



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Business of Seanad	2
Commencement Matters	3
Media Pluralism	3
Defence Forces Remuneration	5
School Transport	10
Services for People with Disabilities	13
Message from Dáil	15
Order of Business	16
Children's Health Bill 2018: Committee and Remaining Stages	34
Post Office Closures: Motion	54
Mental Health (Renewal Orders) Bill 2018: Order for Second Stage	78
Mental Health (Renewal Orders) Bill 2018: Second and Subsequent Stages	79

SEANAD ÉIREANN

Dé Céadaoin, 19 Meán Fómhair 2018

Wednesday, 19 September 2018

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

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

The need for the Minister for Communications, Climate Action and Environment to outline if he has considered extending his Department's remit to take over responsibility for all elements of the media.

I have also received notice from Senator Gabrielle McFadden of the following matter:

The need for the Minister for Defence to address the levels of remuneration and working conditions in the Defence Forces.

I have also received notice from Senators Rose Conway-Walsh and Kieran O'Donnell of the following matter:

The need for the Minister for Education and Skills to outline his plans to review the school transport scheme.

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

The need for the Minister for Health to make a statement on the closure of the paediatric inpatient service at the National Rehabilitation Hospital, Dún Laoghaire, County Dublin.

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

The need for the Minister for Justice and Equality to provide an update on the reopening of the Garda station in Ballinspittle, County Cork.

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

The need for the Minister for Health to address the calls for drug testing services at mu-

19 September 2018

sic festivals.

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

The need for the Minister for Agriculture, Food and the Marine to address the increase in the incidence of bovine tuberculosis.

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

The need for the Minister for Transport, Tourism and Sport to address concerns raised by citizens during the public consultation period about the BusConnects proposals and provide solutions for these concerns in a revised plan.

Of the matters raised by the Senators deemed to be suitable for discussion, I have selected the matters raised by Senators Wilson, McFadden, Conway-Walsh and Kieran O'Donnell who will share time and Boyhan and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise. I regret that I had to rule out of order the matter submitted by Senator Clifford-Lee on the grounds that it was anticipatory of statements on Project 2040 - Linking People and Places and transport matters which will be made in the Seanad on Thursday, 20 September.

Commencement Matters

Media Pluralism

Senator Diarmuid Wilson: I thank the Minister for Communications, Climate Action and Environment for attending. I know that he is busy today and it is very much appreciated.

In recent years the death knell of local media has been sounded time and again. However, just as video did not kill the radio star, the demise of newspapers does not have to be a foregone conclusion. Irish newspapers are the voice of the people, their communities and their regions. They are the fourth estate. A fully functioning fourth estate enhances the free and democratic society in which we live. However, good journalism is under threat. Censorship, economic pressure, job insecurity and a lack of political will to meet any of these challenges head on is resulting in an uncertain future for journalism. NewsBrands Ireland and Local Ireland, which represent national and local newspapers respectively, are leading the charge for a seismic change in how the newspaper industry is supported in Ireland. The newspaper industry has invested in innovation to ensure it always remains connected with its readers. However, more needs to be done and the onus for taking action must lie with the Department of Communications, Climate Action and Environment.

Ireland is currently an outlier within the European Union in respect of government action in support of independent journalism. We have one of the highest percentages of value-added tax, VAT, at 9%. The VAT rate for digital products is 23%, which is ironic when we consider the focus of Government in recent years and the importance of the digital economy. In comparison, the VAT rate on printed newspapers in the United Kingdom is set at 0%. The Minister for Communications, Climate Action and Environment can use his office to ask the Minister for Finance to reduce the VAT rate to 5% on printed and digital products and, ultimately, reduce it

to 0% when EU rules allow him to do so.

Ireland's defamation laws and the two bodies which police them are from a bygone era. They were set up before the advent of online media reporting. While I understand the responsibility for this lies with the Minister for Justice and Equality and his Department and that a single oversight body for all media, including online media, is being considered by the Government, it would be useful to have the Department of Communications, Climate Action and Environment involved in any reform of these laws.

I attempted to have statements on the newspaper industry taken in the House. However, I was told in no uncertain terms by a number of Departments that newspapers were not within their remit and that, as far as they were concerned, they did not come within the remit of any Department. This needs to change. Extending the remit of the Department of Communications, Climate Action and Environment to cover print and online journalism similarly to the way it covers broadcasting and having a dedicated official within the Department to oversee this would be ways in which independent journalism could be supported.

As I am sure the Minister is aware, we have recently seen an exodus of fantastic journalists, some of whom have joined Ministers and Departments and are using their skills in other areas of the economy. Poor salaries, no career opportunities, more pressure in the 24-7 news cycle, fewer resources and no support are leading to a brain drain from the industry. Establishing a news publishers media fund that would drive innovation and investment, coupled with a training and support scheme for all journalists, would encourage quality journalism and make the industry a sustainable and enduring one for all involved. We need more than a bursary for local broadcasters; we need to show our support for all journalists and the important role they play in our society. I thank the Minister again for coming to the House.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I thank the Senator for raising this matter. These issues, among others, have also been raised by NewsBrands and Local Ireland as part of their Journalism Matters campaign.

The composition of Departments and their remits are matters solely for An Taoiseach. Therefore, the extension of my Department's remit and the appointment of an official to take responsibility for all elements of the media are not matters on which I can respond. Aspects of policy responsibility in regard to matters that affect the media are currently shared by a range of Departments. Let me give some examples to illustrate this point. Defamation law is a matter for the Department of Justice and Equality. Policy on taxation, specifically VAT, is the responsibility of the Department of Finance. Responsibility for policy on culture is the responsibility of the Department of Culture, Heritage and the Gaeltacht. I have responsibility for broadcasting policy and policy on media plurality. The latter role can involve print media or newspapers as they may be parties to a proposed merger. Upon receiving notification from prospective parties, which must first receive the approval of the Competition and Consumer Protection Commission on competition grounds, my Department carries out an assessment as to whether the transaction is contrary to the public interest in protecting the plurality of media in the State.

As the Senator may be aware, the Broadcasting Authority of Ireland is the independent regulator established under the Broadcasting Act 2009 to regulate traditional or linear television and radio broadcasters in Ireland. The basis for the regulation of television broadcasting is provided for in the European audiovisual media services directive, a review of which will be finalised before the end of the year. This revision will require member states to increase the

19 September 2018

level of oversight in place for non-linear or on-demand television providers, such as Netflix and RTÉ Player. Member states will also be required, for the first time, to require video-sharing platform services established in their territory, such as YouTube, to ensure that users, especially minors, are protected from the most harmful content. This is to be achieved through co-regulation. Once the finalised version of the directive is published, Ireland will have 21 months to implement the required changes. Preparatory work is under way within my Department. Once the text has been finalised, public consultation will be held to inform our approach to implementation.

I recognise the importance of independent journalism and the vital role it plays in our society and in supporting our democracy by providing access to accurate, high-quality and relevant information to citizens throughout the country. As I have outlined, my remit does not extend to all aspects of media policy but I have specific responsibilities regarding the broadcasting media. In recognition of the important role and challenges faced by many local and community radio broadcasters, I am proposing, as part of the broadcasting (amendment) Bill 2017, to introduce a new funding scheme to offer bursaries to journalists working in these stations. The Bill is being drafted by the Parliamentary Counsel and I hope to publish and commence the legislation in both Houses of the Oireachtas as soon as possible.

Separately, the European Commission, as part of its initiative to tackle online disinformation, has announced that it will introduce measures to support quality journalism across member states. The Commission has proposed to member states that a specific allocation should be made in the fund under the Creative Europe programme 2021-27 to support enhancing a free, diverse and pluralistic media environment, quality journalism and media literacy. The programme which is under negotiation falls within the remit of my colleague, the Minister for Culture, Heritage and the Gaeltacht.

On the bursary, the part over which I have authority is the local media. I have proposed this particular concept and would like it to be extended to include other forms of journalism because many of them use other forms of transmission aside from broadcast such as online and the traditional print mechanism. The important thing is to establish the bursary and then we need to look at what other funding avenues are available to us to expand it.

Senator Diarmuid Wilson: I thank the Minister. As he outlined, the responsibility for journalism falls between a number of Departments. It would be helpful if one Department was fully responsible for journalism, and its promotion and independence.

Deputy Denis Naughten: That is above my pay grade. It is a matter for the Taoiseach.

Senator Diarmuid Wilson: At the moment.

Deputy Denis Naughten: It is probably a matter for consideration in forthcoming manifestos whenever the election takes place. It is something I am conscious of, which is why I have decided to establish this bursary. I hope I will have the support of colleagues in the House when I bring this legislation forward. I hope it can act as a building block to expand it further.

Defence Forces Remuneration

Senator Gabrielle McFadden: I thank the Minister of State for coming to the House

again. On 3 August 1923, the new Irish State passed the Defence Forces Act, which raised an armed force to be called Óglaigh na hÉireann, comprising such numbers of officers, non-commissioned officers and men as may from time to time be provided by the Oireachtas, the new Parliament of the Irish Free State. Ever since that time, the men and women of Óglaigh na hÉireann have served the State loyally and bravely, and they deserve our support. Earlier I proudly took part in the respect and loyalty march because I support better pay for the Defence Forces. We owe them not only our respect but also a fair living. There is no need to rehearse the litany of great work they do at home and abroad, their dignity in times of ceremony, their empathy in times of community distress or the bravery they showed over the decades of attack by the dark forces of the paramilitaries. I have done that a dozen times in the House.

I do not argue we need to pay members of the Defence Forces more to compete with other careers in the economy now that we are approaching full employment. I call for better pay and conditions for one reason only: they deserve it - no more, no less. There is no point in us continuing to blame Fianna Fáil. While the party caused the mess, Fine Gael is in government now and it is up to us to do what we have always done throughout the history of this State, which is to do the right thing for the men and women of Óglaigh na hÉireann, and the right thing for the country.

Will the Taoiseach and Minister for Defence and the Minister of State with direct responsibility for this issue, Deputy Kehoe, shake off the reticence of the bureaucrats in the Department and ensure that men and women of the Defence Forces get a fair day's pay for a fair day's work? The fact that significant numbers of them have to rely on family income support is unacceptable. We must make work pay. Military life is tough and requires many sacrifices from those who serve and from their loved ones. They know this when they enlist but they should not have to make sacrifices on a basic standard of living to serve their country. Members of the Army, the Naval Service and the Air Corps should get the same rate of pay as a civilian in a comparable job. On top of that, they deserve additional payment to compensate for the extra challenges they face as serving personnel, such as time away from family, unsociable hours and working under pressure.

These are the people who get up early in the morning, work long hours, nights and weekends and serve us with loyalty and professionalism. They deserve a break and we must never shirk from standing up for them, nor should we ever apologise for doing so.

I ask the Minister to make the issue of military service allowance his priority in the coming weeks. I ask him to fight for the resources necessary to implement an increase in this allowance as part of this year's budget. I ask him to call for an immediate report from the Public Service Pay Commission, whose job it is to establish whether, and to what extent, a difficulty exists in terms of recruitment and retention of specific sectors of the public service and to make proposals to Government for appropriate remuneration. We want this now.

In the case of the Defence Forces, the difficulties are clear. We have had the findings of the workplace climate in Defence Forces study for some time now and, in the interim period, personnel are voting with their feet. They are walking away. The solution is clear: pay people enough to make military service an attractive career option. It is that simple. For almost 100 years, the Defence Forces stood up for us and now it is time for us to stand up for them.

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): The Defence Forces are the bedrock underpinning our safe and secure society. I have never questioned

the loyalty or bravery of any member of the Defence Forces if he or she is serving overseas or serving here in Ireland and facing whatever issue to which he or she has to respond. The Government values each member and the roles that members of the Defence Forces carry out with members of An Garda Síochána and other State agencies. For this reason, the Government has tasked the Public Sector Pay Commission to examine recruitment and retention issues in the Defence Forces. That process is under way and submissions have been made. The commission is engaging with individual serving members of the Defence Forces.

Public service pay and pensions are a significant component of Government expenditure. Similar to other areas within the public service, the pay of the Permanent Defence Force, PDF, was reduced during the financial crisis. The reduction in pay was on a graduated basis with increased rates of deductions for those on higher earnings. These actions were one of the measures necessary to be taken to stabilise the financial situation which the country faced following the economic collapse.

Improvements within the economy provided the opportunity to begin the unwinding of the public service pay cuts imposed on public servants, including members of the Defence Forces. The Defence Forces' pay is continuing to increase in line with other public sector pay agreements. The Permanent Defence Force representative associations balloted their members who voted to accept the terms of the pay agreements. The focus of these increases is weighted in favour of those on lower pay.

Members of the Defence Forces received increases in pay in 2017 under the Lansdowne Road agreement. In addition, in a separate deal agreed with the Permanent Defence Force Other Ranks Representative Association, PDFORRA, the pay of general service recruits and privates who joined the Permanent Defence Force from 1 January 2013 was increased further.

The Public Service Stability Agreement 2018-2020 provides further increases in pay, ranging from 6.2% to 7.4% over the lifetime of the agreement, with the focus of the agreement once again being on the lower paid. The first increase due under the agreement from 1 January 2018 has been paid to Permanent Defence Force personnel and a second increase of 1% on annualised salaries is due on 1 October 2018, which we will see shortly. By the end of the current public service pay agreement the pay of all public servants, including members of the Defence Forces, earning under €70,000 per annum will be restored to pre-FEMPI levels. The restoration of cuts to allowances will also be considered in the context of the agreement.

Basic pay and military service allowance are only an element of the overall income package for members of the PDF. Members of the Defence Forces also receive a range of duty allowances depending on their assigned tasks. Almost half of the PDF personnel receive additional technical pay per week. The rate of technical pay ranges from €420 to €7,000 extra each year depending on the job of the individual member. When these allowances, excluding overseas peace support allowance, are added to basic pay, the current average gross income for a private three star and Naval Service equivalent is just over €35,000 per year. The average annual gross income for a sergeant is just under €45,000. In the officer ranks, the average annual gross income is €52,800 per annum for captains and €88,000 for colonels.

Defence Force personnel are also entitled to receive tax-free overseas allowances while participating in overseas military operations on direction of the Government. The number of personnel serving overseas has increased in the past few years. As of 1 September 2018, Ireland is contributing 621 Defence Forces personnel to nine missions throughout the world.

Given the unique and demanding nature of military life, there is understandably a relatively high level of turnover among Defence Forces personnel. This is not new and the PDF has always had a level of turnover that far exceeds other areas of the public service. The total number who have left the Defence Forces in recent years is consistent with long-term trends.

The Government is committed to maintaining the establishment of the PDF at 9,500 personnel and recognises that a key challenge for the Defence Forces is to reach and maintain this strength. Recruitment competitions have been held this year for general service, cadetships, apprentices and direct entries. The applications from these various competitions are being progressed and successful candidates are being inducted. Another general service recruitment competition is in process.

In 2016, the Government established an independent Public Service Pay Commission to provide objective analysis and advice on the most appropriate pay levels for the public service, including the Defence Forces. This informed the most recent pay agreement.

Under my direction, the Department of Defence raised recruitment and retention issues as part of the submission to the commission. The Government has tasked the commission with examining these challenges in the defence sector in more detail. This work has commenced and the Department of Defence has submitted detailed material. In consultation with the senior management of the Defence Forces, the commission has commenced surveying members of the Defence Forces and is being facilitated in this work by military management.

In addition, there is an ongoing programme of HR development within the Defence Forces. A number of initiatives ranging from a review of the conciliation and arbitration scheme, a review of the criteria governing contracts for enlisted personnel and a comprehensive skills gap analysis to the implementation of the Working Time Directive have been initiated. Measures to improve the work-life balance for members of the Defence Forces have also been advanced.

The Government continues to demonstrate its commitment to ensuring that the Defence Forces are equipped and trained to best international standards to meet operational requirements, both at home and abroad. The budget allocation for 2018 delivered an additional €25 million. An additional €98 million for capital expenditure has been provided out to 2021.

These measures address a range of issues that are aimed at ensuring the Defence Forces retain the capabilities to undertake the roles assigned by the Government and remain a career of choice for anyone who wants to work in a challenging and varied environment which provides opportunities for lifelong learning and self-development.

An Cathaoirleach: We normally allow eight minutes for these but 13 minutes have elapsed. I ask the Senator to be very brief.

Senator Gabrielle McFadden: I will be very brief.

An Cathaoirleach: I do not want to establish a precedent. I did not want to interrupt the Minister of State but his was a long speech.

Senator Gabrielle McFadden: Okay, I will be very brief. I thank the Minister of State for his reply. I do not deny his or the Government's respect for, or pride in, the Defence Forces. However, the pay commission is taking too long. Some time between 2012 and 2013, I told the

19 September 2018

Minister of State that technician's pay needed to be reinstated. I raised that issue with him back then but it still has not been reinstated. I have three very good friends who were technicians in Athlone. Two of those three died and never received that reinstated pay. That is really unfair. The Government could act on duty pay and does not have to wait for the pay commission for that. It is taking too long. We must stop talking about how proud we are of the Army and the Defence Forces and start putting our money where our mouth is and start paying them.

An Cathaoirleach: I call on the Minister of State to respond briefly, if he can.

Deputy Paul Kehoe: I will speak as briefly as I can but I must address the issues put to me. I do not agree that the independent Public Service Pay Commission is taking too long. It only sat in the last few months. It has prioritised the health sector and the Defence Forces following recommendations that I made to the Minister for Public Expenditure and Reform.

The Department of Defence does not set the pay grades. It is a matter for the Department of Public Expenditure and Reform which deals with all payments to all public servants. It is not a matter for the Department of Defence. I will defend the public servants in the Department of Defence who do an outstanding and fabulous job. They come in for considerable criticism and I do not accept it. If criticism came their way and I thought that they deserved it, I would say so, but it is not the case. I will defend them. From senior management down, they advocate for the Defence Forces. It is a matter for the Minister for Public Expenditure and Reform, under whose Department the Public Service Pay Commission operates. Any submissions we make, we make to the Department of Public Expenditure and Reform which forwards it to the pay commission. We have sent an evidence-based submission to the pay commission.

We are in a process of restoring the pay cuts introduced across the public service during the economic downturn. At a parade at Cathal Brugha Barracks this morning, I acknowledged the challenges the Defence Forces faced.

We have a stronger economy than before. I will work with the Department and senior management in the Defence Forces to bring those challenges to the Public Service Pay Commission. The process is under way. Submissions have been made. The commission is now engaging with individual serving members. I look forward to the outcome of the commission's work, which will provide the basis of addressing the issues within the Defence Forces.

I will say one thing-----

An Cathaoirleach: No, please, this is absolutely ridiculous. We had eight minutes-----

Deputy Paul Kehoe: I will have one sentence.

An Cathaoirleach: We had eight minutes and now we have had 16. If we allow this precedent, I will adjourn the House.

Deputy Paul Kehoe: I have one sentence. There has been a great deal of misinformation in recent days. I ask the people concerned to check their facts before doing so. I thank the Cathaoirleach for allowing me the extra time.

An Cathaoirleach: I should not have allowed it. In the future I will be strict on time. The Minister of State had 17 minutes. In the future he will have to cut his cloth along the lines of the time I allow as this is not acceptable.

School Transport

An Cathaoirleach: We have two more Commencement matters. Senators Rose Conway-Walsh and O'Donnell are sharing time. The Minister of State, Deputy John Halligan, has been waiting patiently in the wings. If this goes over eight minutes, I will just pull down the shutters. It is as simple as that. This cannot go on. I am not sure which Senator is going first, but I will give them both two and a half minutes.

Senator Rose Conway-Walsh: I thank the Minister of State, Deputy John Halligan, for coming to the House. He may remember he was here before at my request to discuss school transport. At the time, he promised that no child would be left without a seat on a school bus. I am afraid that is not the picture we see today. In the limited time I have, I want to ask him why we cannot have bigger buses. It makes no sense whatsoever that a provider is in a situation in which it can provide a bigger bus but the Department is saying it cannot happen.

I also want to ask about repeat leaving certificate students. Students do not know until the middle of August whether they have to repeat or not. Their applications are then treated as late applications. Can the Department recategorise it so they are not treated as late applications?

The Department has split parishes and families with school transport. I ask for it to be reviewed. Exactly how much has been saved by the school transport cuts over the years? School transport is becoming less and less viable. The original intention was to get rid of school transport. We are now making it impossible for families and students to get on the school bus. We have to remember that school transport is an integral part of the education system. Taking away school transport directly affects the most vulnerable students and families.

Senator Kieran O'Donnell: I welcome the Minister of State, Deputy Halligan, to the House and thank him for taking this important debate. I have already spoken to him on the matter. In Limerick, we have an issue in the Caherconlish, Ballyneety, Donaghmore and Fedamore area, which is outside Limerick city. Students of the local school, John the Baptist community school in Hospital, are unable to get school transport. We have a unique set of circumstances. We have a common application system in Limerick city for schools. Through a quirk of fate the distance from Caherconlish, Ballyneety, Donaghmore and Fedamore to the GPO in Limerick city is marginally shorter than the distance to the local school, John the Baptist community school in Hospital. If students applied to schools in Limerick city under the common application system, in most cases they would not satisfy the eligibility criteria. Therefore, I am asking the Minister of State to encourage and facilitate the school transport system in Limerick city and county to look at this matter.

There are 20 students who can use the bus on a concessionary basis but they are without a bus. Ten of those are concessions that were on the bus previously. Two of the ten have been there for the past five years and are going into sixth year. Another two have been there for the past two years and the other six were there last year. It is their local school. Parents are under enormous pressure. It is their local school. The other ten students are first years.

We have a unique set of circumstances in the Caherconlish, Fedamore, Ballyneety and Donaghmore area where children do not qualify for concessions to get the school bus to their local school of John the Baptist community school in Hospital because they are deemed to be closer to the GPO in Limerick. In most cases they would not be eligible for school places elsewhere. I ask the Minister of State to facilitate the solution being considered to get these

20 children to their school places. It is a matter that will have to be looked at in more depth in future years.

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

I thank Senators Conway-Walsh and Kieran O'Donnell. I will provide an outline of the extent of the school transport service which very many people may not be aware of. It is a significant operation managed by Bus Éireann on behalf of the Department. In 2017 and 2018, over 117,000 children, including 12,000 with special educational needs, were transported in over 4,500 vehicles on a daily basis to primary and post-primary schools throughout the country, covering over 100 million km, with a total cost in 2017 of €190 million. Parental contributions towards the cost of school transport amounted to €15.4 million; therefore, the State covers a significant cost of school transport and it increases every year. Children are generally eligible for school transport if they satisfy the distance criteria and are attending their nearest school. Children who are eligible for school transport and who have completed the application process on time have been accommodated on school transport services for the current year, where such services are in operation. Children who are eligible for school transport but for whom no transport service is available may, following an application for transport within the prescribed time limits, receive a remote area grant towards the cost of private transport. That grant is calculated on miles, just like for civil servants. Children who are not eligible for school transport may apply for transport where spare seats are available, after eligible children have been accommodated. This is referred to as concessionary transport. Where the number of ineligible children exceeds the number of spare seats available, Bus Éireann will allocate tickets for the spare seats using an agreed selection process. Under the terms of the scheme the number of spare seats varies from year to year, based on the capacity of the buses running on all of the various routes and the number of eligible children accommodated on each route. Hence, there is no guarantee that a non-eligible child who received a place the previous year will do so the following year, nor is there a guarantee that a sibling of the non-eligible child in receipt of a ticket will also do so. It is included in the terms and conditions on the Bus Éireann online application form that available seats may vary from year to year and that the transport of children who are not eligible cannot be guaranteed for the duration of the child's education.

Routes cannot be altered under the scheme, nor will additional vehicles be introduced. Neither larger vehicles nor extra trips using existing vehicles will be provided to cater for children who are not eligible, as additional State costs would be incurred by covering the cost of providing school transport for children who are eligible for it.

It is important to remember - I say this to everybody - that the school transport scheme was put in place for eligible children and for children with special needs. All eligible children in Ireland get school transport. Now and then there may be a click in the system and something might happen with Bus Éireann or something might fall through the cracks, but we are dealing with 117,000 children. All special needs children get school transport. It is one of the best schemes in Europe. An independent assessment showed that for a maximum of €300 per year in primary school and a maximum of €600 in secondary school, the cost per family of taking the car to drive children to school would amount to €1,200. This came from two independent reviews. We have not increased the cost of transport. Our difficulty lies in the fact that we started some years ago with 700 concessionary places for children and we are now up to 24,700, whom we find it extremely difficult to get on to the school buses when we factor in all of the eligible children and the children with disabilities who are entitled to school transport. That is how complicated and difficult the scheme is.

When one looks at it, 99% of people are happy with school transport and 99% of families will say this is a great scheme. It is not without its faults, however, with so many children involved and the complexity of running such a scheme every day of the week, twice per day, to and from schools and with 4,000 vehicles across the country.

Senator Kieran O'Donnell: Can we speak here?

An Cathaoirleach: It will have to be very brief because we are miles over time.

Senator Rose Conway-Walsh: I will be very brief. The school transport system was put in place for children. Putting them into categories of concessionary and non-concessionary is not acceptable. We are not living in North Korea. We need some flexibility around the school transport system. It is not good enough to say the system will not provide another seat or a bigger bus. That is disgraceful and it is a shame on the Government for what it has done and how it has followed on from Fianna Fáil in ruining school transport. It is not acceptable.

Senator Kieran O'Donnell: I have a very specific question about St. John the Baptist school and hospital in County Limerick and about the Caherconlish, Ballyneety, Donaghmore and Fedamore areas. In my view, these concessionaries should be eligible because as we have a common applications system in the city, many of them will not be eligible for those schools anyway. Their local school is St. John the Baptist. An education system should facilitate children being transported to their local school. I ask the Minister of State, Deputy Halligan, to engage with the local Bus Éireann public transport service in Limerick on the provision of school transport for these 20 children. While we will need to review the system, I ask the Minister of State to give urgent consideration to the needs of the 20 children in Limerick who currently do not have school transport to their local school.

Deputy John Halligan: I will engage with Bus Éireann in Limerick on the matter. I have regular engagement with Bus Éireann. On Senator Conway-Walsh's remarks regarding school transport, she obviously does not know the system.

Senator Rose Conway-Walsh: I know it inside out and upside down.

Deputy John Halligan: I do not think that is true because if it was, the Senator would know that the school transport scheme was put into operation for children who are eligible.

Senator Rose Conway-Walsh: When?

Deputy John Halligan: To be helpful, I will give the Senator an example.

An Cathaoirleach: I ask the Minister of State to be brief.

Deputy John Halligan: In the case of a bus which serves an area in respect of which there are only 15 eligible children but 20 seats on the bus, rather than leave seats empty we allow concessionaries on the bus. The system provides for 24,700 concessionary children. However, if in the example given an eligible child comes forward the following year, he or she has a right under the scheme to a place on that bus, resulting, regrettably, in a concessionary having to be taken off the bus. I am obliged to adhere to the provisions of what was set out prior to my coming into office.

I offered representatives from all parties an opportunity to meet school transport providers, including Bus Éireann. I was the first Minister to provide members from all areas with

19 September 2018

dedicated numbers for Bus Éireann and other transport providers. One has to view the scheme in the round, in particular the number of children it caters for twice a day every day. With the exception of a few children who have fallen through the system, all children in Ireland eligible for school transport get it.

Senator Rose Conway-Walsh: The Minister of State is saying children of working parents do not count and that is not fair.

Deputy John Halligan: I did not say that. The Senator is being dramatic.

Senator Rose Conway-Walsh: That is the logic of what the Minister of State is saying.

An Cathaoirleach: The Senator and the Minister of State, Deputy Halligan, can resume this discussion another day.

Deputy John Halligan: The Senator does not know the scheme.

Services for People with Disabilities

Senator Victor Boyhan: I thank the Cathaoirleach for selecting this matter for discussion. Conscious of time, I will be brief.

I welcome the Minister of State, Deputy Jim Daly, to the House, although I had requested that the Minister, Deputy Harris, come to the House to make a statement on the closure of the paediatric inpatient service at the National Rehabilitation Hospital, NRH, in Dún Laoghaire. I have rehearsed this saga and related issues since January 2017. Today, I call on the Minister for Health, whom I am somewhat surprised is not here, although I acknowledge and accept he is a busy man, to explain why the NRH has not been provided with the necessary staffing, resources and specialist supports that are required to enable it to provide a safe and appropriate level of rehabilitative care for patients up to its full bed capacity and to commit to an immediate reopening of the 12 bed closures at the hospital.

Today, there are 12 beds closed in the hospital. The NRH provides a comprehensive range of specialist rehabilitation services for patients from throughout the island of Ireland, who as a result of an accident, illness or injury have acquired a physical or cognitive disability and require specialist rehabilitation. The NRH in Dún Laoghaire has advised me that it has a multitude of programmes, including the brain injury programme, including strokes; the spinal cord system and care programme; the prosthetic, orthotic and limb absence rehabilitation programme - better known as the POLAR programme; paediatric and family-centred rehabilitation. It is on paediatric beds and consultants that I would like to dwell in the time available to me.

The Minister of State, Deputy Jim Daly, is aware of the situation, which I know because during my engagement today with the hospital I was advised that his Department had sought clarification on the matter yesterday. On 30 August 2018, a statement was issued on the closure of the paediatric inpatient service at the National Rehabilitation Hospital. On top of all of the other problems we have had in this hospital with closures, lack of resources for staff, patients, patients' families, the people queuing up and all the patients waiting in acute hospital beds, no Minister can stand over what is happening there. I really do not want any more lame excuses from anyone in the Department of Health. I have contacted the Minister's office throughout the summer offering to take up his initial invitation to me to meet him to discuss the NRH. He

has not yet responded with a firm date to meet. That is disappointing to me and is perhaps a measure of the lack of commitment to and focus on the National Rehabilitation Hospital in Dún Laoghaire. It disappoints me to have to say that.

In summary, the hospital states in this statement that it wishes to restore the much-needed paediatric cover for this hospital to allow it to get on with providing inpatient services and to resume as early as possible. In January 2017 the hospital had 12 beds closed. Despite promises to open them we confirmed in July that six had been opened. In August, another six beds to do with the inpatient paediatric services closed. It is unacceptable. The patients are unhappy. I have indicated to politicians in the constituency of Dún Laoghaire, members of all parties and none, that there will be a series of public rallies and meetings which I will lead to get a focus on this. I have been very patient - I think every Member of this House will vouch for that - in consistently raising this issue but I am getting a closed door. Patients are disappointed but more importantly, so are the families. The final issue is that we have patients waiting in acute hospital beds to avail of the excellent services in the National Rehabilitation Hospital.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Senator for raising this issue and for giving me an opportunity to respond. The NRH in Dún Laoghaire in Dublin provides complex specialist rehabilitation services to patients who, as a result of an accident, illness or injury, have acquired a physical or cognitive disability and require specialist medical rehabilitation. The hospital has a reputation for excellence, as the Senator said, and provides patients with every opportunity to meet their rehabilitation goals through personalised treatment plans delivered by consultant-led interdisciplinary teams expert in their fields.

Services provided at the hospital include a paediatric programme which is delivered by a paediatric team based on campus with clinical oversight provided by a consultant paediatrician who is based off-campus at another hospital. Until recently this consultant paediatric oversight had been provided by a paediatrician at Our Lady's Children's Hospital, Crumlin, whose contract includes a seven-hour clinical attachment to the NRH. I am advised by the Health Service Executive, HSE, that the consultant paediatrician in question has recently gone on unplanned long-term leave and arising from this unforeseen development, Our Lady's Children's Hospital is not in a position to provide consultant oversight to the National Rehabilitation Hospital's paediatric programme. In the light of this, the NRH has reluctantly closed its inpatient paediatric service on the basis that it is not possible to appropriately assess and triage new paediatric referrals and medically manage paediatric patients without consultant paediatric input.

I am aware that the parents of children requiring inpatient and day care services at the NRH are very concerned and I assure them that all is being done by the HSE to address this situation. The Children's hospital group has confirmed that officials have been working to identify another consultant paediatrician with an interest in disability to fill the vacancy to provide appropriate clinical paediatric oversight to the services provided in the NRH. I understand a meeting between officials in the HSE community healthcare organisation, CHO, 6, the NRH and the Children's hospital group is being arranged imminently to discuss possible options required to affect the resumption of a sustainable service as soon as possible. In the interim, the paediatric team at the NRH will continue to carry out assessments and provide therapies and outpatient services to existing paediatric patients.

The Government recognised the excellent rehabilitation programme which the NRH delivers and the hospital's excellent patient outcomes. A key priority is delivery of replacement accommodation at the hospital. This development will see the existing ward accommodation

19 September 2018

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 to 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 at the NRH. Construction work is currently under way and the new development is expected to be operational in 2020. Funding for phases 1 and 2 of this major redevelopment project was included in the Government's recently announced Project Ireland 2040 policy, part of an overall €10.9 billion strategic investment in health.

Senator Victor Boyhan: I thank the Minister of State.

An Cathaoirleach: The Senator must be brief because we are up against the clock.

Senator Victor Boyhan: We do not need a history lesson on the construction of a new hospital as part of the national rehabilitation facility because we know about the matter. I have a folder that contains all the ministerial responses and that can prove this is the same old cut and paste response about a new facility. I am not talking about a new facility at the National Rehabilitation Hospital site in Dún Laoghaire. Can the Minister of State guarantee that consultant paediatric cover for the children in the hospital will be restored? Only six beds have been designated for use by children in that hospital. When can he guarantee that the six beds that were closed will be reopened? When can he guarantee the other six beds will be provided?

Earlier today I issued a letter to the Minister but I would like the Minister of State to convey four demands to him. I want the Minister for Health to meet me and a delegation. I also put him on notice that a campaign will be launched this week to focus the attention of politicians on the hospital. I want the 12 beds reopened in the hospital. I also want consultant paediatrician cover to be restored immediately at the hospital.

Deputy Jim Daly: I am more than happy to convey the demands made by the Senator. One of my favourite attributes in any politician is consistency. The Senator has been more than consistent on this issue on numerous occasions in the House.

Senator Victor Boyhan: I thank the Minister of State.

Deputy Jim Daly: The Senator has been a loyal and consistent supporter of the work that takes place at National Rehabilitation Hospital. I shall support him in any way that I can to address the challenges faced by the hospital. I will convey his sentiments to the Minister for Health.

Senator Victor Boyhan: I appreciate that.

An Cathaoirleach: I thank the Minister of State. I know that we are almost up to our starting point but I must suspend the sitting until 3.30 p.m.

Message from Dáil

An Cathaoirleach: Dáil Éireann passed the Thirty-seventh Amendment of the Constitution (Repeal of offence of publication or utterance of blasphemous matter) Bill 2018 on 18 September 2018, to which the agreement of Seanad Éireann is desired.

Order of Business

An Cathaoirleach: I welcome everyone back for the new season. We are back in gale force winds. I wish Senators every success in this new term, particularly Senator Freeman, who is the only Senator in the Presidential race-----

Senator Terry Leyden: So far.

An Cathaoirleach: Indeed, so far. I wish her well. It is a great honour. There is a great tradition in this House of former Senators being elected to the Presidency.

I invite the Leader of the House to outline the business of the day.

Senator Jerry Buttimer: The Order of Business is No. 1, Children's Health Bill 2018 - Committee and Remaining Stages, to be taken at 4.45 p.m. and adjourned not later than 6 p.m., if not previously concluded; No. 71, non-Government motion No. 14 re post office closures, to be taken at 6 p.m., with the time allocated for the debate not to exceed two hours; and No. 3, Mental Health (Renewal Orders) Bill 2018 - all Stages, to be taken at the conclusion of No. 71, with the time allocated to group spokespersons in the debate on Second Stage not to exceed six minutes each and to all other Senators not to exceed four minutes each, the Minister to be given not less than five minutes to reply to the debate and Committee and Remaining Stages to be taken immediately thereafter.

An Cathaoirleach: The Leader referred to the Mental Health (Renewal Orders) Bill 2018 as No. 3 but it is actually No. 2 on the Order Paper.

Senator Jerry Buttimer: Gabh mo leithscéal.

An Cathaoirleach: I have very alert advisers.

Senator Catherine Ardagh: I welcome the return of my colleagues and the staff of the Seanad. I am delighted everybody is present in spite of the blustery weather.

I convey my sympathy and that of the Fianna Fáil Party to the family of the lady who died when her caravan was blown off the cliff in the west. It is a stark reminder of how dangerous this type of weather is. We must be especially vigilant when we are driving cars and on the roads.

I join others who have expressed support for the members of the Defence Forces and their families who gathered outside Leinster House earlier in support of better conditions and increased pay for those who serve in the Defence Forces. I have raised this matter in the Chamber and many colleagues, especially Senators Craughwell, Wilson and Leyden, have raised on numerous occasions the standard of living and the meagre allowances paid to members of the Defence Forces. Many female relatives of members of the Defence Forces have been vocal and they have not ceased in their campaign to ensure the standard of living for members improves. It is a damning indictment of the Government that 30% of the Defence Forces' members are in receipt of family income support. I call on the Minister to address this matter in the House; to make a proper statement on it and to put his money where his mouth is and forget about lip

service.

The second issue I wish to raise is BusConnects, a radical new proposal for Dublin Bus. We all want better infrastructure and more investment in Dublin. However, the current plan, although it has some benefits, including a more transparent and streamlined fare system, is causing massive anxiety for many people in the city, so much so that thousands of people have attended public meetings organised by Oireachtas Members regarding this plan, which is colloquially known as the “bus disconnects plan”. Bus routes in my constituency such as the 123 and 15A service St. James’s Hospital and St. Luke’s Hospital, which provide oncology services, but people will no longer have a direct route to these hospitals.

The current proposal seems to affect the elderly, the disabled and infirm. It is not realistic for people who need to attend an appointment to wait and have to change buses once, if not twice, to go to hospital. The Minister for Transport, Tourism and Sport cannot hide behind the National Transport Authority, NTA. The NTA reports to the Minister, the Minister is responsible to Government and the Government must report to the Dáil. I am glad that this matter is being debated as we speak in the Dáil. My party has tabled a Private Members’ motion on extending the consultation period and I hope the Minister will accede to that request. It is important that we have a better bus service in Dublin but it must be the right service and bus users must be allowed to contribute to the consultation process.

I raise the proposed sale of the John Player site on the South Circular Road, a site that could house 600 people. NAMA is putting this site up for sale on the open market in the same week the Government launched its new land initiative plan, under which it proposes to buy houses on the private market. The agency has been allowed to put this site on the open market yet it seems the Government is washing its hands of the process, saying that it cannot interfere with NAMA or the receiver. This property is in the ownership of NAMA, and the Minister for Finance has responsibility for NAMA. He should come to the House and explain the reason this site is being put up for sale on the open market.

Senator Joan Freeman: I draw attention to mental health in the workplace, especially following the VHI report on mental health in the corporate workplace. The VHI released a study during the summer called Mind Matters, which examined mental health and resilience in corporate workplaces in Ireland. One in five corporate employees feels extremely or very stressed and this increases to one in four in the cohort aged 34 years and under. One in five employees has missed work in the past year due to stress, anxiety or depression. Half of those surveyed feel the need to disguise the stress they are under at work in order to maintain their career prospects. These are troubling figures. Just 16% of those surveyed said they were extremely satisfied with their lives, whereas 21% of people - essentially one in five - are extremely or very stressed. In a recent case, a business executive who had been required to deal with out-of-hours work emails, including some at midnight, was awarded €7,500. This shows that technology in the workplace can increase the pressure on workers. In many cases, this compounds the plight of workers who are terrified about not being able to pay their rent or make their mortgage repayments.

Many staff in this building know about the toll that workplace stress can take on employees’ mental health. I am asking the Seanad, and the Oireachtas as a whole, to show an example to employees here by taking up some of the advice of the VHI expert group. For example, the expert group has suggested that resilience training should be provided to maintain employees’ mental health. I feel strongly that there should be flexible options. I recently stayed in an apartment in town that overlooks some offices. I was horrified to see people working until all times

of the day and night. The reality is that there is no flexibility, especially for young people and young parents. I suggest we should be showing flexibility to Oireachtas employees, for example, by enabling them to work from 9 a.m. to 5 p.m. In some cases, they have to work until 10 p.m. We should ensure their working conditions and working hours are flexible. I think we should show an example. I would be more than happy to talk about these issues with the human resources people in Leinster House.

Senator Rose Conway-Walsh: Cuirim fáilte ar ais roimh na Seanadóirí go léir. Up to 3,850 children nationally are waiting for initial assessments of need. Children with signs of autism make up a large proportion of this figure. I speak to the parents of such children every day. They are isolated and desperate as they try to find out why their children have unexplained symptoms.

Under the Disability Act 2005, assessments of need should take place within six months. This is the first test of how children's rights are treated in this country. Once again, they are being failed. The national figure has increased in the first six months of this year. Many parents need these assessments so they can proceed to seek full diagnoses and ultimately access services.

Supports and services are very thin on the ground and often depend on where one happens to live. At least 57 children in counties Mayo and Galway are waiting for assessments. This is more than unacceptable - it is in breach of the legislation. These figures mask the reality that many parents have lost faith in the system and the long waiting lists. They have given up applying for assessments and have instead had to beg for or borrow the money to have assessments done privately. This is not right because it means that people who have money are able to get assessments and people who do not have money are deprived of assessments.

I ask the Leader to invite the Minister to come to the House for a full debate on the lack of supports and services for children with disabilities and their families. I am also asking for resources to be allocated in the forthcoming budget to underpin the UN Convention on the Rights of Persons with Disabilities. I want the money that is allocated to go directly to children and others with disabilities, and their families, rather than being absorbed by agencies that are ultimately unaccountable.

Senator Frances Black: I welcome all of our colleagues back to the House. It feels like we have a lot of work ahead of us.

As most Senators will be aware, since I was elected to this House I have worked very hard to tackle alcohol harm in Irish society. I have watched the Public Health (Alcohol) Bill come through the Seanad and I am pleased that we have gotten it through the Seanad. As we know, it has been over 1,000 days and over 3,000 people have died in Ireland because of alcohol. I know that the Bill was meant to come into the Dáil tonight and that it has been postponed until next week but I am seriously concerned about the Final Stages and how the alcohol industry has been working so hard over the summer months, making one last shameful attempt to weaken the Bill and to remove some of its key provisions.

My colleagues will remember that we agreed in the Seanad in November with cross-party support, on amendments tabled by me and Senator Nash, that cancer warnings would form a key part of this legislation. This is important because public knowledge on the empirical, proven link between alcohol and fatal cancers is shockingly low. People know that smoking

causes cancer but the awareness is just not there with regard to alcohol.

We know from research in the UK that 90% of people do not know that alcohol increases the risk of cancer and we have a similar figure of 80% here in Ireland. Those numbers aware of the link are shockingly low and the industry would like to keep them that way because it does not want people to know that alcohol causes cancer.

What is important is that we are not just talking about health issues caused by high levels of problem drinking, but by frequent, moderate use. I emphasise that alcohol can cause cancer by moderate use. People do not realise the effect it has and this is particularly worrying when it comes to cancer. The Healthy Ireland survey data shows that only 27% of women and 16% of young women know that even one glass of wine a night can substantially increase the risk of contracting breast cancer. Reasonable estimates say that this has resulted in about 350 cases of breast cancer a year. I wonder what an industry lobbyist would say to a young woman dealing with a cancer diagnosis as a result. I am sure they all have mothers, sisters and daughters. Would they be happy that they fought so hard to resist reasonable awareness raising health warnings that could have prevented some of these cases? This is about making sure people have the information needed to make an informed decision and I ask the political parties to stand firm on this point, to put public awareness and health above profit. I ask the Leader to reintroduce the Bill in this House as a matter of urgency once it has passed Final Stage in the Dáil in order that we can finally get it up to the Park and signed into law. I will be one happy woman when I see that day.

Senator Ivana Bacik: Fáilte romhaibh go léir. I welcome everyone back.

I ask the Leader for an assurance that we will have the legislation to give affect to the repeal of the eighth amendment in this House without any delay. I strongly welcome the fact that the President last night signed the legislation following the conclusion of court challenges. The eighth amendment is now officially removed from the Constitution and there is no further impediment in the way of legislating for abortion.

We know that the Minister, Deputy Harris, has produced a very welcome Bill and I am anxious because I hear from the Joint Committee on Health proceedings this morning that there was some scepticism expressed at that committee by health professionals that it would be difficult to have the legislation and framework in place in time for women to be able to access reproductive health services in January. I want to get the Leader's assurance that we will have the legislation in here without delay. I offer him my assurance that we will do nothing to impede the progress of the legislation and most of my colleagues would share that view. We want to see it introduced without delay.

I also ask the Leader for a debate on policing in the coming weeks when we have had time to read in detail the new report published yesterday by the Commission on the Future of Policing, chaired by Ms Kathleen O'Toole. I welcome the overall theme of the recommendations which will undoubtedly bring about a transformation in our policing system in Ireland, akin to that which was brought about by the Patten report in Northern Ireland. I also welcome some of the really important recommendations, particularly that the separation of the prosecutorial function from the policing function should be implemented in a speedy fashion. I would like us to have a debate on how the recommendations may be implemented. There seems to be broad support for them but it is now really a case of seeing that they can be implemented without delay.

I ask the Leader for a debate on the separation of church and State in education. My colleague, Senator Ó Ríordáin, has been seeking a national debate and indeed the establishment of a citizens' assembly on this topic. I have been made aware by Trinity constituents of a very serious issue concerning the linking of church attendance with school admission that has arisen in a particular school in Greystones, St. Patrick's national school, which has been named in the national media. This has resulted in the resignation of the highly experienced and respected principal and a board member. I believe the manner in which the patron, the Church of Ireland, is engaging with this serious issue has raised serious concerns around the separation of church and State in the education system, concerns that are much broader than just one school. I will table a Commencement matter in the Seanad next week specifically about this issue and this school. I will ask that the Department of Education and Skills appoint an inspector or establish some other mechanism to investigate the matter fully and report to the Minister. However, I also wish to raise this issue in a broader fashion and seek a debate on it in the Seanad Chamber. It is part of a much bigger issue concerning the continued linkage of church and State within the school system.

As an example, we still have serious issues regarding religion within teacher training colleges. For example, the new teacher training strand at Dublin City University, DCU, which I understand does not admit Catholics, requires 98 fewer Central Applications Office, CAO, points for admission than teacher training in other colleges. There are some very serious issues in respect of teacher training mechanisms, the issue of patronage and how school admissions are run at particular levels. I may be corrected on the issue of the DCU teacher training strand, but I understand there is an issue where priority is given to other religions. It may not be the case that it does not admit Catholics, but there is an issue regarding admission of particular religions and lower CAO points requirements than for other teacher training courses. I ask the Leader for a debate on this matter in due course.

Senator Maria Byrne: I, too, wish to join Senator Ardagh in passing our sympathy to the family of the lady in Galway who died in the horrific accident in which a caravan was blown off a cliff.

I raise the fact that 52 people are currently on trolleys in University Hospital Limerick. This is the highest number of people on trolleys in any hospital in the country, despite the recent opening of 17 extra short-stay beds in the hospital. The hospital is under increasing pressure and I pay tribute to the staff members, who work in very uneasy conditions in which people constantly wait on trolleys while in need of care and attention. University Hospital Limerick is on the shortlist for extra beds and is awaiting 89 units, with 120 beds to be assigned to St. John's Hospital. However, University Hospital Limerick seems to be at the top of the list all the time. Extra beds must be provided as a matter of urgency to alleviate this issue as it is the main hospital for the mid-west. To return to the storm, a great number of emergency services and crews were out on the roads today. I pay tribute to the emergency services for the work they did today, because many trees have been felled and people have been injured in cars, and I thank them for their sterling work.

An Cathaoirleach: I thank the Senator for her brevity, as usual.

Senator Lorraine Clifford-Lee: Like Senator Ardagh, I wish to raise the issue of BusConnects, which is a major issue here in Dublin. As a matter of priority, the Minister for Transport, Tourism and Sport, Deputy Ross, should come to the Chamber for a full, dedicated debate on the BusConnects issue. The BusConnects plan proposes a redesign of the bus network in Dub-

lin. This was announced in July, conveniently when the Dáil and the Seanad had risen. The consultation period was supposed to end on 14 September which, again conveniently, was just before the Dáil and the Seanad were due to resume. Fianna Fáil managed to get this consultation period extended by two weeks but that is still not sufficient to get the opinions of everybody in the communities that are badly affected by this redesign, as well as those of the advocacy groups for people with disabilities, learning difficulties, dementia and other issues who use the bus service regularly.

The consultation period was very short. There has been unnecessary anxiety and concern in communities because there has been a lack of information from the NTA and the Government on the impact of the plan on people in Dublin. There are very real fears about communities being cut off, about quality of life being severely affected and about a disproportionate impact on the elderly and those with mobility or learning difficulties. In particular, the plan does not take into consideration the needs of a rapidly expanding population in north County Dublin, where I live and which I represent.

It is clear that there needs to be a redesign of the bus network but one needs to consult the people who depend on buses. It is clear, particularly regarding north County Dublin, that the whole aim of the plan is to get people to use the trains but if one knew anything about commuter trains in north County Dublin one would realise they are operating at capacity. They do not have the capacity to take extra passengers. Many living in north County Dublin cannot access the trains because they live a significant distance from a train station. By having the short period of consultation, the Government, with the NTA, is not taking into consideration the views of the people who use the bus service.

The new bus networks should be linking people and communities with places they want to go, such as universities, hospitals and the airport, not shopping centres. I would really like the Minister to come to the Chamber as soon as possible to have a full, dedicated debate on the BusConnects plan.

Senator Michael McDowell: I echo the call made by Senator Bacik for a real debate on the report of the Commission of the Future of Policing in Ireland. It is a very thorough and challenging document. It will require very considerable political commitment and the application of resources, not merely financial but also intellectual and emotional, in changing the culture of An Garda Síochána and supporting the process of change.

The report has provided for some oversight of its own implementation by suggesting the process can begin within three months. The Minister for Justice and Equality, Deputy Charles Flanagan, appeared to say this would be the blueprint for the development of policing in Ireland in the coming years. If it is, we need to see a firm statement of Government commitment as to how the Government will achieve all the various aims in the report.

The policing system has faced many difficulties recently. Morale among members of An Garda Síochána is low. The self-esteem of An Garda Síochána has been dented by recent events. The proposals of Ms O'Toole and her group should be implemented rapidly. Members of An Garda Síochána - men and women - and civilian staff in An Garda Síochána should be given a very clear message that change is on the way and that the Government is 100% committed to this and that it will happen.

Senator Bacik mentioned the referendum result and the fact that the challenge has finally

gone through the courts, that the President had finally signed the legislation into law and that the Constitution is now changed. The whole process of referendum petitions should be re-examined. It seems that it is possible for one person, just using ordinary procedures in the courts, to delay every referendum's implementation by about three months.

Senator Ivana Bacik: Children's rights.

Senator Michael McDowell: That is wrong.

Senator Jerry Buttimer: I agree.

Senator Michael McDowell: Somebody who really has a challenge should have to meet very significant initial thresholds or else the process should stop immediately. The idea that one can consider appealing to the Court of Appeal and then the Supreme Court and then engage the activities of those courts in the process is a real problem. We should speed up the process and make it more certain. This is not the first time it has happened and it will not be the last unless we do something. That is a matter for the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, whose Department is in charge of referendums and the like.

Senator Frank Feighan: I went to meet ex-members of the Defence Forces who had a coherent and loud message for the Government that they wanted better conditions. It is something as a member of Government I certainly support. I hope the Government can see a way to working towards getting better conditions for people who have effectively held the line in difficult times and who have represented our country around the world on United Nations duties.

I agree with the future of policing report under the new Commissioner, Mr. Drew Harris. We need to have a debate in this House. If it goes the same way as the Patten commission on policing in Northern Ireland, it would be a huge success. People do not realise that Mr. Chris Patten's grandfather came from Boyle in County Roscommon. We are proud of Chris Patten and how he has handled himself, especially in the Brexit negotiations.

Recently there was a housing protest in the north inner city of Dublin. Commissioner Harris rightly said the form of attire used by gardaí was not correct. Sometimes in this Seanad or even in politics more generally we need to be careful of how we criticise An Garda Síochána. My grandfather was one of the first gardaí. I am proud of the role they have played. They have made mistakes but I am very much behind An Garda Síochána and politicians should be also. The policing report will hopefully draw a line under what at times can be an easy go at members of An Garda Síochána. They do a tough job. I recently saw that a member of An Garda Síochána was attacked by a criminal gang while bringing his child to school. We should be careful about these online threats on social media. I would not like to be a garda and have people taking my photograph, putting it online and knowing where I live. The policing report is worthy and welcome but it is our police force and I am proud of it.

Senator Fintan Warfield: I wanted to use the first opportunity I had to call for a debate on the worsening housing crisis. I call on the Leader to ensure the Minister for Housing, Planning and Local Government comes to this House as soon as that can be scheduled. I will say when he comes here that his plans most recently for a new Land Development Agency will cause only further harm to people's lives and will do nothing to solve the crisis.

The proposal for the Land Development Agency is that just 10% of public land, which is our land, will be available for social housing. Some 30% of that land will be affordable, whatever

that means. It might be €50,000 less than the market rate. The really unconscionable part is that some 60% of the houses built on what was our land will be sold at market prices, completely out of the reach of the many. Do not get me wrong, there is merit in a State agency that coordinates State land for regeneration and development to drive strategic land assembly, but is there anything this Government will not privatise?

This is not just an ideological difference that we have. The process is also slow and is proved to add up to 18 months to the overall development timeline. I wonder how many people and how many experts have to say that a blind over-reliance on the private market to solve the housing crisis is destroying people's lives and young people's future. I ask for a debate on housing as soon as possible in the Seanad.

Senator Tim Lombard: I welcome our distinguished guests in the Gallery, the chairperson of Monaghan County Council, Councillor David Maxwell. He and his family are more than welcome. It is great to see him here and I hope he enjoys his trip.

I raise the issue of school transport, which is one of the key issues in my part of the world, as, in many ways, is the lack of changes in the structure. There was a Commencement debate earlier on this issue. I listened intently to the debate on the key issues for school transport and how we need to address a major change in that structure. We are seeing an increase in the population going to school and concessionary tickets are fading away and because of that students in my part of the world are not getting buses. That is becoming a huge issue. In my own parish of Minane Bridge, students are not getting buses and these were students who traditionally got the school bus. We need to have a complete review of the structure, how it is set up, and these 314 districts regarding school education. For that to change, we need to look at our general approach. We need to put a service in place where the vast majority of students have the opportunity to get the school bus. That is not happening. The stress caused to parents, pupils and the entire community because of it is a huge issue.

The other issue is not knowing whether one will get a place on the bus. I know of people who, in the first week of September, were waiting for the phone call to say their son or daughter was going to be on the bus. In one case, the parents got a phone call to say that their son was being taken off the bus, which was totally unacceptable. I propose we invite the Minister with responsibility for school transport to the Seanad, have at least a two hour debate and thrash out these issues. Unless there is a new policy and budget in place, we will miss an opportunity to ensure young people can go to secondary and primary school on the school bus which is a basic right.

An Cathaoirleach: I join Senator Lombard in welcoming the Cathaoirleach of Monaghan County Council, Councillor David Maxwell, and his family to the Chamber.

Senator Jerry Buttimer: Hear, hear.

An Cathaoirleach: I hope he has an enjoyable stay. I think it is more sheltered here than it is in Monaghan at the moment. In the event that Senator Lombard does not make it to the Lower House, he is spreading his wings in being re-elected to this Chamber.

Senator Robbie Gallagher: Plan B.

Senator Terry Leyden: I must spread my wings too and welcome David Maxwell, Cathaoirleach of Monaghan County Council, to the Chamber and wish him well if he decides to run

for the Seanad, provided he is not on the Labour Panel.

I congratulate our colleague, Senator Joan Freeman, on being nominated to contest the Presidential election. It is a great achievement for her. I wish the President, Michael D. Higgins, who is a former lecturer of mine, every success as well because he is an extraordinary, wonderful President. He taught me well. He taught me so well that I got into the Dáil before him, which was a great achievement, as I told him at the time.

Senator Diarmuid Wilson: You must have been a mature student.

Senator Terry Leyden: It is never too late to learn.

The other people, who have been funded by the €160 licence fee, are Sean Gallagher, Gavin Duffy and Peter Casey. I do not know how we managed without them. I cannot figure that out. The last guy we funded was George Lee and he did not last too long. He was funded by RTÉ. I wonder how we will manage without “Dragons’ Den”.

Senator Jerry Buttimer: Fianna Fáil had a good few of them. Will we name the people in the Senator’s party who ran under the licence fee?

Senator Terry Leyden: It is a programme-----

Senator Jerry Buttimer: We could start with “Trom agus Éadrom” and go on from there.

Senator Terry Leyden: The Senator should relax. He is being provocative. He has a chance to respond.

Senator Jerry Buttimer: The Senator has a very short memory. I know Fianna Fáil had *The Irish Press* for long enough and it controlled RTÉ for long enough. Do not bring us back to the dark ages of the comely maidens at the crossroads, please.

An Cathaoirleach: It is not appropriate for the Leader to interrupt.

Senator Terry Leyden: Do not try to impress David Maxwell here.

Senator Jerry Buttimer: I impressed him a long time ago, as he impressed me.

Senator Terry Leyden: I send our best wishes to Anna May McHugh and the people at the ploughing championships. It was upsetting today for all the people participating in, and all the people who are en route to, the national ploughing championships. I hope they will resume tomorrow and have an extra day on Friday. I hope they get a response in that regard. I know companies that are represented there and it is extremely disappointing. Yesterday was wonderful. All the presidential candidates were there canvassing as well. They were lucky they picked yesterday. I wish Ms Anna May McHugh well. It is a marvellous event taking place near Tullamore and I wish it well.

I wish the Taoiseach success in Salzburg, Austria, today. He is swimming with sharks when it comes to Mr. Jean-Claude Juncker and others in the EU. It is vital that we retain our 12.5% corporation tax rate and it should not be a matter for negotiation. Brexit or not, the 26 other members should support it on the basis that we will be the most affected and the most damaged if the Brexit negotiations are not good. The best Brexit outcome is a return to the Anglo-Irish Agreement of 1965 when the United Kingdom and Ireland had an agreement prior to joining the EEC. It is a separate zone in Europe and should be supported on that basis.

19 September 2018

On 17 October, I will work with Dublin university staff in the House on an innovative possibility for a seamless Border. I will give the Leader more details about that. I have put forward a plan to them, on which they are working, and they will come back with a proposal for how we could apply modern technology to overcome the Border issue.

Senator Ned O’Sullivan: I also welcome back all my colleagues and staff.

I had not planned to speak about the policing issue. I look forward to studying the report, which has been welcomed in principle by my party’s justice spokesman, Deputy O’Callaghan.

I echo what Senator Feighan stated in respect of supporting the Garda. It is incumbent on us as elected representatives, especially in the Oireachtas, to stand by and support the Garda. It is easy for groups out there to attack the force. No organisation is perfect. There is not a police force in the world, not even in heaven above, without its flaws. We are proud of the Garda. It is incumbent on us to support gardaí when they become the subject of unacceptable criticism. A few weeks ago in Dublin, I was walking along the street when an altercation took place. Two young gardaí were attempting to arrest a group of people who had clearly been in breach of the peace and a group of people gathered around them with mobile phones, sticking the phones literally into their faces and asking “What’s your number? What’s your number?” and all that type of thing. There is a fine line between civil liberty and harassment of the Garda and I, for one, would come down on the side of the latter.

Members have heard me speak *ad nauseam* about our gas security. I ask the Leader to try to get the Minister for Communications, Climate Act and Environment, Deputy Naughten, into the House to give us an update on our energy security into the future, particularly in the supply of gas. I am delighted to tell the House that the Shannon LNG project, in which I have been very involved and supported for almost 12 years, is about to come to fruition with new investors. It is facing one final hurdle, which is an attempted injunction next month. We will let that case take its course. Work should, I hope, begin in January, with 500 valuable jobs for us in the mid-west region. I seek that debate.

In congratulating Senator Freeman on being nominated to run for the presidency, and all the other successful candidates who have come through the nomination process, let me compliment the local authorities. The local authorities did their own thing. The Constitution allows for local authorities to nominate. It was not the practice in the past. It is very much the practice of the present and into the future and I like that. The more candidates who are nominated the better. I hope we will have a good, straight, honest debate. I will keep a close eye on how these debates are handled by the media, in particular, by RTÉ.

I congratulate our colleague, Senator Lynn Ruane, on the publication of her autobiography, *People Like Me*. I was glad to be in Trinity College Dublin last night for the launch. The Senator gave a wonderful interview to Mr. Vincent Browne. Senator Ruane would make one proud to be a colleague of hers in the Seanad. All the Civil Engagement Members deserve to be congratulated. They are a wonderful ginger group here and they certainly have made their presence felt.

Senator Jennifer Murnane O’Connor: I also welcome everyone back. I see the Leader is in good form today. I am glad to be back. Today, outside Leinster House, the families of Defence Forces personnel are being forced to withstand gale force winds in order to be heard, as they seek respect for their loved ones. Today all of us here must give our support to the Defence

Forces, with proper pay and respect. They protect us, rescue us and save us but what do we do for them? Very little.

The Defence Forces are the poorest paid in the public sector. They are salaried. They are not paid by the hour and many are on family income supplement because they cannot support their families on that salary. They are not provided with free accommodation or married quarters. They have to pay for school books and uniforms. Like every family, they must put food on the table as well as pay their mortgage. It is time the State recognised these men and women for what they do for us here and abroad. We applaud them and must show them the respect they deserve. I was proud to stand beside those families outside and call out the Government for the appalling way it was treating them.

During the recent Papal visit, members of the Defence Forces slept on camp beds, were away from home for three days and received no extra pay, only an allowance. That is not good enough. I call on the Taoiseach to outline how he intends to support his Defence Forces in the upcoming budget.

I also raise the policing report. It is very important and I have listened to people speaking on it. We know the members of An Garda Síochána work extremely hard which we must respect. The biggest issue is resources. We need more gardaí and to give them more funding. Community policing is the biggest area that must be addressed. I am glad this report has been received. We must say well done. The gardaí are under a great deal of pressure and we need more of them.

Senator Paul Coghlan: I join the Leader in welcoming all our colleagues to the new session. No doubt everyone is suitably refreshed and ready for the fray. I have already said hello to my good friend, Councillor David Maxwell, and his group and look forward to meeting them again before the day is out.

I very much welcome the Commission on the Future of Policing report. I listened with great interest to our colleague, Senator Michael McDowell, who spoke on the matter on the radio this morning. I very much agreed with the views on the late Senator from the North. Senators will forgive me, it was our great friend from the North-----

Senator Michael McDowell: Senator Maurice Hayes.

Senator Paul Coghlan: It was Maurice Hayes, of course, forgive me. My memory was blocked for a second.

Senator Ned O'Sullivan: A Listowel man.

Senator Paul Coghlan: Absolutely. A man with whom I often had breakfast and tea. We happened to stay in the same house up on the Green.

Senator Terry Leyden: A private club.

Senator Paul Coghlan: I think Senator McDowell agreed with him. I very much welcome the report and when the Leader arranges for us to discuss it we will all be interested in it.

I was also at the same book launch last night, thanks to Senator Ned O'Sullivan for reminding me of the matter. It was a very enjoyable function. I was unable to be detained for as long as the Senator was but it was very enjoyable. I congratulate our colleague, Senator Lynn Ruane,

on her success.

Senator Robbie Gallagher: Before they head off, I also welcome my good friend, Councillor David Maxwell, and his group to the Seanad. Judging by the contributions from my colleagues, David will not have the opportunity to put his hand in his pocket today because all the food and drink he can consume will be bought for him before he leaves. I hope they all enjoy the rest of their day and look forward to seeing them later.

On a more serious issue, like others, I raise the flawed operation of the school transport system throughout the country. It is failing children, parents and schools throughout rural Ireland. I am aware of one school in County Monaghan, Scoil Mhuire, where children were not allowed onto the bus and were left standing at the side of the road. It is clear from looking at newspapers and listening to local radio stations throughout the country that we have a serious problem. It is not working. It is failing school children, parents and rural communities. This system was introduced by the Government in 2016. I am sure the Leader will agree it is not working. Surely it is not beyond the competence of those in the Department to come up with a common-sense scheme that will allow schoolchildren to be taken to school. I ask the Leader to take the message back to the Government that the system needs to be reviewed as a matter of urgency. We all stood here this time last year and discussed the same issues and problems and we are back here this year doing likewise. I ask the Leader to get the Minister, Deputy Bruton, and the Minister of State, Deputy Halligan, to come to the House to discuss this issue and undertake a review of the system as a matter of urgency.

Senator Jerry Buttimer: I thank the 16 Members of the House for their contributions on the Order of Business. I dtús báire, ar mo shon féin, cuirim fíorfháilte ar ais roimh gach duine, go mórmhór roimh fhoireann Theach Laighean agus roimh an gCathaoirleach. I welcome everybody back to the very busy autumn term and hope we have a very successful and co-operative session. We have much very important work to undertake. I join the Cathaoirleach in welcoming everybody back, in particular members of the staff of the Houses of the Oireachtas. I hope they have all had a very pleasant summer. I welcome Councillor David Maxwell and his family and representatives from Monaghan to the House. I welcome colleagues from Limerick who are guests of Senator Maria Byrne.

I begin by offering, on my own behalf and that of the Fine Gael group and the House, our sympathy to the family of the lady who was tragically killed this morning in the west of the country during the storm which took hold of part of our nation. It is a very tragic loss of life and we send our deepest sympathy to her family. We thank all those who today worked tirelessly to ensure the roads were safe and public services were working. I thank all first responders, staff of local authorities, the Defence Forces and other people who have been involved in the operation today across the country. It is important that people take care. Met Éireann does not give out weather warnings lightly. I hope people will take notice of them.

Senators Ardagh, Feighan and Murnane O'Connor raised the issue of the Defence Forces, of which we are all rightly proud. The Government respects and values each and every member of the Defence Forces. Today, the members of the Defence Forces and their families held a parade outside Leinster House. Unfortunately I could not get to it because I had a meeting of the group leaders. It is important that the Minister of State, Deputy Kehoe, was in the House today. Senator McFadden had a Commencement matter on the issue. The Government has established a public sector pay commission to look at the pay and conditions of public servants, including members of the Defence Forces. It will look at retention, recruitment and pay.

It is important to put the issue in context. Senator Murnane O'Connor will say "Here he goes again" but we should look at where we have come from and where we are today. I will begin this term as I have always done in a spirit of co-operation and bipartisanship and reaching across the aisle but I will not take a lecture from members of the Fianna Fáil Party on fiscal management and public sector pay and conditions when they were part of a Government that decimated and destroyed the lives of people.

Senator Jennifer Murnane O'Connor: Fine Gael is eight years in government now. It has to be responsible.

Senator Jerry Buttimer: Fianna Fáil is now travelling the road of promising all things to all people and if that is the way it wants to behave, let us go to the country and have an election.

Senator Jennifer Murnane O'Connor: Look to the future. That is what we are saying. We all need to work together.

Senator Ned O'Sullivan: Should we not be old enemies?

Senator Jerry Buttimer: I know that Senator Ned O'Sullivan is getting ready to hit the road himself and I know that he was very close to the leader of Fianna Fáil, Deputy Micheál Martin, when they gathered in Malahide. I worked well with the Senator on the Committee on the Eighth Amendment of the Constitution, however. Let us put things in context. If we want to have a real political debate, let us have it.

Senator Jennifer Murnane O'Connor: One cannot just keep promising and then not deliver. That is what Fine Gael has done.

(Interruptions).

Senator Jerry Buttimer: I remind members of Fianna Fáil that we have had a number of debates in this House on the Defence Forces and we will have them again. Senators McFadden, Craughwell and Wilson also have raised these matters here on the Order of Business. I ask Senator Murnane O'Connor to put things in context. The public sector pay agreement from 2018 to 2020 provides for further increases in pay ranging from 6.2% to 7.4% over the lifetime of the agreement. The first increase was due on 1 January 2018 and has been paid to Defence Forces personnel. A second increase is due on 1 October. By the end of the current public sector pay agreement, the pay of all public servants earning under €70,000 per annum, including members of the Defence Forces, will be restored to pre-financial emergency measures in the public interest, FEMPI, levels. It was Senator Murnane O'Connor's party that brought forward the FEMPI legislation when it was in government. The Senator cannot have it every way. Does she want to come over here to give the reply?

Senator Jennifer Murnane O'Connor: Senator McFadden said today that the Government needed to step up. I listened to her speaking and she said she was not happy. She said that the Minister needed to step up and was not doing what he said he would do. That is coming from one of Fine Gael's own Senators. I heard her today in the Chamber.

An Cathaoirleach: Please. I ask the Senator-----

Senator Robbie Gallagher: Step up to the plate.

Senator Jennifer Murnane O'Connor: I heard that today. I am glad to be back.

19 September 2018

An Cathaoirleach: I also heard all of that today, both from the Minister and-----

Senator Jennifer Murnane O'Connor: Senator McFadden asked the Minister to step up.

Senator Jerry Buttimer: The restoration of public sector pay commenced under the last Government and continues under this one. I ask that Senator Murnane O'Connor not forget that.

Senator Jennifer Murnane O'Connor: I am watching everything the Government is doing.

Senator Jerry Buttimer: What Senator McFadden said, as to be fair did Senators Craughwell and Wilson in a non-partisan way, is that we need to do more. We will do that but Senator Murnane O'Connor should not use the men and women of the Defence Forces as political pawns.

Senator Jennifer Murnane O'Connor: Absolutely not. I was proud to be here. When Fine Gael's own Senator does not agree with the Minister-----

Senator Jerry Buttimer: They are members of Óglaigh na hÉireann, the Defence Forces, who travel the world. We should have pride in them and value them and not use them as political pawns-----

Senator Jennifer Murnane O'Connor: Absolutely, which is why I was proud to stand outside Leinster House today. The Leader was not out there, but I was.

An Cathaoirleach: That is the seventh time that Senator Murnane O'Connor has interrupted.

Senator Jennifer Murnane O'Connor: I am sorry, but I was proud to stand outside today, a Chathaoirligh. I made the effort to go out.

An Cathaoirleach: The Senator has made her point. I know that the Leader is anxious.

Senator Jerry Buttimer: I am anxious to get going with my winding up.

Senator Terry Leyden: More wound up.

Senator Jerry Buttimer: Senator Murnane O'Connor, I apologise, I mean Senator Clifford-Lee-----

Senator Jennifer Murnane O'Connor: I am delighted to be back.

Senator Jerry Buttimer: The Senator is probably in Dublin North and Dublin South-Central also.

Senators Ardagh and Clifford-Lee raised the very important issue of BusConnects. I know that Senator McDowell has been knocking on doors about this issue also. The Senators are correct to raise this very important issue. Many of my party colleagues, such as Councillor Emer Higgins and Deputy Rock have also held public meetings on the matter. There is a need to have meaningful consultation. I do not buy the conspiracy theory argument that suggests people are not engaged when the Dáil goes into recess. They are engaged and the fact that many Members of the Houses and councillors have had public meetings shows people are indeed involved and

engaged with the process.

What is important, however, and where I agree wholeheartedly with the Senators is that we need to have full public consultation. There needs to be real meaningful dialogue and engagement. What outcome do we want to see? We want to see better routes; increased journeys; and faster bus connectivity. Public transport is something to which the Government is committed. If we need to see an extension of the consultation period, I would have no personal problem with it. The points made by Senator Ardagh and others today were valid.

I have no answer for Senator Ardagh regarding the sale of the John Player site. NAMA is not open to political engagement. As far as I am aware, engagement with NAMA is precluded under the Act. However, the issue raised is one on which there is need for consultation.

I wish Senator Freeman well in the Presidential election and congratulate her on attaining the nomination and on raising the issue of mental health. Yesterday, I spoke at an event and I made the point that there is a need for mandatory mental health training in the workplace in order that people will have the tools to promote positive mental health and to address stress in the workplace owing to, in some cases, inflexible and long working days. It is important that we recognise that the workplace has changed. In times past, there was considerable emphasis on vocational training and the physical health of employees. We now need to do likewise in respect of mental health and well-being. The Minister for Education and Skills, Deputy Bruton, has made changes in the curriculum in terms of well-being but I agree with Senator Freeman that it is important that there be mental health training in the workplace.

Senator Conway-Walsh raised the issue of waiting times for assessments of need, in respect of which she rightly quoted the disability Act and stated the number of applications was way too high. Following on from enactment of the legislation, 1,138 applications were received in 2016. This increased to 5,839 last year. Between 2005 and 2017, 43,521 completed applications were received by the HSE. It is important to recognise that there has been profound change. An assessments of need compliance improvement plan has been put in place by the HSE and the Minister of State with responsibility for this area, Deputy Finian McGrath, has allocated additional resources to areas where there are significant backlogs. I agree that we need to erode these waiting times as they are a source of stress to people and families.

On the point raised by Senator Black, the Public Health (Alcohol) Bill 2015 was not delayed by the Government in the Lower House, but for other reasons. The Taoiseach is on record as saying as late as yesterday that it is a priority of the Government to have that Bill enacted as soon as possible. It is my understanding the Bill will be back before the Dáil next week. I give the Senator a commitment that the Bill will be taken here as soon as possible after the Dáil has done its work. The Senator will be aware that much of what happens in the Seanad is conditional on the Dáil concluding its business. She is correct that we need to have the conversation about the continued misuse and abuse of alcohol in our society. The Public Health (Alcohol) Bill is but one measure in that regard, although an important one. Senator Black is to be commended for the work that she does. Having the type of conversations which bring people on a journey forms part of what we must do.

Senator Bacik raised the issue of the eighth amendment. I welcome the signing into law by President Higgins of the Thirty-sixth Amendment of the Constitution Bill 2018. The eighth amendment is now repealed. Those of us who campaigned for it very much welcome that signature yesterday.

Senator Ivana Bacik: Hear, hear.

Senator Jerry Buttimer: As the Taoiseach said, the legislation will be brought before the Dáil in the first week of October. It is my intent that the legislation will not be delayed in this House but that is dependent on the co-operation of all sides. I understand that at the meeting of the Oireachtas Joint Committee on Health this morning concerns were expressed by a variety of spokespersons for different organisations. If the views articulated by the Irish College of General Practitioners, ICGP, and the Institute of Obstetricians and Gynaecologists in terms of the infrastructure not being in place are true then we need to have that conversation in tandem with the passage of the legislation. I hope that by the end of the year we will have all of the necessary pieces in place. Yesterday's announcement from the Áras was important. Equally important were the comments of the Taoiseach and the Minister for Health about the Bill. I look forward to the debate on that legislation and its passage as quickly as possible.

I join Senators Bacik, McDowell, Feighan, O'Sullivan, Murnane O'Connor and Coghlan in welcoming the publication of the report of the Commission on the Future of Policing in Ireland and wishing Drew Harris well in his new role as Commissioner of An Garda Síochána. I welcome the publication of the report and compliment the chairman, Ms Kathleen O'Toole, on a comprehensive, thorough and thought provoking report. There is universal acceptance that the culture within An Garda Síochána needs to change but, equally, as outlined by the commission, its structure and management, along with the culture and oversight, must also be tackled. I might get attacked on this but 2022 is the centenary of An Garda Síochána and there is a window between now and then to bring about this much needed reform. Members have spoken about the Patten report in the North on what is now the Police Service of Northern Ireland, PSNI. It is a watershed moment for An Garda Síochána, one we should embrace and move forward with. I give a commitment that we will have the Minister in the House to discuss the report.

The report makes many innovative and exciting proposals. I am not going to go through it all but the Minister has requested the Department of Justice and Equality, in consultation with the Department of the Taoiseach, to move quickly to put in place arrangements for an implementation group on policing reform and an implementation programme office, as recommended by the commission. I hope we will debate the report in tandem with what the Government is doing. I join Senators O'Sullivan, Coghlan and others in endorsing the need to have balance in the way people criticise members of An Garda Síochána on social media, in the media or on any other platform. They are guardians of the peace and go about their work professionally - whether it is in sporting organisations, as voluntary stewards, in the traffic corps or during the papal visit. We need to give them support and stand with them.

The Commissioner made comments on the headgear worn at the protest and incident on North Frederick Street. We cannot allow, however, a situation where agitation transcends the rule of law. We must uphold the law at all times; that is what democracy is about. We know what happens if we go down the road of anarchy. The democratic process is one we should all stand up for. An Garda Síochána deserves our support and I support fully the remarks of Senator O'Sullivan about its members.

Senator Jennifer Murnane O'Connor: Absolutely.

Senator Jerry Buttimer: On Senator Bacik's point, the Minister for Education and Skills has been in the House to debate the separation of church and State in education. but I will ask him to come back to the House.

Senator Byrne raised the issue of patients on trolleys in Limerick University Hospital. The number is too high and the Government is committed to tackling the waiting lists and it has committed to opening additional beds in Limerick.

I join Senator McDowell in calling for a review of the situation where a citizen can appeal a referendum result. That is outdated, outmoded and has served its time. I say that in the context of many referenda that we have had, whether on children, marriage equality or the eighth amendment. I will explain why I agree with Senator McDowell. We had pre-legislative scrutiny, the Citizens' Assembly and the Constitutional Convention. These provided for all the issues in the relevant referendum to be debated but, in some cases, one person put in serial objections. That is wrong. We should not have a situation where the will of the people is delayed for 90 days or more. I agree fully with Senator McDowell and I will be happy to have a debate on the process where a referendum petition can be put before the courts. I do not oppose people challenging a result, but there must be a way or, as Senator McDowell put it, a threshold that must be overcome. I endorse his remarks in that regard.

I am sorry but Senator Feighan also made the point to which I referred earlier, not Senator Coghlan. With the indulgence of the Chair, I commend Senator Feighan. During the summer he sent all of us a letter with a shamrock poppy to commemorate the sacrifices of Irishmen and Irishwomen who fought and died in the First World War. The Senator has been a champion of marking the significant centenary that is Remembrance Sunday and I thank him for his letter and shamrock poppy. It is particularly important as the centenary is this year on 11 November. It is one on which we, as Members of the Oireachtas, could support him. I thank him again.

Senator Warfield raised the issue of the housing crisis of which the Government is very cognisant. I am very conscious that we have a lot of work to do, notwithstanding that we have work done and undertaken. The Minister for Housing, Planning and Local Government has been in the House on numerous occasions. I am happy to have him come back to the House again. We need political parties to make a strategic decision and not table motions of confidence or no confidence in the Minister because, as the leader of Fianna Fáil has said, the latter will not build a single house. We need to adopt a joint approach to tackling housing, which is what happened at the beginning of the Oireachtas term. It beggars belief that members of political parties on councils have opposed and blocked housing developments at a time when we need them.

Senator Fintan Warfield: Fine Gael and Fianna Fáil did it.

Senator Jerry Buttimer: Sinn Féin did it in the county in which we reside and Sinn Féin councillors on South Dublin County Council voted against the provision of social and affordable private housing.

Senator Fintan Warfield: That is not the case.

Senator Jerry Buttimer: The Senator's party voted against the provision of 975 houses. We either want houses or we do not. I am of the view that every person needs to have a home whether it is private, social or affordable. I know that the Senator did not say the following, but I wish to dispel the notion that the Fine Gael Party opposes the provision of social housing; on the contrary. I support the need to have affordable houses built to give people an opportunity to buy and live in their own homes and to have social housing built. I welcome the proposed establishment of the Land Development Agency. I hope, in tandem with county and city councils, that houses will be built faster. In my own city of Cork, where Senator Colm Burke and I

live, there are building sites where social houses are being constructed such as Deanrock Estate, White Street and in Carrigaline, which is in my constituency of Cork Central, to name but three sites. Social housing is being constructed by the Government and the Minister for Housing, Planning and Local Government.

Senators Lombard and Gallagher raised the issue of school transport as did other Members. Earlier the Minister of State at the Department of Education and Skills, Deputy Halligan, was in the House to take a Commencement matter. School transport is a significant issue and many Members of this House have had to navigate the choppy waters of this issue over the summer months. I accept that there is a need for reform because there are people whom the nearest school does not suit. I am talking about children with disabilities who must attend another school but were deprived of school transport. That is wrong. I heard the Minister of State say that the Government has spent over €190 million on school transport. It is important that we consider the scheme in terms of the nearest school option and eligibility for transport and I hope that the scheme is reviewed. Senator Lombard was right to say accessing school transport was a source of huge stress and a burden for many families.

I thank Senator Leyden for raising the important issue of the Taoiseach's visit to Salzburg. The issue of Brexit is the question of our time and there are many unknowns. I believe the Brexit negotiations and tax reforms are two separate issues. The Senator used the phrase that the Taoiseach was swimming with sharks. I assure him the Taoiseach is a good operator.

Senator Ned O'Sullivan: A shark, yes.

Senator Terry Leyden: Yes, but the Minister for Housing, Planning and Local Government is a good swimmer.

An Cathaoirleach: The Taoiseach has a fine fin himself.

Senator Jerry Buttimer: The Taoiseach is well able to navigate choppy waters-----

Senator Terry Leyden: The Taoiseach is not as good as Deputy Enda Kenny.

Senator Jerry Buttimer: -----as is the Tánaiste, Deputy Coveney, and his Minister of State at the Department of Foreign Affairs and Trade, Deputy McEntee. I know that the trio are united in their approach to Brexit and appreciate that Senator Leyden wishes them well-----

Senator Terry Leyden: I do.

Senator Jerry Buttimer: -----in their talks today but also in the ongoing negotiations.

Senator Terry Leyden: I urge them to be aware, to be warned and to take care.

Senator Jerry Buttimer: I appreciate from where the Senator is coming and know from where he has come when he says that. I know that his involvement in Europe has granted him the experience to come in here and make such a comment. I do not dismiss his comments at all, in case he thinks that I am.

Senator Terry Leyden: I thank the Leader.

Senator Jerry Buttimer: I wish the Senator well with his impending report on a seamless border.

Senator Terry Leyden: I thank the Leader. I hope that he will attend my function in the AV Room on 17 October.

Senator Jerry Buttimer: If my party is invited, my colleagues and I will give it consideration.

Senator Terry Leyden: The Leader's party will be invited.

Senator Jerry Buttimer: We will attend, if we can.

An Cathaoirleach: Tá an t-ám istigh.

Senator Jerry Buttimer: I join Senator Leyden in congratulating and thanking the executive of the National Ploughing Championships for cancelling the second day of the event. It was done in the interests of public health and safety. I know that there were many disappointed people who had travelled and who were in Screggan but the event was cancelled in the interests of health and safety.

I wish all candidates for the presidency every success, including those who have already been nominated and those who may be nominated before the deadline. I also join Senators Coghlan and Ned O'Sullivan in congratulating Senator Ruane on the publication of her book *People Like Me*. I was not able to attend the launch last night, but I saw Senator Ruane's television interview on Saturday night. I know from that interview and her personal commitment as a public representative and as a citizen that she brings a huge amount of passion, energy and intellect to what she does. I am looking forward to reading her book. I wish her well and thank her for having the courage and the temerity to go public and to speak very eloquently and passionately. Perhaps there is a book in all of us, Senator Leyden---

Senator Terry Leyden: The Leader could write a very interesting book himself.

(Interruptions).

Senator Terry Leyden: Been there, done that.

Senator Jerry Buttimer: I will now happily conclude my reply on today's Order of Business. I wish the Cathaoirleach well as he navigates us safely through a very interesting and hopefully peaceful time in this House.

An Cathaoirleach: The Leader should also wish me the strength of tolerance.

Senator Jerry Buttimer: Yes.

Order of Business agreed to.

Children's Health Bill 2018: Committee and Remaining Stages

Section 1 agreed to.

SECTION 2

An Leas-Chathaoirleach: Amendments Nos. 1 to 3, inclusive, are related and may be discussed together. However, there is no one present to move these amendments.

19 September 2018

Amendment No. 1 not moved.

Section 2 agreed to.

Sections 3 to 5, inclusive, agreed to.

Amendments Nos. 2 and 3 not moved.

Section 6 agreed to.

SECTION 7

An Leas-Chathaoirleach: Amendment No. 4 is in the names of Senators Devine, Ó Donnghaile, Conway-Walsh, Warfield, Mac Lochlainn and Gavan, but there is nobody here to move it.

Senator Devine is now present. Unfortunately I cannot allow the Senator to go back and speak on the amendments to the other sections. Did the Senator not realise the time?

Senator Máire Devine: The storm delayed me.

An Leas-Chathaoirleach: I was caught here in the Chair. We are now on section 7, amendment No. 4.

Senator Máire Devine: I move amendment No. 4:

In page 8, between lines 8 and 9, to insert the following:

“(2) Children’s Health Ireland shall guarantee that there shall be no non-medical influence in the clinical operations of the hospital within the laws of the State.”.

Gabh mo leithscéal, Storm Ali has delayed me.

I have tabled this amendment in order to hear what the Government has to state about non-medical influence in the clinical operations of the hospital within the laws of the State.

The situation in the national children’s hospital is different from that of the National Maternity Hospital and the issues of ethos and interference. Will the Minister assure us that there will be no such situation at the national children’s hospital?

We have seen evidence recently in the Scally report of the paternalistic attitude to women in the State and the influence that outside agencies, namely, the church, have had on the treatment of women, in particular. This is a children’s hospital and we cannot have what I term malign influences operating in it.

Should the Minister reassure us that no such situation will or can arise, I will be happy to withdraw this amendment.

Senator Catherine Ardagh: I propose to speak once on the Sinn Féin amendments rather than address them individually. Is that in order?

An Leas-Chathaoirleach: We can deal with the amendment on section 7. The Senator will be able to speak as we proceed. The Senator cannot deal with all the amendments now. The Senator can speak on amendment No. 4.

Senator Catherine Ardagh: May I speak generally on this amendment?

An Leas-Chathaoirleach: Yes, of course.

Senator Catherine Ardagh: This Bill is long overdue. Obviously we have concerns about impartiality but what is being proposed is necessary and is modern. There is no sign that there has been any influence from outside bodies or specific religions.

We fully support the Bill. It is disappointing that the hospital is not yet built and that it will not be operational until 2022. I am surprised that Sinn Féin has tabled amendments because I am aware that its local councillors support the building of the hospital and want to ensure there is no delay.

I am disappointed that Sinn Féin has not come to support the Bill fully and that it is trying to change it at this stage, whereby it would then have to return to the Dáil.

Senator Joan Freeman: I believe section 6 has been agreed to. Forgive me for being late. The storm is causing havoc. I wonder whether we could go back and discuss section 6?

An Leas-Chathaoirleach: I am not allowed, unfortunately.

Senator Joan Freeman: It is really important.

An Leas-Chathaoirleach: The Chair is prevented from doing so. I am sorry about that. The Senator will have to speak on some other amendment. I am caught by the rules of the House. The Senator can speak at another time.

Senator Máire Devine: I want to respond to my colleague, Senator Ardagh. She knows that my heart and soul, and those of my party, are in providing a children's hospital. It is probably disingenuous of her to say that we are seeking to delay the Bill. It is not about delaying the Bill - it is about making it a better Bill. That is what we are here to do and it involves proposing amendments. I note that the Senator's party has tabled no amendments whatsoever. We have worked really hard on this Bill. I attended three weeks of oral hearings on this matter over the Christmas 2015 period. I am very disappointed that the Senator is being so disingenuous.

Minister of State at the Department of Health (Deputy Catherine Byrne): The Bill has been carefully drafted to ensure section 7 relates to the need for the new body to abide by Government policy, insofar as it relates to ministerial directives and guidelines. This important standard provision is essential in this case because we have to ensure the national specialised paediatric hospital, which will receive significant public funds, will deliver a safe service of a high quality. Section 6 relates to the objects and functions of the new body. Among its functions will be to "provide for patient safety and quality of patient care", to "promote excellence in the practice and provision of paediatric services" and to "advocate on behalf of children and young people about healthcare issues". It is clear that the focus of the new body will be on the care of patients. It will ensure the clinical operation of the hospital will be driven by the objectives of improving, motivating and protecting the well-being of children. Accordingly, I do not intend to accept amendment No. 4.

Senator Máire Devine: I am happy to withdraw the amendment. My rephrasing or interpretation of what the Minister of State has said is that there will be no non-medical influences in the running of the national children's hospital.

19 September 2018

Deputy Catherine Byrne: That is it.

Senator Máire Devine: That is agreed to. I will withdraw the amendment on that basis.

Amendment, by leave, withdrawn.

Section 7 agreed to.

SECTION 8

An Leas-Chathaoirleach: As amendments Nos. 5 and 6 are related, they may be discussed together.

Senator Máire Devine: I move amendment No. 5:

In page 8, to delete lines 24 to 26.

I understand the need to provide for the hospital to be able to borrow for capital purposes against its income and assets. Such a provision is used by many universities and other institutions across the State. However, I do not see why the hospital would need to borrow for current purposes, given that the State should be funding it to deliver in line with demand. Hospitals run by the State should be funded for the provision of current services from the State from the Exchequer. If section 8(3) is left in the Bill, the current Government and future Governments will be allowed to underfund hospitals and instruct them to borrow money to provide paediatric healthcare services. Its inclusion will allow for exploitation, which is something we should be wary of because we have experienced enough of it.

I have proposed amendment No. 6 because I believe section 8(3) as a whole is questionable. Section 8(3) of the Bill exemplifies the concept of mission creep, which describes how objectives can shift gradually in a way that often results in unplanned longer term changes. I do not see why children's health Ireland will need to "acquire, hold and dispose of shares or other interests in a company, or become a member of a company". The mission of the hospital and its board is to provide paediatric healthcare for children across the State. I do not see why the board of the children's hospital will need to become a member of a company. Other subsections within section 8 give the board the scope to establish subsidiaries and so forth.

Its members are willing to take part in the formation of a company. It is a bit curious that children's health Ireland will need the ability to become a member of a company itself. I do not feel it is appropriate and I feel there is much more to this than meets the eye. Unless the Minister can give me a satisfactory answer, I will push the amendment to a vote.

Senator Colm Burke: Freedom must be given to a board. There may be circumstances where a development is required and it is essential that it is separated out from the hospital unit. It must be remembered that it cannot be done without the Minister's consent. It is not an unusual situation in the case of a large organisation providing a service such as this as there sometimes needs to be a separation of functions. I do not believe there is a need for this amendment to be pushed because the section clearly sets out the need for it to be done with the prior consent of the Department and the Minister. This has been drafted to give room for developments that are required in the course of the provision of services.

Deputy Catherine Byrne: The new body will have to have an arrangement with multiple

universities, academic institutions and research entities due to its national remit in the education of healthcare professionals in paediatrics and engagement in paediatric research. The formal arrangements between the universities and the new body will require some corporate identity to be decided. While this is not yet clear, it was considered prudent to allow the new body to become a member of a company, subject to the consent of the Minister. The provision also keeps options open for the type of structure that may be required for a body to carry out philanthropy for children's health Ireland.

The provision allowing the new body to borrow for current as well as capital purposes is considered useful but is strictly controlled. The ability of service providers to respond to strategic investment opportunities in the public interest, within legal control limits, must be seen to be a progressive step in managing hospital facilities into the future.

The primary driver for a service provider to borrow is to drive better value in services provided to patients in a cost-effective and timely manner. Borrowing for current purposes could be considered in scenarios where the hospital cannot generate sufficient internal funding resources in the short term to develop a service but is able to demonstrate longer-term viability and an ability to repay. The ability to borrow within controls creates this opportunity.

Circumstances in which the new children's hospital would make a case to borrow money or engage in activities that have an element of borrowing may arise in regard to leasing or licensing of commercial areas, or leasing of equipment. This could also encompass pump-priming investment in a strategic service initiative or expanding capacity that has potential to generate income for a hospital, such as attracting international patients to avail of cutting-edge, high-technology services or the specialist paediatric expertise and experience that will be available in the new hospital.

There is also the need to consider possible scenarios whereby the new body could require the potential to borrow to invest in extending existing services to generate hospital income by providing cross-jurisdictional services, for example, for Northern Ireland. As part of an accountability framework, such scenarios would be subject to approval of a business case demonstrating a return on investment with the potential to repay borrowings and generate hospital income.

The Bill allows for proper and fully accountable governance and management within the framework of national policy. It is acknowledged that, since the new body will be largely funded by the State, its borrowings will form part of the overall public debt of the State, as assessed by the EU and other bodies, and the State must exercise control before such liabilities are undertaken. The Bill, therefore, includes a provision for borrowing, subject to the approval of the HSE, the Minister, the Minister for Public Expenditure and Reform and the Minister for Finance. It is, therefore, considered appropriate to provide for the potential to borrow in the Bill. Accordingly, I do not intend to accept amendments Nos. 5 and 6.

Senator Máire Devine: I wonder what Sláintecare will think of this philanthropy and the dependence on corporate private funding for children's health. This is ideologically driven. The health of our nation, in particular that of children who will be in the wonderful flagship building which is going up in my neighbourhood, should not be dependent on scrambling for the scraps offered by philanthropy or private funding, as other hospitals are to their detriment. They are told that funding depends on how they treat their patients and how many they treat. It is unsustainable and I thought we had moved into a new era of health provision for the public,

19 September 2018

with an idea that was not ideologically driven and where we did not have to fight for funding with other hospitals and other services.

This is a new start. We know how rotten and unequal the health service has become but this will progress that situation even further. Funding for the entirety of the new children's hospital must be a priority. We must be proud to stand over what is a public service funded by taxpayers' money. I do not believe one taxpayer would want to deny the new hospital its opportunity to be funded from taxpayers' resources.

Senator Colm Burke: I am a bit surprised at the suggestion that we should not want a philanthropist to come along with an offer to provide funding. Universities are dependent on philanthropy and there have been many good developments in universities as a result of philanthropy. This is about paediatric care, and research and development. In medicine there are always situations where the State is not in a position to provide funding and research and development have depended a lot on philanthropy.

On the question of being able to borrow, as a budget is made up as early as June in the previous year, a hospital can be half way through a year when it requires action to be taken. It cannot get funding from the Department because the latter does not have it, because of the strict controls that are in place. Is the Senator saying we should not be able to borrow money to get something done which is crucially important for providing services for the people who need them? There has to be a bit of latitude and without giving a board the power to borrow one might as well not have a board. We will then be totally dependent on the Department to make a decision. There needs to be a bit of flexibility in order that the board can respond to needs as they arise, rather than have to wait for the next budget for money.

Amendment put and declared lost.

Section 8 agreed to.

SECTION 9

Senator Máire Devine: I move amendment No. 6:

In page 9, line 4, to delete "or current".

Amendment put and declared lost.

Section 9 agreed to.

Sections 10 and 11 agreed to.

SECTION 12

An Leas-Chathaoirleach: Amendment No. 7 is out of order, on the basis that it involves a potential charge on the Exchequer.

Senator Máire Devine: Can I discuss it?

An Leas-Chathaoirleach: No.

Amendment No. 7 not moved.

An Leas-Chathaoirleach: Amendments Nos. 8 to 10, inclusive, 12, 17 to 19, inclusive, and

25 to 28, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Máire Devine: I move amendment No. 8:

In page 10, lines 29 and 30, to delete “the Minister.” and substitute the following:

“the Oireachtas, following a public interview process of candidates conducted by the Oireachtas Select Committee on Health.”.

I will take all the amendments together. To ensure candidates are satisfactory, I am proposing that all board members are approved by the Oireachtas and that a public interview process be conducted by the Oireachtas Select Committee on Health. I do not believe it is appropriate for the Minister for Health to be allowed to appoint members to the board. These appointments should be transparent. Members of the board of the national children’s hospital need to be appointed in a transparent manner and questioned on behalf of the public by the Oireachtas.

It should not be forgotten that in the not too distant past, Ministers have appointed to boards people who were unsuitable to be members of those boards. Amending the Bill in this manner would protect against the role of the Minister being used in a way in which it should not be used. Recently, a former Deputy and Minister of State was appointed to the board of Horse Sport Ireland by the Minister for Agriculture, Food and the Marine. It was stated that this person has a lifelong interest in horses, which is fair enough, but despite my research I could not find any practical or professional experience that the person had in this area. I have been a lifelong supporter of the Dublin senior football team but that does not mean I qualify for selection to play for the team. To be eligible for appointment to a particular board, people should have practical and professional experience in the area, which is what these amendments seek to achieve. If people have a problem with that, I assume they have a problem with transparency and accountability.

Amendment No. 13 deals with patient advocacy, but I understand it has been disallowed.

An Leas-Chathaoirleach: Exactly. Similarly, amendment No. 11 has been ruled out of order.

Senator Máire Devine: It is a bit of a shame.

Senator Catherine Ardagh: I will speak to the amendment regarding appointments to the board. I agree with Senator Devine that this board is so important there needs to be transparency. We need to ensure we get the right candidates for the job. I hope the board of this hospital does not end up like the board of the HSE or other agencies, in that the Minister will act expediently and appoint a board on enactment of this Bill and thus we can get on with the job of building the hospital. It is hoped that the Public Appointments Service portal will be properly and efficiently utilised to this end.

Senator Joan Freeman: I support Senator Devine’s point that this board must be comprised of experts with lifelong experience in this area. The appointment of people just for their name or for the sake of it would be unwelcome. I also support Senator Devine’s proposal in amendment No. 2 regarding the addition of the words “mental health”. This amendment is important because it highlights the importance of mental healthcare and it shows that children’s mental health must be looked after in conjunction with their physical health. It is necessary to

spell out a commitment to mental health in this way because far too often, mental health has not been a priority and children today are suffering as a result. In that regard, one needs only to look to the shocking situations in Wexford and Cork.

I welcome the establishment of children's health Ireland and I am hopeful for the positive changes that it will bring.

An Leas-Chathaoirleach: A decision has been already made on amendment No. 2. I have given the Senator some latitude, but we are on amendment No. 8.

Senator Joan Freeman: I know, but I just wanted to make that point.

Senator Máire Devine: Well done.

Senator Colm Burke: In fairness, transparency is already provided for in the Bill because the Minister is accountable to the Houses. There is also full transparency in regard to appointments to all boards. On the issue of a person being required to have expertise in a particular area, I served on a State board for ten years. I was appointed to that board by Cork City Council on the basis of my legal expertise. It is helpful for a board to have members who have legal expertise in dealing with issues such that membership of this board is not all about medical expertise. A Minister would be silly to appoint people who do not have expertise in a particular area. The national children's hospital board will require a particular blend of people because this is going to be a major facility comprising medical consultants, nurses, catering staff, care assistants and many others who provide services for the hospital. It will also be tasked with ensuring that adequate information is getting out to the people on the front line, such as general practitioners. The board will also need people with management or legal experience to ensure it can take decisions which are in the best interests of the efficient running of the hospital for the benefit of the children who require it and their parents.

Deputy Catherine Byrne: All of the above amendments relate to the appointment process of board members. The Bill provides that all members are appointed by the Minister for Health and, in the interests of securing the necessary skills and experience on the board, board members will be appointed on the basis of competencies, experience or expertise deemed relevant to the body's functions.

The integration of the three children's hospitals into one new entity is a major change programme, with significant cultural and operational factors. The three children's hospitals coming together have been at the forefront of paediatric healthcare. Each has demonstrated enormous commitment to, and has established a strong track record and a proud tradition in, the provision of healthcare services for children and young people in Ireland. As such, the three hospitals are key stakeholders in this project and their agreement and support are fundamental to a successful transition.

In drafting this legislation, we have been conscious of the need to achieve the integration of the three hospitals in a way which respects the values and cultures of each. One such example is the appointment of board members. Accordingly, the Bill provides that there is a role for the board in the appointment of board members, as is currently the case in the children's hospitals. Accordingly, while all are to be appointed by the Minister, the board of the new entity will nominate eight of the 12 board members and the election by the board of the chairman of the board.

This is a public body created by statute and it is usual that State board appointments would

be overseen by the relevant Minister, as is provided for here. The appointment by the Minister is normal practice and I do not see any reason to deviate from this. To require the board to be appointed by the Oireachtas would be unwieldy, requiring approval of both Houses and the President. There is no precedent for how this would work.

The board provided for in the Bill will become the first board of the new hospital as soon as the legislation is commenced. Senators know that the three boards are to be combined and there is to be continuity on the three hospitals coming together.

Senator Máire Devine: I thank the Minister of State for her response. Sinn Féin and the signatories to these amendments in no way want to stall the progress of the building of the national children's hospital. I assure everybody that the hospital is being built. Every day I leave my home, often after sleepless nights, I see the work at the end of my street. My house is full of muck and dust. I want the hospital built. I have given a personal reason for wanting it built but we need it built for the children of this country. It is going up speedily. This Bill needs improvement and that is what amendments are for. Amending is what legislators do. We scrutinise Bills and try to improve them, rather than delay.

The Minister of State has said what is occurring with the boards and appointments is normal practice. We need to reflect on where normal practice has got us. It has us bogged down with scandals, corruption and delays in provision, affecting people at every level of service delivery in the country.

Senator Colm Burke is missing the point. He is fuzzying the intention of these amendments. I did not specifically say it was a matter of medical practitioners and medical professionals being on this board. I agree with the Senator that a mixture of skills is needed. I am not just protecting the medical profession. I would like the Senator not to fuzzy up the intention of this amendment and to understand it a little better.

Senator Colm Burke: I am not fuzzying up anything.

Senator Máire Devine: Public confidence in the health service is what we most need. We need to ensure these amendments are accepted. Those who oppose them are deciding they do not want that to happen. Transparency and becoming independent from what we had in the past are vital to building public confidence in the battered and uncertain health service that we now deliver.

Deputy Catherine Byrne: Senator Devine, like me, lives close to the hospital. I do not doubt at all the sincerity of her intervention on the Bill. I acknowledge the difficulties that have arisen in the building of the hospital. I acknowledge there is a committee in place for the neighbours and local councillors. They seem to be doing well in working with the board and the hospital. The Senator does not want to delay the process; none of us does. We want to get this done as quickly as we can.

Amendment put and declared lost.

Senator Máire Devine: I move amendment No. 9:

In page 10, lines 31 and 32, to delete "the Minister" and substitute "the Oireachtas".

Amendment put and declared lost.

Section 12 agreed to.

SECTION 13

Senator Máire Devine: I move amendment No. 10:

In page 11, line 19, to delete “the Minister” and substitute the following:

“the Oireachtas, following a public interview process of candidates conducted by the Oireachtas Select Committee on Health,”.

Amendment put and declared lost.

Amendment No. 11 not moved.

Senator Máire Devine: I move amendment No. 12:

In page 11, line 22, to delete “the Minister” and substitute the following:

“the Oireachtas, following a public interview process of candidates conducted by the Oireachtas Select Committee on Health,”.

Amendment put and declared lost.

Amendment No. 13 not moved.

An Leas-Chathaoirleach: Amendments Nos. 14 to 16, inclusive, are related and will be discussed together.

Senator Máire Devine: I move amendment No. 14:

In page 11, line 28, to delete “5 ordinary members” and substitute “all ordinary members”.

These are technical in nature and consequential to the amendments on the board of children’s health Ireland that were ruled out of order. While the amendments were ruled out, the reason for their submission still needs to be discussed. The group of amendments relates to the board of Children’s Health Ireland.

Sinn Féin believes there are problems with the size and nature of the board. The size is too small so we propose to increase the number to 18. We also feel the additional six positions should cover representatives of ICTU, patient advocates and two members of Dublin City Council, DCC. Representatives of ICTU would be important in relaying concerns of staff across the hospital and would guarantee a healthy working link between the board and staff in the hospital.

In the week that Dr. Scally highlighted the need for more patient advocates within the health service, the inclusion of two patient advocates on the board would strengthen the relationship between it and the parents and their children in the hospital.

A few months ago, before the recess, Seanad Éireann passed a motion unanimously to include parents’ voices. In that case, it was related to the national steering group for policy-making for children with complex medical needs. Unfortunately, the HSE, in its wisdom, has ignored this and has thwarted the wishes and motion of Seanad Éireann.

There is a representative of DCC on the current board of Crumlin children's hospital. This practice should be continued since the size of the hospital is increasing. There should be two DCC representatives. To ensure candidates are satisfactory, I have proposed that all board members be approved by the Oireachtas and that a public interview process be conducted by the Oireachtas Select Committee on Health. That also goes for the other 12 members.

It is not appropriate for the Minister for Health to be allowed to appoint members to the board. The Minister of State spoke about the residents' action groups in the area. I refer to the area within a 1 km radius of the children's hospital at the St. James's Hospital campus. The local councillors are doing sterling work. Such people on the ground know what is going on and they know how to fix things. They know how to talk to residents and serve as the conduit between the board and BAM Ireland, which is the construction company, and the hospital when it is in service.

As it stands, there is a councillor on the board of the children's hospital in Crumlin. Such appointments should be transparent and members of the board need to be appointed transparently in order that they can be questioned on behalf of the public by the Oireachtas.

Unfortunately, I will withdraw the amendment. I will resubmit the amendments ruled out of order, stipulating that we need additional members. We seek to add non-remunerated members with observer status so there will be no cost to the Exchequer.

An Leas-Chathaoirleach: Is the Senator talking about amendments Nos. 14 to 16, inclusive?

Senator Máire Devine: Yes.

Amendment, by leave, withdrawn.

Amendments Nos. 15 and 16 not moved.

Section 13 agreed to.

SECTION 14

Senator Máire Devine: I move amendment No. 17:

In page 12, lines 3 and 4, to delete "the Minister" and substitute the following:

"the Oireachtas, following a public interview process of candidates conducted by the Oireachtas Select Committee on Health,".

Amendment put and declared lost.

Senator Máire Devine: I move amendment No. 18:

In page 12, line 7, to delete "Minister" and substitute the following:

"Oireachtas, following a public interview process of candidates conducted by the Oireachtas Select Committee on Health,".

Amendment put and declared lost.

Senator Máire Devine: I move amendment No. 19:

19 September 2018

In page 12, lines 8 and 9, to delete “Board, 4 of whom shall be appointed on the nomination of the Board and 2 of whom shall be chosen by the Minister.” and substitute “Board.”.

Amendment put and declared lost.

An Leas-Chathaoirleach: Amendments Nos. 20 to 24, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Máire Devine: I move amendment No. 20:

In page 12, to delete lines 10 and 11.

These amendments are technical and consequential on the amendments on the board of children’s health Ireland and have been ruled out of order. Therefore, I withdraw these-----

An Leas-Chathaoirleach: These amendments have not be ruled out of order.

Senator Máire Devine: I will withdraw amendments Nos. 20 to 24, inclusive.

Amendment, by leave, withdrawn.

Amendments Nos. 21 to 24, inclusive, not moved.

Senator Máire Devine: I move amendment No. 25:

In page 12, line 28, after “Board” to insert the following:

“if approved by the Oireachtas following a public hearing of the Oireachtas Select Committee on Health”.

Amendment put and declared lost.

Senator Máire Devine: I move amendment No. 26:

In page 12, line 30, after “reappointment” to insert the following:

“if approved by the Oireachtas following a public hearing of the Oireachtas Select Committee on Health”.

Amendment put and declared lost.

Section 14 agreed to.

SECTION 15

Senator Máire Devine: I move amendment No. 27:

In page 12, lines 35 to 37, to delete all words from and including “the Minister” in line 35 down to and including in line 37 and substitute the following:

“the Oireachtas shall appoint a person to fill the resulting vacancy following a public interview process of candidates conducted by the Oireachtas Select Committee on Health.”.

Amendment put and declared lost.

Senator Máire Devine: I move amendment No. 28:

In page 13, lines 2 to 4, to delete all words from and including “be filled on” in line 2 down to and including line 4 and substitute the following:

“be filled on the nomination of the Oireachtas following a public interview process of candidates conducted by the Oireachtas Select Committee on Health.”.

Amendment put and declared lost.

Section 15 agreed to.

SECTION 16

An Leas-Chathaoirleach: Amendments Nos. 29 to 31, inclusive, have been ruled out of order as they impose a potential charge on the Revenue.

Amendments Nos. 29 to 31, inclusive, not moved.

Section 16 agreed to.

SECTION 17

Senator Máire Devine: I move amendment No. 32:

In page 14, to delete line 7 and substitute the following: “profession,

(g) is found to have a conflict of interest, including any prospect of financial gain from the functions of the services provided by Children’s Health Ireland and its subsidiaries.”.

I seek to add a new subsection to section 17 disqualifying someone from holding office or from being a member of the board if he or she is found to have a conflict of interest, including any prospect of financial gain from the functions of the services provided by children’s health Ireland and its subsidiaries. This is eminently sensible as a situation cannot be accepted where someone is supposed to be making decisions from which he or she could benefit financially. It would be prudent and proper to accept this amendment. There is this situation in numerous agencies and organisations. Somebody with a conflict of interest should not sit on the board or hold office.

Deputy Catherine Byrne: The Bill creates a new entity which, as a State body, will be subject to the highest standard of corporate governance and accountability required of State bodies, including compliance with the code of practice for the governance of State bodies. All board members must comply with the relevant provisions of the Ethics in Public Office Act 1995 and the 2001 legislation. Compliance with the Ethics in Public Office Act is considered for appointment. The Ethics in Public Office Act 1995 provides for the registration of interests of board members. In addition to the requirement under the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001, the new body will be required to prepare a code of ethics and conduct for board members, including requiring the disclosure of board members’ interests, and procedures for dealing with conflict of interest of situations. Board members are obligated to conform to procedures laid down in relation to conflict of interest situations, including acceptance of positions following employment or engagement by a State body that may give rise to potential for conflict of interest and confidentiality concerns. As this matter is already provided for in the establishment of this body, I do not intend to accept the amendment.

19 September 2018

Amendment put and declared lost.

An Leas-Chathaoirleach: Amendments Nos. 33 to 41, inclusive, are related. Amendment No. 41 is a physical alternative to amendment No. 40. Amendments Nos. 33 to 41, inclusive, may be discussed together by agreement. Is that agreed? Agreed.

Senator Máire Devine: I move amendment No. 33:

In page 14, line 18, to delete “The Minister” and substitute “The Oireachtas”.

As I stated in regard to other amendments, these amendments transfer responsibility from the Minister to the Oireachtas to ensure candidates and board members are satisfactory and have been properly vetted by the Oireachtas. I do not believe it is appropriate for the Minister for Health only to be allowed to appoint members to the board. Such appointments should be transparent. Members of the board of the National Children’s Hospital need to be appointed in a transparent manner in order that they can be questioned on behalf of the public by the Oireachtas. We have a history of Ministers appointing unsuitable members to boards.

Amendment No. 32 sought to add a new subsection disqualifying someone from holding office or from being a member of the board if found to have a conflict of interest, including any prospect of financial gain. This is eminently sensible as a situation cannot be accepted where somebody is making decisions from which he or she can benefit financially. However, in order to digest what the Minister of State said, I will withdraw this amendment and speak to my colleagues about resubmission in the Dáil.

Amendment, by leave, withdrawn.

Section 17 agreed to.

SECTION 18

Senator Máire Devine: I move amendment No. 34:

In page 14, line 26, to delete “The Minister” and substitute “The Oireachtas”.

Amendment, by leave, withdrawn.

Senator Máire Devine: I move amendment No. 35:

In page 14, line 31, to delete “The Minister” and substitute “The Oireachtas”.

Amendment, by leave, withdrawn.

Senator Máire Devine: I move amendment No. 36:

In page 14, line 33, to delete “the Minister” and substitute “the Oireachtas”.

Amendment, by leave, withdrawn.

Senator Máire Devine: I move amendment No. 37:

In page 14, line 39, to delete “the Minister’s receipt of the report.” and substitute “the receipt of the report by the Oireachtas.”.

Amendment, by leave, withdrawn.

Senator Máire Devine: I move amendment No. 38:

In page 15, line 1, to delete “the Minister” where it firstly occurs and substitute “the Oireachtas”.

Amendment, by leave, withdrawn.

Senator Máire Devine: I move amendment No. 39:

In page 15, lines 2 and 3, to delete “the Minister’s opinion” and substitute “the opinion of the Oireachtas”.

Amendment, by leave, withdrawn.

Senator Máire Devine: I move amendment No. 40:

In page 15, lines 5 to 11, to delete all words from and including “appointment—” in line 5 down to and including line 11 and substitute the following:

“appointment elect a member to be nominated to the Oireachtas for appointment as chairperson of the Board, and where the Oireachtas approves of the nomination, the member shall be appointed as chairperson for a term of 5 years.”.

Amendment, by leave, withdrawn.

Senator Máire Devine: I move amendment No. 41:

In page 15, lines 5 to 11, to delete all words from and including “appointment—” in line 5 down to and including line 11 and substitute the following:

“appointment elect a member to be nominated to the Minister for appointment as chairperson of the Board, and where the Minister approves of the nomination, the member shall be appointed as chairperson for a term of 5 years.”.

Amendment, by leave, withdrawn.

Section 18 agreed to.

Section 19 agreed to.

SECTION 20

An Leas-Chathaoirleach: Amendments Nos. 42 to 44, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Máire Devine: I move amendment No. 42:

In page 15, line 31, to delete “or a local authority”.

I do not see why a member of a local authority would be barred from membership of the board, nor do I believe any Member of this House would want that. However, I can understand why there is an exclusion of Members of the Oireachtas and MEPs. As I said, there is a Dublin City Council representative on the current board of the children’s hospital in Crumlin and this

19 September 2018

good practice should be continued. Since the size of the hospital will increase, it makes sense that there should be two Dublin City Council representatives on the board. Over many years, we have seen the benefit of members of local authorities being on the boards of hospitals and on other boards. During the problems which arose over the National Maternity Hospital having a member of Dublin City Council on the board was absolutely invaluable in the direction that the hospital took and we need to learn from it. However, as this amendment is consequential on those which have been ruled out of order, I will withdraw it.

Senator Colm Burke: While my colleague has withdrawn the amendment, I do agree with her that members of councils have qualifications. I served on Cork City Council and the board of the Port of Cork, having been appointed by the council. Rules have come in in recent years that now bar a councillor from sitting on any State board. I am not clear that is correct because in fairness to councillors they have not got onto councils easily. They have skills outside of the medical area, for example. I do not believe someone should be automatically barred. For argument's sake, a person sitting on the board who was not a councillor could not run for local office if he or she wanted to retain his or her seat on the board. I wonder whether that is a good idea. It is something that we need to review not only in respect of this board but for all boards. I do not disagree with my colleague on this issue. It is something at which we need to look in the long term.

Amendment, by leave, withdrawn.

Senator Máire Devine: I move amendment No. 43:

In page 16, line 2, to delete “or a local authority”.

Amendment, by leave, withdrawn.

Senator Máire Devine: I move amendment No. 44:

In line 16, lines 7 and 8, to delete “or a local authority”.

Amendment, by leave, withdrawn.

Section 20 agreed to.

SECTION 21

Acting Chairman (Senator Gerard P. Craughwell): Amendments Nos. 45 and 48 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Máire Devine: I move amendment No. 45:

In page 16, line 16, after “allow” to insert the following:

“, with details of the expenses paid out to each Board member to be publicly published after each year”.

This again is about “transparency”, the word and truth to which we should aspire for this term of the Oireachtas. We have been shocked many times in recent history to hear that board members or chief executive officers, CEOs, of State and semi-State companies have been claiming ridiculous expenses and abusing their position in other ways. It is an embarrassment. If we are serious about transparency we must ensure there are provisions to scrutinise the expenses

been paid out of the public purse or from funds from hospitals. Public confidence in what services are provided and how governance is carried out requires transparency and openness on expenses and make these amendments important.

Deputy Catherine Byrne: I do not intend to accept amendments Nos. 45 and 48 as the provisions are not required to be specific. Under the Bill, the remuneration of CEOs and allowances for the CEO and board members must ultimately be approved by the Minister for Public Expenditure and Reform. Section 10 of the Bill requires the board to keep a proper record of accounts of all incomes and expenditures of the body and the subject matters of the expenditure. This will include as standard practice details of expenses paid to individual board members and the remuneration and allowance of the CEO. The Bill also provides that the annual financial statements will be presented in such a form that the Minister may, with the consideration of the Minister for Public Expenditure and Reform, specify that the body's financial statements will be audited by the Comptroller and Auditor General and copies will be laid before each of the Houses of the Oireachtas as section 10 accounts. The Minister will specify the annual report and financial statements publication will include information regarding individual board member's expenses and the salary and expenses of the CEO.

Acting Chairman (Senator Gerard P. Craughwell): Is Senator Devine pressing amendment No. 45?

Senator Máire Devine: I am pressing the amendment. We cannot sit back on our laurels when we have had so much corruption in this country on different boards and involving different CEOs. Anything that will improve that and be seen to improve it is surely in the best interest. I will push the amendment to a vote.

Senator Colm Burke: There is full accountability. In fairness, any board has to assure all expenses are accounted for. As that includes remuneration to the CEO and board members, the system is already in place.

Senator Máire Devine: I will say to Senator Colm Burke that the system has failed at times.

Acting Chairman (Senator Gerard P. Craughwell): Please go through the Chair.

Senator Colm Burke: I am not clear what board Senator Devine is referring to when she says the system has failed. That was where people were working in the particular organisations where it failed. It was not the board of directors where it failed.

Senator Máire Devine: Perhaps it was oversight then?

Senator Colm Burke: No, it was not oversight. The issue that Senator Devine is raising is about board directors. The lack of accountability she referred to was by those employed within the particular organisations as opposed to-----

Acting Chairman (Senator Gerard P. Craughwell): Senator Devine is entitled to press the amendment if she so wishes.

Senator Colm Burke: I accept that but the Minister has given clarification on the matter and there is full accountability. The implication here is that there is not accountability, whereas the legislation is quite clear in saying that the Minister is putting in place legislation which means that the board is accountable for every expense incurred.

19 September 2018

Acting Chairman (Senator Gerard P. Craughwell): I accept what Senator Colm Burke is saying but Senator Devine is entitled to press for a vote. Is she pressing for a vote?

Senator Máire Devine: I am.

Acting Chairman (Senator Gerard P. Craughwell): Does the Minister want to come back in?

Deputy Catherine Byrne: I want to add a point before the vote is taken. Making this information public is good practice. The Minister will be keen to ensure it is in the interest of transparency and accountability. There is also no reason to not publish it as it would fall to be released under the freedom of information legislation if so required. It should also be noted that the Bill does not allow board members to receive fees. This is in keeping with the voluntary ethos of the three hospitals coming together. It is important to make that point.

Acting Chairman (Senator Gerard P. Craughwell): Is Senator Devine still pressing the amendment?

Senator Máire Devine: I am pressing the amendment to a vote.

Amendment put and declared lost.

Section 21 agreed to.

Section 22 agreed to.

SECTION 23

Acting Chairman (Senator Gerard P. Craughwell): Amendments Nos. 46, 47 and 49 to 51, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Máire Devine: I move amendment No. 46:

In page 16, line 35, to delete “the Minister,” and substitute “the Oireachtas,”.

Perhaps we will get this amendment through. These amendments go into two distinct sets. The first incorporates amendments Nos. 46 and 47 and they are similar to those to which I have spoken previously in respect of replacing “the Minister” with the “Oireachtas”. I will not repeat myself. The second set incorporates amendments Nos. 50 and 51 in which I have included subsidiaries of children’s health Ireland. I have included the amendments to ensure that subsidiaries of children’s health Ireland are also subject to oversight by the Dáil’s Committee of Public Accounts and the Comptroller and Auditor General. We have the case too often where there is no public accountability by subsidiaries of State companies or State organisations. I am sure we have all seen situations involving the Committee of Public Accounts and the Comptroller and Auditor General where a CEO or other representatives state they cannot answer questions regarding a subsidiary as the Committee of Public Accounts and the Comptroller and Auditor General have no oversight or responsibility for that subsidiary. It feels sometimes like the proverbial two fingers are being given to the Oireachtas. We saw that most recently with Irish Water where the Comptroller and Auditor General is prohibited under legislation from auditing the accounts of Irish Water or its subsidiaries. The Committee of Public Accounts is similarly formally precluded under its terms of reference from examining issues in respect of those accounts.

These amendments are sensible and practical. They will ensure transparency when it comes to public moneys and they will guarantee public trust.

Deputy Catherine Byrne: These amendments relate both to the appointment of a CEO and to whom that person would be accountable. They also relate to the appearance of that CEO before the Committee of Public Accounts.

I do not intend to accept the amendments. In line with the usual practice, the appointment of the CEO of a state body will be a matter for the Minister rather than the Oireachtas. With regard to the determination of pay and allowance, it is appropriate that the responsibility for this should lie with the Minister for Public Expenditure and Reform. This is standard practice in legislation and there is no valid reason to change this.

For reasons of accountability, it is, once again, standard practice for the CEO of a body to be accountable to the board of that body. It would be unprecedented and it would amount to poor governance to have a CEO directly accountable to two different groups of people.

The purpose for which the CEO would appear before the Committee of Public Accounts is that the committee would examine a report to the Dáil on the annual financial statement and report of the Comptroller and Auditor General with regard to children's health Ireland. Children's health Ireland will prepare financial statements for the following standard rule and will be audited by the Comptroller and Auditor General. Section 9 of the financial report standard 102 deals with the requirement to prepare and consult a financial statement under the section, and the new body will be required to present a financial statement both for itself and for any of its subsidiaries on a consolidation basis. This means that the CEO is required to give evidence on the economy and efficiency of the standard of the new body in the use of resources, systems, procedures and practices employed by subsidiaries of the new body for the purpose of evaluation and effectiveness of its operations. It would, therefore, be unnecessary and incorrect to reference this separately. Accordingly, I do not intend to accept the amendments.

Amendment put and declared lost.

Senator Máire Devine: I move amendment No. 47:

In page 17, lines 4 and 5, to delete "the Minister and the approval of the Minister for Public Expenditure and Reform." and substitute "the Oireachtas."

Amendment put and declared lost.

Senator Máire Devine: I move amendment No. 48:

In page 17, line 13, after "disposal" to insert "and shall be publicly published annually".

Amendment put and declared lost.

Section 23 agreed to.

SECTION 24

Senator Máire Devine: I move amendment No. 49:

In page 17, line 32, after "Board" to insert "and the Oireachtas".

19 September 2018

Amendment put and declared lost.

Senator Máire Devine: I move amendment No. 50:

In page 18, line 9, after “Children’s Health Ireland” to insert “and its subsidiaries”.

Amendment put and declared lost.

Senator Máire Devine: I move amendment No. 51:

In page 18, line 11, after “Children’s Health Ireland” to insert “and its subsidiaries”.

Amendment put and declared lost

Section 24 agreed to.

Sections 25 to 67, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Senator Máire Devine: I welcome the passing of this Bill and the speed with which the National Children’s Hospital is being delivered, given the difficulties in the area. I tabled 51 amendments because I have examined this Bill from head to toe and there are areas in it that needed tweaking and strengthening. I did this so as to improve the Bill, to try to explain it to people and to try to make it better.

There is understandable public cynicism about how we run the health service and we must make people understand that we are serious about change. I tabled 51 amendments but did not do so for the good of my health. I did it for the good of public health and I welcome this Bill.

Senator Colm Burke: I welcome the Bill, which is complex. It deals with the amalgamation of three organisations, which is always a complex process. I recall long ago when the maternity services in Cork amalgamated, which did not require the setting up of a board, the process was complex. It involved staff who had worked separately and independently in different organisations coming together. In this instance, there is an added problem in that it involves three separate organisations coming together. There is also an issue with regard to properties attached to the organisations coming under the control of the board, which I welcome.

This development is long overdue. It has been discussed for approximately 25 years. I am delighted with Senator Devine’s comments regarding the progress of the project. It is important that it be built in a timely manner and delivered by the date set out. In the context of the health services overall, we must make sure that we learn from this and do not make the same mistakes. We must avoid delaying future projects in the way this project was delayed. It went through the planning process numerous times and now, at last, we are going to have an end product which will benefit the entire population, in that it will provide services for children and their parents. We must have a proper structure in place. The various stakeholders, including those in the three different organisations who are handing control over to a new body, have been co-operative. There has been a lot of give by people and we must appreciate the work they have done over the years in developing the services. All of

6 o'clock

that must be taken into account. I thank the Minister of State, the departmental officials and all of those affected, particularly the staff and management in the three organisations, for their work and commitment in delivering this project for the country.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank all Members for their co-operation. I particularly thank all of the departmental staff for the work they have put into this. It is a complex document but in a number of years from now, we will have a hospital of which we can all be proud and which will improve the quality of life for children from all parts of the country. That is something that we all want and I cannot see it being delayed any further. I welcome the passage of the Bill in this House and hope it continues on its journey in the coming week.

Acting Chairman (Senator Gerard P. Craughwell): I congratulate the Minister of State.

Question put and agreed to.

Post Office Closures: Motion

Acting Chairman (Senator Gerard P. Craughwell): I welcome the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, to the House.

Senator Terry Leyden: I move:

“That Seanad Éireann:

recognising that:

- post offices provide crucial economic, administrative and social services to communities all around Ireland, especially to those in rural and isolated areas;

- many citizens depend on post offices in order to access basic State services, including social welfare payments and passport applications, as well as key financial services including insurance, banking and foreign exchange;

- this Government and the previous Government have stripped vital State services away from rural communities, including rural transport links, support for small schools, and rural Garda stations;

- previous post office closures took place as a result of population decline and not as a result of a pre-meditated programme to drastically reduce the number of post offices that are present in rural areas;

- technological and societal changes have presented significant challenges to the existent post office business model, and that significant change is required in order to ensure the viability of the An Post Network;

- the Programme for Government committed to revitalising the An Post Network through the introduction of new services; and

- there has been a Post Office Network Business Development Group since 2014, which made a final report to the Government in January 2016 that made 23 recommen-

dations, which have yet to be acted upon;

noting that:

- it is the Government's responsibility to provide equality of access to important services to all citizens;

- following the recent decision by An Post to circulate retirement packages to hundreds of post masters and post mistresses, 159 post masters and post mistresses have elected to take their well-deserved retirements;

- it is An Post's intention that wherever a post master or post mistress has elected to retire, that post office will close, leaving communities without access to critical post office services;

- other European countries have already extended Public Service Obligation (PSO) payments for the purpose of maintaining post office outlets in areas where they would be otherwise financially unviable; and

- the proposed changes to a 15 km radius will place an intolerable burden on the elderly and most vulnerable in our communities, particularly those without access to private or public transport;

calls on the Government to:

- guarantee the current Post Office Network to ensure that all citizens of Ireland have access to this important service by introducing a new PSO payment for post offices, based on models in the United Kingdom;

- immediately roll out new services, as recommended by the Post Office Network Business Development Group and An Post's own strategy, to ensure the financial viability of the entire An Post network; and

- prevent the loss of post office services in the 159 communities where post masters or post mistresses are retiring by advertising a new contract, appropriate to the local area and taking into consideration the potential for co-location."

I welcome the Minister and thank him for coming to discuss this sensitive and painful motion which directly affects his constituency of Roscommon-Galway. In my time as Minister of State in the then Department of Posts and Telegraphs, I appointed postmasters in Ballaghderreen, Ballinaheglis, Mount Talbot and Monasteraden. It was a matter of appoint, appoint and disappoint. There was tremendous competition at the time for the position of postmaster or postmistress in a village. Lisacul was another place where there was stiff competition between two excellent candidates. The postmaster there, Mr. McCann, became president of the Irish Postmasters Union, IPU. He was from Cavan. I consulted my former colleague, the late John Wilson. When he was delegating responsibility to me, he told me to look after every file but to consult him about Cavan, which I did. That was then and this is now. I also remember that the position in Ballaghderreen was particularly hotly contested. It is worth looking at the file for that particular post office. There was also a massive debate in a village called Ballintubber on the matter. There was a serious local dispute between two families. The matter was the subject of serious debate but that was before my time in the Department. I should have accessed the file on that when I was there because it would have been worthwhile. In Fuerty, Castlcoote,

there was also a great debate and the successful candidate, Ms Mamie Delaney and her husband, Mark, ran a successful post office for a long period. There was also a famous situation in Frenchpark when there was a contest between two active people in the village. One of the local Deputies had an encounter with one of the unsuccessful candidates at the time.

I have a long script, but I will speak off the cuff because I was in the Department before An Post was even created. A total of 159 post offices are due to close. I am glad the Minister is present because I wish to make a number of requests of him and to discuss the current situation with him. The following post offices are due to close in Roscommon: Athleague, Cornafulla, Garranlahan, Knockvicar and Loughglynn. The post offices in Galway, which are located in the Minister's constituency, that are due to close are: Ballymoe, Glinsk, Menlough, Woodlawn, New Inn and Eyrecourt. I had a close involvement with the IPU when I was in the Department. That union primarily represents the sub-postmasters and postmasters. Many people do not realise that most of them were not direct employees of An Post or of the Department. They were subcontractors essentially. They had built up a relationship with their customers and were on the front line, providing State services in their post offices. They provided enormously valuable services in every area, not just postal services but information services to tourists and so on. People could go to the post office to trace relations, friends and so on. It is a wonderful network which has worked extremely well. I respect the fact that if people feel they have served their time, they have a right to retire, whether it is on medical, age or personal grounds. Nobody disputes that because it is their prerogative. However, they are really accepting it on a personal basis. The Minister's responsibility is to look at the localities and at the social and economic affect of the closure of a post office on a village or an area, above and beyond the concern of the Irish Postmasters' Union to negotiate an agreement. That agreement is quite attractive and it is well deserved because they have served the State well.

I refer to my parish of Athleague but I can refer also to other places affected because I know them well, including Loughglinn, Knockvicar, Garranlahan and Cornafulla. Athleague is very much a thriving village. There are 420 families there, which is much more than 500 people. There is a very successful Kepak factory there, which is a major exporter of beef and lamb around the world. The village has a restaurant, shops, including grocery shops, and two very successful public houses. It had four public houses but there are two now. It is a thriving village on the road to Galway. In the circumstances, the postmaster, or postmistress, should be replaced and the services should continue in the same location. The Minister should negotiate with family members in that regard. I know they are interested as they have indicated that they are. The Minister was at a public meeting at Athleague hall and he is aware that Mr. Niall Connaughton made a very good speech at it and indicated that he was very interested in continuing the post office in Athleague. That would be very welcome to the people of the village. Mrs. Josephine Connaughton provided an extremely good service and it was well regarded.

The services at Four Roads and Rahara have been closed; therefore, an important service was being provided in Athleague. Fuerty no longer has a full post office but a post outlet. However, it is also providing a very good service. In some cases, there can be a form of substitution, but it is not as good as a full post office.

The full range of services were available in Athleague, including savings accounts and registered post. The current growth of parcel post mean parcels could be delivered to Athleague and collected by individuals who are out working and do not want their parcels left at their doors. This is one of the big growth areas for An Post, which I welcome. There has been a big turnabout in the viability of An Post, mainly due to the growth of parcel post. It is a very big

growth industry and during the Minister's term the service has extended to Saturdays. That is a very positive point in respect of An Post.

I wish to put a few questions on issues which require clarification. The Minister has said there is an appeal system, but the best appeal system is himself. Ministers should accept their responsibilities and not pass them on to committees, that is, people who are an "independent committee". There is no such thing. The committees will go along with what An Post says. I do not accept these independent committees. As they were appointed in the first place, they are not independent. They will go along with An Post's recommendation and an agreement reached with the post office.

Let us clarify the situation. Where a viable post office closes due to personal or family reasons, that post office should be replaced in that village. If it has to go through a tendering process, so be it. That was the position in the past, where post offices were passed down. In most cases, post offices were passed from father or mother to son or daughter. That worked very well because there was a long-standing connection between those families and the area concerned. One repercussion of this post office closing is that a very successful shop will close as well. That is just a general point.

In fairness to the Minister, it would be good to clarify what exactly the repercussions are. What are the possibilities in Loughglinn? It is a very good, very active village with two pubs, right between Roscommon, Castlereagh and Ballaghadereen. Again, there is a case to be made there. Garranlahan is a village I know very well where the post office was very successful for a very long time. There is a post office in Ballinlough. Services will also be withdrawn in Cornafulla in the south Roscommon area. Again, it is a very good catchment area. I am sure that a post office in Monksland, which is a growing, active village could be considered. I call it "Monkstown" for that reason. That could be a possibility, if a person decides of his or her own volition to apply and is accepted.

There is a general feeling that pressure has been put on postmasters to take this deal. It has been a case of "take it or leave it". The Government did not give them any time to consider this. I apologise that I cannot get to my official script, which was provided by wonderful officials in the party.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): The Senator is in full flow. I would not like to interrupt him.

Senator Terry Leyden: The message from Fianna Fáil is that we wholly support the An Post network, and the Government should support it. We want financial support to be considered for post offices in order to maintain them on a viable basis. The Fianna Fáil Party was and is very close to the post office network. It is a connection we have had since the foundation of the State. We support the post offices and want to retain as many as possible. A public service fund could be provided to ensure those post offices that would not otherwise be viable are maintained.

Senator Ned O'Sullivan: I second the Fianna Fáil motion brought forward by Senator Leyden. I welcome the Minister to the House. If I could go off-message for just a moment, I commend him on the support that he and the Taoiseach are giving to a hugely important project in my area of north Kerry, namely, the Shannon LNG project, which now has the backing of a new developer, New Fortress Energy. I thank the Minister for his continued involvement in that

project. Once the final hurdle is cleared in October, I ask him to continue to monitor it and take a hands-on approach and to keep the public representatives informed as much as possible on a non-party basis. It is not a party-political issue.

Acting Chairman (Senator Gerard P. Craughwell): The Senator might return to the topic of the post offices.

Senator Ned O’Sullivan: To return to the matter at hand, I join Senator Leyden in his declaration of support for the post office network. I do not buy into the rural Ireland saga of neglect, but it is there. There is no point in me going over it again. We have witnessed the withdrawal of so many services throughout rural Ireland. It is quite depressing. I come from a business background in the town of Listowel, which was always a thriving market town. There are an awful lot of empty premises there, with premises to let. There was a very good programme highlighting that on RTÉ’s “Prime Time” last night. It was disturbing. The problem affected villages first but is affecting towns now. What is next?

In regard to post offices, we support the Department of Communication, Climate Action and Environment’s policy, A New Vision for Post Office Services in Ireland. It envisages the roll-out of many new services through the post offices, including motor tax, vehicle registration, driver licence services, identifying verification for Government service applications and a digital assist service for people unwilling or unable to use electronic channels for the delivery of Government services. It calls for post offices to provide payment collection services for public authorities, including local authorities, education providers and social services and for payments, including commercial waste fees, licences, planning applications and parking and other fines or payments. All this is extremely good in theory and we support it. We support new services being offered through the network, such as the ability to conduct more financial transactions, assistance in filling out Government forms and so on. It sounds great and we all buy into it but the reality is that post offices, which were the hub of struggling communities, are closing. The Fianna Fáil way forward is the right way forward; there should be some form of public service obligation model. We have to take a hit. It is a fine line between what is commercially viable and what is economically vital for a community. It is something that every Minister is probably faced with every day of the week. Where does one draw the line? It is a line that must be drawn on the expensive side. We will have to take the hit if we are to try to keep rural services going.

Without repeating what has already been said *ad nauseam* or what Senator Leyden has said, we should, where possible, let the public service obligation model come into play. Let us find what is essential. I will put my hands up and say Fianna Fáil closed post offices. We took a lot of flak at the time. We really cut it to the bone at the time. There is no further room unless one wants to capsize the whole system altogether by closing it down and giving it to privateers or something like it. The English model is not a bad model to follow in this particular area. The English are not always wrong about everything. The Minister knows what the story is. Our motion is a serious one. We are trying to be positive and strike a balance with the Minister on the continued survival of rural Ireland and the post offices, many of which have been red-lined in my district in places such as Moyvane, Ballylongford and so on. They are essential and the people who use the services will not have any ready alternative without travelling fairly serious distances. The people who will be most affected by this are the most vulnerable in society. These are people who will never get into technology, the elderly or others who may be confused by such things. What some of us think is no bother may be a huge mountain to climb for people of a certain age and background. That is the story and I second the motion.

Senator Tim Lombard: I move amendment No. 1:

To delete all words after “Seanad Éireann:” and substitute the following:

“recognising that:

- post offices provide crucial economic, administrative and social services to communities all around Ireland, especially to those in rural and isolated areas;

- technological and societal changes have presented significant challenges to the existing post office business model and, as a result, the post office network is in need of modernisation to build, maintain and protect a service that meets the needs of communities across the country, both rural and urban, for the medium and long-term;

- the announcement by An Post of 159 voluntary closures stems from an agreement reached in May with the Irish Postmasters’ Union (IPU) Executive, which was endorsed by 80% of IPU members;

- in its negotiations with An Post, postmasters sought both the modernisation of the network and a voluntary redundancy package for those that wanted to leave the business;

- postmasters throughout the country have given dedicated service to rural and urban communities over many years and individual decisions to exit the business, for whatever reason, must be respected;

- the agreement between An Post and the IPU represents an important first step in reinvigorating our national post office network and making it a viable, sustainable and modern network for the future;

- the Programme for Government committed to revitalising the An Post network through the introduction of new services; and

- it is longstanding Government policy that postal services will not be directly subsidised by the State, a policy which has been supported by successive Governments;

noting that:

- the Minister for Communications, Climate Action and Environment has taken significant action to ensure the future viability of An Post and secure the future of the post office network, and these actions have resulted in a restructuring of the company, expansion of services in the post office network and have protected thousands of jobs in the postal sector across the country;

- a Government investment of €30 million was secured for An Post in order to safeguard the five day a week mail delivery service (€15 million) and to protect post office counter services (€15 million);

- Government action has enabled An Post to stabilise its financial position, develop and begin to implement a strategic plan which has seen the company split into two distinct business units:

(i) An Post Mail and Parcels, and

(ii) An Post Retail;

- as part of its strategic plan An Post announced a renewed vision for the post office network which centres on the availability of new services in a modernised, revitalised network, and critical to the implementation of this vision is the deal secured with the IPU;

- An Post is committed to investing €50 million in growing and modernising the post office network over the next few years, which is the equivalent of €45,000 per post office across the country;

- the Government continues to provide significant business to An Post through the Department of Employment Affairs and Social Protection social welfare contract and National Treasury Management Agency business;

- An Post has confirmed that it has implemented 17.5 of the 19 recommendations of the Final Report of the Post Office Network Business Development Group (*Kerr Report*) which relate to An Post, and arising from the recommendations of the *Kerr Report*, Government funding of €80,000 has been allocated to rollout a pilot scheme called ‘Digital Assist’ which will see 10 post offices being equipped to help citizens with online Government interactions;

- the Government has also approved the establishment of an interdepartmental working group, which will report to Government by the end of the year, to identify options, including procurement frameworks, for delivering services to those citizens who do not wish to use, or are unable to use digital services;

- the Government has recently published its report entitled ‘Local Public Banking in Ireland’ and on foot of this Report, an independent evaluation of local public banking will be carried out alongside a stakeholder forum;

- in line with the terms of the agreement with the IPU, a voluntary redundancy package was advertised by An Post and 159 post masters and post mistresses have elected to avail of this package, as in the majority of cases the business is simply no longer sustainable due to declining footfall;

- while the voluntary redundancy package will result in post office closures, An Post has given a commitment that there will be a post office in every community of over 500 people and within 15 km of 95% of the rural population and 3 km of the urban population;

- a protocol specifically sought by the Minister for Communications, Climate Action and Environment ensures that any closures are on a voluntary basis, and where a closure is due to occur An Post will make an assessment on the future provision of services within the locality by reference to specific criteria;

- individuals, groups or representatives can apply to have decisions reviewed through a new independent review process which will determine if An Post has correctly applied the criteria outlined in the protocol, and any retailer in the locations earmarked for closure can apply to An Post to be considered to take over some or all of the services of that post office and may appeal an unfavourable decision; and

- by facilitating those that wish to exit the business, neighbouring offices will be further supported thereby ensuring a sustainable network for the future;

calls on the Government to:

- ensure Government services continue to provide the backbone of a sustainable nationwide post office network;
- support An Post in the rollout of new services and the delivery of its strategic plan to ensure the financial viability of An Post and the continued fulfilment of its mandate to deliver a mail delivery service and a viable post office network; and
- ensure that An Post engages fairly with the 159 communities where postmasters are retiring to ensure post office services are appropriate to the local area and take into account the potential for co-location.”

Senator Joe O'Reilly: I second the amendment.

Senator Tim Lombard: I welcome the Minister. It is a very important debate about rural Ireland, rural post offices and where the service is going. It is important for us to acknowledge where we have come from. It was only a few months ago that we had to increase the price of stamps and put a new regime in place to safeguard An Post. An Post was five months away from going under. It provides a major service for rural Ireland and for our nation. It was in a financial situation that needed action. Our Minister acted appropriately to ensure An Post was safeguarded. It is important. Postal services in every nation in the world are under pressure because technology is changing to facilitate things such as Internet banking and email. The volume of mail has changed. There has also been major progress. An Post's parcel service has gone from strength to strength in the past few years and is becoming a major driver to ensure An Post can survive as an entity. It is very important to ensure that An Post survives as an entity.

There are proposed closures in the post office service in the next few months. In my village of Minane Bridge we have a post office. The postmistress, Anita Dempsey, was there for 37 years and last Friday she closed up shop. I spoke at that moment and I spoke when we closed down the shutters. There were mixed emotions but no bitterness because people have moved on to the next level and now use facilities such as Internet banking. The entity has changed. A small post office in a village of 34 houses is becoming nearly impossible to sustain and the community recognises this. In my constituency, four post offices closed and I received two letters about it. That indicates the demand of the public with regard to this issue.

The Minister has invested in the service to ensure the 960 post offices that are left can thrive and be sustainable. It is a significant investment and a significant plank of local and national policy. That is what we need to do now. We need to move forward to ensure our postal service and parcel service can progress. The services we are proposing can be part of it. It is a Government policy. It is part of what we have been doing for the past few years. It is in contrast to what Fianna Fáil has done. What Fianna Fáil did in post offices in the early 2000s must be outlined. There were hundreds of closures of post offices all over the country. When we had money, Fianna Fáil had no vision. If one looks for the Fianna Fáil vision on this, according to the party's spokesperson on this issue, Deputy Dooley, who spoke in the Dáil last night, it is now proposing that pubs should become post offices. That is not a policy. It is not logic or what rural Ireland wants. We want a strategic policy that protects our 960 post offices to ensure they can develop, not to move into pubs. Where is Fianna Fáil going with this policy? It is wing and a prayer stuff. It is unfortunate.

Irish society needs a clear vision. The Minister has given me that clear vision in the past

few months and An Post is a better place because of it. We have seen the turnaround. We have seen this entity change its model and become successful. That is what society and rural Ireland wants. That is why I am so passionate about supporting the amendment I have moved. They are what we need to ensure that An Post and rural Ireland can develop.

Senator Pádraig Ó Céidigh: Ní thógfaidh mé ocht nóiméad. Cuirim fáilte roimh an Aire go dtí an Teach seo. Tá sé an-deas é a fheiceáil. Le bheith firinneach, tugaim an-tacaíocht dó go ginearálta mar is duine d'iarthar na hÉireann é. The Minister understands rural requirements. On this occasion, I support Senator Leyden's proposal. This has not been thought out at the level at which it should have been. I look at closing 159 rural post offices from an entrepreneurship point of view. We should look at what else should be done and how we can change the business model to make more of them. I agree a number of postmasters and postmistresses probably want to move on and retire. I accept that. I have seen it in the newspapers and have heard someone speak about it. There are a number who want to and can stay on. In other countries, for example in America, they have local tourism offices. I was on the board of Fáilte Ireland a good few years ago and it was closing local tourism offices all around the country in places such as Clifden that rely heavily on tourism.

A company called Nightline was founded in 1992. One guy was unemployed and from north county Dublin. They built the company up with an investment of £20,000 up to a turnover of €50 million a year. It was sold recently to one of the largest companies in the world, UPS. These guys developed Parcel Motel for Amazon. Local post offices can change their business model and become effective. I am not saying the Minister is doing this or that his passion will lead to it but it is not a matter of slash and burn. It is far from it but from a business point of view we should look at how we can change that business model to ensure viability. As other speakers have mentioned, they can also provide banking services. The Internet has moved at such a pace that most people now do a lot of their business over the Internet but in the case of the vast majority of people, as the Minister knows better than I do because of the Department he is working in, younger people are using the Internet but older people are not. If one looks at rural Ireland, the vast majority of the population is over 65 years of age. I did quite a lot of research on the issue over the summer. There are parts of rural Ireland where more than 25% of the population did not do junior certificate examinations. There are implications that may not have been foreseen of closing some of those post offices. I hope the closures will be practical and driven by economic considerations. They have to produce value. At the end of the day, the person who pays for all of this is the taxpayer. Taxpayers have to get value for money. The Minister is focusing on that issue and the advice he is getting is focusing on it. We need to consider it more broadly. To some degree, I agree with a PSO, but I suggest strongly that it be modified because we have to create incentivisation and productivity for the post offices that remain.

I have a question that goes back to the role of the Minister in RTÉ and public broadcasting. There has been a lot of talk about the licence fee and post offices. When I was on the board of RTÉ, a significant number of people who should have been paying the licence fee did not pay it. It is a big issue. From memory I think it cost €13 million or €14 million a year, which is significant. If the model were changed, I would not pay post offices a fee for collecting the licence fees unless they reached service level agreements and service level standards. I do not believe in giving out State money for the sake of giving it out. There has to be accountability and productivity. What are the Minister's thoughts on that? Is he in a position to consider changing the business model for post offices that want to remain open? They are important. How can their

business model change to make them productive and successful? Perhaps we could look at the Nightline model. There are entrepreneurs out there. There is an entrepreneur in all of us. We can change the business model to make it financially viable and worthwhile for the taxpayer and the local community.

Acting Chairman (Senator John O'Mahony): I understand the Minister wants to come in at this stage. He has 15 minutes.

Deputy Denis Naughten: I thank colleagues who have contributed and know that more will speak later. My priority is to try to maintain as many post offices as possible. On Senator Ó Céidigh's point, we have a clear blueprint in place that will bring in new business. An Post is the only universal service obligation postal service in the world that has expanded its service in the past six months. Its parcel service has gone from five days a week to six days a week. One now sees An Post vans on Saturdays which one would not have seen this day 12 months ago. This time two years ago I was faced with a position where we were only going to see the post office van every second day. That was the proposal put to me. I have been able to turn it around completely by taking the Nightline approach to the mail service.

We are going further by looking at what new business we can put into the post offices with regard to banking. Next Monday, I will be in Carrick-on-Shannon to launch the new credit card for An Post. The company has also introduced a smart account. An Post is the only banking facility in the country where one could walk in tomorrow morning without preordering and get US dollars, sterling, Canadian dollars or Australian dollars because it is now expanding those financial services. An Post is engaged with the Government on providing new and additional State services, including services connected with TV licence and fines. We are looking at an offline avenue for all-of-government online services and we are exploring it with An Post. In the new year, the company will introduce personal loans and business loans for small businesses throughout the country. The company is transforming radically.

We cannot justify putting a PSO in place where 11 people a week are collecting their social welfare payments. Where would we set the threshold? Do we set it at 11 transactions a week or 20 transactions a week? Where do we draw the line? The line has to be drawn somewhere. I was not prepared to see a situation in which more than 600 post offices were forcibly closed. We have a voluntary package in place, which the postmasters and postmistresses sought. I did not seek it. I made it a condition that it would be a voluntary package.

I have to smile regarding the motion, which Fianna Fáil has tabled, because Senator Leyden was in my shoes quite a number of years ago. It was the policy back then and it has been the policy of successive Governments since not to subsidise and put a PSO in place for An Post. An Post is a commercial semi-State company.

After the decision of postmasters to retire from the business, An Post will be cross-subsidising approximately 500 post offices through its busiest post offices because the company wants to provide a service in rural Ireland. It should be remembered that this network of 960 post offices is twice as big as any other retail network in the country and continues to reach right throughout rural Ireland. By this time next year, every one of those post offices will have high speed broadband. Next Friday, we will launch the new digital assist pilot where we will look at the opportunities of developing an offline avenue for people who have not used the Internet. One in seven people in Ireland has never used the Internet. Why should they not have the opportunity to benefit from the Internet? Why should they not be able to save €200 and €300 on

their electricity bill by logging on to *switcher.ie* or *bonkers.ie*? They will be able to do that through the pilot initiative being funded by the Minister for Rural and Community Development. The intention is to expand it over time. We have built a review process into it.

Senator Leyden specifically mentioned the village of Athleague and the particular issues there. The case has been made by colleagues in this and the other House with regard to other post offices that An Post should have looked at specific issues. There is a review mechanism in place. It is an independent review mechanism and no one can say the two individuals are biased in any way. One of them issued a critical public statement regarding my colleague the Minister for Rural and Community Development at one stage. They will review all of the information that communities want to provide on the unique circumstances of the particular community. Where a postmaster or postmistress decides to retire - and their decisions need to be respected and honoured - any retailer in that community can make contact with An Post and he or she will be considered if he or she wants to take on part or all of the post office services. If the person is not happy with the decision by An Post, it can be independently reviewed. The closing date for the review mechanism for communities was the end of September but it has now been extended to the end of October to give communities a chance to make the case. People need to remember that it is a voluntary decision.

Senator Leyden mentioned a public meeting I attended in Athleague. The postmaster spoke at that meeting and said the contract had been withdrawn, which was untrue. The contract remains there as long as the postmaster wants to stay in the business. On that occasion, it was announced that the closing date would be extended from 31 October to 31 January. It is the prerogative of the postmaster because it is a voluntary scheme. If a postmaster decides to withdraw from the voluntary scheme, that is also his or her prerogative. Many postmasters and postmistresses have given long service to their communities. Over the years, they have seen people bypass their post offices for one reason or another and we all have to acknowledge that it is the case. Technology has changed. Some postmasters and postmistresses do not want to retrain. We are talking about a significant investment in the post office network. A sum of €50 million will be invested in the post office network to bring new services and new technology into the 960 post offices in the State. Some of those postmasters and postmistresses do not want to retain and one cannot blame them. They have been in this business for a long number of years. However, we are talking about an investment equivalent to €45,000 per post office in software development and hardware development to provide the new services that the post office needs to provide.

The issue of the television licence was mentioned. In fact, it was not I who suggested taking the television licence away from An Post. I made it crystal clear that people should continue to be able to pay their television licence in their local post office. It was the joint Oireachtas committee that suggested it be handed over to the Revenue Commissioners. It was an all-party committee that came forward with that proposal, not me. I have made it quite clear that I want to see more business going through post offices. In fact, if one goes back and checks the record, one will see that I was one of five Members of the Oireachtas who made a submission to the Kerr report. When it came to seeking views and solutions, few other colleagues, some of whom were quite willing to criticise me and attend public meetings, were prepared to put pen to paper; but I did. Thankfully, quite a lot of the Kerr report has been implemented. I compliment both Mr. Bobby Kerr and Mr. Turlough O'Donnell, who chaired the discussions between the IPU and the postmasters on my behalf.

The public record will show that I was one of those who fought vehemently against An Post

19 September 2018

getting out of the parcel business when it sold its SDS business because I felt that was the future for the company. I am lucky enough now to be the Minister in charge of communications who has a role and input into An Post. I am proud that the company is expanding its parcel service into every home in rural Ireland because now it is the only company in Ireland, and definitely the only company servicing a dispersed rural population anywhere in the world like ours, providing a door-to-door delivery service. One can have a parcel collected or returned from one's door by the An Post van and brought anywhere across the world. That does not happen anywhere else. In fact, so successful have ReturnPal and AddressPal been for An Post that many other mail services across the world are looking to buy that software. That is a new innovative development by An Post. In fairness, each of my colleagues here, no more than colleagues in Dáil Éireann, gave An Post the chance to do that by giving it the opportunity to raise the price of a stamp. Unpalatable and all as it was, it has given the company the opportunity to develop these new services and to invest €50 million in the post office network that will make a real difference.

This issue is not only about older people. We need to provide services for older people that they will use tomorrow, the day after that and the following day, not the services they used ten or 20 years ago. Holding back the tide will not solve the post office network issue. If anyone looks back, at the peak of the greatest economic boom in this country, 500 post offices closed and the policy decision taken at the time was to keep our mouths shut, sit on our hands and let them slowly ebb away. In one year alone, although I am open to correction, 2003, over 190 post offices closed. There was never a plan put in place even though everyone had it in his or her manifesto and was talking about doing something about the post offices. Senator Mac Lochlainn and myself often discussed the issue in the Dáil.

I want to see something happen. I am not prepared to sit back and leave 9,000 people to sign on the live register, which situation was put on my desk after I was appointed Minister. I want to see a thriving business into the future that can provide not only today's services in rural Ireland but tomorrow's services, in e-commerce, in digital services through the local post office and assist those who do not have access to the Internet or who are not IT literate. That is what we are doing.

This company will be transformed and it will give every one of those 960 post offices and postmasters and postmistresses a chance. That was outlined to the 1,100 postmasters and postmistresses before any of them made a decision in this regard and some of them made a call on it. One cannot blame them, if they have 11 social welfare payments a week being collected in their post office and they are being asked to continue that service. We are being asked as a State to pay a public service obligation when people themselves are not using the post office and yet we want the taxpayer to fund it - that is the proposal before me here today. We cannot, in all honesty, justify that. No one can justify that.

I will tell Senators exactly what I would be providing in rural Ireland if I had that extra money tomorrow morning. I would be supporting and investing more in the ambulance service because people are relying on the ambulance service every day and, as each Senator here will be aware, the ambulance service needs investment. If we were to put additional investment into rural Ireland that will have a direct impact on every family, home and community, I would put it into Loughglynn's ambulance service of which Senator Leyden will be aware, the ambulance service that is struggling in Connemara because it is being sucked in to Galway city and similar services right across the country. Government is about making decisions and I will not shirk my responsibility in making tough decisions.

I accept that it is not easy for the older people in those communities. I fully accept that but we need to try and keep a post office service. I was left in a position where I was facing the closure of 1,100 post offices and I was not prepared to accept that. I was looking at a situation where 9,000 people were about to lose their jobs because the company was going to run out of cash in five months. Those are the practical realities of what I was left with because successive Governments and successive Ministers failed in their responsibilities to work with the company and put a practical plan in place to use technology to bring new business into the service. Everyone paid lip-service to it and everyone talked about it. In fairness, across the table individual postmasters have said to me that they would not say publicly, but would say to me privately, that I was the first individual that they had sat opposite who was prepared to do something about the post office service and was prepared to put a plan and a viable future in place. Sadly, because I am prepared to do that, because I am prepared to give the post office network a future, I get criticised for it. That is the reason successive Governments did nothing. That is the reason successive Ministers did nothing. They knew well, while the communities are not the ones that are giving out as has been mentioned earlier, the politicians would give out because no one was prepared to be honest and accept that some of these post offices are just not viable.

Senator Leyden's colleague and spokesperson in Dáil Éireann, someone for whom I have a great deal of respect as a straight-talker, Deputy Ó Cuív, said on the floor of Dáil Éireann that anyone who said we could keep all post offices open was talking tommyrot, yet we have the same party tabling a motion looking for a PSO to keep some of post offices open. That funding should be put into rural Ireland. It is being put into rural Ireland in investment in a post office network that meets future needs and ensures that younger people, not only pensioners, start using the post office for e-commerce services and banking services. Where every bank has turned its back on rural Ireland, one can now go into any post office in the country and access one's AIB, Danske Bank or Ulster Bank account. One will be able to access one's An Post credit card from next week and one's An Post personal loan or business loan from next year. This is bringing real, genuine banking services back into communities that have not seen them for a generation. That is what I want to do.

Senator Rose Conway-Walsh: I thank the Minister for coming to the House. I commend the postmasters and postmistresses on the wonderful job they have done in providing the social and economic hubs in these communities. Some of the language that has been used has been grossly unfair. They have the responsibility of the whole parish or the whole area and people are looking to them in a way that they expect them to keep their post office open and I think there is a gross unfairness about it.

I propose an amendment seeking to remove a farcical paragraph in the motion implying that pre-2011 post office closures were acceptable and by the book. I was astounded to hear Deputy Dooley, when asked on RTÉ about Fianna Fáil closing post offices, say it was not planned. Those were the exact words that he used. That was astounding. Has Fianna Fáil gone back to any of those communities which had a post office axed and asked them if they now accept that was necessary? It is ridiculous to state that previous closures of post offices were different or somehow justified. This Private Members' motion states that previous closures were based on population. This is simply not factual. The population living in the countryside grew from roughly 2.34 million in 1986 to 3.36 million in 2011, an increase of 30%. The national figure for that period was 20%. Ireland has a significant rural-based population. Rural dwellers make up 42% of the population, compared to an average 27% in the EU and 12% in Britain.

Fianna Fáil closed 732 post offices when last in government. That is nearly one a week.

This is a new Fianna Fáil strategy to try to convince people that all was well before the election in 2011. It is even claiming that the health waiting lists were in a much better condition prior to 2011.

The closures overseen by the last Fianna Fáil Government were as much of an attack on rural Ireland as the current closures. It should at least have the honesty to admit that it was wrong then and it is wrong now. The communities that will be left without a post office service following the current closures, or which were left without one ten years ago, are not as easily fooled as it thinks. Fianna Fáil closed post offices to save money because it bailed out the banks. Simple, ordinary people paid with higher taxes and huge cuts in services. The post offices were also hit. The three major banks made a profit of €2.6 billion last year and they do not have to pay any tax on it. When we talk about decisions on finances and investment that need to be made in rural Ireland, we could ensure the banks pay their fair share of tax. Our colleague, Deputy Pearse Doherty, has shown how this could, and must, be done. Vulture funds have charitable status and millions of euro are going down the drain. I do not accept that it is about the allocation of resources, as the Minister said. It is about choices that different Governments have made and that the Government is making now in terms of whether we look after vulnerable populations or we continue to turn our backs on rural Ireland.

Up to 159 post offices across the State will be closed. Once the post office goes, what else will be left in the main street in many towns and villages? It is much more than a post office. This is symptomatic of the way rural Ireland has been treated. If a post office can disappear from a community, then the same threat hangs over many other services, such as schools and clinics. When I drive to Dublin every week, I pass through villages like Bellacorick, which once had a vibrant post office, pub and shop, but it is now a completely closed village. The consensus is that more services are needed in post offices. Current closures are a slap in the face to those working hard to come up with solutions.

I know what the Minister is saying and we all accept the practicalities and the realities but it was insulting to tell people from parishes like Ballycroy, where I was reared, that people now choose to go to Aldi and Lidl. I do not think that was right.

Deputy Denis Naughten: The Senator should read what I said.

Senator Rose Conway-Walsh: I heard the Minister on Midwest Radio. He referred to Aldi and Lidl and it is almost like-----

Deputy Denis Naughten: No, the Senator should read the record.

Senator Rose Conway-Walsh: Let me tell the Minister my interpretation of it.

Deputy Denis Naughten: The Senator should read the record.

Senator Rose Conway-Walsh: It is almost like it is people's choice that they do not want a post office but that is not my experience in rural Ireland. That is why I believe the Government is not listening to those communities that are prepared to come up with their own solutions to keep their post offices open. There are many areas where people have offered to run the post office, or have presented viable options for co-location, but this Government, as usual, presents rural Ireland with a black and white decision to make.

I appeal to the Minister, in terms of the appeal process, to have a look at these areas to

see what can be done and to work with people and communities. The approach to measuring whether 500 people live within the catchment area of the post office is entirely flawed. Ask anybody living in these areas and they will tell one of the dispersed nature of houses. As many of these villages have up to 600 or 700 people living in the outskirts, it does not take account of the true population.

As a member of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, I have attended many sessions examining the viability of the public banking sector in Ireland. As the Minister knows, there have been successful models operating in New Zealand, such as Kiwibank. I was in Germany last week to examine the Sparkasse model of public banking. Decisions to close the post offices mean that such a system would never have a chance to be tried out. I accept it when the Minister says this has been landed on his desk, but the Government has been in place since 2011. The Minister rightly says the Fianna Fáil Government, during boom times, had room for investment and creative thinking to offer extra, enhanced services within the post offices.

We need to look at this issue again. The final recommendations of the Kerr report have not been implemented yet, that the Government can act promptly to close the post offices. The Government, the same as all Governments before it, is turning its back on rural Ireland. It is difficult to explain to pensioners and elderly people without transport in their household. The Minister knows the public transport system is not there. He knows the cost for people to hire a taxi to go to the post office and how unaffordable that is. There is also the social interaction that people have in post offices. A much better job could have been done in advertising the services that are available within post offices and it is something that needs to be looked at without spending huge money. It could be as simple as putting it on the church bulletins to remind people of the services that are available through their post offices.

I encourage everyone to continue using their post offices in every way they can. I ask the Minister to look at this and the appeal process in the areas in which post offices need to be left because it is much more than a post office to us.

Senator John O'Mahony: I thank Senator O'Reilly for letting me in at this stage as I have another commitment.

As somebody who represents a rural constituency and has attended many public meetings in villages around the country, I am very aware of the issues at play.

The motion seems to suggest the problem has only occurred during the terms of this and the previous Government but nothing could be further from the truth. It is a problem but it is not a recent one. As the Minister pointed out, almost 1,000 post offices were closed between 2003 and 2010, something I also knew from my time as a member of the communications committee during the last Government. I understand the number between 2011 and 2016 was somewhere between 30 and 40 so the facts do not stack up. The Government needs to support a sustainable and efficient post office network. That is what has been committed to and it is what the Minister outlined. I welcome many of the initiatives and innovations that will support communities across the country, particularly in rural areas. I understand the closures are as a result of negotiations between postmasters union and An Post.

There needs to be flexibility and innovative ways of providing services, particularly for elderly people in communities where public transport is not available. In Ballindine in County

Mayo, local businesses offered to take up some of the services, although I am not sure they received a positive response. There need to be many new services, particularly financial services. In the past nine or ten years, we have seen the closure of bank branches in towns and villages and An Post could fill in for those services. The passport service has been of great value to An Post over the years but in recent years the special passport service which it offered took too long, although this might be because of issues related to under-resourcing in the Passport Office. Many Members will have taken calls on this from people who did not get their passport on time. There is a window of opportunity here for speeding up the passport service via post offices.

The public also has a role to play. In the past five or ten years, I have sat in halls where 500 people attended a public meeting and if just half of those people supported local post offices we would not have a problem. The Minister and the Government have outlined what they are doing but the public needs to respond. It is important we do not come back in a year or in two years' time to discuss this again. It has reached a tipping point and it needs to be sorted out now.

I am glad to hear of the services the Minister is putting in. We have talked about motor tax and various other things. The last two Governments picked up legacy issues that needed to be dealt with. This is another one and I am glad to see the Minister is dealing with it now. I wish him well in getting it right.

Senator Grace O'Sullivan: What Ireland needs now are strong, sustainable communities. Any erosion of the post office service erodes communities, rural and urban. I see that the Minister is wearing the sustainable development pin. Goal 11 of the sustainable development goals is for sustainable cities and communities. I am a regular user of my post office in Tramore, which is well managed and run by its postmaster, Mr. Martin. Tramore is a fast growing community and there are more than 11,000 people in the town now. When one queues up and looks at the noticeboard one sees information about what is happening in the local community and there is a high level of community engagement in the post office. I have always seen the post office in Tramore as a community centre.

In Kilmeaden, just outside Tramore, there is a campaign called Save Kilmeaden Post Office. The people behind it have put in an appeal because there are 2,000 people there and the community has come out in strength in the past few months to oppose the closure of the office. It has happened but a review is taking place. The postmaster has retired but Donal Hickson, who runs the centre next door and is a really successful retailer as well as being postmaster in another area, would like to take over the post office. I would like the Minister to look into this and other such cases where there is a viable option for a competent and experienced person to provide the service for the local community.

In respect of the Fianna Fáil motion, I agree with introducing a public service obligation, PSO, payment as this is crucial to the long-term health of post offices. We are using the PSO levy to subsidise fossil fuel burning, that is, peat for electricity generation. This is driving up greenhouse gas emissions, damaging human health and leading us to potentially massive fines for not meeting our climate and energy targets. How can the Government take the position that money for burning peat is okay, while money to keep the heart of our rural communities beating is a step too far?

In the programme for Government, the Government parties committed to creating a real local community banking system. That has largely been abandoned over the summer, with

rowbacks on key elements that would make such a system a real success. Community banking would need proper capitalisation and appropriate lending rules in order to compete with commercial suppliers where possible. This is not what is being proposed and that is a pity. Community banking can still be a way to bring new life and relevance to our post offices and our communities, as can the provision of other public services through the post office network. I was talking to the postmaster in Tramore today and he spoke about the importance of the maintenance of social welfare payments, and the possibility of post offices being a centre for motor tax and for the register of electors. The post office staff could generate Government forms for customers and support customers in rural areas who find it difficult to download those forms. The staff could fill the forms out with the people concerned and return them to the Government, which would be an efficient way to get the completed forms into the system and make things run smoothly. Having read the Fianna Fáil motion, I will support it if it comes to a vote today. I have received correspondence from the Gurteen post office action group, which is very concerned about the possible closure of the post office in Gurteen. I would like to make a representation on its behalf today.

Senator Pádraig Mac Lochlainn: When I spoke at a recent meeting of the Joint Committee on Communications, Climate Action and Environment attended by the Minister, Deputy Naughten, and the chief executive of An Post, I made it clear that there has been hypocrisy on the airwaves in respect of this matter. When I did some research in advance of that meeting, I discovered that the last time Fianna Fáil was in power - up to 2011 - it closed 755 post offices, or almost 40% of the total number of post offices at that time. Sinn Féin has submitted an amendment to this motion because it does not accept the hypocritical and untruthful nature of its wording.

Fianna Fáil claims in its motion that previous post office closures took place at a different time and in a different context and that it had not planned for this to happen. That is utter nonsense. As we know, the population in rural areas grew significantly throughout the short-lived period of economic boom, which was eventually destroyed by an over-reliance on developers and crazy lending policies. Fianna Fáil stood idly by while its policies, including its support for the postal services directive at European level, let our postal service be open to the decimation we have seen.

The last time Fianna Fáil was in government, 40% of post offices closed. Deputy Dooley had the audacity to go on the airwaves even though his party was in power when 755 post offices closed. One would think that Fianna Fáil opened 755 post offices, or that the number of post offices increased by 40% rather than decreased by 40%. It is an incredible brass neck. Those who are supposedly leading the charge for rural Ireland are the very people who decimated rural Ireland the last time they were in power. Their crazy economic policies led to the crash in the first place. All of that has to be said.

Fine Gael has been in power since 2011. We are approaching eight years of continuous Fine Gael power. Personally, I have a lot of regard for the Minister, Deputy Naughten. I think he is a very sincere person. I think he works very hard. However, I do not agree with the full assessment he has given here today. I believe there has been a complete lack of imagination about the role of the postal service and post offices in rural communities. I will give an example. It is proposed to close 18 post offices in the Minister of State's home county of Galway, which is the most affected county under this plan. My own county of Donegal is the second most affected county, with 17 proposed post office closures. To be honest, I accept that not every single one of them should be kept open. I think the level of protest in some cases is evidence of that. The

protests that are taking place in certain locations serve as evidence that the local post offices can be saved because there is the desire to do so in those communities.

I am not being dishonest. I am not saying every single one of the 17 post offices in County Donegal that I have mentioned should be kept open. However, I emphasise that many communities where post offices have closed continue to have a strong and vibrant community infrastructure. There are community centres and community leaders in many of these areas. People talk about the New Zealand model, or the German community banking model. For the life of me, I cannot understand why there is not a greater focus on our credit union model, which has been exported across the world. It is a pretty fantastic model. I cannot understand why we have not looked at twinning credit union services with post office services in certain rural communities where post offices would not be sustainable on their own. We need to think outside the box. If a postmaster says that he or she cannot make a post office sustainable on its own in its current building, we should seek to put together a plan in the nearest community centre that involves credit unions, post offices and, possibly, social enterprises being based together in community hubs as a one-stop-shop. All of this has been put to the Minister previously in the Bobby Kerr report and in other proposals. Why are we asking people to travel such long distances for things like driving licences and motor tax? Why are those services and facilities not being based in one-stop-shops in many rural areas? I appreciate that the Minister, Deputy Naughten, is having a go at this.

I am being honest. I am not saying every single post office could be saved. If I am honest, I can think of some communities where people are not protesting and are not fighting to keep their post offices open. In quite a few cases, however, people are campaigning to retain their local post offices. We should be working proactively in such communities. We need to listen to people who are organising public meetings and coming out fighting for their postal service. We must find ways of pulling various services together. I have already listed the additional opportunities that exist with regard to credit unions, social enterprises and postal services. That is how we develop vibrant rural communities. We have to be honest. Despite the impact of the loss of so many services in rural communities, we still have strong rural communities in County Donegal because of the community leaders in local areas. There are halls in every parish or townland. I am sure other Members are visualising various townlands that have community centres and hubs. That is what we need to build on. That is the future of the postal network. I am not here to punch and slap the Government. I am here to confront hypocrisy. I am here to have an honest and serious conversation about the need to lean on the strengths of rural areas if we are to save the postal network in such areas.

Senator Joe O'Reilly: It is good to see my constituency colleague, Senator Wilson, performing so well and so objectively in the Chair. Many people have put this debate in context by saying there is a historical basis to post office closures, which have been going on for years. I think that point has been very well made. Nobody can escape that reality.

The Minister, Deputy Naughten, made a very spirited address. I have had the privilege of working with him on the Joint Committee on Communications, Climate Action and Environment, among other briefs. I am aware that €30 million has been invested in An Post and that an unpalatable political step was taken when it was decided to increase the price of a postage stamp. This was done to arrive at the situation we are in today, where An Post is in a profitable position. The Minister and my party colleague, the Minister of State, Deputy Kyne, are very committed to this process and are very sincere about doing the right thing. I have a number of questions to which I hope the Minister of State, Deputy Kyne, will respond. I am anxious to be

assured that the appeals system will be vigorous, will have teeth and that there will be victories in the system. By definition, there should be but the cynical view of the appeals system is that it is a form of window dressing. I do not want that to be the case and want to know that there will be a vigorous appeals system. We are all solution-focused here and I want to be assured that there will be a real, rather than just stated, opportunity for other businesses in a town or village to tender for a contract to replace a closed post office and to offer services. I would like the Minister of State to elucidate the point around the cards that would be available to pensioners to enable them to withdraw their pensions in cash from certain shops. Could these be made widely available?

I have declared myself a consistent supporter of An Post and was active when there was a threat to the six-day delivery service. I have done my best on that issue, both at committee level and elsewhere. I am a member of the Joint Committee on Communications, Climate Action and Environment because I am committed to post offices and to broadband. Indeed, that is why I opted for that committee in the first instance.

I have made a point privately to the Minister, Deputy Naughten, and will now make it publicly to the Minister of State, Deputy Kyne, and to the House. We must understand the traditional rural, market town is the hub of a community. It is the focal point of a community and the centre of congregation. Of course, while we all want to prevent any possible post office closure by positive action, we must address the question of small towns losing post offices. In the context of appeals and of other businesses taking over, this should be looked at.

Small towns are the focal point for a wider hinterland or community. They are the centre for local businesses. In Killeshandra in Cavan, for example, the post office is threatened with closure. Lakeland Dairies, which is a major agrifood business and a major employer, is located nearby and there is a myriad of small and medium-sized businesses around Killeshandra. Kilnaleck and its catchment is an area of major intensive farming, particularly mushroom growing and is also important for tourism. Kilnaleck is a very important focal point for its hinterland. Mount Nugent village centre is an important tourist location in County Cavan and plays an important role as a hub and the same is true of Swanlinbar, a Border community with its new geopark.

I can only speak about my county, but a number of small towns are being hit by this decision. It is my contention, as I said to the Minister privately, that every possible step should be taken to ensure people in those areas do not suffer any loss of service. It is important that old age pensioners be able to access cash and other post office services. What I would like for Kilnaleck, Mount Nugent, Swanlinbar and Killeshandra is that each of them would have a comprehensive post office service.

I want to move on to discuss the idea of the expanded business model and the various recommendations in the Kerr report. I understand from the Minister, who is a very straight and honest man, that 17 recommendations in the Kerr report have already been implemented, with two more to follow. If we are going to implement the Kerr report and if we are really committed to the new business model and keeping the post offices open, where will we locate post offices if we take them out of small towns? Where will we have viable post offices if they are not viable in the towns I have mentioned like Killeshandra, Kilnaleck, Swanlinbar and Mount Nugent? Can they be viable anywhere, given the hinterland of the aforementioned towns?

It has been said there might be approximately 400 people in these towns but if one takes

the perimeters around them and the ribbon developments around them, one is up to over 1,100 people in the case of Killeshandra and to around 1,200 in the case of Kilnaleck, for example. My colleague, Councillor Paddy Smith in Ballyjamesduff, has done in-depth research on this and has found that if one includes a very small area around these towns, one well exceeds a population of 500. I attended a meeting in Kilnaleck last week alongside Senator Wilson, who is equally committed to trying to do something for these towns. At that meeting we discovered that these towns have a hinterland that is also worth considering.

I will now turn to the issue of the business model. I am delighted that the six-day week is being preserved and that a parcel service is available on Saturdays. I am also delighted that a credit card facility is available, as well as a currency conversion service. It is welcome that personal and business loan facilities will be made available shortly. All of that must and should happen and must be maintained and supported. We must make positive contributions to this debate. There is no point in us coming in here in an *Animal Farm* manner saying “Four legs good, two legs bad”, “All closures bad, all openings good”, and so on. That sort of nonsense is for platforms and lorries at election time. We must talk sense.

That said, I note a lack of awareness in communities of the services available in post offices, particularly the newer services. A vigorous advertising campaign is needed and postmasters and postmistresses must be incentivised to inform customers in their catchment areas and to canvass for these services. There is a lack of awareness and insufficient take up of these services. I am a public representative and have had the privilege of being in this House for a number of years but were it not for the fact that I became involved in the debate a few weeks ago, I would not have known about one or two of these services myself. I did not know of the existence of the currency service, for example. I did not know about the availability of different currencies in post offices. If I was not aware of them then I suspect there is a general lack of awareness.

If one asks holidaymakers going to a destination outside the eurozone where they are going to get the necessary currency, they will tell one they will get it in the local bank. Awareness of services is important, as is maintaining the business model and widening the services available in each area. Marketing is essential.

I look forward to the Minister of State’s response to the point about taking into account the small towns. If one closes a post office in a small town, it is an implicit admission that the entire service is gone. I accept the point that the existing postmaster or postmistress has a right to retire and to take the redundancy package but customers must be able to go into another shop. It cannot be a question of saying that the opportunity is there; we must actively seek another shop in these towns. We must make post office services available, including providing cards to pensioners in order that they can access their money. That would bring people into the other shops.

It is alleged that the possibility of generating an income is not available to other shops, but I do not believe that. It would be good for throughput and they must have a commitment to their village. I ask the Minister of State to elaborate on the potential income for other shops, either in the House today or privately. We have a duty to give potential bidders that information.

Senator Jerry Buttimer: Cuirim fáilte roimh an Aire Stáit. It is always dangerous when one comes in at the end of the debate, especially when one follows in the footsteps of Senator O’Reilly, who is very eloquent. The debate so far has been particularly insightful.

I welcome this debate on the future of the post office network. What we should be talking

about is the future of that network as our world evolves and changes. I was in America during the summer and noticed the postal service was under pressure. I was in a small post office in a town in Cape Cod and I could not get over the number of people who were sending postcards. I grew up where Friday was pension day. My grandmother, God rest her, used to bring us to Joe O'Leary's post office in Knocknagree. It was her day out. There were also trips to the shop to buy groceries in the local community. I want to thank the postmasters for their role in Irish society, and for their involvement in this debate and in what the Minister, Deputy Naughten, is doing. Notwithstanding Senator O'Reilly's eloquence, it was refreshing to hear the honesty of Senator Mac Lochlainn. A part of me thought he was coming over to us and getting ready for Government because he was right.

Senator Terry Leyden: I cannot believe it. The Senator has sold out.

Senator Jerry Buttimer: Some post offices are not viable and could never be kept open, but I hope some will be kept open following the appeals process. As Senator O'Reilly said, that process should be open and transparent. Senator Mac Lochlainn was also right about the gargantuan hypocrisy of the people on the benches opposite. I know that some of us swear by Kickham's maxim about having pride in the local village but some of the contributions from Fianna Fáil were surprising from a party which closed 102 post offices in one calendar year, that is, 2002. In 2003 it closed 193.

Senator Terry Leyden: That is not true. We did not.

Senator Jerry Buttimer: Under its watch, there were 700 post offices closed - dúnta, locked up, the keys thrown away. Sometimes one does not like to hear the truth.

Senator Terry Leyden: Senator Buttimer cannot handle the truth. The Tánaiste, Deputy Coveney, will be heading off as Commissioner in the next year or so and Senator Buttimer can look forward to coming back into the Dáil at that point. I will not have to put up with him here after that.

Acting Chairman (Senator Diarmuid Wilson): Senator Leyden, please.

Senator Jerry Buttimer: I certainly hope to join the Tánaiste in the Dáil to form part of the next Fine Gael-led Government.

Senator Terry Leyden: With Sinn Féin.

Senator Jerry Buttimer: He is doing an excellent job as Tánaiste and Minister for Foreign Affairs and Trade. The debate tonight is about the post office network. The Minister has engaged and reached out. With the Kerr report and the various reforms introduced by Mr. McRedmond, An Post is in a better place today in terms of staff, mail centres, volume of business and profit. It is not all about profit and it must also be about the delivery of services to people. As other Members have said, we need to expand the remit of An Post into other services.

Why do people go into post offices? When did we last use one? Senator Ned O'Sullivan sent us all a post card during the summer, using An Post. How many people go into the post office to collect their child benefit, their social protection payments or their social welfare payments? As the Minister and Senators Mac Lochlainn and Lombard said, it is important that An Post deal with driving licences and, on behalf of the Department of Foreign Affairs and Trade, acts as a one-stop-shop for passports where there is no passport office in the area.

The Minister, Deputy Naughten, deserves immense credit. He spoke about An Post almost collapsing 98 weeks ago, having just five months' cash and 9,000 people to be paid. Restructuring is about reconfiguration. It cannot be all about the attrition of services and staff. We are debating the importance of post offices to rural Ireland but this affects urban Ireland. In Cork city, no post offices are closing. We moved the post office from Bishopstown into the Wilton Shopping Centre. The office at Dennehy's Cross was closed, as was that at Victoria Cross. I hope Senator Leyden is listening because this was not done under the Government. Bishopstown and Wilton are suburban areas with big populations but people did not use the offices. The American postal system was going through a crisis because people did not use it. As public representatives, charged with trying to bring out policies for the betterment of society, we have to come up with ways of making the post office system better and more user friendly.

The independent appeals mechanism is important and there may well be post offices that can be used. It is a voluntary scheme and people can withdraw their decision to close. The Minister spoke about the need to embrace innovation and change and I am confident he will do so. I am equally confident that the Minister of State, Deputy Kyne, will do so.

If we went back to 1984, would we envisage using email, the Internet and mobile phone devices to connect us to the furthest points in the world at the click of a button? Now we have to ensure the post office system reaches out to people with a debit card or a credit card. I used the An Post card in America in the summer. I put the money in before I left and withdrew money from the hole in the wall, or paid my restaurant bill, when I got there. It was simple. It is refreshing that we are being honest in this debate and recognise that the heart of the country has services to offer. We are of our people, whether we are urban or rural. None of us is isolated but we live *i measc na ndaoine*. This is about the next generation of An Post and how we can bring about further change.

I commend the Minister, Deputy Naughten, and the Minister of State, Deputy Kyne, on their efforts to deliver a public service to support the new, modern Ireland. As Senator Mac Lochlainn said, Fianna Fáil closed a gargantuan number of post offices, not in the time of the recession but in the middle of boom and bloom.

Senator Terry Leyden: Fianna Fáil seems to be in government, such is the attack on our party from Sinn Féin. I am surprised by this because our motion is solid and reasonable. Fianna Fáil never closed offices; people voluntarily did so. In this case a very attractive deal is being offered to ensure that 159 offices close. There is an element of duress in some cases, with people being told to leave and get the money or stay and get sweet damn all. A well orchestrated spin is being put on it. Fianna Fáil supported the post offices. I never closed an office and I was in the Department for some nine months. I was appointing people and appointing more people, and disappointing some. From the length and breadth of Ireland the files came, I got the recommendation of the postmaster in the area and duly signed the order. I was signing orders right up to the eve of the general election of November 1982. Of course, one could not disappoint those who wanted to be appointed. In most cases, they were political appointees. Every time Fianna Fáil and Fine Gael were in power, they appointed postmasters of a particular persuasion. Let us be quite honest about it. We can be honest about these matters because I was there in the Department.

Senator Joe O'Reilly: None of that.

Acting Chairman (Senator Diarmuid Wilson): Senator Leyden, to continue, without

interruption.

Senator Terry Leyden: Unless I interrupted myself, I did not hear much of an interruption.

Senator Jerry Buttimer: Repeat the last paragraph.

Senator Terry Leyden: I did not hear much of an interruption.

(Interruptions).

Acting Chairman (Senator Diarmuid Wilson): Senator Leyden, to continue, without interruption. He did not interrupt anybody else deliberately.

Senator Terry Leyden: One should grow up and smell the roses.

I cite the post office in Ballaghaderreen as an example. It was the last day of the Fine Gael empire and Mr. Patrick Cooney, a Deputy from Athlone and Minister at the time, informed the local Fine Gael activists that the post office in Ballaghaderreen was given to the Fine Gael activist in the area. There was another person in the area and the poor late bishop wrote in seeking that that person would pertain to the post office in Ballaghaderreen. I came into the office and I got a representation then from a Fianna Fáil councillor who happened to be connected to the Fine Gael activist in Ballaghaderreen. Of course, it was a choice of having a controversy on the issue. I could appoint and fire or not appoint, but the verbal statement by the Minister to an activist in the area was seen to be in that Department a kind of a contract. I just give a little insight in life.

Senator Jerry Buttimer: What did Senator Leyden do?

Senator Terry Leyden: I retained the *status quo* because I did not believe in getting involved in any of those controversies. As Senator Buttimer will be aware, in my six and a half years in Ministry I never got into controversies in any Department in which I served. The Senator can check that out. I was clear in my mandate and my responsibilities. I was committed in the Departments of Posts and Telegraphs, Transport and Health and, indeed, as Minister of State with responsibility for trade and marketing negotiating the Single European Act, which, by the way, was very effective. To put them in context, I could write a book about what went on at the time. I appointed a particular appointee in a particular town in Sligo and met the person who did not get it. I asked, "How's life?" "How's life", he said, "when you did not give me the post office?" I could not tell him what the report stated about the situation - I will go no further than that.

Fianna Fáil never actually closed post offices. Let us be quite clear about it.

Senator Pádraig Mac Lochlainn: Seven hundred and twenty five, or 40%.

Senator Jerry Buttimer: Senator Leyden said it with sincerity. It was 193 in one year.

Senator Pádraig Mac Lochlainn: It was 40% the last time Senator Leyden's party was in government.

Acting Chairman (Senator Diarmuid Wilson): Senator Leyden may conclude now because he has only a minute remaining.

Senator Terry Leyden: There is a long history. It was like rate collectors, by the way.

19 September 2018

We all know that rate collectors were appointed totally on a political basis in every county in Ireland, including Galway. That system has ceased at long last. They were extremely political appointees at the time. We all know that VEC members were political appointees as well. We have moved on.

Senator Pádraig Mac Lochlainn: Full of sophistry.

Senator Terry Leyden: Fianna Fáil Members did not close any post office; people voluntarily decided to resign. In this case, let us be quite clear about it. We all accept that the postmasters' union, with respect to it, negotiated a sweetheart deal for the post offices which they are entitled to. They are entitled to offer their resignation on the basis of either ill-health or retirement but the Minister and the Government should protect areas where a viable office can be retained. In places such as Athleague, Loughglynn and other areas in counties Roscommon and Galway, for instance in Glinsk, somebody else should be offered the position where there is potential viability, as outlined by the Minister. I note the Minister stated that the office in Athleague will not have to be closed and they can decide to change their mind or not proceed until 31 January 2019. Making a representation on behalf of my own parish, I am quite satisfied with what the Minister said in that regard.

On an appeals system, I do not know whether the Minister will tell us who they are. I would like to know who are the so-called independent persons who will assess whether a post office should be retained in a village. It should be publicly announced who they are in order that we can have confidence. I would prefer to appeal to the Minister than to persons whose knowledge of rural Ireland I know nothing about.

I thank the Acting Chairman for chairing the debate so well. Nobody wants to see any closures. Nobody wants to see difficulties in rural areas. We are all fighting the one fight. However, I am very disappointed with my estranged colleagues in the Sinn Féin Party who came from the same tree. We branched off in 1926. We went non-military. That is the difference. We did not keep the military wing. We disengaged then, disbanded our military wing and went legitimate. Thanks be to God, Sinn Féin has gone in that mould also and there will be an unholy alliance with the Fine Gael Party. I cannot believe Cumann na nGaedheal and the Blueshirt party would join Sinn Féin to form a Government.

Amendment put:

The Seanad divided: Tá, 17; Níl, 10.	
Tá	Níl
Burke, Colm.	Conway-Walsh, Rose.
Burke, Paddy.	Daly, Mark.
Buttimer, Jerry.	Devine, Máire.
Byrne, Maria.	Leyden, Terry.
Coffey, Paudie.	Mac Lochlainn, Pádraig.
Coghlan, Paul.	Mullen, Rónán.
Conway, Martin.	O'Sullivan, Grace.
Feighan, Frank.	Ó Donnghaile, Niall.
Hopkins, Maura.	Warfield, Fintan.
Lawlor, Anthony.	Wilson, Diarmuid.

Lombard, Tim.	
McFadden, Gabrielle.	
Mulherin, Michelle.	
O'Donnell, Kieran.	
O'Mahony, John.	
O'Reilly, Joe.	
Reilly, James.	

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Rose Conway-Walsh and Pádraig Mac Lochlainn..

Amendment declared carried.

An Cathaoirleach: As amendment No. 1 has been agreed to, amendment No. 2 cannot be moved.

Amendment No. 2 not moved.

Question, "That the motion, as amended, be agreed to", put and declared carried.

Mental Health (Renewal Orders) Bill 2018: Order for Second Stage

Bill entitled an Act to permit unexpired renewal orders to be replaced by new orders made under this Act; to provide that such new orders shall take effect as if they were renewal orders made under section 15(3) of the Mental Health Act 2001 as amended by this Act;
8 o'clock to amend section 15 of the Mental Health Act 2001 to provide that the maximum period of detention for a patient which may be provided for in a renewal order made under that section is 6 months; to provide that the patient, or his or her legal representative, has a right, in the case of a renewal order made for a period exceeding 3 months and in addition to any other right of review under the Mental Health Act 2001, to apply, not earlier than 3 months from the date on which the renewal order was made, for such renewal order to be reviewed by a tribunal in order for the tribunal to satisfy itself whether or not such patient is suffering from a mental disorder; to make consequential amendments to certain other provisions of the Mental Health Act 2001; and to provide for related matters.

Senator Frank Feighan: I move: "That Second Stage be taken now."

Question put and agreed to.

Mental Health (Renewal Orders) Bill 2018: Second and Subsequent Stages

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

19 September 2018

Acting Chairman (Senator Michelle Mulherin): I welcome the Minister of State, Deputy Jim Daly.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Cathaoirleach for giving me an opportunity to speak to the Mental Health (Renewal Orders) Bill 2018 which is being presented to the House on foot of a finding that part of the Mental Health Act 2001 is unconstitutional. I am grateful to the House for agreeing to consider this emergency legislation, the urgent need for which arises from the Court of Appeal finding on 3 May last that section 15(3) of the 2001 Act is unconstitutional. The section in question provides for the involuntary detention of patients for periods not exceeding six months and for periods not exceeding 12 months. The court found that the lack of a mechanism for a patient to seek an independent review of his or her detention within a reasonable time means that this section 15(3) breaches Article 40.4.1° of the Constitution, which states that “No citizen shall be deprived of his personal liberty save in accordance with law”.

In acknowledging the serious consequences that could result within the mental health system from the Court of Appeal finding, Mr. Justice Hogan placed a stay on the judgment until 8 November 2018 to allow the Oireachtas and the Government to remedy the position and to allow operational changes to be put in place. The Court of Appeal judgment has implications for all patients detained on renewal orders issued under section 15(3) of the 2001 Act. I am advised that at present, approximately 125 such patients are detained in centres throughout the country, including a number in the Central Mental Hospital. Failure to legislate to address this judgment and implement the necessary changes within the timeframe allowed by the court - by 8 November 2018 - would result in the detention of these patients becoming unlawful on the expiry of the stay. Therefore, the purpose of this Bill is to provide a lawful basis for the reception, detention and treatment of people who are detained involuntarily on renewal orders under section 15(3) of the 2001 Act.

The decision to detain a patient involuntarily is a serious one. It is primarily taken in circumstances where a person suffering from a mental disorder, as defined in the Act, presents a danger to himself or herself or, in a small number of cases, to others. Under the Mental Health Act 2001, such a decision can be made only after a registered medical practitioner refers a patient to the clinical director of an approved centre, or a consultant psychiatrist on the staff of the approved centre. If the psychiatrist decides to admit the patient, the patient’s case will be reviewed within a 21-day period by an independent psychiatrist appointed by the Mental Health Commission and by a mental health tribunal consisting of a consultant psychiatrist, a lawyer and an independent lay person. If a patient is to be involuntarily detained, a registered medical practitioner, two psychiatrists and a mental health tribunal must all decide that the circumstances of the case are such that detention is warranted.

When it is decided to detain a patient involuntarily, the initial duration of this admission order is for 21 days under section 15(1) of the Mental Health Act 2001. This period may be further extended by a renewal order of up to three months under section 15(2) of the 2001 Act. The safeguards I have outlined for the continued detention of the patient, namely, an examination of the patient by his or her consultant psychiatrist, a further examination by an independent psychiatrist appointed by the Mental Health Commission and examination of the patient’s detention by a mental health tribunal, are all carried out. Where the mental health tribunal affirms the order for the patient’s detention, the patient can appeal this decision to the Circuit Court.

The Court of Appeal found that the provisions of section 15(1) and section 15(2) provide a

mechanism for a patient to seek an independent review of his or her mental health status within a reasonable time. In 2017, 3,245 of the total of 3,524 admission and renewal orders issued - approximately 92% - were made under these sections of the Act. Currently section 15(3) of the Mental Health Act 2001 allows for periods of detention of up to six months and up to 12 months. It was this provision that the Court of Appeal held to be unconstitutional. The court found that it was not, as such, the fact that the renewal orders in question could last for six months or even 12 months that gave rise to this finding but rather that there is not a means for a patient to access a review of his or her mental health status within a reasonable time.

This Bill seeks to amend section 15(3) of the Mental Health Act 2001 to provide for repeat renewal orders of a maximum period of six months each, and for a new right for the patient to apply for a review of his or her detention at or after three months from the date the renewal order was made. This review will be carried out by a mental health tribunal under existing structures, which will satisfy itself whether the patient is suffering from a mental disorder. This new right to access a review by a mental health tribunal carries with it a further right of appeal to the Circuit Court in the event that such a tribunal decides to affirm the order.

The Court of Appeal judgment requires a mechanism for a patient to be able to access a timely review of his or her detention but gave some discretion for how this could be achieved. The Department of Health had a policy choice between providing reviews at three-month intervals, shortening the maximum duration of renewal orders to three months, or retaining renewal orders of up to six months' duration and providing for a new right for the patient to apply for a review at or after the three months point of such a renewal order. Effectively, this meant a choice between a mandatory review every three months for all patients or providing for access to a review at the same frequency but leaving the choice to access such a review for the patient to make. Following appropriate consultation, it is considered that providing a new right for the patient or a legal representative to request a review of his or her detention by a mental health tribunal is a more patient-centred approach. The Bill also removes the provision for 12-month renewal orders in its entirety. This had already been intended as part of a wider review of mental health legislation as recommended by the expert group review of the Mental Health Act 2001.

On commencement of the legislation, all patients currently detained under section 15(3) renewal orders, of which there were 124 on 5 September 2018, must be examined within a period of five days by their consultant psychiatrist, who will issue a replacement renewal order if appropriate. A mental health tribunal must review the renewal order and give its decision to affirm or revoke the order within 21 days. This is a very significant operational process, which will require several weeks and must be completed in full before the expiry of the stay on 8 November 2018 to ensure that all patients are lawfully detained at that date.

I will now go through the Bill section by section. It is a short Bill of nine sections, the purpose of which is to amend section 15(3) of the Mental Health Act 2001 to provide a lawful basis for the reception, detention and treatment of patients detained on renewal orders issued under that section, as I mentioned.

Section 1 is an interpretation section that is standard to most Bills. Section 2 is an expenses section that deals with any expenses incurred by the Minister in the administration of the Bill and is likewise standard to most Bills.

Section 3 is a provision that provides for replacing the section 15(3) renewal orders under which patients are currently detained with new orders made under an amended section

15(3). Subsection (1) provides for the patient's consultant psychiatrist to examine him or her within five days or eight days if the Minister permits this in writing of the commencement of the section. Where the consultant psychiatrist is satisfied that the patient continues to suffer from a mental disorder, he or she will make a new renewal order for a maximum duration of six months, which will replace the unexpired renewal order on which the patient was detained before the commencement of the section. Subsection (2) provides that the replacement renewal order is in substitution for and not in addition to the unexpired renewal order. The replacement renewal order takes effect as if it were an order made under section 15(3) and attracts the provisions of sections 16 to 18. These provisions relate to a review of the renewal order by a mental health tribunal, which cease to apply to the unexpired renewal order. Subsection (3) explains what can happen to an unexpired renewal order on commencement of the section; it continues in force until it expires, it is revoked or it is replaced, or the five working days - or, if applicable, eight working days - after commencement expire, whichever happens first.

Section 4 amends section 15 of the 2001 Act by substituting a new section 15(3) for the existing section 15(3). Its purpose is first to provide for repeat renewal orders of a maximum duration of six months. Previously the provision was for a single renewal order of up to six months, followed by repeat renewal orders of a maximum duration of up to 12 months. Second, it provides for a new right for the patient or his or her legal representative to apply to the Mental Health Commission for a review of his or her detention by a mental health tribunal. Third, it provides that the new right of review by a mental health tribunal can be accessed at or after three months from the date the renewal order was made under section 15(3). Fourth, it provides that the new right of review to be carried out by a mental health tribunal is a review of whether the patient is suffering from a mental disorder.

Section 5 is a consequential amendment of section 16 of the 2001 Act to provide for the review as set out in section 4 of the Bill. It provides that, when a consultant psychiatrist is giving a patient notice in writing of a renewal order being made under section 15(3) of more than three months' duration, the patient is also notified that he or she has access to the new right of review.

Section 6 is a consequential amendment of section 17 of the 2001 Act to provide for the review as set out in section 4. It allows the Mental Health Commission, on receipt of an application for a new review, to refer that application to a mental health tribunal and for the necessary associated arrangements to be made.

Section 7 is again a consequential amendment of section 18 of the 2001 Act to provide for the review as set out in section 4. It maintains the existing provision that a mental health tribunal makes its decision on an admission order or renewal order no later than 21 days of the making of that order. It adds that, in the case of a tribunal carrying out the new review, the tribunal's decision will be made no later than 21 days after the date the Mental Health Commission received the review application.

Section 8 confirms that several existing rights of the patient under the 2001 Act are unaffected by the changes in the Bill. These are maintaining provisions for discharge under section 28 of the 2001 Act, where the consultant psychiatrist becomes of the view that the patient is no longer suffering from a mental disorder; that any court proceedings which were already in train before the commencement of the legislation are unaffected by the introduction of this new legislation; and that any proceedings relating to an appeal to the Circuit Court under section 19 of the 2001 Act are unaffected by the introduction of this new legislation.

Section 9 deals with the Short Title, collective citation, construction and commencement matters. This is a section that is standard to most Bills.

In delivering its judgment, the Court of Appeal stated the finding of unconstitutionality “demands an immediate and imperative response on the part of the other branches of government, namely, the Oireachtas and the Government”. Given the urgency of the situation and the particularly vulnerable cohort of patients affected by this judgment, the support of all parties and Independents will be vital in ensuring the timely commencement of this important legislation. Above all, we have a collective responsibility to always keep the rights, will and preference of the patient to the fore. This is reflected in the strong tradition of co-operation on mental health issues across the membership of the Houses of the Oireachtas. I acknowledge the co-operation and input of all parties in helping me get this far and bringing this legislation to the House. There has been a constructive contribution from the main Opposition parties, particularly Sinn Féin and Fianna Fáil. For all these reasons, I recommend the enactment of this legislation and ask for the support of this House in passing it as presented. I also ask the House, taking into account the particular context and circumstances of this matter, to pass an earlier signature motion allowing the President to sign the legislation earlier than the period normally applying to legislation passed by the Houses.

Senator Diarmuid Wilson: I am taking this Bill on behalf of my colleague, Senator Swanick. I welcome the Minister of State, Deputy Jim Daly.

Fianna Fáil will fully support the Bill which provides a lawful basis for the reception, detention and treatment of persons detained involuntarily on renewal orders under section 15 of the Mental Health Act 2001. However, it is important to say the rights of mental health patients cannot be meaningfully vindicated in the absence of advocacy services.

This legislation stems from last May’s Court of Appeal ruling that found part of the Mental Health Act 2001 to be unconstitutional because it allows detention of an involuntary patient to be extended for up to 12 months without an effective or independent review within a reasonable timeframe. It is welcome that this issue is being addressed but many patients will lack the capacity to know that there are these rights or lack the capacity to act on their rights. In the light of the proposed legislation, there is a clear need for greater access to information on how to make a complaint and for proactive advocacy supports for those using the mental health services. This is especially the case for involuntary inpatient users of mental health services. These patients are deprived of their most basic human right, that of their liberty. Appropriate safeguards need to be in place to ensure that any such deprivation of liberty is no more than absolutely necessary, is done in accordance with the law and respects patients’ human rights. To achieve this, the Minister needs to ensure the range and capacity of Ireland’s mental health advocacy services is expanded to meet the needs of people with long-term mental health difficulties. Otherwise, patients’ rights are meaningless. There are three issues which were highlighted by Mental Health Reform and on which I would like to seek clarification. Will all individuals subject to a renewal order receive an automatic tribunal within 21 days to review their detention? Why are individuals subject to only one application to have their detention reviewed? The limitation that individuals cannot request a tribunal until three months of their renewal order has lapsed should be amended. In addition to individuals receiving an automatic tribunal, they should also have the right to request a tribunal at any time over the course of their renewal order. I would be grateful if the Minister of State could comment on these points.

A Mental Health Reform study published in July 2017 also found that only 27% of users of

mental health day clinics were fully or mostly confident about raising issues with their psychiatrist. That report also found that two thirds of patients did not know how to make a complaint and that participants were only a little confident in their ability to advocate for themselves. My party colleague and mental health spokesperson, Deputy James Browne, has rightly called for greater access to information on how to make a complaint and for proactive advocacy supports for those using our mental health services. I second that call. I also welcome Deputy Buckley of Sinn Féin to the Gallery. He has been a stalwart in advocating for mental health services. He, Deputy Browne, and the Minister of State have worked very well together in advocating for those with mental health difficulties.

Senator Frank Feighan: I know that the Government is very anxious to expedite this emergency legislation. Senator Wilson has rightly said this has cross-party support. Much work has been done and many parties have come together to make sure we get what is best for the patient. The Bill is a response to the finding by the Court of Appeal in June that section 15(3) of the Mental Health Act 2001 is unconstitutional. The section provides for the involuntary detention of patients for periods not exceeding six months and 12 months. The Court of Appeal's finding was on the basis that there is no effective means for a patient to seek an independent review of his or her detention within a reasonable time. In delivering its judgment, the Court of Appeal said that the finding on its constitutionality demands an immediate and imperative response on the part of the other branches of government, the Oireachtas and the Government. The Court of Appeal placed a stay on its judgment in June until 8 November to allow the Oireachtas and the Government to remedy the position and for operational change for existing patients to be put in place by the Mental Health Commission and the Health Service Executive, HSE. That is why we are here today to expedite this emergency legislation.

On 25 September, 124 people were retained under section 15(3) renewal orders, a number of whom are detained in the Central Mental Hospital. Once this emergency legislation is enacted all patients detained on that date under the section 15(3) renewal orders must be examined by their consultant psychiatrist who will issue a replacement renewal order if appropriate. A mental health tribunal must review the renewal order and give a decision to affirm or revoke the order. This is a very significant operational undertaking which needs approximately four weeks to complete, and it must be completed in full before the expiry of the Court of Appeal's stay on 8 November to ensure all patients are lawfully detained on that date.

The Department of Health had a policy choice between providing for mandatory review at three-monthly intervals by shortening the maximum duration of renewal orders to three months or making a new right to a review an optional one for the patient. Following the appropriate consultation the Department of Health has chosen to provide for a new right for the patient or his or her legal representative to request a review of the detention by a mental health tribunal, an approach considered to be more patient centred. The Bill removes a provision for a 12-month renewal order in its entirety and this had already been intended as part of a wider review of the mental health legislation as recommended by the expert group review of the Mental Health Act 2001. Given the urgency of the situation and the particularly vulnerable cohort of patients who are affected by this judgment, the Government is seeking the support of all parties and Independents which will be necessary to ensure the timely commencement of urgent legislation. I welcome that support.

I am really encouraged by all the good work in the area of mental health reform and pay tribute to all parties who have worked extremely hard on this. All of us must continue to recognise that people suffering from mental health difficulties have the same entitlement to have their

voices heard and respected as anybody else. It is necessary to do all we can to protect vulnerable people including those who need inpatient psychiatric care. Sometimes we can be accused of being adversarial but today we are putting the patient ahead of everybody and I hope the Bill will be passed.

Senator Máire Devine: I have been here for over two years and in learning how the Oireachtas works, it is great to see that impetus can be given to something that is so urgent. We are often depleted by the slowness of legislation. This Bill is of utmost importance in that the courts have asked that this be done. It is a human and civil rights issue.

In treating mental health we went from the Lunacy Asylums Act 1875 through various lunacy laws to the Mental Health Act 1945 which was the first type of Act to make treatment of people with mental ill health, and especially those with enduring mental ill health, fit for purpose for its time. We attempted to modernise the treatment.

We made significant contributions to the Mental Health Act 2001, trying to understand the Act, its flaws and what we could do to improve on it. As nurses we were delighted to see its implementation in November 2006. We knew there needed to be much more freedom and justice in order for our patients not to live any longer under a draconian cosh and be thought of as hopeless cases who were ignored and put into what we called “back wards”, although the technical term was rehabilitation wards, where they faced incarceration, in most cases for the rest of their lives. As young nurses we were beginning to take on board what human rights, freedom, choice and disability involved. We were trying to embrace these and encourage voices to be heard to allow healing with either time or treatment and allow a life to be led; for a patient not to be a lunatic forever.

At the time we were so busy trying to implement this new freedom for our patients that we overlooked the idea that it was okay to rubber-stamp somebody into an asylum for another 12 months, without too much difficulty. We accepted that and it was not questioned. It was a throwback to the time in the 1800s and early 1900s in this country where a relative could put somebody into an asylum where he or she would be incarcerated for the rest of his or her life. We did it in a different way but we did not question it because there was so much happening, and that is not to excuse ourselves for having overlooked it. The court has been diligent in pointing it out and telling us we need to change. We are in a time where we are looking at our attitudes to disability, mental ill-health, well-being and becoming an inclusive country where each person is valued, where we are all different and where we celebrate that diversity.

I welcome the Bill and the urgency attached to it. There are no hopeless cases in the country and we need to respect each and every person. We have come a long way, but we have much further to go. As the Minister of State knows, there is an urgent need for the complete overhaul of the Mental Health Act 2001. Deputy Buckley, with whom I work closely, is in the Public Gallery. His advance healthcare directive Bill will modernise this society and make it fit for purpose and make it a place we want to live in and in which we will expect that we are included and are given our human rights. We have the mental health tribunals but that is something for another day. We have the legal representation but that is just there for due process in order that the process is carried out; it is not a voice for the patient. We need patient advocacy, education and access to information on how to appeal and tribunals. We need information on what to expect of an appointed solicitor. Unfortunately, in most cases and at great cost, the appointed solicitors’ make sure due process is carried out and the boxes are ticked but the voice of the patient is very seldom heard. I welcome this measure and congratulate the Minister of State on

19 September 2018

introducing the Bill speedily.

Minister of State at the Department of Health (Deputy Jim Daly): Having heard the contributions, I reiterate my thanks, especially to Deputies Buckley and Browne, my colleagues in Dáil Éireann who have worked with me on this issue every step of the way and who were more than generous in waiving all political interests and advantages, who were clearly very motivated to get this right and who engaged extensively with me from the start.

I cannot guarantee Senator Wilson that the mental health tribunals will be carried out within 21 days, but they will be carried out. At the heart of the decision made by the Department of Health in drafting this legislation is that some patients find the tribunals difficult but this puts it in the hands of the patient to decide whether he or she wants a three-month review. If it is made mandatory that he or she is reviewed every three months, clinicians will say some patients will find it to be stressful and a negative experience. As we do not want to force it on people by way of legislation that is the reason for the three-month option. The reduction of renewal order duration to six months automatically gives additional mandatory reviews for 12 month orders, in addition to the new rights which are there at three months, but they are optional.

As is always the case when mental health is discussed, it is clear it is a topic close to all our hearts. This is especially so when the people concerned are some of the most vulnerable patients in the health system. I thank all the stakeholders who helped in developing the policy underpinning this legislation. I particularly thank the Mental Health Commission for its contribution. I also pay tribute to the Office of the Attorney General and the Office of the Parliamentary Counsel for their assistance in recent months. The programme for mental health is a busy one and I look forward working with members of both Houses on it as we begin the new session.

Question put and agreed to.

Bill reported without amendment, received for final consideration and passed.

Acting Chairman (Senator Michelle Mulherin): When is it proposed to sit again?

Senator Frank Feighan: Tomorrow at 10.30 a.m.

The Seanad adjourned at 8.40 p.m. until 10.30 a.m on Thursday, 20 September 2018.