. Please support the amendments to this bill, in regards to the definition of a Students' Union and 'Student representation on Academic Council'. They make sense and ensure that students' unions can do their job of representing students, without the bureaucratic hurdles they may face if they are not recognised as legitimate. This is crucial for the student voice.

This email was from somebody who was president of one of the most important student bodies in Ireland.

I have another email, this time from the president of the Union of Students in Ireland, Mr. Michael Kerrigan. Here again we are hearing a representative of the student voice. These are the democratically elected people. These are the people with whom the Minister of State is posing as being in discussion and to whose arguments she says she is listening. It is a bit like dialogue with the Vatican, as if to say: "Sit down and shut up. I am the Minister and you are just a collection of little brats." Mr. Kerrigan states:

The engagement of students in Higher Education in Ireland has changed rapidly in recent years, with internationally recognised initiatives such as the National Student Engagement Programme (NStEP), the National Forum for the Enhancement of Teaching and Learning (NFETL) and the creation of National Quality Assurance Guidelines by the QQI all strengthening the role of students as partners in their education.

A lot of legislation is going in the direction of increasing the participation and recognition of student unions but this Bill is going against that. It is contradicting that movement. To contradict the Minister of State's very *sotto voce* denial, which I am sure the microphone did not pick up, the very next paragraph of the letter states: "Unfortunately, the Technological Universities Bill, as it stands, does not value students as equal partners in their education." This is what the Union of Students in Ireland is saying.

The email also states:

USI have engaged with the Department and Ministers in the process of developing Technological Universities for a number of years, with many of our concerns being ignored. [There is the dialogue. They talk and nobody listens.] We have found the past number of months frustrating as a large number of amendments have been either thrown out or rejected on disputable technicalities. Today, we are asking for your support on a number of amendments as the Bill reaches the Report Stage in the Seanad. The current definition of a Students' Union in the Bill outlines that the SU must be recognised by the TU. There is, however, no mention of this body being recognised, governed or elected by students. [Students are just left out of the definition.] The first amendment does not make huge changes to the definition, but adds certainty that this body will be democratically elected by students.

[There is the nub of the matter.] On several occasions to date, amendments on an increase in student representation on the Governing Body have been thrown out due to a possible cost to the state. Currently, there are no cases of students receiving payments for sitting on this body, however, if a Governing Body is held on a satellite campus, they may be entitled to expenses. That this amendment was thrown out on such a technicality shows how little the student voice is valued.

It also demonstrates how little Seanad Éireann is valued. It is utter nonsense that one can throw out an amendment because it makes some kind of putative charge, however small and insignificant. It means that, theoretically, one could disbar any amendment whatever because there is a cost to every amendment. It may be tiny or marginal but even the cost of printing an amendment is a cost on the Exchequer. Therefore, Seanad Éireann, under the Constitution and Standing Orders of this House, as currently held, has no right to make any amendment whatsoever.

If we were to adhere strictly to the formulation of words that governs amendments in this House, we would never have an amendment allowed. Every amendment carries a charge. The question of how small or insignificant the charge is does not matter to the application of this rule. The very fact that the charge is created on the Exchequer rules the amendment out of order. Therefore, no amendments whatever should be allowed in Seanad Éireann. That is the kind of nonsense we are confronted with and the sooner we clear up this matter the better. I will strongly support these amendments. I am not sure whether Senator Ruane is expecting a positive response. If I may make a sexist comment, I note she is wearing very becoming lipstick and so perhaps she is expecting a positive result to the amendments. In any case I think they are very well argued and I will strongly support them.

Acting Chairman (Senator Gerry Horkan): Before I call the next Senator, I welcome Councillor Nicholas Crossan from Buncrana and some members of his family and his friends in the Gallery. He is a very important local government representative in that part of the world. He is very welcome to the Chamber. I am sure I express that on behalf of everybody here.

Senator Alice-Mary Higgins: We are hoping for an honest response from the Minister of State in which she engages with our proposals. I imagine how any of us is dressed has little to do with that.

I will not reiterate the points Senator Ruane made; they are very detailed arguments. It is clear that we have been listening to the Minister of State. We are not interested in coming in here simply to score political points or to create difficulty. This House has a legislative remit. All legislation passes through two Houses and all legislation should be responsive to amendments from both Houses. We are trying to ensure that this legalisation is fit for purpose and is a collective project.

We have listened to the Minister of State. The amendments we have proposed today are not the original amendments we put forward. They may have been what we wanted, but we have listened to the Minister of State's words, "elected by". That is what we are putting into it. What she said was in the Bill is not in the Bill. It is in the Universities Act. The third amendment, in particular, is literally an echoing of the Minister of State's own wording on the record as well as what is in the Universities Act. We could not be clearer or more reasonable in the phrasing that we have proposed.

Of course, we would like to do other things. There is a key point in terms of the interpretation of whether we move forwards or backwards. I do not accept that we cannot move forward from the Universities Act because, of course, that Act - we will come to this later - was introduced before the Bologna Process, which is a pan-European process on the improvement of standards and student participation in university life, a process Ireland has signed up to. There is an entire subsequent process that we engaged with after the Universities Act was passed, which was meant to be about increasing and strengthening student participation.

We should be moving forward, but if we are not moving forward, we certainly cannot afford to move backwards. As currently worded, it would be a backwards move whereas we propose that basic provision of “elected by”. We are no longer attempting to remove the recognition of the university. Of course they have their governance constraints and they need to recognise that. We are trying to ensure there is also a clear electoral mandate. I think it is very straightforward. It would send an extremely poor signal if we not only roll back from the Universities Act, but also roll back from the Minister of State’s own statements on the record when we last debated the Bill in this House.

We have talked about legislating for the best-case or worst-case scenario. Amendment No. 2 deals with scenarios where there is a dispute and tension may arise. This is not to say that there is tension. Most of us recognise that there are in many cases a compatibility of interest and a benefit to good governance from engagement between students and a university authority. However, amendment No. 2 seeks to provide for a worst-case scenario. Will the Minister of State support amendment No. 2? If not, how does she envisage the worst-case scenario playing out? Does she envisage herself or others, who would be in the role of Minister, engaging or intervening if a governing authority sought to put in place a substitute representative body and no longer recognised a students union? What might we expect? Of course, we need to anticipate those scenarios. I believe we should anticipate them in a protective and constructive way through good legislation and good governance. However, if that is not to be our approach, what will the approach be?

We can move through these amendments. Ideally we would like to be able to finish it today. The Bill returning to the Dáil is not a disaster; it would take half an hour or three quarters of an hour for the Dáil to formally accept the Seanad amendments. When there is a good-faith amendment that is carefully worded and accurate, and reflects the Minister of State’s own argument, she should have the grace to accept it so that we can move forwards and get the Bill fully implemented, which is what most of us want.

Senator Fintan Warfield: Without wanting to repeat the points made by the Independent Senators, as Senator Ruane said, this is a redraft of the amendment on Committee Stage. I agree it is an improvement on what exists there. I watched Committee Stage from my office and there was a clear message from the House that the autonomy of the students union in the Bill must be absolute. That message was clear from the Independents, Sinn Féin, Fianna Fáil and the Green Party, whose Senators all spoke in support of the objective outlined in amendment No. 1 and urged the Minister of State to propose amendments that would be satisfactory to the Department. They have redrafted those amendments. I urge the Minister to take these amendments on board.

Senator Paul Gavan: I do not want to repeat anything that has been said already. The case for accepting the amendment has been extremely well made. While I hope I am wrong, I suspect it might not be accepted. If that is the case, I appeal to our colleagues in Fianna Fáil not

to turn their backs on the students in particular. Student unions are very passionate about this issue. We cannot let them down. They should not be excluded in this way. I do not suggest it is intentional. The jury is in from across the Chamber on this issue.

Senator David Norris: If I may interrupt, it is intended that the Minister of State would answer that.

Acting Chairman (Senator Gerry Horkan): Senator Gavan without interruption, please.

Senator Paul Gavan: I take the Senator's point. We have thrashed this out a number of times. I find the Minister of State's reluctance to move very frustrating. I accept it will need to go back to the Dáil, but that is a minor issue compared with not doing the right thing at this point. In the event that the Minister of State does not listen, I appeal to our Fianna Fáil colleagues. This will not bring down the Government. It is a small issue that will make a big difference to the most important people in our third level colleges, the students. Let us not let them down on this.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): The definition used in the Technological Universities Bill is in line with the Universities Act 1997. On the composition of the governing authority, section 16(2)(d)(iv) refers to "students of the university who are elected officers of the Students Union or other student representative body in the university recognised by the governing authority". Trade unions and staff associations are recognised in section 9(5)(b) of the Technological Universities Bill in addition to the student union in the context of procedures relating to the resolution of disputes. I have heard that raised here today. I will, therefore, read what is stated on page 14 of the Bill:

(a) For the purposes of the performance of its functions, a technological university shall establish procedures relating to resolution of disputes.

(b) Procedures established under paragraph (a) shall—

(i) be established following consultation with each trade union and staff association recognised by the technological university and with the student union.

It is clear, therefore, that there must be mutual co-operation between the trade union and the student union and that there can be no dialogue or productive interaction unless they recognise each other. It is in that sense that the concept of recognition pertains.

Recognition by mutual parties should also prevent an unworkable and unwanted situation from occurring were a plethora of single issue bodies purporting to represent student concerns, even of a handful, to require constant interaction with the trade union to the detriment of the representation of concerns of all students by the recognised student union. The concept of recognition has been accepted by the House in the amendments being proposed. The definitions included in the Bill also contain a reference to "other student representative body". This ensures the definition will include the possibility of there being more than one student representative body in the institution in question such as a student union representing postgraduate students.

There is, however, a broader picture to be considered. In that context, I inform the House that last week I received correspondence from the Union of Students Ireland, USI, seeking to progress a national approach to hearing the students' voice. USI wishes to discuss with the Department the role, responsibilities and rights of students in the future of third level education

in an holistic manner. Among the issues it raised were how we might together approach the role and responsibilities of student unions and how we might have an honest dialogue between relevant parties. A number of framework principles were cited, including autonomy, accountability, partnership, representation and sustainability. USI has proposed working together with all relevant parties to develop either a national student charter or a partnership document and the creation of working groups to progress dialogue in Ireland. I am of the view that a broader exploration of the key issues across the higher education sector and perhaps the further education and training sector would be a more progressive and productive approach to take. I have asked my officials to engage further with USI on its interesting and progressive proposals. Therefore, I do not propose to accept any amendment to the definition of “student union” included in the Bill.

Senator Lynn Ruane: I do not know if I misunderstand the Minister of State or it is a deliberate misrepresentation of what is included in the Bill. The issue of governance and the nomination of the student body is different from the definition of a student union, one that is recognised as a student union and elected by the students. On page 9, line 35, the Bill states: “‘student union’, in relation to an institute or technological university, means the student union or other student representative body recognised by the institute or technological university”. This definition is not in line with that in the Universities Act 1997.

Senator Paul Gavan: Well said.

Senator Lynn Ruane: It does not state “elected by” and cannot be fudged in terms of the process for nominating people to a governing body by a student body or the student union, which is a completely different issue. From day one, the Minister of State has quoted the Universities Act, but the definition completely ignores it as it does not contain the words “elected by”. The Minister of State alluded to it being in line with the Universities Act, but clearly it is not. I am quite disappointed. We all have the Bill in front of us and can clearly see that it is not an accurate picture of what is contained in it. Will the Minister of State respond?

Acting Chairman (Senator Gerry Horkan): I will allow her back in to respond to the Senator. Has the Senator concluded?

Senator Lynn Ruane: Yes.

Acting Chairman (Senator Gerry Horkan): The Senator is the only Member I can allow in at this stage. I cannot allow Senator Fintan Warfield to speak again. On Report Stage a Member can only speak once, unless he or she is the proposer of an amendment. I will allow Senator Fintan Warfield in on every other amendment.

Senator David Norris: It is extraordinary that the Minister of State has quoted USI while standing firm against what it stated as contained in the detailed submission I made based on its letter.

Acting Chairman (Senator Gerry Horkan): Has Senator Lynn Ruane concluded the points she wished to make?

Senator Lynn Ruane: Yes. Will the Minister of State examine what we are saying about the inclusion of the words “elected by” which are in line with what is contained in the Universities Act? It is clear that the definition included in the Bill is not in line with that contained in the Act which the Minister of State has referenced in the past couple of sessions in dealing with the

Bill. The words “elected by” do not appear either in the part dealing with governance.

Deputy Mary Mitchell O’Connor: I remain of the view that the current definition which is in line with that contained in the Universities Act 1997 is preferable.

Senator David Norris: Not fully.

Deputy Mary Mitchell O’Connor: Therefore, I do not propose to accept the amendment.

Senator David Norris: Of course the Minister of State does not.

Amendment put and declared lost.

Senator Lynn Ruane: I move amendment No. 2:

In page 9, line 35, to delete “or other student representative body”.

Senator Alice-Mary Higgins: I second the amendment.

Amendment put and declared lost.

Senator Lynn Ruane: I move amendment No. 3:

In page 9, line 35, after “body” to insert “, elected by students and”.

Senator Alice-Mary Higgins: I second the amendment.

Amendment put:

The Seanad divided: Tá, 14; Níl, 20.	
Tá	Níl
Conway-Walsh, Rose.	Burke, Colm.
Devine, Máire.	Burke, Paddy.
Dolan, John.	Butler, Ray.
Gavan, Paul.	Byrne, Maria.
Higgins, Alice-Mary.	Coffey, Paudie.
Humphreys, Kevin.	Conway, Martin.
Kelleher, Colette.	Hopkins, Maura.
Mac Lochlainn, Pádraig.	Lawless, Billy.
Nash, Gerald.	Lombard, Tim.
Norris, David.	McFadden, Gabrielle.
Ó Ríordáin, Aodhán.	Mulherin, Michelle.
O’Sullivan, Grace.	Noone, Catherine.
Ruane, Lynn.	Ó Céidigh, Pádraig.
Warfield, Fintan.	O’Donnell, Kieran.
	O’Donnell, Marie-Louise.
	O’Mahony, John.
	O’Reilly, Joe.
	Reilly, James.

	Richmond, Neale.
	Wilson, Diarmuid.

Tellers: Tá, Senators Alice-Mary Higgins and Lynn Ruane; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

An Leas-Chathaoirleach: One vote had to be corrected because Senator Paddy Burke inadvertently pressed the wrong button, I presume.

Senator David Norris: He mistakenly voted the right way.

An Leas-Chathaoirleach: No, he inadvertently pressed the wrong button.

Senator Grace O'Sullivan: I move amendment No. 4:

In page 11, to delete lines 17 to 20 and substitute the following:

“(2) A technological university shall be allowed to describe itself as a technological university. The Minister, with the consent of the governing authority of a technological university, may by order specify a name, other than the name specified in the order under section 36, by which the technological university may describe itself for operational purposes.”.

Senator Lynn Ruane: I second the amendment.

Senator Grace O'Sullivan: The Bill is unclear in respect of whether technological universities will be allowed to use the word “university” in their titles. It is clearly the Minister’s intention that these new institutions can have the certainty to be able to market themselves as technological universities. The legislation should give effect to the Minister’s intentions.

Without this amendment, future Ministers might limit the ability of a new technological university to market itself as a university. It would be simply intolerable if an institution having merged and brought its community through the changes to become a technological university was subsequently denied the right to refer to itself as a university. Furthermore, the amendment limits the power of the Minister to impose a name on a technological university against its wishes. The Minister and the institution have to consent to the name. This is simply a matter of good practice.

Our existing universities spend a small fortune on branding and marketing. The branding expression of these new institutions will not be trivial. Therefore, it is vital that the institution and the Minister have a meeting of minds over the final name, a name that is appropriate and fitting and one that gives the new technological universities the best start in life as universities.

We have plenty of examples in which the names of educational facilities have been impinged on due to politics, including Austin Waldron Regional Technical College in Carlow and the Royal College of Surgeons in Ireland, as I mentioned in the previous debate. Other examples include the rebranding of Maynooth University from NUI Maynooth, the rebranding of the University of Dublin to Trinity College Dublin and so on.

While I accept the good intention of the Minister of State in this regard, protections must

be included in the words of the Act. It is clear that the Bill could give rise to circumstances in which an institution that had gone through the merger process would be denied the use of the word “university” in its title. In Waterford we know how hard people have fought to prevent us from getting our hands on the word “university”. I ask the Minister of State to accept the amendment.

Senator David Norris: As far as I know, Trinity College Dublin still retains the titles of “Trinity College Dublin” and “Dublin University”. I think it was intended originally that there would be other colleges of Dublin University but the authorities never got around to doing it. There is a good deal of snobbery. People want to call things “universities”. Of course, Waterford Institute of Technology should be recognised as a university. It offers a wide range of courses in the humanities, music, the arts and so on and it is quite right that it should have this status. A number of years ago I fought for the college in Waterford to be looked on as a university. There are situations where one could raise queries about some of these entities being described as universities because they do not offer the full range of courses. I have received communications from within the institute of technology sector. People on the teaching staff have expressed concern to me about the mad rush towards describing everything as a university. They have said the technological third level groups have a noble function in offering apprenticeships and facilitating practical learning, etc.

With regard to the amendment, I agree with the proposal to give the Minister the right to specify a name other than “technological university”. It should be possible to describe it as something else, particularly if that is what the students want. This nonsense that everybody has to go to a university is wrong. It confirms or establishes in some way the idea that a university, by its very nature, is better than a technological college. It is wonderful when people are made electronic engineers or carpenters. They should not be ashamed or want to creep in and say “when I was at uni”. It is all nonsense. I support the proposal because it is important that the Minister have the right to denominate a name that does not include the word “university”. In this House we should be saying technological and practical applied courses are just as good as those involving speculation in remote areas of philosophy and all the rest of it. We should be saying to people whose intelligence is practical rather than academic that they are just as good as any other student.

Deputy Mary Mitchell O'Connor: An order under section 36 of the Bill will provide for the establishment of a technological university and the specification for its name. There is no requirement to specify that the technological university will be allowed to describe itself as such, as that is the purpose of section 36. Section 8(2) provides a mechanism whereby any subsequent decision on a change of name from that originally specified and required for operational purposes may be so specified by the Minister in consultation with the technological university. This is not something that would be imposed arbitrarily by the Minister. The mechanism would be used only with the agreement of both parties. I do not accept that the governing body should have a veto on the Minister making such an order. The provisions included in the Bill, as it stands, allow for a degree of flexibility in this matter if required at any future stage. Therefore, I do not accept the amendment.

Senator David Norris: The Minister of State gave good reasons for accepting it.

Senator Grace O'Sullivan: I remind the Senator that the title “university” means a lot to people. It is a great entitlement for those who have spent many years going through a university to have that recognition. It might be all very well for the Senator, having had the opportunity

to go to university, to be able to say-----

Senator David Norris: I never say it.

Senator Grace O’Sullivan: Many have aspired to reach university standard and are very proud of that fact. That is why the title is so important.

Senator David Norris: The Senator is arguing against her own amendment.

Senator Grace O’Sullivan: I accept what the Minister of State said. I recognise that some institutions have been named in unsympathetic or unsuitable ways. It would be best to have it written into the legislation. I accept the Minister of State’s point that there would have to be agreement between the Minister of the day who might not be the current incumbent and the institution concerned. In good faith, I will not press the amendment.

Senator David Norris: I am not surprised, given that the Senator has argued against it.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Victor Boyhan): As amendments Nos. 5 and 6 are related and amendment No. 6 is a physical alternative to amendment No. 5, they may be discussed together.

Senator David Norris: I move amendment No. 5:

In page 13, lines 24 to 31, to delete all words from and including “functions—” in line 24 down to and including line 31 and substitute the following:

“functions promoting an ethos that supports entrepreneurship, creativity, autonomy, innovation, and engaged citizenship.”.

Senator Lynn Ruane: I second the amendment.

Senator David Norris: Given that amendment No. 6 is in the name of Senator Grace O’Sullivan, I take it that both of us can speak twice on the amendments.

Acting Chairman (Senator Victor Boyhan): Only on this one, but we are discussing them together.

Senator David Norris: Yes, I see. She can speak twice.

Acting Chairman (Senator Victor Boyhan): No. As amendments Nos. 5 and 6 are being discussed together, the Senators can speak to both amendments. Senator David Norris will have the right of reply on amendment No. 5.

Senator David Norris: I think Senator Grace O’Sullivan should also have the right of reply.

Acting Chairman (Senator Victor Boyhan): Only amendment No. 5 has been moved. The Senator will respond to the debate on it.

Senator David Norris: When Senator Grace O’Sullivan moves amendment No. 6-----

Acting Chairman (Senator Victor Boyhan): It will already have been discussed with amendment No. 5.

Senator David Norris: Will she not be able to reply?

Acting Chairman (Senator Victor Boyhan): No.

Senator David Norris: That is rather silly.

Acting Chairman (Senator Victor Boyhan): They are the rules.

Senator David Norris: Is that actually in the rule book?

Acting Chairman (Senator Victor Boyhan): It is.

Senator David Norris: Can you show me where?

Acting Chairman (Senator Victor Boyhan): I will dig it out for the Senator.

Senator Diarmuid Wilson: One would think that after 60 years in the House, Senator David Norris would-----

Senator David Norris: I have not been here 60 years but a mere 31.

Senator Diarmuid Wilson: It feels like 60.

Acting Chairman (Senator Victor Boyhan): I will get out the rule for Senator David Norris. It is long-standing practice.

Senator David Norris: Let us get down to it.

Acting Chairman (Senator Victor Boyhan): The mover of an amendment has the right of reply.

Senator David Norris: As Senator Grace O’Sullivan will be moving amendment No. 6, she should be given the same right. It does not matter.

Amendment No. 5 relates to section 9(1)(k)(iv) which sets out the functions of a technological university in “contributing to the promotion of the economic, cultural, social, scientific and technological development of the State”, “respecting the diversity of values, beliefs and traditions in Irish society”, “promoting critical and free enquiry, informed intellectual discourse and public debate within the technological university and in wider society” and “promoting an entrepreneurial ethos”. I have nothing against entrepreneurship, but I make the point that the ethos deals with its underlying values. I have no difficulty with the first three items on the list, but they are separate individual ingredients, not the underlying values which should not be just entrepreneurial. If they are, the institution should go back to being a tech. We are talking about the real values of a university. To say the intellectual and moral ethos - the climate in which the university’s intellectual life is conducted - should be merely entrepreneurial and nothing else is a complete and utter betrayal of what it means to be a university. My amendment seeks to do the following:

to delete all words from and including “functions—” in line 24 down to and including line 31 and substitute the following:

“functions promoting an ethos that supports entrepreneurship, creativity, autonomy, innovation, and engaged citizenship.”.

I listed entrepreneurship first in deference to the Minister of State's obvious wishes but included the words "creativity, autonomy, innovation, and engaged citizenship". My amendment lists those qualities and activities that are contained in the first three subsections. Nobody can say we have ignored those aspects. We have included them as part of the governing ethos or values of a university.

Does the Minister of State think entrepreneurship on its own is a sufficient statement of the values of a university, that it is all entrepreneurship? What about free intellectual inquiry? What about academic freedom? What about all of the research projects that appear to go nowhere and were not entrepreneurial but simply intellectual inquiry? That is what a university is about. It is not about material end products. It is about intellectual inquiry and exploring the universe around us. If an entity is not doing that, then it is not a university, it is just an entrepreneurial set-up. I repeat that the word "ethos" is significant and paramount in this matter. We are talking about the underlying values of a university and, therefore, the ethos should be much broader than merely entrepreneurship. We are not that silly show called "Dragons' Den". The Minister of State is trying to turn our universities into a collection of dragons' dens-----

Senator Fintan Warfield: Hear, hear.

Senator David Norris: -----unless she accepts these kinds of amendments. I will leave it at that but I have the right to reply, unlike Senator Grace O'Sullivan.

Senator Aodhán Ó Ríordáin: I fully support the amendment and the sentiments expressed by Senator Norris. His amendment goes to the very core of our belief system and education. It brings to mind the vacuous statement that has been kicked around the place in recent years that Ireland should be the best little country in the world in which to do business. It really worries me that a Senator of such standing as Senator Norris must table an amendment like this one to scratch away at the very foundation ethos of what we are trying to build.

Are we trying to create economic units to fit into an economy? Do we believe in the liberation of education? The problem is there is a suspicion or a preconceived idea, which may be unfair, that the Bill, the Government and the Department lean towards industry and commerce and not towards the liberation of the mind. With that in mind, my party and I have on three separate occasions, in three different ways, and with three different wordings tried to ensure a member from the Irish Congress of Trade Unions, ICTU, could sit on the board of the governing authority for each technological university. Unfortunately, my party and I have been rebuffed three times. We simply tried to find a counterbalance to the entrepreneurial spirit that will be enshrined in the Bill.

The amendment tabled by Senator Norris and supported by Senator Grace O'Sullivan is crucial. It goes to the very heart of what we, in this Republic, fundamentally believe in when it comes to education. I believe that we should live in a society and not an economy. The purpose of education is to free the mind and not purely to produce entrepreneurs. Entrepreneurial spirit is fine and good. It is important for an economy but it is not the reason that we live. It is not the reason that blood courses through our veins or that hair stands up on the back of our necks. Amendment No. 5 is possibly one of the most crucial amendments that we will debate and it will be illuminating to hear the Minister of State's reaction.

Senator Marie-Louise O'Donnell: I agree with what Senator Norris has said. It is the very fact that he named the cat - entrepreneurship - that has us in trouble. I agree with him that ethos

and entrepreneurship is a contradiction in terms. When I think of the word “ethos”, I think of the idea of the good and I do not necessarily think of the profit margins for entrepreneurs. One might as well mention the idea of promoting the idea of the spiritual, beauty, common good or the good itself. The legislation keeps an eye on the main chance, which happens in the arts sector as well. By that I mean the consistent default position is how the arts can benefit tourism or the economy and not simply how the arts benefit society.

Senator David Norris: Exactly.

Senator Fintan Warfield: Hear, hear.

Senator Marie-Louise O'Donnell: I mean the genius of the arts and how the arts have an impact on all human heartbeats and on all ages. I think it is the naming of cats. One should remove the word “entrepreneurship” and insert the idea improving all aspects of life and assisting in the development of the human being, without naming one or any subject. Is that not what a university is about? One could also insert the term “financial literacy,” which is something extremely bereft in the education of our young people.

Senator David Norris: It would be good if the Government had some.

Senator Marie-Louise O'Donnell: Exactly. I agree with the Senator's amendment. I do not like the idea of promoting an entrepreneurial ethos. I do not like its contradictory element. When I think of the word “ethos”, I do not think of entrepreneurial skills.

Senator David Norris: What about ethics?

Senator Marie-Louise O'Donnell: Yes, I think of ethics.

Senator Brian Ó Domhnaill: Hear, hear.

Senator Marie-Louise O'Donnell: I also go right back to the lectures on *The Idea of a University* by John Henry Newman and further back to Plato who put forward the idea of the good. The Minister of State needs to change the legislation. With the naming of cats she has placed the matter in a big profit boundary, which is not what a technological university would set out to do at any level.

Senator Jennifer Murnane O'Connor: I totally disagree. I am a mother of four school-going children. As many as 13,000 students leave the south east every year to attend universities to gain a degree. I am not talking about the rich and poor. I am talking about having a technological university in the south east that provides courses for everybody. I view this matter totally differently from other Senators. As a mother I know that parents cannot afford to send their children to college in Dublin anymore because the Student Universal Support Ireland, SUSI, grants are nearly dead. Parents cannot afford to send their children to college because they must pay for everything. I am all for courses and degrees being provided by institutes of technology and technological universities.

Acting Chairman (Senator Gerry Horkan): Hold on. The Senator is not really talking to the amendment that we are discussing.

Senator Jennifer Murnane O'Connor: Yes. I am talking about the functions.

Senator David Norris: We are discussing the ethos.

Senator Jennifer Murnane O'Connor: Yes, the ethos.

Acting Chairman (Senator Gerry Horkan): The amendment proposes that there should be an ethos that supports entrepreneurship and other things. We are debating whether we should just have entrepreneurship or accept the amendment.

Senator Jennifer Murnane O'Connor: No.

Acting Chairman (Senator Gerry Horkan): That is all.

Senator David Norris: How does Senator Murnane O'Connor feel about that, as a mother?

Senator Jennifer Murnane O'Connor: As many as 100 masters and ordinary degree courses are available at Carlow Institute of Technology. I am speaking about the Carlow institute because earlier Senator Norris said that Waterford Institute of Technology should be granted university status.

Senator David Norris: Carlow Institute of Technology is excellent. It is outstanding.

Senator Jennifer Murnane O'Connor: A person can get the courses and any extra courses at the Carlow Institute of Technology. I do not believe Carlow needs a technological university.

Senator David Norris: Nobody has said Carlow should not have one.

Senator Jennifer Murnane O'Connor: I am not saying the Senator disagrees.

Senator David Norris: We are talking about the ethos.

Senator Jennifer Murnane O'Connor: I know what the Senator is saying.

Senator David Norris: One of the great things about the Carlow Institute of Technology is that it provides courses in music and the arts.

Senator Jennifer Murnane O'Connor: Earlier the Senator promoted the idea that Waterford Institute of Technology should be granted university status.

Senator Diarmuid Wilson: Hear, hear.

Senator Jennifer Murnane O'Connor: I am speaking about a technological university for the south east, which is a region that includes the counties of Carlow, Waterford and Wexford. The Senator did not do so and he told us he did not do so.

Senator Paul Gavan: I would say that Senator Norris has a point.

Senator Jennifer Murnane O'Connor: No.

Senator David Norris: The Senator is talking nonsense.

Senator Jennifer Murnane O'Connor: Not at all.

Acting Chairman (Senator Gerry Horkan): Hold on, Senator.

Senator David Norris: Senator Murnane O'Connor is talking nonsense.

Senator Jennifer Murnane O'Connor: No, I am not.

Senator David Norris: Does the Senator know what ethos means?

Senator Jennifer Murnane O'Connor: I know exactly what ethos means. I am asking the Senator what it means.

Senator David Norris: I am sure she knows, as a mother.

(Interruptions).

Acting Chairman (Senator Gerry Horkan): Order, please.

Senator David Norris: The mother of seven-----

Senator Jennifer Murnane O'Connor: Absolutely.

Acting Chairman (Senator Gerry Horkan): Senator Norris, please.

Senator David Norris: Sorry, I beg the Acting Chairman's pardon. He has been overwhelmed by the voices.

Acting Chairman (Senator Gerry Horkan): I was not but Senator Norris was.

Senator Alice-Mary Higgins: On a point of order, even though I may not agree with Senator Murnane O'Connor, she spoke to the functions.

Senator Jennifer Murnane O'Connor: I did.

Senator Alice-Mary Higgins: That is the section that is being amended.

Acting Chairman (Senator Gerry Horkan): Senator Higgins, I am in the Chair and I have ruled that the point made by Senator Murnane O'Connor was not relevant to the amendment.

Senator Jennifer Murnane O'Connor: My point was relevant.

Senator David Norris: It was not.

Senator Jennifer Murnane O'Connor: Yes, it was.

Acting Chairman (Senator Gerry Horkan): The point that Senator Murnane O'Connor made was more relevant to the debate generally.

Senator Jennifer Murnane O'Connor: I spoke about the functions of universities for everywhere. My point was relevant.

Acting Chairman (Senator Gerry Horkan): The amendment refers to the ethos.

Senator Jennifer Murnane O'Connor: My point was relevant.

Senator David Norris: There was not a lot of that.

Senator Jennifer Murnane O'Connor: My point was relevant.

Acting Chairman (Senator Gerry Horkan): I call Senator Brian Ó Domhnaill to speak to amendment No. 5.

Senator Brian Ó Domhnaill: It is hard to follow such a tiff.

Acting Chairman (Senator Gerry Horkan): I am sure the Senator will achieve great things.

Senator Brian Ó Domhnaill: I saw Senators Murnane O'Connor and Norris embrace each other only 25 minutes ago.

Senator David Norris: Absolutely. Senator Murnane O'Connor is a splendid woman.

Senator Brian Ó Domhnaill: Therefore, I know it is only a temporary little tiff and nothing more serious than that.

Acting Chairman (Senator Gerry Horkan): I ask the Senator to speak through the Chair, please.

Senator Brian Ó Domhnaill: I wholeheartedly support the spirit of the amendment. It goes to the foundation and principle of our educational system. The word ethos is a Greek word. It comes from the meaning of belief and the ideology of something. A belief system or an ideological educational system should foster the educational spirit and advancement of the individual, not just the business ideals of IBEC and these organisations. It has to go much further than that. This amendment is crucial to the future development of technological universities throughout the country. I will support the amendment wholeheartedly. I am not sure if I should speak on amendment No. 6 now, since they are coupled-----

Senator David Norris: The Senator can.

Senator Brian Ó Domhnaill: The amendment put forward by Senator Grace O'Sullivan is also very important and it goes to the heart of the Government's own 20-year Irish language strategy. It is a strategy aimed at-----

Senator David Norris: No, that is not-----

Senator Brian Ó Domhnaill: -----promoting and developing the Irish language among all citizens of the country. The Irish language should be recognised specifically in this legislation so that there can be advancement of the language and that there can be collaboration between technological universities and Irish language organisations in each region, including Foras na Gaeilge and Údarás na Gaeltachta, the social and economic development agencies, in places like Waterford, Galway, Donegal and Mayo where these technological universities will be located. I wholeheartedly support both of these fantastic amendments which I think go to the core of what education should be about. It should not be hijacked just for economic gain. Students do not just go to university for economic reasons. They go for a myriad reasons, including the purposeful self-development and advancement of the individual.

Senator Jennifer Murnane O'Connor: That is if they can afford to go.

Senator Brian Ó Domhnaill: This amendment is not about that.

Senator Jennifer Murnane O'Connor: That is the reality here.

Acting Chairman (Senator Gerry Horkan): Senator Ó Domhnaill, without interruption.

Senator Brian Ó Domhnaill: I come from Donegal, where students can no longer afford to

come to live in Dublin. That is why we want to make sure that these technological universities can provide for those students and not just be left as economic hubs where people can go simply to advance the region economically. It is not about that. This is about the individual, not just the region, so it is important to make that distinction.

Senator Alice-Mary Higgins: I spoke at some length on a similar amendment on Committee Stage, so I will not speak at the same length on it now. I congratulate Senator Norris on improving the amendment tabled on Committee Stage and strengthening it further. It has been spoken to, and while people may say that this seems like an academic exercise, as was said earlier, this is an academic exercise. We are putting in place new universities and words matter at an academic level.

As has been described, ethos is the underlying principle, spirit and, effectively, ideology or priority of an institution or body. Senator Marie-Louise O'Donnell put her concern clearly, saying that it would not be an issue if the Bill did not name the cat. Nobody would gratuitously seek to add these elements. There are simply two cats which have been named. The word ethos has been mentioned, and ethos is the underlying spirit, philosophy and principle. That is what that word means. It would be different if the word were used elsewhere in the legislation, but it is not. This is where it is used. The Bill uses that word and concept and specifically only named entrepreneurial. There is a concern. Other parts of the Bill mention economic, social, cultural and technological development. We talk about the diversity of values, critical and free inquiry and informed debate. There are many wonderful things in this Bill and I would acknowledge that many positive functions have been put in place in this Bill. The word "ethos" has only been attached to one element of it, the entrepreneurial element. It is in a section that says "in so far as possible". We know that there has always been debate on how that term should be interpreted.

Senator David Norris: It is a get-out clause.

Senator Alice-Mary Higgins: "In so far as possible" can be interpreted quite heavily and has been in the past. "In so far as practicable" and "in so far as possible" have been a point of legal debate in this country in the past. There could be a genuine concern, when saying "in so far as possible", that there could be an opportunity for a new area of research to be entrepreneurial in that it may create profit for somebody, perhaps something that has military applications or a medication could be researched and it would be entrepreneurial for a less expensive medication not to be made available. These are key concerns. Will there be points where we say that the technological university has a responsibility in so far as possible in the performance of its functions to promote entrepreneurship? We have a concern about this.

I want to see entrepreneurial development and new companies developing. I am entirely in favour of that. Where there is public interest, concern about creativity and, crucially, engaged citizenship and going through the function of democracy, I want those to be given just as much value and concern when we are deciding it. I do not want a situation where a university has this thrown in its face, so to speak, if, for example, it chooses not to go in a direction that may be more profitable in the short term but may be counter to long-term public interest. If the Bill had stated "promoting entrepreneurial actions" or "promoting entrepreneurial activities", nobody would be complaining. That is fine. There is a word that is very heavily attached in that section, so in that sense, I echo the concerns of last time. I will not go into it at further length.

I will speak to amendment No. 6, which relates to that key responsibility. We spoke about the development of the regions. Many of the universities and institutes of technology, which

will be our future technological universities, that we have often serve regions which encompass Gaeltacht areas. We have that in Donegal, Galway and the Ring Gaeltacht in Waterford, among many other areas. This is a very practical amendment put forward by Senator Grace O’Sullivan, not exclusively because of those areas but because of the general rights of all citizens in ensuring the promotion of the Irish language. I did not cosign it. I am just speaking in support of it. It is about promoting the Irish language and collaborating with regional and national agencies to that end. This is Bliain na Gaeilge. We are in the year of the Irish language. If we do one thing in Bliain na Gaeilge, let us make sure that we bear it in mind in a proper way and that, when we look through legislation, we look at how it will serve all regions of our country, including those Gaeltacht areas, and all citizens of our country by including their first language and the promotion of that language. I will support the amendment.

Amendment No. 6 relates to amendment No. 5 in that it is a real regret that the idea of a representative of the Irish Congress of Trade Unions, an external member, being included, which was the proposal from our colleagues across the House in the Labour Party, was blocked. While the Minister of State will say that we have the Teachers Union of Ireland, TUI, we have the representatives of the interests of the staff. If one wanted to have the stakeholders in society, surely unions are as much stakeholders in society in that wider perspective as those who may be business holders or business operators?

Senator Grace O’Sullivan: I cosigned this amendment. I support Senator Norris and have to say that the amendment is better worded than that which I brought through on Committee Stage. The institutions in question have an existing ethos and it is worth exploring it. The report that led to the founding of regional technical colleges, RTCs, in 1967, the Mulcahy report, is the North Star of these institutions. It states:

[W]e do not foresee any final fixed pattern of courses in the colleges. If they are to make their most effective contributions to the needs of society and the economy, they must be capable of continuing adaptation to social, economic and technological changes. Initiative at local and national levels will largely determine how far this vital characteristic is developed. We are concerned that the progress of these colleges should not be deterred by any artificial limitation of either the scope or the level of their educational achievements.

What was wrong with these words in the Mulcahy report half a century ago as regards ethos? The Minister is introducing a fixed pattern of courses that will limit the “effective contributions to the needs of society and the economy”, thus limiting the ability of the universities to adapt and shape their own ethos with this artificial limitation to their scope. Ireland is more than an economy. The universities must be built on the broad progressive and enlightened words used to conjure up the institutes of technology.

With reference to amendment No. 6 in my name on Committee Stage which sought to promote the Irish language and collaboration with regional and national agencies to that end, I am surprised that the Bill has gone through the Dáil and has reached this stage without expressing support for the Irish language. It is a shock, having regard to technological university consortia with a Gaeltacht in their area, that the Irish language has not been referred to specifically. The Minister of State might say this is an issue for the institutions, but this House knows that, faced by other pressing demands such as the achievement of academic excellence, higher education institutions on this island shirk their responsibility to promote the language. I, therefore, ask the Minister of State to consider amendment No. 6.

Acting Chairman (Senator Gerry Horkan): There are two more speakers, Senators Paul Gavan and Paudie Coffey.

Senator Paul Gavan: I find this conversation depressing because the arguments are so clear on the reasons we should accept Senator David Norris' amendments. I cannot see how anyone would object to the wording to promote an ethos that supports entrepreneurship, creativity, autonomy, innovation and engaged citizenship. I would love to know which part of the wording is inappropriate? I challenge the Fine Gael Party if it is not going to work with us on the Bill to tell us which part of the wording is not appropriate. Is it the words "engaged citizenship", "autonomy" and "innovation" to which they object? It is frustrating. To be frank, are we wasting our time?

Senator David Norris: Yes, except in making the argument.

Senator Paul Gavan: It appears that we are because there have been a number of reasoned contributions made. I was particularly struck by Senator Grace O'Sullivan's contribution. She asked a pertinent question: what was wrong with the existing ethos? Why do we have to boil it down to entrepreneurship? We all know, because of the history of our country, how important jobs are, but I do not believe the purpose of education is purely to be at the service of private industry. Surely we are better than that. I wonder about the ideology that lies at the heart of it, whether it is the ideology of civil servants in Departments, or just the very strong right-wing ideology of the Fine Gael Party, that believes we should boil it down to entrepreneurship above all else. That is straight out of Mrs. Thatcher's play book. I do not accept it. More importantly, across this Chamber there is consensus that it should be changed. I worry about the values the Government is espousing. Is entrepreneurship what we are going to teach young people as they enter third level colleges? Let us narrow the curriculum. There was a person speaking on the "Ryan Tubridy Show" yesterday morning who was discussing the dangers of narrowing education, yet here we have the Minister of State at the Department of Education and Skills-----

Senator Paudie Coffey: Has the Senator read the Bill?

Senator Paul Gavan: Yes, I have.

Senator Paudie Coffey: It is not just about the economy.

Senator Paul Gavan: The Senator will get his turn.

Acting Chairman (Senator Gerry Horkan): I am in the Chair.

Senator Paul Gavan: It is very disappointing to see that there is this ideology. I have pointed this out on several occasions and every time I do so Fine Gael Members go into denial, but the fact of the matter is this is branding to bring the education system in the way of the American system where, effectively, it becomes an adjunct of business. That is what we are talking about and nobody has given us a sufficient explanation as to why it should be just about entrepreneurship. No one has told us what is wrong with the wording of Senator Norris' amendment. I look forward to Senator Paudie Coffey telling us what is wrong with it. I encourage Fine Gael Members, if possible, to move beyond this narrow right-wing reference and try to broaden it to embrace other views. Let us try not to divide the House on the issue. I love that phrase which is always used just before we divide.

Senator David Norris: We are not going to have a vote this time.

Senator Paul Gavan: I know that. I cannot see any reasoned argument to object to what the Senator is saying. Equally, as somebody who cannot speak Irish but sends his children to a Gaelscoil, I am genuinely surprised that this issue of the language dealt with in amendment No. 6 has not been addressed. Again, I am genuinely bewildered as to why the Government will not accept the amendment. That bring me back to the key point. Is the Bill just a charade? Are we simply wasting our time because it does not matter how reasonable and reasoned amendments are, as the Minister of State and her colleagues are going to dismiss each and every one of them? If that is the case, it is making a mockery of this Chamber.

Senator Paudie Coffey: It is important that we have a robust debate on the future of the technological universities, their ethos and everything else about them. I do not have a particular difficulty with the wording of what Senator David Norris has proposed, but having read the Bill, I do not have a difficulty with what the Government has proposed. The Minister of State has allowed for a very broad spectrum of understanding as regards the ambitions for the universities. I will read the relevant paragraph because Members are trying to argue that this is just about business, entrepreneurship and the economy, when it is not. It states, in so far as possible in the performance of its functions, “contributing to the promotion of the economic, cultural, social, scientific and technological development of the State.” To me, cultural and social development is about the Irish language. The next line goes further - “respecting the diversity of values, beliefs, and traditions in Irish society”. What are the traditions in Irish society? The Irish language is one; the Irish culture is another and there is all that goes with it. There is a reference to the humanities, while charity is another strong tradition in Irish society. I will go further. Members are saying we are trying to narrow the ethos of technological universities just to business, but the next line in the Bill reads: “promoting critical and free inquiry, informed intellectual discourse and public debate”. What is public engagement? It is about all of those things within the technological university and wider society.

We are cutting ourselves up over the wording of an amendment, but I understand the main argument of the Opposition is that we are putting too much emphasis on entrepreneurship in the ethos. I could also argue that point. I have argued passionately why people living in all regions should have access to a university education. I have also argued passionately on the strengths of apprenticeships and vocational education in meeting the needs of a modern society. We need to differentiate in what universities will provide for in the future as we cannot have more of the same. We have to have differentiation on the political spectrum, whereby educational courses and the attainment of adequate qualifications by graduates will meet the needs of society. Yes, it is great to have academics, deep thinkers, people in pensive mood and all of that, but we also need to respond to the challenges faced by Irish society. From where are the graduates for the construction sector to come to deliver the new national development plan? From where will the scientists come to meet the challenges faced in a modern society? They will come from the institutes of technology which want to remain as such or from those that wish to escalate their development to full technological university status.

It is important we differentiate those. I certainly do not want more of the same. We should have choice for options to go where they wish. We need to have more places in the educational spectrum and the technological universities can allow for that.

I am certainly not going to be beaten up about this amendment. I understand where Senator Norris is coming from but I argue that this is not just about entrepreneurship. The Minister of State has provided in the Bill a wide spectrum, going across cultural, historical, traditional,

social and scientific areas. I am happy to support the Minister of State on this. I have been critical of the Bill in other ways, and I stand over that, but I am happy to support the Minister of State in this because there is a place for technological universities to meet a specific need in this country for the modern skills we will need in future.

Senator Fintan Warfield: Senator Coffey still says he is not against the amendment.

Senator Paudie Coffey: I said I had no problem with the wording.

Senator Fintan Warfield: The amendment deals with ethos, with the institutions promoting an ethos that would support entrepreneurship. The ethos is separate from the laudable matters outlined in the Senator's speech. Senator Gavan mentioned America and I was there. The only support one gets in America is through entrepreneurship. The only grants that governments are willing to give out relate to entrepreneurship. One could be on one's knees but if a person is an entrepreneur, he or she will get something. In my lifetime there has been an increase in the celebration of entrepreneurship, which is fine, but not if the vast majority of the entrepreneurs are not among those wealthy people that we picture, or if entrepreneurs live in poverty. I presume the description of entrepreneurship accepted by the Government is those who are employed independently, such as sole traders, etc. That is not the aspiration of everybody who goes to college. Is this a Government for IBEC or is it a Government for the people? There are issues raised by the amendment from Senators Norris, Boyhan and O'Sullivan, including the creativity element. Every Government strategy, including Culture 2025, which has the aim of putting culture at the heart of our lives and developing a more collaborative approach across all sectors, runs against the grain of what is currently in the Bill so I support the amendment.

Senator Lynn Ruane: When Senator Higgins spoke she acknowledged the positive elements that Senator Coffey referred to. The problem is not that we are ignoring the positive aspects dealing with respect for diversity of values, beliefs and traditions in Irish society. We must understand the strength of the word "ethos", which refers to the culture that underpins something. If we looked up the meaning we would see that it refers to the characteristic spirit of a culture. It is about the manifestation of attitudes within a community.

The amendment does not refer to promoting an ethos of diversity of values, beliefs and traditions. It does not have the strong underpinning that comes with "ethos" in the other parts of the definition but it does when it comes to entrepreneurship. It puts it on a stronger footing than the other elements of the section. That is what we are arguing about.

Ethos should take in the whole university and all of those elements. It should not be singled out in one part. That is the crux of the problem. We can get caught up in words all we want but we are moving more to the "marketisation" of people and degrees. People can be seen as economic factors within a university but that should not be the case. When we speak of ethos we should speak about the attitudes and characteristics manifesting in a community and what we are trying to do with students. I ask the Minister of State to consider both amendments but especially the amendment from Senator Norris.

Deputy Mary Mitchell O'Connor: To clarify, we are talking about deleting everything after the word "functions". That subparagraph at 9(1)(k)(iv) should be read as a composite piece in its entirety. Hence clause (I) requires the technological university to contribute in a very broad fashion to, "the promotion of the economic, scientific [...] and technological development of the State", but also to the cultural and social development of the State. These goals must

surely be understood to comprise an important function of the institution. Clause (II) requires that the technological university respects, “diversity of values, beliefs and traditions in Irish society”. I consider this requirement to be a crucial part of the mission of an institution. In a similar vein, clause (III) indicates it shall promote, “critical and free enquiry”, which is very important, as well as, “informed intellectual discourse and public debate within the technological university and its wider society”. These are all very important and crucial functions for the technological university.

The Senators are suggesting these contributions to the promotion of the economic, cultural, social, scientific and technological development of the State, respecting diversity and promoting critical and free inquiry should be simply removed from the Bill. The provisions I have just cited are very important and fundamental in the context of the technological university performing its functions. Therefore, I cannot support their wholesale removal.

The Senators’ alternative wording includes the words “creativity, autonomy, innovation, and engaged citizenship”. As I outlined on Committee Stage, these are well covered elsewhere in the Bill. The proposed deletion of clauses (I), (II) and (III) in this subparagraph would lead to an imbalance in the section that I do not accept. Therefore, I cannot currently accept amendment No. 5.

Amendment No. 6 deals with the Irish language. As set out in the programme for Government, the Irish language is of critical importance to our heritage and culture. The programme for Government requires the systematic implementation of the 20-year strategy for the Irish language for 2010 to 2030, to increase the number of people using Irish in their daily lives and to ensure that Irish becomes a more visible language in today’s society, both spoken and in areas like signage and literature. As set out in the current Action Plan for Education 2018, which we launched two weeks ago, the Department of Education and Skills is working with the Department of Culture, Heritage and the Gaeltacht to advance the education elements of the 20-year strategy for the Irish language, including in the third level sector.

In the overarching context of a national policy for higher education, an tÚdarás, or the Higher Education Authority, is legally required under the Higher Education Authority Act 1971, in performing its functions, to constantly bear in mind the national aims of restoring the Irish language and preserving and developing the national culture. It shall endeavour to promote the attainment of these aims.

In regard to the performance of the function in this context, the HEA, an tÚdarás, interacts with the higher education institutions through the system performance framework, including the authority’s strategic dialogue and performance compacts with individual institutions. Third level institutions and third level education, through the medium of Irish, needs to be of high quality and delivered in a strategic and co-ordinated way. These institutions also need to provide for a diverse range of disciplines in response to market requirements for graduates who are proficient in the language and possess a specific skill set. Higher educational institutions are independent bodies and the academic council within each educational institution controls the academic affairs, including the curriculum provided. In the performance of their functions, technological universities shall have regard to policies of the Government, including education and training policies and educational policies related to the furtherance of the 20 year strategy of the Irish language for 2010 to 2030.

At the outset I stated that the Irish language is of critical importance to our heritage and cul-

ture. The Technological Universities Bill is unequivocal in seeking to ensure the cultural development and cultural links that are promoted by a technological university. For example, section 9(1)(k)(i) of the Bill provides that one of the functions of a technological university shall be to to serve the community and public interest by “developing and promoting strong social and cultural links ... between the technological university and the community in the region in which the campuses of the technological university are located”. Section 9(1)(k)(iii)(V) provides that a technological university shall foster close and effective relationships with “organisations representing the social, creative and cultural interests of the community in the region in which the campuses of the technological university are located”.

Section 9(1)(k)(iv) provides that technological universities, in so far as is possible in the performance of their functions, shall contribute to “the promotion of the economic, cultural, social, scientific and technological development of the State” and respect “the diversity of values, beliefs and traditions in Irish society”. Ar an slat tomhais, is gné tábhachtach d’aithmeanna aon ollscoil teicneolaíochta an cultúr a chur chun cinn agus a fhorbairt, ina measc sin, an gné is bunúsaí dár gcultúr - an Ghaeilge. Sa chomhthéacs seo, ní ghlacaim leis an leasú.

Senator Alice-Mary Higgins: On a point of clarification, I believe-----

Acting Chairman (Senator Gerry Horkan): I can only allow a point of order. I cannot allow a point of clarification.

Senator Alice-Mary Higgins: It is a point of order.

Acting Chairman (Senator Gerry Horkan): It is not a point of order.

Senator Alice-Mary Higgins: It is.

Acting Chairman (Senator Gerry Horkan): The Senator just said it was a point of clarification, so it is not a point of order.

Senator Alice-Mary Higgins: It is a point of order because I believe the Minister of State attributed to Senator Norris an intention to remove those sections.

Acting Chairman (Senator Gerry Horkan): That is not a point of order.

Senator Alice-Mary Higgins: As I understand it, that is not the intention.

Acting Chairman (Senator Gerry Horkan): Senator Norris is the only one allowed to make a point at this point.

Senator Alice-Mary Higgins: Perhaps he will be able to clarify the situation because there may have been a drafting error.

Acting Chairman (Senator Gerry Horkan): I call Senator Norris to conclude.

Senator David Norris: First, I compliment the Minister on her intellectual agility. She says the Irish language is of critical importance. It is of such importance it is not mentioned once in the Bill. That is very important, indeed. In fact, I think I will have to sit down at the extraordinary impact of the importance of the Irish language which is not referred to at all in the Bill. Not once. The Minister of State drags in all kinds of secondary legislation to support the implication that Irish is here, there and everywhere else. It is nowhere in the Bill and what we are speaking to is the Bill. We are not speaking about communities on the Aran Islands or

those who think Údarás na Gaeltachta is a wonderful organisation. We are talking about the Irish language but this is something the Minister of State has significantly failed to do, which shows the critical importance of Irish. It is a charade. It is a complete and utter nonsense. Why do we not take down the green flag from the masthead if we are not prepared to accept that Irish is the first official language of the State?

Senator Paudie Coffey: The Senator's amendment does not say anything about the Irish language.

Senator David Norris: Of course it does not, darling. Senator O'Sullivan's amendment does, however, and that is what I am talking about.

Senator Paudie Coffey: Senator Norris's amendment does not though, and he is speaking to his one.

Senator David Norris: No, I am not. Now here is another conundrum. Senator Coffey knows what I am talking about. He knows my intentions. God help us. He must be a product of Waterford technological university.

Senator Paudie Coffey: Yes, indeed. Very smart.

Senator Jennifer Murnane O'Connor: I have to say that Senator Norris is being very smart today. I object to that. It is not a nice thing to say.

Senator David Norris: We will have the niceness police now.

Senator Jennifer Murnane O'Connor: The Senator is being very rude to us all today.

Acting Chairman (Senator Gerry Horkan): Senator Norris, to continue.

Senator David Norris: Let me turn to Senator Murnane O'Connor since she has so unwisely drawn attention to herself.

Senator Jennifer Murnane O'Connor: Do I see a little bit of snobbery here, Senator?

Acting Chairman (Senator Gerry Horkan): Through the Chair.

Senator David Norris: She has faked moral courage. She persuaded Fianna Fáil to abstain and I salute her for it but, if I may pay him a compliment, the Acting Chairman was 100% right that she was wandering all over the place. She was nowhere near the amendment at all but I respect the fact that she was making a strong parochial case for Carlow. She ignored the substance of the debate which is about the ethos.

Senator Jennifer Murnane O'Connor: I spoke on the ethos.

Senator David Norris: I have said many times during the course of the debate that I recognise colleges such as those in Waterford and Carlow because they have extended the range of activities way beyond the merely commercial and technological.

Senator Jennifer Murnane O'Connor: Is the Senator-----

Senator David Norris: Would the Senator like me to sit down?

Senator Jennifer Murnane O'Connor: Have we a Trinity snob here?

Acting Chairman (Senator Gerry Horkan): Senator Norris to conclude, without interruption.

Senator David Norris: I thought the idea of Trinity snobbery was done away with. Perhaps we should hear Senator Ruane on Trinity snobbery. Perhaps it is just-----

Senator Gerry Horkan: Sorry, Senator Norris. Please conclude on amendments Nos. 5 and 6.

Senator David Norris: Let me just say to the Minister of State that I have no problem with leaving in clauses (I), (II) and (III). Let me give her that concession. We will give her clauses (I), (II) and (III) because there is nothing wrong with them. They are absolutely fine. Let us leave in clauses (I), (II) and (III) but talk about the ethos as being one that “supports entrepreneurship, creativity, autonomy, innovation, and engaged citizenship”. The whole point of the question at issue is the primary role given by this legislation to entrepreneurship because the ethos governs everything.

Senator Jennifer Murnane O'Connor: We understand that.

Acting Chairman (Senator Gerry Horkan): Senator Murnane O'Connor-----

Senator Jennifer Murnane O'Connor: I have to make that clear. We know what ethos means. He is speaking to us like we are in the classroom.

Acting Chairman (Senator Gerry Horkan): Senator Murnane O'Connor is not entitled to keep interrupting Senator Norris.

Senator David Norris: She would never get into my class.

Senator Jennifer Murnane O'Connor: We are not in school.

Senator David Norris: Wrong background altogether.

Senator Jennifer Murnane O'Connor: We know what ethos means.

Senator Alice-Mary Higgins: On a point of order, is it possible to change a line number at which an element is inserted? Can that be clarified by the clerk perhaps?

Acting Chairman (Senator Gerry Horkan): The amendments that have been tabled are the amendments to be discussed.

Senator Alice-Mary Higgins: Is there any discretion on where the line is inserted?

Acting Chairman (Senator Gerry Horkan): There is no discretion on the amendments. The amendments that have been tabled have been tabled and they are as they are.

Senator Alice-Mary Higgins: It seems that there has been an inadvertent drafting error in terms of where it is positioned and its impact on clauses (I), (II) and (III). I just wanted to clarify if it was possible to change it.

Acting Chairman (Senator Gerry Horkan): It is not possible at this stage.

Senator Alice-Mary Higgins: Can it be changed on Final Stage?

Senator Lynn Ruane: It can be changed on Final Stage.

Senator Alice-Mary Higgins: Is that a possibility? Could we get clarification on that?

Senator Lynn Ruane: A drafting error can be changed on Final Stage.

Acting Chairman (Senator Gerry Horkan): There would be scope for drafting corrections on Final Stage. There is very limited scope but they can be made by the clerk. Does Senator Norris wish to come back in?

Senator David Norris: The Acting Chairman has placed me in a quandary. Is the Acting Chairman saying that this can be altered on Final Stage?

Acting Chairman (Senator Gerry Horkan): A comma in the wrong place can perhaps be corrected. Only very minor drafting errors can be corrected.

Senator Paudie Coffey: On a point of order, the amendment states that it is “to delete all words from and including ‘functions—’ in line 24 down”. I therefore do not think there is the possibility to do what the Senators are saying.

Senator Alice-Mary Higgins: I just wanted to clarify it.

Acting Chairman (Senator Gerry Horkan): The amendments are as they are and they either stand or fall depending on the will of the House.

Senator Jennifer Murnane O'Connor: I am shocked Senator Norris did not know that. I knew it.

Acting Chairman (Senator Gerry Horkan): This debate is concluding in 11 minutes.

Senator David Norris: Is the Senator speaking as a Murnane or as an O'Connor or just an ignorant bystander?

Senator Jennifer Murnane O'Connor: I am speaking as Murnane O'Connor.

Senator David Norris: Double barrelled Ms Murnane O'Connor is accusing me of snobbery. I do not have a hyphen in my name.

Acting Chairman (Senator Gerry Horkan): Senator Norris, are you concluding?

Senator David Norris: I have concluded and I am calling for a vote.

Amendment put:

The Seanad divided: Tá, 12; Níl, 25.	
Tá	Níl
Conway-Walsh, Rose.	Burke, Colm.
Daly, Paul.	Burke, Paddy.
Humphreys, Kevin.	Butler, Ray.
Kelleher, Colette.	Byrne, Maria.
Mac Lochlainn, Pádraig.	Coffey, Paudie.
Nash, Gerald.	Conway, Martin.

Norris, David.	Daly, Paul.
O'Sullivan, Grace.	Hopkins, Maura.
Ó Clochartaigh, Trevor.	Horkan, Gerry.
Ó Domhnaill, Brian.	Lawless, Billy.
Ó Ríordáin, Aodhán.	Leyden, Terry.
Warfield, Fintan.	Lombard, Tim.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Murnane O'Connor, Jennifer.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Donnell, Marie-Louise.
	O'Mahony, John.
	O'Reilly, Joe.
	O'Sullivan, Ned.
	Ó Céidigh, Pádraig.
	Reilly, James.
	Richmond, Neale.
	Wilson, Diarmuid.

Tellers: Tá, Senators David Norris and Grace O'Sullivan; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

Debate adjourned.

Versatis Medicated Plasters: Statements

Acting Chairman (Senator Catherine Noone): Spokespersons have eight minutes and can share time.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Leader and Members for the opportunity to address this important issue on behalf of the Minister, Deputy Harris, who is unable to be here, and I look forward to hearing the Senators' contributions. People are rightly concerned about this issue, and I am conscious of the impact which a change in reimbursement arrangements has had on individual patients.

As Minister of State at the Department of Health, I have tried in everything that I do to put the interests of patients first. Of course I can empathise with people who are experiencing all sorts of pain, whether post-shingles or otherwise, and who are of the belief that lidocaine plasters offer the best course of treatment. That is why the Minister, Deputy Harris, has worked with the HSE over the last couple of weeks to seek to make the new arrangements as compassionate as possible, all the time accepting that clinical evidence and patient safety must be the

first consideration. In that context, I will outline the background to the decision by the HSE's medicines management programme to change the arrangements that had applied. I will also outline the process that is now in place to enable patients to seek continued access to the lidocaine plasters.

Lidocaine plasters are licensed for localised post-shingles pain in adults. This is the only licensed use in Ireland. The plasters have been reimbursed through the community drugs schemes since 2010. When the plasters were first introduced the budget impact was low because of the specific indication for which they are licensed. It was a cause of clinical concern when, from 2012 on, usage increased significantly, to the point where we were using more plasters than the entire UK National Health Service, which serves ten times our population. When a treatment is intended for a small group of patients and evidence suggests that it is being used for many times that number, it is important and appropriate for clinicians to review its use. That is what happened in 2016 when the HSE medicines management programme reviewed the use of the plasters. The review estimated that only 5% to 10% of prescribing had been for the licensed indication. Following the clinical review, and to ensure the most appropriate patient care, the HSE introduced a new reimbursement approval system from 1 September 2017. This was a clinical decision made by the HSE in the interest of appropriate prescribing and patient safety, which should always outweigh all other considerations.

The introduction of the new approval system was flagged in August 2017 when details of the proposed changes were circulated by the HSE to prescribers and pharmacies. This gave practitioners time to inform patients about the changes and, where appropriate, to change treatment or seek continued treatment. This advice has been re-issued in the last week, and information for patients and practitioners is on the HSE medicines management programme website page.

Under these new arrangements, all patients who were receiving lidocaine plasters for the licensed indication, shingles, were automatically approved on the HSE system. All these patients continue to receive the treatment under the community schemes. Patients who had been prescribed lidocaine plasters for other indications were given a three month grace period. They would continue to receive the lidocaine plasters up to the end of November but were required to be registered by their GP for continued reimbursement approval after 1 December. In other words, from 1 December 2017, non-shingles patients no longer automatically qualified for the lidocaine plasters. The system put in place enabled their GPs to apply, using a dedicated online system, for continued use. If an application is refused, the GP may appeal, making a clinical case for the patient.

The HSE advises that the turnaround time for applications is three working days and for appeals, it is five days. I want to stress that non-shingles patients can still be approved for plasters through the community schemes, where their GP can make a clear clinical case. As of last Friday, approximately 1,500 post-shingles patients have been approved and the plaster is being provided to these patients in the normal manner. Another 4,784 patients were registered by their GP for use other than post-shingles pain, and 14% of these, or 670 people, have been approved. In addition, 284 online appeals have been made, including patients who were never registered and over 65% of these appeals have been approved.

This means over 2,300 patients are now approved for the plaster in the drug schemes, with more than 850, over one third, approved for use other than post-shingles pain, based on the clinical case made by their GP. It is clear this new process supports appropriate use and prescribing. Both post-shingles patients and other appropriate cases can continue to be treated

with lidocaine plasters.

Acting Chairman (Senator Catherine Noone): I call Senator Murnane O'Connor. Is time being shared?

Senator Jennifer Murnane O'Connor: Yes.

Acting Chairman (Senator Catherine Noone): Is that agreed?

Senator Jennifer Murnane O'Connor: It is. I am taking five minutes and Senator Daly is taking three minutes if that is okay?

Acting Chairman (Senator Catherine Noone): Yes, I will let the Senator know when there is a minute remaining.

Senator Jennifer Murnane O'Connor: I would like to thank the Minister of State for coming to the House but I am disappointed the Minister, Deputy Harris, is not here. This is a serious issue and it is not being addressed. Since the removal of Versatis patches from the drug payment scheme some weeks ago, I, my Seanad colleagues and members of the Fianna Fáil Party have witnessed people's tears, desperation, distress and pain. The HSE introduced a new scheme for lidocaine, a 5% medicated plaster known as Versatis patches, from September 2017. That was without what I would consider fair warning. I know the Minister of State said three months' notice was given but that was given to doctors. Many people buy them under the drug payment scheme or get them on their medical cards every few months, so that certainly was not long enough.

From 1 December 2017, non-shingles patients were no longer to receive this under the drug payment scheme. Doctors and consultants were still prescribing it but the patients could no longer access it unless they had the money to pay for it. I believe this is down to money and to someone in the HSE deciding that people in England, a larger country, were not using as many patches as people here. We have people crying in chronic pain but because we are spending too much, they are being told that they cannot have it. I have a major issue with this.

According to reports I read, more than 25,000 people were affected when Versatis patches were removed from the scheme in December following a review. Some have said their health and quality of life have rapidly gone downhill since. Versatis patches cannot be purchased without a doctor or consultant prescription. Doctors are still prescribing it. However, the HSE seems to think it knows more than doctors and consultants in regard to what is good for a patient. It points out that the patches are not licensed for use for many of the ailments for which they were being prescribed. Of the roughly 200 appeals the HSE received, it said that over 50% were accepted on clinical grounds. It also said it wrote to all GPs in August 2017 advising them of the changes and of alternative treatments and it published a patient information leaflet. Many people who spoke to me did not see it. The news came as a shock and a surprise to most, if not all, the patients who were told they could no longer receive the patches under the drug payment scheme.

Doctors, patients and their families took to radio shows, social media and places they felt they would be heard. The common thread in their conversations was these patches had become a lifeline and to take them away was cruel. The Department of Health said it had been informed by the HSE that it is possible for non-shingles patients to be approved for the patch under the scheme. We were told the patient's GP should apply to the HSE medicines management pro-

gramme through the online system, and the application would be reviewed. Why are they making these people apply? It is online but the doctors have to do it for the patients. It has to be appealed through the doctor, if he or she has time as we are short of doctors. However, it has to be appealed every three months, which is disgraceful.

The issue at the heart of the matter for the HSE is that the patches cost too much and there had been a rapid rise in their use over the last number of years. The cost skyrocketed. This is an issue we need to look at. A lady who came to my clinic in Carlow told me the patches for one month cost almost €300. However, in Spain, they are cheaper.

Why did the HSE let the cost skyrocket in the first place? Why were these patches allowed to be prescribed in such volume, if they were not licensed? There are too many questions and too many people in turmoil because of this. The HSE, which works for us, seems to be allowed to do whatever it likes. There is no accountability. Nobody seems to be listening to the people who are drawing the short straw in every decision. People have been prescribed something that makes them feel better without the nasty side effects of other medications.

I call on the Department of Health to begin an immediate impact study of the withdrawal of Versatis patches from the scheme and a review of same. There is an online petition, which 7,000 people have signed, because people are in a terrible amount of pain. This is not about money but about people's quality of life and people who are in chronic pain. Their quality of life has been taken away. I ask the Minister of State to meet with the HSE and to say this is unacceptable. Please change this.

Senator Paul Daly: I welcome the Minister of State to the House. There comes a time when the official line does not always tally with what is happening in the broader community and society. This is an occasion where we have to address an underlying problem. The withdrawal of Versatis patches has left many people with pain levels they can no longer tolerate. There is no doubt there has been a huge escalation in the prescribing of the patches and in the demands on the budget. At the same time, we have to accept many people claim this has had a major impact on their lives because of their ability to deal with pain.

Some of the longest waiting lists in the country include long waits in the area of neurological illnesses and diseases. I refer to waiting for outpatient and inpatient appointments with neurological consultants and neurosurgeons. A huge number of people need these patches to function on a daily basis because they are waiting for a long time to see consultants or to get treatment for a neurological condition. If waiting lists and waiting times were addressed, it might save the money we seem to be worried about.

However, we now have a situation where these patches have been withdrawn from the drug payment scheme and where there is a change in what they can be prescribed for. When a huge cohort of people are highlighting something on "Liveline" and in many other fora and are contacting politicians' offices, it is evident the change is having a profound impact on people's lives. Officially the HSE said the medication, Versatis, has not been withdrawn. However, since last September, a second layer of approval has been in place for GPs who want to continue prescribe it beyond three months. It has been estimated that up to 25,000 people were on Versatis patches. The Government has, by reducing the number of patches available by 90%, also reduced the cost by 90%. That shows the Government would rather save money than enhance people's lives. The Government has taken a vital medicine away from 90% of its users for whom it was essential on a daily basis. These people suffer chronic pain and the action taken

by the Government is equivalent to shutting down an emergency department for each sufferer across the country.

We ask the Government and the Minister for Health to intervene and suspend the decision taken by the HSE. We ask the Government and the Minister to put the patient at the centre of the issue rather than on the periphery, as has been the case to date. We ask them to carry out due diligence and enable people to get their lives back together again, to live meaningful lives and to live as they had done while using the patches. The Taoiseach claims the decision is about patient safety but I believe it is a blatant cost-cutting measure. The briefing note that the HSE sent to the Oireachtas Joint Committee on Health also lists the costs involved if there is a significant increase in the number of patients using the medicine. The sudden, overnight nature of this decision was appalling and visited untold trauma on people. Dr. John Goddard, a researcher in Sheffield, has published an article in a medical journal called *Pain Medicine*. In his article he identified that there was a 70% effective rate for juveniles who use Versatis patches. The casual, arbitrary, sudden and overnight nature of the HSE's decision on Versatis was appalling and it was not about patient safety.

Acting Chairman (Senator Catherine Noone): I thank the Senator for his brevity. I understand that Senators Colm Burke and Michelle Mulherin have agreed to share time.

Senator Colm Burke: I propose that I take five minutes and Senator Mulherin takes the remaining three minutes.

Acting Chairman (Senator Catherine Noone): Is that agreed? Agreed.

Senator Colm Burke: I welcome the Minister of State to the House. The withdrawal of Versatis is a very serious issue. It is important that everyone realises that the medication has not been withdrawn from the drugs refund scheme and there is now a different mechanism for dealing with same. The way this matter has been approached was probably not the correct way to do so. People had become reliant on Versatis so are concerned about suddenly being advised by their GPs that the medication was no longer available under the old mechanism.

Another issue that should be of concern is that the medication is prescribed more in Ireland than in all of the UK combined. We must consider how medication and pharmaceuticals are used in this country. Over €2.5 billion will be spent on medication or pharmaceuticals in 2018, which leads me to ask if we get value for money. Is there more suitable medication available to tackle medical complaints?

In Northern Ireland, the use of Versatis is regarded as the third line of treatment and it is clearly understood that Versatis should not be used to relieve back pain. In the UK, Versatis can only be prescribed by clinicians who specialise in pain management. In the Republic, there has been a huge growth over a short period in the usage of Versatis. Why has the Republic not adopted the same stance as Northern Ireland and the UK? Why has the usage of Versatis been allowed to develop so much in this country?

This debate draws attention to how medication is used in this country. An over-reliance on medication and over-prescription of medication has been extensively reported. We definitely need checks and balances. Do we have an adequate amount of checks and balances in this area? Recently I learned about a person who attends four consultants, that each consultant prescribed medication and the case has also been referred back to a GP. Is a GP, in that instance, equipped enough to identify contraindications?

It has been mooted that we should have one file for each patient. In the case I mentioned the four consultants and the GP have probably created one file each but there is no co-ordination of the whole system. On quite a number of occasions I have mentioned the Danish system that allocates each person a patient medication card. Such a system allows a doctor to access his or her patient's file in order to see what else has been prescribed. Likewise, when a patient attends a pharmacy the prescription will have been placed on his or her computerised file. A patient simply has to hand his or her card to the pharmacist thus allowing the pharmacist to access the prescription recorded on the computerised file.

By contrast, the health system in this country uses as many as 1,700 computer systems yet Denmark has only 25 systems. As I have said on previous occasions, a huge amount of work must be done to co-ordinate health care here. We must also ensure that we get value for money in the way we prescribe and use medication. For instance, in one part of my city of Cork, over 30% of the local population are on anti-depressants.

Senator David Norris: Those people should move away from Cork.

Senator Colm Burke: I am only referring to one part of that city. It seems that once anti-depressants are prescribed one must always take them. That is not what medicine is about. It is about ensuring a person's health can improve and that he or she can be weaned off medication over time. The debate has started but we must find ways to improve the health system overall.

Acting Chairman (Senator Catherine Noone): I thank the Senator for finishing on time. I call Senator Mulherin. She has three minutes.

Senator Michelle Mulherin: I thank my colleague, Senator Colm Burke, for sharing time with me. He has covered a lot of points.

It is important to note that the Minister of State has come here because it is clear that the changes to the way Versatis patches are prescribed has upset a lot of people. It is important that the people who have been caught out by the changes are given reassurance and clearly told how they will be looked after. The Minister of State has set out, in a clinical fashion, why the changes have been made. He said the decision was taken in the interest of patient well-being and health, and to ensure that the medication is properly prescribed, which is what we would all subscribe to.

Many people were surprised by the changes. In this situation one cannot adopt the view that changes have been made but one can think about the situation. If people need patches to help manage their pain they will be very quickly reminded of their pain when they either run out of the patches or have to pay for them out of their own pocket. Let us remember that many people who suffer chronic pain are not in a position to work and that is why we must provide support to them. A person who suffers chronic pain needs pain management medication or pain management of some sort. These people really suffer on a daily basis. The graphic descriptions and personal testimonies have been very moving. It is shocking to think that people must live with such pain and it is no surprise they feel desperate now that the way Versatis patches are prescribed has been changed.

The Minister of State has explained the new mechanism. A GP can make a clinical case to change the original prescription and continue to prescribe the patch for his or her patient. In such cases, to what extent will a GP be challenged? Clearly, a GP will have made a clinical decision before writing a prescription, which is where many people will feel upset and say their

GPs feel they should receive the patches. When a clinical case is lodged with the HSE, to what extent are a doctor's views taken as the correct position? Each GP knows his or her own patient.

Another issue was brought to my attention by somebody who was affected by the recent changes. I know of a woman who has been approved and decreed to be one of the exceptional cases following an appeal. Unfortunately, she will have to have her prescription assessed again in three months' time. The woman has a neurological problem that will only get worse over her lifetime. It is not like she suffered an accident and will recover. Unfortunately, many people have to deal with the recent changes. It does not make sense that they must keep applying for their medication to be approved. If one has been diagnosed as having a permanent ailment that will gradually get worse, the new system must be fine tuned to achieve what the Government seeks to achieve.

We also need to protect vulnerable patients who are stuck in the middle of this impasse. We need to see there is a clear pathway whereby people who need the patches that are being prescribed by their GPs will have them.

Acting Chairman (Senator Catherine Noone): Senator Conway-Walsh has eight minutes.

Senator Rose Conway-Walsh: I thank the Minister of State, Deputy Jim Daly for coming to the House today. I am absolutely disappointed that the Minister for Health, Deputy Harris did not see that it was fit for him to be present because of the number of people affected by the withdrawal of Versatis. Does he not think that the 25,000 people affected were sufficient to warrant him coming to this House? I am not sure what else he is doing, and I will give him the benefit of the doubt. I thank Deputy Daly for being present.

I wish to welcome the people in the Gallery who have direct experience of this. They know what it is like as they are going through this pain. People are present from Chronic Pain Ireland, Arthritis Ireland, Fibro Ireland and all of the other organisations. They are in pain and are not making it up. They have lots of better things they could be doing today, but this is an issue that has caused physical and mental distress to thousands of low-income citizens and their families. I stress that many in pain have low incomes.

For several weeks we have been unsuccessfully trying to get answers to a number of questions. I furnished some of these questions to the Minister in advance of today's debate because I wanted the answers to be incorporated into the Minister's opening speech.

I asked whether the HSE had made any attempt to negotiate a better price with the manufacturers of Versatis before this decision was taken. I want a "yes" or "no" answer and I want details of what was done and how the price was reduced.

Was there a full and proper cost benefit analysis carried out before limiting access to Versatis? Did the HSE consider the extra costs associated with the alternative medication, the hospitalisation, the home help, the home care, the antidepressants and all the other costs related to this decision, as well as the numbers of people who would have to reduce their working hours and come out of the workplace because of the pain they would now experience?

How can we say that it is perfectly fine to prescribe Versatis for pain relief for patients who do not have shingles but who can pay for it? How can it be safe for those who can pay but not for those who cannot pay? How can it not be safe for those who have a medical card and the drugs payment scheme? I do not get the reasoning. I want somebody to clarify that point for

me. How can the use of Versatis be safe for one cohort of patients and not safe for the other cohort of patients? Does the Minister of State, Deputy Daly, not trust the judgment of the GPs and the medical consultants who prescribe Versatis? Does he not think that introducing an additional layer of approval totally undermines the patient, the GP, and the consultant relationship? No indication was given to the GPs on how to take patients off this treatment safely. I saw what was given to the GPs and I thank all the GPs and consultants who have contacted us in the past several months. I saw that it purely related to cost, not to patient safety.

In terms of the appeals, it takes a medical professional at least 90 minutes to do a proper appeal and then it has to be done every three months. The GPs and consultants cannot see the numbers of people who need to be seen, never mind an additional task of form filling that takes 90 minutes for 25,000 patients. It makes no sense whatsoever. The Minister will respond with information on the numbers in the United Kingdom not using Versatis, but perhaps there is a direct correlation between the fact that there are 700,000 people waiting for treatment and for procedures in this country. The Minister needs to take that into consideration. He needs to look at the waiting list for the pain management clinics as well.

We cannot get the right figures for the pain management clinic in Galway that is nearest to my constituency. However, I can tell the Minister that patients have been waiting at least two years before being told they must wait for another 15 months to get an appointment with the clinic. These people are in chronic excruciating pain. The solution to this most distressing situation is possible and must be lasting and sustainable. That can only happen once the Government looks at the issue in a patient-centred and compassionate manner.

At the stroke of a pen, the Minister of State, Deputy Jim Daly or the Minister for Health, Deputy Harris can go back to the HSE and request it to carry out a review of the decision to restrict Versatis for low-income patients. Deputies Daly and Harris can ask them to revert to the pre-December position whereby those experiencing chronic and unbearable pain can avail of Versatis regardless of their income.

Let me put it to the Minister of State that the time spent by very expensive senior HSE personnel would be better spent examining the international research around Versatis that demonstrates its effectiveness rather than looking at appeals. That is a pure waste of these people's money.

Senator Paul Gavan: Well said.

Senator Rose Conway-Walsh: The HSE officials need to look at this research. Research is becoming available all the time.

I thank each and every person who has picked up the telephone and put pen to paper to tell us of their personal experience, to tell us about their pain and their need to continue the only effective treatment available to them.

I acknowledge also the important role that our national broadcaster RTÉ, through "Liveline" and Joe Duffy, has played in ensuring that the voices of those suffering the most are heard. I found it very offensive when the Minister asked if we expected health policy to be based on people ringing up a radio show. That was deeply offensive to those who are suffering as a result of the decision to withdraw Versatis.

Senator David Norris: He explained that and apologised.

Senator Rose Conway-Walsh: I am sorry Senator Norris, but it does not cut it with me to be that flippant about people who are in chronic excruciating pain. I want to leave the space there. Anybody can make a mistake, anybody can make a decision, and I know there are huge decisions to be made in the HSE and in the Department of Health but surely when new information comes to light and when the information of the thousands of people who have been contacting public representatives comes to light, the Minister could say he will review it and we revert to the decision. I am not looking to hang anybody out to dry. I am looking to protect the most vulnerable people in our society. These people do not have options. I know from talking to fibromyalgia patients that the other options are not there. It is not a case of taking another medication that is effective. These people would not be doing that if they were not in such pain. When the Minister says that the number of appeals is not significant, that is because many of these people cannot get out of bed to go to request the GP make the appeals. Many of these people do not want to burden their doctors. They know their doctors do not have the 90 minutes that is needed to do this. I can give the Minister of State dozens of personal testimonies. I ask the Minister of State to please go back and do the right thing. It is never too late to do the right thing. The right thing must be done by these patients.

Senator David Norris: I thank Senator Nash for his offer to give me time when it looked as if this debate would be over-subscribed, but apparently it will not be.

An Leas-Chathaoirleach: He will speak next.

Senator David Norris: This is about money. There is no doubt that it is about money. We will face many more of these problems, because as more expensive drugs become available for the treatment of cancer, pain and this that and the other, decisions will have to be made. It is extremely difficult. I do not envy the people making those decisions.

I do not like pain. I had very severe, agonising pain for one night when I had cancer. It was a most appalling experience. I cannot imagine what it must be like, it is inconceivable to me that there should be people who have chronic pain. I spoke at a Chronic Pain Ireland fundraising dinner in Galway some years ago. There was one woman present who had endured chronic pain for 17 years. I could not bear it for one night. I salute anybody in this situation who continues on. I will chose my words very carefully. I think I would just give up.

Lidocaine acts as an anaesthetic. With regard to the manufacturing of lidocaine, did the Department shop around to get the best possible price for this product? I have been told it did not. I am not sure if that is correct, but if it is, the Department should have searched around. I have also been told that this drug is available much more cheaply in some continental countries. Is that true?

This treatment was originally designed for small cohort. In light of the fact that an unexpectedly enormous number of people take it - if 25,000 people use it when it was expected to be only used by 500 - then the manufacturers are making enormously increased profits and, therefore, should reduce the price of the drug. That is the market in operation.

Are the people in the HSE who are making the decisions to second-guess GPs and consultants medically qualified? I beg your pardon, Senator Burke, but I heard a grunt.

Senator Colm Burke: This has been clearly set out by the expert working in the health service who is the qualified person to deal with the supervision of medicines. That is clearly on the medical records.

An Leas-Chathaoirleach: I cannot allow a debate between the Senators.

Senator David Norris: I am asking-----

Senator Colm Burke: It is clearly set out.

Senator David Norris: It is not. Who is it to second-guess a GP or a consultant?

An Leas-Chathaoirleach: The Minister of State will respond at the conclusion of the debate.

Senator David Norris: When a treatment intended for a small group of patients suddenly becomes enormously widely applied, the question to ask is why all these people are using this drug. One should not second-guess the people with chronic and excruciating pain. They are the ones who know. If it miraculously works for people with chronic pain, then that is wonderful and should be welcomed. Years ago, there was a medicine used for men's hair growth which was found to be an effective cardiac treatment. People did not say it was only for old bald fellows. They said thank God that there was a medicine which addressed a situation.

There was a reference to the placebo effect and how some people taking lidocaine may think they immediately feel better. There may be a small element of that but it is pretty tiny. Will the Minister of State look at the situation again and not try to second-guess the people suffering from chronic pain? Instead, he should listen to them. I have a sheaf of letters from people which would break one's heart. These are from people unable to work or engage with their families due to chronic pain. It is a truly dreadful situation. If a plaster can alleviate that, then that is wonderful. The Department of Health needs to get the manufacturers of lidocaine to reduce the cost. If there is an exponential growth in the number of people taking it, then that is a profit to the company. The company should be asked to give some of its profits back to the people who are in pain.

Senator Gerald Nash: It is important we debate this issue of enormous public importance and concern. I welcome to the Visitors Gallery those who are affected by the denial of the opportunity to use Versatis in the future, as well as those who represent those experiencing chronic pain as a result of several conditions. I thank them for speaking out individually and collectively to raise public awareness of this critical issue and to ensure we are debating this matter of enormous public concern.

I was hoping at this juncture that the Minister of State would respond to public concerns by reviewing the original decision made. Unfortunately, given his demeanour and the statement he made today, it appears unlikely the Government is prepared to do that. Like other colleagues in this House and the Lower House, I have been contacted in recent weeks by constituents, and in some cases by friends, who rely on this particular treatment to ease or dissipate the chronic pain they experience. It is difficult for many of us to understand the lifeline Versatis represents if we do not experience the chronic pain that thousands experience and who are reliant on this particular intervention. Rearing a family, working, enjoying social events and having what might be considered a reasonable quality of life is denied to people because they do not have the opportunity to access this particular treatment as of right. These are things most people take for granted. The reality, however, will be a difficult one for those experiencing a variety of conditions and who are being denied the opportunity to access the treatment now and into the future. Everybody accepts that, even though we might differ on the response.

From the representations I have received and from my research, it appears this decision has been made for a combination of reasons. There are concerns over the efficacy, as reported, of the treatment for conditions outside of the post-shingles, nerve pain condition, as well as concerns over cost. I fear the real reason, however, this treatment has been essentially withdrawn for everyone who has access to it is a cost control measure dressed up as an efficacy issue. I understand this particular treatment has been prescribed extensively over the past seven years for pain associated with a wide range of different conditions. I do not have any difficulty in working with the system to look under the bonnet to establish the reasons there is extensive prescribing of this particular treatment outside of the area for which it was originally licensed several years ago. One reason, which Senator Paul Daly focused on earlier, is the two to three-year long waiting list for access to pain management specialists in the public health system. There also appears to be evidence to suggest that pain specialists in Ireland have been markedly more reluctant to prescribe opiate-based treatments for pain management than their counterparts internationally. These may very well be two important factors feeding into the extensive use of Versatis.

The market costs of Versatis are in the range of between €160 and €400 per patient each month. It is also known - it is to be hoped it is known in the system too - that this particular treatment will be taken off patent next year which will inevitably lead to lower costs. In the meantime, there is little evidence of any approach being made by the HSE to the manufacturers of this drug to make the case and negotiate for a reduction around cost. I understand the cost has gone from €6 million in the first year of its availability to €36 million over seven years. This is clearly as a result of the widespread growth of the prescribing of the intervention.

Due to a decision made by experts in this field, this intervention has been denied to many people who need this treatment just to function and manage the pain they experience every day. While not wanting to personalise the issue, I am also led to believe that Professor Michael Barry, when reviewing both the cost and the efficacy of Versatis, may not have availed of the opportunity to assess and consider other important evidence-based research from the United States and Germany, which supports and backs up the arguments made by patients and patient groups in recent days. It is important that the opportunity would now be provided to the system to review the issue of access to the drug and, in the context of any review that might take place, to ensure that the plasters would be restored to those who have relied on them. I understand that the NHS is undertaking a review of Versatis in the British system but I am led to understand that no patient there will experience a withdrawal of Versatis until those reviews are completed, the outcomes are known and the risk assessments are properly done in association and collaboration with consultants.

The opportunity should arise where this decision could be reviewed. I do not believe in pillorying anyone. I believe in persuading people. If a mistake has been made, experts and the political system should be given the space and opportunity to address it and to take on board any information that may have been overlooked or not considered when the original decision was taken because many thousands of people are now being denied the opportunity to have chronic, insidious and incessant pain managed properly. I appeal to the Minister of State to review the original decision to withdraw this particular treatment from the drugs payment scheme and the medical card scheme and, in the meantime, restore the opportunity to patients who need it to have this treatment. The review should be robust and it should engage with patient groups, individual patients and medical experts.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Senators

for their contributions. I am always appreciative of the constructive, solution-led contributions that come from the House. They are more generous in this House than others. It is easy to give out, punch the air on these things and take the populist route, but I always appreciate that many Members in this House go to a lot of effort to come up with solutions and alternatives as well. I have listened to and will take on board the contributions and progressive suggestions of Members today. Of course we can do more to address the issue and we can put pressure on the HSE to see that the market value for this particular patch is as efficient as it has to be. We can examine how the entire saga has been handled because it would be preferable, as Senator Nash remarked, if the scheme is to be closed, that it would be closed to new entrants. That is basically what he was saying. We could pick up the trends earlier where prescribing has been strong.

We are where we are, however, and I am concerned about the worry and upset that I have heard from patients. I understand why people felt that they had to air their concerns and they were right to do so. I want them to know that we have been listening and I want them to receive the compassion that they deserve in seeking treatment. I am also conscious of the fact that treatment must be appropriate and proportionate and that clinical decision-making such as prescribing should be based on both patient needs and sound medical evidence. There is no getting away from the fact that this has been a clinical decision which is aimed at ensuring the most appropriate patient care. Prescribing must always be appropriate and proportionate, making sure that any treatment is the right one. Any medication used incorrectly can have adverse consequences for patients, and this is why medicines are controlled by national and international legislation.

The new reimbursement arrangements, which I outlined in my opening statement, were brought in by the HSE to address what was in its view a significant level of inappropriate use of this prescription medicine. As I stated, under the new arrangements, all patients with the licensed and approved indication remain on the plasters. At the same time, it affords all other patients the opportunity, through their GP, to make a clinical case for continued use for their specified indications. There is nothing new in these arrangements. The HSE already uses such systems for a number of other medicines. The new system follows the recommendations of the clinical experts. It uses the licensed specified indication as the baseline for reimbursement approval. Treatment is not always straightforward, however, and any system must be able to address exceptional cases. This is why the new arrangements allow doctors to make a case, through the appeals process, for non-shingles patients who they feel would benefit from this product and for whom it is, in their view, an appropriate treatment.

A responsive system should always avoid administrative difficulty. As I have mentioned, the online system allows decisions on both applications and appeals to be made within days. Of course, the GP must provide clinical information to support a decision. That is as it should be so that the treatment is used appropriately, as for any other prescribing decision. In that context, I was delighted to see in recent days statements from the Medical Council, among others, on the ongoing development of decision-making support for prescribers through information and undergraduate and continuing education. I hope that this will continue to be built upon.

I am advised by the HSE that the new arrangements are addressing exceptions where the evidence is strong. Currently, nearly two thirds of appeals for non-shingles patients have been granted on the basis of the clinical case made by the patient's GP. We are listening. We want patients who have an identified and certified clinical need for this product to have access to it under the community drugs schemes. I am pleased to note that the HSE appeals process is tak-

ing a compassionate approach so that anyone who needs these plasters, on the basis of a clinical case made by their GP, can have access to them.

I thank the House for the invitation to address it on this important matter.

Sitting suspended at 5.25 p.m. and resumed at 5.35 p.m.

Services for People with Disabilities: Motion

An Leas-Chathaoirleach: The next item is motion No. 14 on the Order Paper. It has been proposed that once the motion has been moved we will allow the Minister of State at the Department of Housing, Planning and Local Government, Deputy Damien English, to speak first. Is that agreed? Agreed.

Senator Martin Conway: I move:

That Seanad Éireann:

- recognises the significant advances made by the Government since coming into office in promoting equality among all citizens including people with disabilities;

- acknowledges that much work still remains to be done on creating an equal society for people with disabilities;

- acknowledges that this is the first Government in the history of the State to appoint a Minister with special responsibility for Disabilities who sits at Cabinet;

- supports the significant contribution made by Minister of State, Deputy Finian McGrath, since he took office, in advancing workable solutions on issues that affect

the daily lives of people with disabilities in Ireland;

- notes the clear commitment of the Government to ratify the United Nations Convention on the Rights of Persons with Disabilities on behalf of the Irish State;

and calls on the Minister for Housing, Planning and Local Government:

- to consider ways to improve the streetscape in our towns and villages in order to make it more accessible to people with physical disabilities;

- to respond effectively to recent campaigns by disability NGO's such as the National Council for the Blind of Ireland and the Disability Federation of Ireland on the challenges faced by people with disabilities in safely navigating around our cities and towns;

- to request the Joint Oireachtas Committee on Housing, Planning and Local Government to engage with the various stakeholders and to make recommendations based on this engagement as to what legislative changes are necessary to help make our towns and cities more accessible to people with physical disabilities;

- to fund an information campaign to help raise awareness among proprietors of

businesses and properties of the needs of people with physical disabilities and also to raise awareness among motorists, cyclists and the general public on the challenges faced by mobility impaired citizens in our built environment, given that such an initiative by the Minister would be a very worthwhile practical measure which would greatly assist people with disabilities to go about their daily lives.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank the Fine Gael Senators who tabled this important motion relating to services for people with a disability generally and the accessibility of towns and villages for people with a disability. I am conscious that we have said that we will have a debate on housing for people with disabilities in the near future so I will not deal with that particular issue today but will be happy to return to Seanad Éireann to discuss a motion on same.

I welcome and support this motion which acknowledges the significant advances made by the Government in promoting equality among all citizens, including people with disabilities, and calls for further measures to make the streetscapes in our towns and villages more accessible to people with a disability. In this regard, people with a disability have the right to the same life opportunities as all other citizens. Ideally and where possible they should have a home within their community where they can be treated with dignity and respect and get the supports they need to live healthy, safe and rewarding lives. It is incumbent on legislators, advocates and society as a whole to provide these supports to the maximum extent possible.

This country has embarked on an era of unprecedented change in services for people with disabilities over recent years. A radical programme of reconfiguration of services is under way to support people with disabilities in making the type of choices that are available to everyone else in society in order to enable them to live the lives they want to lead. A fundamental objective of the Government is to deliver disability services that are person-centred. By this I mean placing those who use our services at the centre of all our activities. This involves listening to people or their advocates and transferring our focus from the service itself to the people who use it.

As a society we sometimes forget that people with a disability have the same needs as the rest of society. A disability or health condition should not dictate the path a person is able to take in life. What should count are a person's abilities, talents, determination and aspirations to succeed. I share with my Ministerial colleagues - including the Minister of State at the Department of Health with responsibility for disability issues, Deputy Finian McGrath, who could not be here for this debate today - a very strong desire to ensure that people with a disability are afforded every opportunity to realise their potential in every dimension of their lives. However, that presents a challenge to us all, including family members, carers, front line staff, administrators, politicians and legislators. Each one of us must examine our preconceived perceptions of what the future for disability services should look like and trust the people with disabilities to point the way in leading lives of their choosing.

I would like to take this opportunity to set out a number of recent important Government initiatives that have been undertaken to improve the lives of people with disabilities. In recognition of the importance and priority attached by the current Government to addressing disability issues and as mentioned in the motion, this is the first Government in the history of the State to appoint a Minister of State with special responsibility for disabilities who sits at Cabinet, namely, Deputy Finian McGrath. He has made a major contribution in raising awareness and the profile of disability issues and in advancing solutions on issues that affect the daily lives of

people with disabilities. This is an important development which should be acknowledged by all sides of the House.

Ireland signed the United Nations Convention on the Rights of Persons with Disabilities in 2007 and since then successive Governments have emphasised Ireland's strong commitment to proceed to ratification of the convention as quickly as possible, taking into account the need to ensure all necessary legislative and administrative requirements under the convention are met. Further to signing the convention, the Government decided last month to ratify the convention and the final legislative amendments needed to enable Ireland to comply with it will be contained in the Disability (Miscellaneous Provisions) Bill 2016 and also in a separate standalone Bill on deprivation of liberty to be enacted by the end of this year.

I note that a proposed amendment to the motion commits the Government to ratifying the convention "by March 2018". The position in this regard is that a motion is scheduled for debate in the Dáil next Wednesday, 28 February. If it is determined that Ireland will ratify the convention the instrument of ratification will then be deposited with the UN and the convention will enter into force 30 days thereafter.

In July 2017, the Minister of State, Deputy Finian McGrath, launched a new disability inclusion strategy for the period 2017 to 2021. This strategy is the outcome of an extensive consultation process undertaken by the Department of Justice and Equality with the assistance of the National Disability Authority. The strategy takes a whole-of-government approach to improving the lives of people with disabilities in a practical sense and also in creating the best possible opportunities for people with disabilities to fulfil their potential. Included in the strategy are more than 100 measurable and time-specific actions that relate to the areas of education, employment, provision of public services, health, transport, and personal safety and autonomy. The strategy is envisaged as a living document with consultation on a mid-term review due to take place late next year and revised iterations of the strategy to be published periodically containing revised and more ambitious actions in the light of progress being made. Implementation will be supported by independent analysis and advice from the National Disability Authority and also by periodic review and oversight by the Cabinet committee on social policy, as appropriate.

Building on the commitment in A Programme for a Partnership Government to meet the housing needs of people with disabilities, the national housing strategy for people with a disability 2011 to 2016, for which my Department and the Department of Health has responsibility, has been extended to 2021 in line with Rebuilding Ireland. A major element of the strategy is the programme to move people with disabilities out of congregated settings in order that they can live independently and be included in the community.

Recent advances on measures included in the strategy include the publication by the Housing Agency in October 2017 of revised national guidelines for the assessment and allocation process for housing provision for people with a disability. The guidelines should ensure smoother operation of the social housing assessment and allocation process for people with disabilities, including those living in congregated settings. As I mentioned yesterday, it is important to develop strategies at a local level for housing for people with disabilities to deal with current demand and also cater for predicted demand in the future. Too often in the past when someone needed a house adapted or built, the case was made. It was often a year or two later before the person received the accommodation required. We are trying to pre-empt this by ensuring a certain percentage of all social housing stock will be built and ready for people who might

need adapted properties. Each local authority has produced a local strategy that will be available online. It will be available to be scrutinised and tracked to ensure we are delivering on the commitment made. That is something we can discuss in depth in later debates.

The ten-year comprehensive employment strategy for people with disabilities was launched in 2015 to increase the numbers of people with a disability at work and the proportion of people with a disability in a job. According to the 2016 census results, a total of 130,000 persons with a disability were at work in April 2016. This represents 6.5% of all people at work. However, people with disabilities are still only half as likely to be in employment as others of working age and that is not really acceptable. The comprehensive employment strategy brings together actions by Departments and State agencies in a concerted effort to address the barriers and challenges that impact on the employment of people with disabilities. In tandem with this objective, the strategy seeks to ensure joined-up services and supports will be available at local level to support individuals on their journey into and in employment. The strategy will be reviewed and renewed every three years.

Two major processes are in place to deal with the accessibility of the built environment by people with a disability. The 2013 design manual for urban roads and streets, sponsored by the Department of Transport, Tourism and Sport and my Department, reflects the growing appreciation that streets are not simply transport corridors but rather places in which people want to live and spend time. The manual sets out practical design measures, based on the principle of access for all, to be applied by road authorities, planning authorities and the full range of designers working within the built environment. Designs of new urban roads, streets and footpaths, as well as major upgrades, are required to place pedestrians at the top of the user hierarchy to encourage sustainable travel patterns and safer streets and address social equity. This reflects the reality that the poorest and most vulnerable in society, including children, the elderly and people with a disability, are the groups for whom car travel is less of an option. The manual addresses the use of contrasting surface materials and textures to assist visually impaired persons, as well as other measures such as lower kerb heights, to facilitate people with mobility impairment. The manual is being updated. Among the new measures being considered is the inclusion in the manual's audit process of the concept of universal design or access for all. It is intended to launch the updated document, with a dedicated website, in the near future.

New buildings and extensions or material alterations to existing buildings must comply with the legal minimum performance standards set out in the building regulations for the period 1997 to 2017. Amendments to Part M of the Second Schedule to the regulations, as amended by the Building Regulations (Part M Amendment) Regulations 2010, came into effect on 1 January 2012 and set out the minimum statutory requirements that a building had to achieve in respect of access. Part M provisions aim to ensure everyone, regardless of age, size or disability, can access and use new buildings other than dwellings and can visit new dwellings.

The National Disability Authority publication, *Building for Everyone: A Universal Design Approach*, sets out guidance on how to design, build and manage buildings and spaces to enable them to be readily accessed and used by everyone, regardless of age, size, ability or disability. Separate to the requirements under the building regulations, the building control regulations further require that, in the case of commercial buildings and apartment blocks, a disability access certificate must be obtained from the local building control authority. The certificate specifies that the works or building to which the application relates will, if carried out in accordance with the plans and specifications submitted, comply with Part M of the building regulations. It is an offence to occupy or use a commercial building or apartment block without having a valid

disability access certificate in place.

The motion calls on the Minister for Housing, Planning and Local Government to ask the Oireachtas Joint Committee on Housing, Planning and Local Government to engage with the various stakeholders with a view to the committee making recommendations on legislative changes to help make towns and cities more accessible to people with physical disabilities. In view of the leading role of the Department of Transport, Tourism and Sport in the preparation and updating of the design manual for urban roads and streets, I will consult the Minister for Transport, Tourism and Sport, Deputy Shane Ross, further on this specific request. We should also include the Department of Health in the process because it has been involved with local authorities in the age friendly alliance, an initiative that has worked well. It has certainly helped to adapt many towns. All relevant Departments should be included, not only the Department of Housing, Planning and Local Government. I will discuss the matter with the Minister for Transport, Tourism and Sport, the Minister for Health and the Minister of State at the Department of Health, Deputy Jim Daly. The idea is to develop an appreciation of the challenges people with a mobility impairment face in moving around cities and towns and consider how this appreciation can be built into existing or planned awareness-raising activities.

We have come a long way from the days when having a disability meant automatic segregation, disenfranchisement and being placed on the margins of, or even outside, society. Thankfully, we now live in a society that is more inclusive of people with a disability. This transformation has come about after many years of persistent efforts by committed families, carers, activists and public representatives across all divides. Our common aim is to ensure those living with a disability will no longer be invisible members of society but active and visible participants instead.

I have no doubt that more work remains to be done and that further measures remain to be undertaken. I imagine this point will be raised again. However, we can best achieve our goals by adopting a collaborative approach, harnessing resources, exchanging ideas and bringing out the best in each other. This can materialise through a process of rigorous and considered debate such as in this debate. This process helps to raise greater awareness and understanding of the challenges faced by people with a disability with a view to their being addressed. It should bring a greater focus to the area to ensure that in times of increased budgets we will spend the money correctly to achieve the results we have set out to achieve in the various strategies in recent years.

Senator Martin Conway: I thank the Minister of State for coming to the House to address the motion. He is the appropriate Minister of State to do so because the motion is very much targeted at the Department of the Housing, Planning and Local Government and the local government sector, in particular.

I thank Senator John Dolan for his contribution. He is the only one who saw fit to go through the motion and table amendments which enhance it. The specific wording proposed, “sensory and others”, is appropriate to be inserted where the Senator has suggested it should be inserted.

I have taken an interest in this specific area because of campaigns launched last year by the Disability Federation of Ireland, of which Senator John Dolan is chief executive. Campaigns were also launched by my nominating body, the National Council for the Blind of Ireland. These organisations have had to run the campaigns because there seems to be a developing behavioural problem. Some seem to believe they can park in a wheelchair spot simply because

there is no one parked there and there is no parking space available anywhere else. The wheelchair spot has been provided for a reason - to allow someone with a mobility impairment and, consequently, a permit to park there. That no parking space is available anywhere else in the car park does not give another person the right to use a space dedicated for a person with a disability simply because no one is parked there.

There seems to be what I describe as, in some cases, an intentional, and, in others, an unintentional *laissez-faire* attitude to parking. People have a tendency to park on kerbs and footpaths simply because they are in a hurry. It is a lazy, sloppy approach that is not in keeping with best practice. Certainly, it is not in keeping with the need to keep pathways clear for people with disabilities. Irrespective of how busy a person is or in how much of a hurry he or she is or the parking arrangements, there should never be a situation where he or she parks on a footpath. People have to use footpaths and it becomes difficult for a blind person who is using a stick to have to walk along the street only to hit off an object with which he or she is not familiar. More often than not, that object is a car in a place where it should not be parked. Bicycles, motorcycles and other vehicles can also be in place where they should not be parked. Cyclists have a role to play in that regard. Cyclists adopt a lazy attitude by parking their bicycles against poles and in other ways that are unfair and do not allow free passage. Clearly, that does not apply to every cyclist but a number of them do it.

The motion is designed to create a conversation, a follow-up as it were to the campaigns run by the NGOs last year. It calls on the Government to examine the legislation governing parking slots for wheelchair users and people with disabilities in the first instance and, second, to deal with objects being placed on footpaths which should not be there. That includes the licensing of coffee shops that are allowed to have tables and chairs outside. There are many examples of coffee shops and bars that push the boat out a little further than they should. They might have a licence for X number of tables and chairs but over time it becomes X plus one and X plus two. On a particularly fine day it can be X plus ten. They are licensed to have a certain number but they can easily have double the amount. It is not being policed and monitored simply because there are no resources to do it, there is insufficient interest and there are other priorities.

When there are tables and chairs on areas of footpaths where they should not be they create an obstacle for people with disabilities, including people with white sticks and people who must use wheelchairs. We have an ageing population so there will be an increasing number of old people and an increasing number of people whose mobility is compromised. That is just a fact of life. In addition, this affects not only people with disabilities but also mothers with buggies trying to navigate our streetscape. It really is not fair. I believe there is a job of work to be done. I heard the Minister's comments with regard to the Department of Transport, Tourism and Sport. I do not mind how it is achieved but a conversation must take place and a new set of guidelines and recommendations must be developed to deal with street furniture and illegal parking in disabled slots. We must increase the fines and create a situation where it is frowned on when somebody does it. Aside from anything else a person should be afraid of the embarrassment he or she will face for parking in the slot.

With regard to Senator Dolan's proposed amendment to the motion concerning the UN Convention on the Rights of Persons with Disabilities, of course the convention should be a guiding light as to where we must go and what we must do. I did not expect the Minister of State with responsibility for disabilities to be here because the motion is not specifically relevant to him. It is far more relevant to local government given the fact that local authorities issue the licences for street furniture and have responsibility for road traffic. However, there is a role for the De-

partment of Transport, Tourism and Sport. I have examined the amendments tabled by Senator Dolan earlier today and I have spoken to the Minister. I have no problem with including them. I would not have considered it necessary to include the convention in the motion but if Senator Dolan believes its inclusion will strengthen the motion and achieve what we are seeking, I have no issue with it. The Minister does not have an issue with it either. I do not believe this House should ever divide on issues related to promoting equality and promoting people with disabilities having a clear pathway in terms of mobility and so forth.

There are serious issues with public transport. Due to my disability I will never be able to drive so I use public transport all the time. I wish more Members of the Oireachtas would use public transport because that would convey a very good message. I regularly see you, a Leas-Chathaoirleach, using the train-----

An Leas-Chathaoirleach: I am glad you see me.

Senator Martin Conway: -----but, unfortunately, you are one of the few. Many of our colleagues use cars rather than the train. There is a very good train service from Cork-----

An Leas-Chathaoirleach: It is often easier than driving into this city.

Senator Martin Conway: -----and a very good service from Limerick, Killarney-----

Senator Máire Devine: I cycle.

Senator Martin Conway: -----and Galway, so there is no excuse for many more of our colleagues not to use public transport to travel to work.

The motion is good and I welcome the Minister of State's response. I thank my colleague, Senator Reilly, for seconding the motion. Hopefully, there will be a new set of guidelines to deal with this situation so people with disabilities can benefit from a streetscape that will not impede their passage and on which they will not run the risk of injury. I thank the House and the Fine Gael Party for the opportunity to discuss this motion.

Senator James Reilly: I welcome the Minister of State to the House yet again. He is here so frequently he has almost taken up residence. Fair play to him that he never fails to turn up, which shows his interest in this matter in the first place and also his respect for the House. I commend my colleague, Senator Conway, for tabling the motion and I am honoured and privileged to second it. As he said, we should never allow a division in the House on an issue such as this if we can avoid it.

I will outline some statistics. There are 7,600 people with disabilities on social housing waiting lists around the country and there are 600,000 people in Ireland, 13.5% of the population, living with a disability. I know of few families who do not have a friend, relative or loved one affected by disability, yet some people with a disability feel they have no voice. We who have a voice should speak for them and we have many strong advocates, Senator Dolan being one of them, who do that very capably.

However, it is not my intention to talk about figures; I wish to talk about people. At a time when we are discussing our national planning framework, the capital plan and Project Ireland 2040, with all the wonderful opportunity they offer, we must take the opportunity to ensure that people with disabilities are catered for. When planning we should plan not just the proper social mix of social, affordable and private housing but also for those with and without disabilities

equally. There are different types of disability - intellectual, physical, visual, hearing and others - and we must plan according to what the person with a disability might need.

I wish to mention one very real case but before doing so I should point out that I was struck by Senator Conway's comments about wheelchair parking slots. There is one outside my surgery since the time I built it. People abuse it and do not leave it free for either the ambulance or people with disability. I also find that some people who have the sign on the car or have the card are using the spot for other purposes, that is, the person with disability is not in the car or is not driving the car. They are using the parking space and are disadvantaging those who need the space at that time. I agree with Senator Conway that there must be more enforcement.

There must be a price to pay for parking in a way that obstructs those with a disability and, indeed, many young mothers and fathers with buggies.

I would cite the case of a gentleman who was a patient of mine many years ago before I was elected to the other House. He was born with cerebral palsy and is severely physically challenged. He communicates through a computer but he has a fine intellect and is well able to communicate. He has been in the media about his predicament. He went into a nursing home as a temporary measure for a three-month period while the local authority was to organise a place for him to live independently with the assistance of an aide.

6 o'clock

That was nine years ago. That man would tell the Minister of State that he lives in a place where there are no people of his own age with whom to communicate. He sees people coming into the nursing home, many of whom are there for a number of months or years and who then pass away. For a young man to have to endure that year in, year out instead of being able to enjoy a proper social life, which he is capable of doing, is cruel.

This man has talent. He has gone to Trinity College. He is currently attending another course there using the computer. He has, as many people with a disability have, much to offer us, but what we are offering him is a form of incarceration and social isolation. Thankfully, through the efforts of a local councillor, Fingal County Council and a voluntary organisation his situation will be hopefully addressed over the coming months, but I was struck by the fact that this voluntary organisation comes from the North of Ireland.

Clearly we should be doing this and addressing these types of problems. I know we have done much to address the issues of disability and that much funds go into the areas of health, housing, education and transport but we have an opportunity now, as the country recovers and we have a capital plan, to ensure that we plan for the needs of those with disabilities in order that they can live to their full potential. That is what any person wants and any parent wants for their child, namely, that they can reach their full potential. Clearly, we have done this man some considerable disservice, and there are many more like him. We need to take action and to carefully plan for the requirements of our people.

Senator Conway spoke about our population growing older and people developing disabilities. We need to plan in our community for those who would want to downsize and live in a space with a level floor area with lift access or in a bungalow and still remain within their communities among their friends. The statistics show that one's mental health and well-being are far more influenced not so much by family support by a good social support as in a circle of good social contacts. That is critically important.

We do not want people to be housed in a different area as was proposed for a gentleman

from Rush many years ago. His wife had died and he was reluctant to go into a nursing home. Eventually he was persuaded to go into one and was delighted to hear we had a place for him but we then found out that this man who lived in Rush was to get a nursing home bed in Portlaoise. That is to send someone to die and wither on the vine.

Therefore, let us plan. The Minister of State's heart is in the right place on this. I know he will take this opportunity fully on board. Let us plan in a way that does right by all our people and not only some of them, and that can give us all that richness and fullness of life that being a community delivers for us.

Senator Mark Daly: We do not accept the claims made in the Government's motion and its record on provision for those with disabilities, but we are happy to support the measures the Government proposes to take, which are outlined in the latter half of the motion, along with Senator Dolan's amendments. As we all know, people who have disabilities face discrimination in terms of housing, transport and many other areas. While proposals on guidelines are welcome, the introduction of legislation is far more important because guidelines are often ignored.

It is only when something affects this House that action happens. It was only when we had a Member of the Seanad, who was one of the first Members of these Houses to be in a wheelchair, that it became apparent how inaccessible the Houses of the Oireachtas were, but that was only because he was a Member of the Oireachtas. For decades prior to that members of the community who were disabled and used wheelchairs who tried to access their Parliament could not gain entry to it. They could not access their own Parliament. That was rectified because it affected a Member of this House.

It was only when a matter affected this Parliament that the rules were changed to address the issue of the inaccessibility to it experienced by members of the deaf community. Again, that was only because it affected the running of this House. When a debate took place on the issue of the deaf community and having sign language interpreters in the Dáil Chamber, it became a showdown between the Houses of the Oireachtas and the way they did their business and members of the deaf community who wanted to understand what was going on in their Parliament and could not do so because no interpreters were available. Again, that change happened only because of the interaction with this Parliament, but for decades prior to that people who had to access Government, private sector services and other services were faced with an immovable object. Guidelines will not move the Government to act, unfortunately, only legislation will do that.

While the plans and the strategies regarding street furniture are welcome and even if the laws that are in place were enforced in that respect, the fact is that people can get licences from Departments and local authorities to put in place impediments to members of the blind community who might be using wheelchairs to get around. The Government is trying to take money at one end of the spectrum and at the other end of it is seeking to enforce the law to protect people's rights in terms of their ability to get around.

We would like consideration to be given to the various proposals that have come forward from the National Council for the Blind of Ireland and the Disability Federation of Ireland on the issue of its members navigating their way around and the necessity for change. Ms Elaine Hoey, the director of policy and advocacy for the NCBI said:

Our aim is to raise public awareness of the impact that obstacles on our footpaths have

on the everyday lives of people [whose sight loss is a factor in their ability to move around]. We are asking the public to come along with us on this campaign and join the movement to ensure that people with sight loss can move around freely and independently.

We can only support that, but a campaign is only as good as the sustainability of the campaign. We have that with respect to so many other issues. Making people aware of the impact is fine on an individual issue by issue basis for the people who take it on board. However, it is only when a proposal becomes a law that has to be enforced that it will make a sustained, long-term difference. It should not be up to the NCBI or any other organisation to keep campaigning for people to be able to navigate their way around their own country.

Mr. Joe McPhillips who lost his sight at the age of 33 as a result of diabetic retinopathy said:

I know people mean well but they have to be aware that sometimes their actions can make life hell for people with sight loss. Parking on footpaths is a practice that has to be stamped out. People need to have consideration and realise that while they may be able to get around with no bother, those of us with sight loss are experiencing huge difficulties as a result of their actions.

No guidelines or policy are necessary, the law is there and it needs to be enforced. All the existing legislation must be examined and we must see the enforcement of it and how many convictions there are for parking on footpaths. The Garda Síochána has enough to be doing. The planning requirements for street bollards would prevent it rather than the Garda having to do it. Putting such a provision in guidelines is simply not good enough because their enforcement and being required to be part of a planning application is at the discretion of individual planners. Perhaps that is something that could be examined.

If Senator Dolan introduces legislation to improve accessibility we will all support it, but it is my belief that legislation must be enforced and I worry when people talk about having more guidelines. We would not be happy with that but we are happy to support the amendment Senator Dolan has tabled.

Senator Maria Byrne: I thank Senator Conway for introducing tonight's motion. I know people living with disabilities, especially with blindness. Senator Conway referred to street furniture that is in the way. A number of people who live in my area have guide dogs and an amount of investment and training is put into the training of guide dogs. I understand the process takes three to four years. The motion is to be commended.

A number of people who live up the road from me have disabilities. In the past people with disabilities lived in one unit and it is very welcome that all housing developments are more or less mixed in terms of people with disabilities and able-bodied people. When the new houses opened up the road from me about two weeks ago I noticed there were a number of units with people with a disability. One young man who is in a wheelchair flies up and down the street.

While local authorities are doing a lot to make the streets and street corners more accessible for people with a disability such as blindness I would like the work to progress at a quicker pace. The Minister of State, Deputy English, has been very progressive in terms of giving grants and funding to local authorities for such work to happen but it would be great to see local authorities proceed with the work at a faster pace.

People with disabilities can teach one an awful lot. One group that works with Enable Ire-

land holds poetry readings on a Thursday morning and I have been along to their events. People with all sorts of disabilities participate. Friendships have been created as a result.

The report highlights such issues as the placing of street furniture. People sometimes do not stop to think about where they place it and the fact that somebody who is blind might come along. Unless a blind person has a stick, he or she could fall over it. Shops that put signs outside their door should also be more proactive in that regard.

Reference has been made to disabled car parking spaces. Illegal parking in such spaces is something I have seen many times. The fine should be greater than it is as it is terrible. There are not many disabled car parking spaces but they are there for a reason. It is difficult to qualify for a disabled parking permit and people do not get it easily. Those who have the permits definitely need them and it is soul destroying for them to come along and find the space is gone and that an able-bodied person has parked in the space. That is something that happens all over the country. It is not just in any one place. Shopping centres also designate car parking spaces for the disabled but people abuse that system as well because the spaces are usually nearer the front door. I would like to see the fine being increased for illegal parking that affects the disabled.

I would also like to see more emphasis on and funding for Irish Guide Dogs for the Blind. The organisation provides most of its own funding. I would like us to fund such necessary bodies in terms of investing in the future, for example, in guide dogs and their training because it is a costly business.

A friend of mine has a sight disability. She suffered a number of strokes in her eye and her eyesight began to deteriorate. She has young children. She went to the National Council for the Blind of Ireland, NCBI. The level of services she received from the NCBI has been second to none and I compliment the NCBI. She has even been given something for her laptop to increase the size of the font. She had double vision at one stage and she had coloured vision and many other problems but she can now use her computer. She also got a gadget to boost her television. The level of support being provided to her is tremendous. Many of us who are able bodied do not realise the level of support that is available for people with disabilities. That is something that needs to be highlighted.

I lend my support to the motion, which is a very necessary one. We should all be conscious of the fact that people can have all sorts of disabilities. An awareness campaign for all disabilities might be useful.

Senator Máire Devine: This motion is great in principle. Listening to the experience of those living with disabilities in Ireland has increased our knowledge. I have recently been doing extensive work on well-being spaces in conjunction with the University of Limerick, TCD and UCD. The research is telling us that when a space is inclusive of all, it benefits everybody and not just those living with a disability. The intention is to create positive spaces and to disability-proof communities. We have been ably helped by disability activists who have done the guerrilla campaign work involving putting stickers around the city last September with the logo, “Hey, this Blocks my Way” and pointing out the dangers of obstruction of public spaces. The Make Way day was another such initiative and it is planned to make it an annual event.

However, I am a bit confused as to why Fine Gael has tabled this motion as it does not call for anything that is not already supposedly being done. It would have been better to use the time to introduce legislation to deal with elements of disability rights in housing. I do not un-

derstand the impetus behind what can sometimes feel like a self-congratulatory debate about progress on true equality, which in reality has been slow and scant. For example, Inclusion Ireland said of budget 2018 that it did “little to drive the much needed reform of disability services, or to deliver key measures to make positive change in lives of persons with disabilities.” I do not see the need for the motion at this time and I fail to see how it does anything more than pay lip-service to existing strategies. What does it add to it? How can we have any confidence when implementation of so many of the plans included in the strategy is already behind time?

The period covered by the national housing strategy for people with a disability was extended from 2016 to 2020. Why is there a difference between what is included in the strategy and the motion?

There are housing and disability steering groups in each city and county council area to facilitate integrated and timely responses to meeting the housing needs of people with disabilities. Perhaps the Government needs to have more faith in these groups.

The motion states the Government has made significant advances since coming into office in promoting equality among all citizens, including people with a disability. I can think of a few advances, but I am not sure they are very significant. Perhaps this might be explained.

The motion notes the commitment to ratifying by March the UN Convention on the Rights of Persons with Disabilities. This involves the stroke of a pen but, as with all things, it is what will follow that really counts. I refer to the implementation and tweaking required in order that we can live up to the standards set out in the convention.

The motion recognises the significant contributions made by the Minister of State, Deputy Finian McGrath, since he took office in advancing workable solutions on issues that affect the daily lives of people with a disability. I like the Minister of State and believe he is a very affable chap, but I am not sure the use of his name in a Private Members’ motion is good.

Will Fine Gael Senators include transport accessibility in their sentiments? I certainly do not believe it is included. Senators James Reilly and Martin Conway alluded to the need for it. Earlier in the month the transport committee heard about the disgraceful treatment of people with disabilities by public transport providers. Bray-based Paralympian and broadcaster Padraic Moran recalled a trip he had made to Greystones. The DART on which he was travelling had to get out of the way because the train to Rosslare was coming, meaning that the door started to close. He had to stick his leg out the door to keep it open. He said it took the driver five minutes to come and check why the doors were not closing. He ended up with an injured ankle, but, for him, it was better than ending up on a siding at a DART station. The panic buttons at the station had been disarmed.

Bus Éireann claims that 74% of its buses are wheelchair-accessible. Each wheelchair-accessible coach has one wheelchair space, which must be booked 48 hours in advance using the reservation system. Therefore, there can be no last-minute trips and no trips with more than one person in a wheelchair. There are many stories in that regard. Contributions have been made towards achieving social equality to include those with disabilities, but I question whether they were significant.

Last year I participated in a walk-around with a group in Crumlin, Dublin 12, in the constituency of Dublin South-Central. The proportion of those with disabilities in that constituency is a few per cent above the average. The walk-around included people in wheelchairs and people

with mobility trolleys and prams. Also participating was an individual with impaired sight. This individual came away with scratches all over his face, having stumbled several times. I left with my back almost broken from trying to push a wheelchair out of gullies. We lost the individual with the mobility scooter because he had to travel to a location several streets away to find dips to go over. I understand the infrastructure is slowly being addressed. The walk-around really indicated to me, as an able-bodied person, what it was like for a person with a disability to go to a shop or gain access to any service.

I asked Dublin City Council about sandwich boards. There are so many of them and probably only one has a licence in the entire city of Dublin. They present a significant difficulty for people, especially those with sight or mobility issues. This is a policing matter. It is a question of whether the council has the facilities to address it. We need to think differently to tackle it.

I am happy to support the amendments tabled by my colleagues Senators Frances Black and John Dolan. Their language strengthens the motion. There is nothing wrong with the sentiments expressed in the motion, as tabled, but I just wish it went further. I wish it addressed the issue of housing adaptation grants. There is a backlog of several years, in addition to serious under-funding. This needs to be addressed also.

Senator John Dolan: I move amendment No. 1:

In the fifth paragraph, to insert the following after “Irish State”:

“by March 2018.

- notes that ratification requires progressive implementation of the Convention;
- notes, in particular but not exclusively, increasing levels of poverty and social housing need, unacceptable levels of ongoing unemployment and persistent non-availability of ‘accessible’ public transport services;.”

Senator Colette Kelleher: I second the amendment.

Senator John Dolan: I am very happy that the amendments are not being contested and that they are understood in the context and spirit in which they have been tabled.

I have a couple of points to make based on my having listened to the Minister of State and the various Senators who spoke. What we call obstacles are not just obstacles; they present a real danger. This point has just been made by Senator Máire Devine.

It is right that a Minister of State at the Department of Housing, Planning and Local Government is present. Reference was made to the convention. It is fine, but it is a matter for every Department. We need and hope for work in this House that will bring in the “slew” of Ministers on the issues that relate to them. We should get them to think, in particular, about the issues that cut across Departments. In that regard, mention was made of transport. Doing what I propose is the way to move things on.

People do not live in the Department of Transport, Tourism and Sport, the Department of Housing, Planning and Local Government or the Department of Education and Skills; they live in a local authority area. This is so precious to them because it is through this and the facilities in the locality that they are given an opportunity to live their lives and gain access to education, housing and health services. The services are all mediated through the space in which people

live. It dictates the extent to which they can participate.

Senator James Reilly talked about a particular man. I might know him. If I do not, I know half a dozen like him in Fingal. There are 1,200 young people under the age of 65 years in nursing homes. Nobody could have described this scenario more eloquently than Senator James Reilly.

With regard to other entities, in March 2017 the Garda commenced an initiative in Dublin called Operation Enable. It noted specifically who should and should not have been parking in parking bays. It found that a number of people were fraudulently using disability cards and also discovered various other such practices. The initiative has now been commenced in Cork. We must consider the role of other bodies. If local authorities are making spaces available, the Garda has a role to play. Senator Mark Daly made a point about enforcement. These are important considerations.

Senator Mark Daly also talked about how this House had been made accessible. I was here the night a former Taoiseach, the late Albert Reynolds, announced his 11 appointees to the Seanad, one of whom was a man from Cork in a wheelchair, Mr. Brian Crowley. A man close to me at home who worked for one of the newspapers asked me who the appointee was and I actually did not know him. We were here with the chairman of the Irish Wheelchair Association, Mr. Frank Mulcahy, from Cork - God rest him. To get in, we had to lift him up the steps and take him down around the corridors. Those steps have now been removed. That is how it was.

Perhaps someone might help me on the question of people parking in spaces in which they are not entitled to park their cars. Their excuse is always that they are parking for only two minutes. They are never doing so for only one minute or three minutes. They always say, "I am only going in for two minutes." Someone will have to come up with a good comedy act to raise awareness about it.

A number of Senators, including Senator Devine, talked about the Make Way day and that kind of work. I have tried to honour some of the points that have been made and I thank Senator Kelleher for seconding the motion.

We have finally arrived at the ratification of the UN Convention on the Rights of Persons with Disabilities. It is important to put it in context. It is a moment of hope and advancement but also one where we could take the wrong road. It would be a mistake to think the work has been done. I know well from my travels that people in Ireland are better placed and supported than in many parts of the world. By ratifying the convention, we are saying this is not our yardstick. We should never say in public that people are better off here than they would be somewhere else. It is a fact but as a State, we are now committed internationally and we have given our bond to the UN and the nations that are part of it that we are setting out to put things right for people who are disabled. We are saying the same thing to people with disabilities and their families. We gave our word to the international community in March 2007 in signing the convention that we would begin the journey. The progressive implementation journey begins when in the next few weeks Ireland deposits the documentation for ratification with the UN. We are beginning the work with our sleeves rolled up. All Departments and civil society groups are getting stuck into it. That is our word to the international community and to our own people with disabilities. We are getting on with the job.

I will talk about the currency of keeping one's word. It is a debased currency if one does

not keep it. As a small, democratic state, our word is a critical element of our domestic and international credibility. We do not have big armies or big guns and we cannot face people down. Our word has to be honest and people have to believe it. It is like taking one currency but not another from a person because one does not believe it is worth anything. The United States knew years before the fall of Saigon that it could not win the war and yet it continued to allow young American lives to be lost. Countless others also died. That happened because it had given its word to its allies that it would stand by them to the end and it was important for its credibility as a State to do that. It would not break its word. Ireland has given its word. That is the context in which we have to look at all of this.

I welcome the work Senator Martin Conway has put into the motion. I welcome Senators using their Private Members' time to focus on disability inclusion. My amendments are in the spirit of strengthening the motion. I have drawn attention, as has the Minister of State, to some of the broader serious issues which are not contested. Reference was made to NCBI and the Disability Federation of Ireland and I thank people for that. The Make Way day campaign involved many organisations, many people with disabilities and others. The action the motion calls for from the Minister of State would give further support to these initiatives which involve people with disabilities and a range of impairments.

I do not regard awareness raising and attitude change as unimportant. They are important and along with two other elements they make up a trio of important factors. Another factor is legislation that needs to be put in place and legislation yet to be enacted. The third aspect is funding, including existing funding. Things can and should be done differently.

There is a need for awareness raising with the public and businesses. Equally, a change of attitude is required across our public services to create an approach of dealing in the problem and not adding to it. We should be including people with disabilities in every part of the work of the Department.

Time is passing so I will leave it at that. I am very thankful to the Minister of State for being here again. In the context of implementation, we will get a number of different Departments to come in over time to deal with their various issues.

Senator Colette Kelleher: I thank the Minister of State. I am glad to hear he will be coming back to talk about housing and disability again because I will not speak about it tonight. I am particularly concerned about our very slow progress in allowing people to move out of congregated settings as a result of the shortage of housing. We have extended the deadline to 2020 but that has to be the outer limit of any extension.

I thank the Cathaoirleach for the opportunity to speak to the motion tabled by Senator Martin Conway and other Fine Gael Senators and amended by Senator Dolan. I am co-convenor of the all-party Oireachtas group on dementia. Senator Devine is also a very active member. Dementia is a recognised disability and is a serious issue in Ireland today for many people. In Ireland, there are 55,000 people with dementia. According to the HSE Understand Together information campaign, 4,000 a year and 11 people a day develop dementia. People with dementia, like people with any other disability, require a wide range of community supports to help them live well with their condition. However, we are all well aware of the substantial gaps in community supports for people with disabilities, including people with dementia.

The State needs to do more to adequately provide the range of supports for people with de-

mentia in every community. It is in a great position to encourage leadership in the development of dementia-friendly communities across Ireland. What is a dementia-friendly community? According to the Alzheimer's Society UK, a dementia-friendly community is defined as being a city, town or village where people with dementia are understood, respected and supported and where they can be confident they can contribute to community life. This definition is important. As for any other person with a physical or mental disability, people with dementia, as citizens like the rest of us, should feel included and involved and not excluded or forgotten. Dementia-friendly communities give people with dementia choice and control over their day-to-day lives.

There are a small number of examples of dementia-friendly communities in Ireland. These communities undertook to build awareness and to reimagine the way we design our physical environments with people with dementia in mind. In Wicklow, the community focused on making all local services dementia-aware. In Donegal, helpline volunteers identified loneliness and isolation among people with dementia in a very rural county and developed befriending and home visiting. In Mallow, the primary health care centre had a signage campaign called The Crystal Project. In Ballina and Killaloe, town-wide signage projects made the two towns more dementia-friendly. These projects and others show what communities can do when they think of the community from the perspective of the person with dementia. Small changes to the physical environment can make a big difference to people with dementia. These are some good examples of successful dementia-friendly communities that we can learn from.

The Government has made a start. Last year the Department of Health announced a programme to establish dementia-friendly community groups in each of the nine community health care organisations, with funding of €10,000 for each community health care organisation. The Department of Health dementia-friendly communities project is very welcome. It could go further and have national reach if the Department of Health and the Minister of State's Department worked together, which is the collaboration the Minister of State spoke about in his statement.

By enlisting and directing every local authority to take the lead in making their local authority area dementia-friendly, the Government could be even more ambitious. Enlisting and encouraging local authorities would mean that dementia-friendly communities would reach people living with dementia in all the towns, villages and townlands across Ireland. A small fund for local authorities to support this initiative would incentivise local authorities to get started.

It does not involve massive steps. The Alzheimer's Society of Ireland has a great toolkit that is very simple to follow. It includes things such as a chain of transport for people who can no longer drive. If one has been an active member of a GAA club for years, for example, and suddenly, as a result of a diagnosis of dementia, can no longer drive to a meeting or a match, there is a chain of volunteers to bring people. It means people can stay connected, involved and active. It helps people to stay well and avoids the over-reliance on nursing home care, which is not always what people want and is very costly for the State. The Government can lead the way in making our communities and societies friendlier for people with disabilities, including those with dementia. It can draw inspiration from the active communities I mentioned in Wicklow, Clare, Cork and Donegal. Senators and Deputies could also take up a leadership role in making their communities and constituencies more dementia friendly. I call on the Minister for Housing, Planning and Local Government to pave the way and show leadership in making Ireland and all of our communities more accessible and friendlier for people with dementia.

If a community is good for a person with dementia, it will be very good for everybody, as Senator Devine said, and will help with de-congregation. It is one thing to give a person a

house, but if he or she is isolated in it and cannot leave it is a prison of another sort. Will the Minister of State consider requiring every local authority to take the lead in making communities dementia friendly and develop a small grant programme for local authorities to support that? Will he work with organisations like the Alzheimer's Society of Ireland to make dementia friendly communities the norm and not the exception? I hope he will consider my proposals.

Senator Colm Burke: I thank the Minister for dealing with this matter and my colleague, Senator Martin Conway, for bringing forward the motion. I also commend Senators Dolan and Kelleher for coming forward with their views on this matter and all of those who have contributed to the debate.

I want to focus on one matter, namely local authorities and the role of disability officers. I have raised this issue on a number of occasions, but I am no further down the road in terms of knowing what their role is. Every local authority seems to have a different interpretation of the role of a disability officer. I wrote to a number of councillors in different local authority areas, requesting them to do some research for me. Each one came back with a different view. When I asked one local authority what work the disability officer had done in the previous 12 months, I was told there were two items with a total expenditure of €8,000.

I subsequently contacted the National Disability Authority to inquire whether it would formally write to local authorities to set out the role of disability officers quite clearly. My view is that their role is to assist anyone and everyone with a disability. That may include accessing public buildings, streetscapes or local authority housing. Some local authorities had the view that a disability officer should have no hand, act or part in housing for people with disabilities. I disagree with that view.

At the time, a local authority I was dealing with had an eight year waiting list for house adaptations. In fairness, within 18 months of my raising the issue sufficient funding was provided to make sure the backlog was dealt with. One family had a child who they had to lift out of bed every morning. They had to wash and tube feed her. I heard about the family in March 2014. They showed me a letter they had received dated July 2008, but no work had been carried out in the interim. I filed a complaint with the Ombudsman on behalf of the family and the work was carried out. An extension was added to the house and all of the necessary backup support required was secured. The public health nurse and many others were involved in trying to get the local authority moving, but nothing worked. As a result of the intervention of a number of people, the necessary work was carried out and funding was provided for adaptation work.

The Department needs to clarify the role of disability officers in local authorities. It would be helpful if a circular was issued to all local authorities and local authority management setting out the role of the disability officer and targets for house adaptations, planning of new estates and making sure there is adequate provision for people with disabilities. They can play a crucial role in local authorities. Some local authorities have very good and proactive disability officers.

During the downturn people who were already carrying out three or four other roles were assigned the role of disability officer. The guidelines on what those people should or should not do were pushed down the list. We now need to plan for this issue. People are living longer, which is a significant improvement, and many backup support services are available. It is important that we have long-term planning.

I recently visited a woman who is 96 years of age and lives on her own even though she is

confined to a wheelchair. She is able to live on her own because has adequate support. We will have to deal with such cases from now on and we need to plan for that. When we are planning new housing estates we must not forget that people are downsizing. We must make sure there is adequate housing. That is why planning is important. Building 100 houses which are aimed at a certain population is fine, but we should also make sure that a certain percentage are aimed at people with disabilities. Even if they are not bought by people with disabilities, they could be used by them in the future. As people get older, some will require additional support. Why not put that in place now rather than having to carry out major work in order to ensure a house can be used by a person who is in a wheelchair or has a disability?

If I get nothing from this debate but a circular to all local authorities about the role of the disability officer and local authority targets for that area I will have achieved something. I again thank the Minister of State and all of those involved in various Departments who have been proactive in this area. We have done some work, but there is a lot more to do and we all have a contribution to make to achieve that.

Senator Jennifer Murnane O'Connor: I agree with previous speakers. In some ways this can be an emotional issue for the families of people with disabilities. I recently saw a woman circle a car park for half an hour because one of the two wheelchair parking bays had been taken up by a car without a disability permit. We need to make people aware that they cannot use wheelchair parking bays unless they have a disability. I am sure there was a reason someone parked in the space and I did not question it at the time. It is important that there are enough wheelchair parking bays.

We need to examine ways to improve the streetscapes in our towns and villages, including footpaths. I sat on the board of a Carlow wheelchair group for ten years and saw the issues it addressed, which ranged from footpaths to hotels which they could not access for a Christmas party because they were not suitable for people with wheelchairs. They also dealt with taxis. Not every taxi is wheelchair compliant. In a small county or town, one is lucky if one taxi is wheelchair accessible. I cannot blame taxi drivers for that because it is an expense for them, but this is a major issue for people with disabilities and those who use wheelchairs.

The biggest issue is the campaign to raise awareness among people. Having a family member or knowing someone with a disability opens one's eyes. Some years ago in Carlow people got into wheelchairs and travelled around the town. Access to certain areas was not feasible for people in wheelchairs. The same applies to all towns.

There are no grants for housing or other grants available for people with disabilities. Most local authorities do not have a person dealing with that issue. Occupational therapists visit people's homes. Normally, occupational therapists in most local authorities are in private practice and work part time for the council.

The housing adaptation grant for the elderly and persons with disabilities is small and needs to be addressed. There needs to be a total special grants scheme for people with disabilities and the elderly. It must be remembered people are now living longer after having a stroke or with dementia. Applying for a grant for an access ramp or replacing windows and doors is a long process. The Minister of State needs to talk with local authorities to get a system in place where more housing adaptation funding is available for people with disabilities.

The Minister of State has told the housing committee how the Government is getting local

authorities to buy back houses. While I welcome this, more bungalows need to be bought for people with disabilities or elderly people with dementia or recovering from a stroke. In the past, local authority houses were built with a kitchen and sitting room downstairs and three bedrooms and a bathroom upstairs. A significant issue now is that people need a bathroom downstairs due to old age or simple convenience. That in itself is taking up many grants. Will the Minister of State put a scheme together for people with disabilities? People in wheelchairs need to be able to access more buildings. It is about everybody working together. People are living longer and we want to ensure we give people, particularly those with disabilities, a good quality of life.

Senator Kieran O'Donnell: I thank my colleague, Senator Martin Conway, for tabling this motion. I thank the Minister of State, Deputy English, for attending the debate. He is a regular visitor to the House.

Up to €1.8 billion goes into services for people with disabilities. However, there is probably a need for due diligence, an NCT check so to speak, on how particular programmes are working. I did a survey in 2007 in Limerick city with a lady in a wheelchair on the accessibility of ATMs in all city centre banks. At that stage, there were 17 ATMs around the city's banks but that has been reduced significantly as many shops have them now. She was a determined lady and came to me about the project herself. Accordingly, we spent the bones of three to four days checking how the height of the machines impacted her life. We found that she could not reach the height of the majority of ATMs. What struck me was this was a basic oversight and there were practical measures to fix this.

Senator Martin Conway referred to considering ways to improve streetscapes in towns and villages for people with disabilities. The building regulations ensure new builds must consider people with disabilities. A good idea, however, would be to bring people with disabilities to the project to see if the improvements work. At times, it may come down to the individual engineer in charge of the project and their views. Can one imagine the amount of money spent trying to correct cock-ups when a building does not meet regulations, however?

The sign language Bill brought in by Senator Mark Daly, and supported by the Government, was a real breakthrough moment. People caring for a family member with a disability are so wrecked by the daily drudgery of caring that they do not have the time to campaign. That is often overlooked. Take, for example, an elderly couple in their 70s with a disabled son or daughter. Their main concern is how their son or daughter will be looked after when they are gone. They are just weary and we must ensure they are brought into every area of the process.

I agree with Senator Martin Conway's suggestion that the Oireachtas housing and local government committee should set aside time to examine if the various proposals around disability, such as planning regulations and employment targets, are actually working. The Minister of State stated in his speech that people with a disability are only half as likely to be in employment as others of working age. We must find out why. The process for applying for the partial capacity benefit is cumbersome. Is it working? Take the situation of an old business premises in which the cost to make it disabled friendly would be significant. Should we be looking to give such businesses some form of a grant?

There is a Minister of State with responsibility for disabilities at Cabinet. In time, I would like that to evolve into a full Ministry. That is the path we should be taking. We need to look at all aspects of society. The local authorities and public bodies in Limerick are good at employing people with disabilities. However, it is often asked why those who care for people with

disabilities are not demonstrating and holding placards. It is because they are so busy looking after their family member with a disability that they are fatigued and do not have the time. They are just trying to get by.

Up to €1.8 billion goes into services for people with disabilities. There has never been more funding before. Is it enough? Probably not, but we are looking to increase it every year. Disability should have cross-party support and should not be a political issue. It is a human rights issue and the UN Convention is coming through. Senator Colm Burke's point about writing to all the local authority disability officers is a good proposal. I hope what will come out of this is that the Oireachtas Joint Committee on Housing, Planning and Local Government will set aside time to examine where employment for people with disabilities in public bodies and utilities stands. Are there elements which need to be improved and which elements are working? There should be a proper due diligence around this area. That would involve a cross-party approach, coming out with constructive proposals to advance the rights of people with disabilities. It is not straightforward because ultimately, if one is not disabled, one cannot comprehend how difficult it is for a person with a disability to get around.

I am delighted to have contributed to this debate. It is a matter in which I have had a lifelong interest. It has to be progressed in a practical way.

Senator Martin Conway: It has been an extremely useful debate. I am glad we were all in a position to accept the amendments. They were tabled in a collaborative spirit, a point for which the Seanad has become renowned in many ways.

We have many disagreements and different approaches to how we go about our business but, when it comes to certain fundamental rights, the end result is what we all want and we are all in unison on it.

This has been an extremely interesting debate. It is always a good debate when an hour or two is set aside to discuss issues dealing with disability. It did not happen for many years. When I was first elected to the House in 2011, discussions on the issue of disability were about cuts to respite care and various allowances, cuts to section 39 organisations and cuts to funding here, there and everywhere. It was very negative. We have now entered a positive space, however, and it is a positive space with a purpose. I believe that we are on the eve of the ratification of the convention which is, as Senator Dolan rightly said, a watershed moment. At least it should be a watershed moment. I always adopt the glass half full approach in life and I like to think that the glass is half full and there is a trickle that will fill it in its entirety. I sincerely hope that will happen.

7 o'clock

Senator Kieran O'Donnell and Senator Colm Burke made extremely interesting points. I have come across the issue of disability access officers myself. Approximately three or four years ago, we did a survey and it took some local authorities a significant length of time to reply stating who was their disability access officer. This demonstrates how little known the role was, and protocols and guidelines on their function and purpose would be no harm. Perhaps the National Disability Authority would assist in putting such guidelines together through its good offices.

It was remiss of me not to mention Senator Mark Daly and the Irish Sign Language Act that was passed by both Houses late last year and signed into law by President Michael D. Higgins on Christmas Eve. It was the best Christmas present the deaf community in Ireland has

received in many years, but it should not have been a present because it is a right. The Bill was initiated and debated in this House and it happened as a result of the work done in this House.

I commend the Minister of State, Deputy English, on increasing the funding available for disability housing grants, whether it is the grant available to elderly people or the modification grants. When someone gets older, they find their mobility may be compromised but they do not need the financial pressure of having to renovate a room or build a downstairs bathroom. The scheme has put thousands of bedrooms and bathrooms downstairs in homes and has assisted many people, which is to be commended.

Overall it has been an interesting and informative engagement. I find that we always learn something new when we have these discussions because colleagues are out and about, engaging with citizens, the electorate and the public, and it is when we are engaging with the public that we get the best ideas and suggestions. If we did not engage, we might not even spot the most obvious problems and may not be able to articulate a sensible solution. When I am knocking on doors in County Clare, which I do every week, I get the most common-sense suggestions on approaches to resolving problems. I also get the most mad suggestions, but one takes the good with the bad.

This has been a worthwhile debate and I thank everyone who contributed. I am delighted that the motion with the helpful amendments will be passed tonight.

Acting Chairman (Senator Gerry Horkan): I thank Senator Conway. It was beautifully timed at five minutes and one second.

Amendment agreed to.

Senator John Dolan: I move amendment No. 2:

In the sixth paragraph, to insert “, sensory and other” after “physical”.

Senator Colette Kelleher: I second the amendment.

Amendment agreed to.

Senator John Dolan: I move amendment No. 3:

In the eighth paragraph, to insert “and other” after “legislative”.

Senator Colette Kelleher: I second the amendment.

Amendment agreed to.

Senator John Dolan: I move amendment No. 4:

In the eighth paragraph, to insert “, sensory and other” after “physical”.

Senator Colette Kelleher: I second the amendment.

Amendment agreed to.

Senator John Dolan: I move amendment No. 5:

In the last paragraph, to insert “, sensory and other” after “physical”.

21 February 2018

Senator Colette Kelleher: I second the amendment.

Amendment agreed to.

Senator John Dolan: I move amendment No. 6:

In the last paragraph, to insert “of progressive implementation of the Convention” after “measure”.

Senator Colette Kelleher: I second the amendment.

Amendment agreed to.

Motion, as amended, agreed to.

Acting Chairman (Senator Gerry Horkan): When is it proposed to sit again?

Senator Tim Lombard: Tomorrow at 10.30 a.m.

The Seanad adjourned at 7.05 p.m. until 10.30 a.m. on Thursday, 22 February 2018.