



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Gnó an tSeanaid - Business of Seanad	368
Nithe i dtosach suíonna - Commencement Matters.	369
Agriculture Schemes	369
Schools Building Projects Status.	372
Ambulance Service Provision	373
Hospice Services Provision	376
An tOrd Gnó - Order of Business	378
Death of Former Member: Expressions of Sympathy	389
Transport and Sport: Statements	404
Teachtairacht ó Chomhchoiste - Message from Joint Committee.	428
Gnó an tSeanaid - Business of Seanad	428
Inquiry into the Death of Shane O'Farrell: Statements	428
Criminal Justice (Rehabilitative Periods) Bill 2018: Committee Stage	441

SEANAD ÉIREANN

Dé Céadaoin, 20 Samhain 2019

Wednesday, 20 November 2019

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

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

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

The need for the Minister for Agriculture, Food and the Marine to make a statement on the inclusion of registered agricultural contractors, who do not own a farm, in the targeted agricultural modernisation scheme, TAMS, and the low emission slurry spreading equipment scheme, LESS.

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

The need for the Minister for Education and Skills to provide an update on the acquisition of a new site for Gaelscoil Chionn tSáile, Kinsale, County Cork.

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

The need for the Minister for Health to make a statement on the adequacy of the ambulance service for north County Louth.

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

The need for the Minister for Health to provide an update on plans for a new 12-bed hospice inpatient unit on the current north-west hospice site in Sligo.

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

The need for the Minister for Culture, Heritage and the Gaeltacht to make a statement on whether the commercial aquaculture activities proposed for Ballyness Bay, County Donegal, require her prior consent pursuant to the European Communities (Birds and Natural Habitats) Regulations 2011.

20 November 2019

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

The need for the Minister for Education and Skills to make a statement on the application by St. Aidan's comprehensive school, Cootehill, County Cavan, for departmental assistance.

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

The need for the Minister for Housing, Planning and Local Government to make a statement on the assistance available for properties built by the State in the 1960s now affected by subsidence.

I have also received notice from Senator Kieran O'Donnell of the following matter:

The need for the Minister for Transport, Tourism and Sport to provide an update on progress of the M20 Limerick to Cork motorway project.

I have also received notice from Senator Anthony Lawlor of the following matter:

The need for the Minister for Education and Skills to review the proposed junior certificate honours Irish paper.

The matters raised by the Senators are suitable for discussion and I have selected Senators Boyhan, Lombard, Swanick and Feighan and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Agriculture Schemes

Senator Victor Boyhan: I thank the Leas-Chathaoirleach for selecting this Commencement matter and I welcome the Minister to the House. I will be brief and concise. This is to ask the Minister of Agriculture, Food and the Marine to consider changing the terms and conditions that would allow registered agricultural contractors to apply for TAMS or LESS. The background to this is that these contractors provide employment in rural communities and should be eligible for such grants, subject of course to conditions. The Minister will appreciate the cost of machinery and the fact there is co-operation between neighbouring farmers and contract farmers. People do not always have heavy plant and machinery.

This is an issue registered contractors have raised with me. They believe there should be some support for them. They are not necessarily farm owners, although some are small farm owners, and they are supplementing their income by doing this work.

I will tell the Minister about one Galway contractor who wrote to me. He said he was a registered agricultural contractor, had been in this business for over 40 years and had never received any grants as he did not own a farm. He said that he thought all registered agricultural

contractors who provide this service and employment in the local community should be eligible for the same grant. He said also that he had applied for the low emissions slurry spreading equipment scheme, LESS, grant, and it was denied to him because he did not own land but that most of his customers were dependent on him to provide this service.

He talked about having a son who was keen to take on this agricultural contracting business, which is essential and used widely by farmers in their community. He then talked about the whole issue of emissions, the reduction of the carbon footprint, etc. The Minister will be very familiar with the whole story and I am interested in his considered response.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I welcome the opportunity to provide an update on the targeted agricultural modernisation scheme, known as TAMS II, and I thank the Senator for raising this matter. TAMS II is made up of a suite of seven measures providing valuable grant aid to Irish farmers. These measures were launched under the Rural Development Programme 2014-2020, RDP, and are co-funded under the European Agricultural Fund for Rural Development, EAFRD. Because of this, they are subject to all the provisions of the relevant EU regulations. These regulations specify that TAMS II support be granted to farmers or groups of farmers. It is not therefore possible under the EU regulation for Ireland to amend the terms and conditions to extend the grant aid available under TAMS II to contractors who are not farmers.

There are seven measures available under TAMS II providing grants for capital investment in physical assets. Under the young farmers capital investment scheme, additional support is available for young trained farmers, as they are offered a higher rate of grant aid of 60% compared to the standard rate of 40%. The specific measure being raised by Senator Boyhan is the low emission slurry spreading scheme. Uptake under this measure has been particularly high, with more than 2,500 approvals issued and more than 1,100 applications paid to date. I welcome the high level of uptake under this measure, as it delivers real environmental dividends and is evidence of the willingness of Irish farmers to embrace new technologies that benefit the environment and contribute to climate change mitigation.

The eligibility requirements for the low emission slurry spreading scheme are set out in the terms and conditions and indicate that the scheme is open to farmers who hold a Department identifier and have declared a minimum of 5 ha under the basic payment scheme in the year of application or preceding year, or have a minimum of 60 production units in the case of pig farmers.

To date, total expenditure on LESS equipment is €19 million, of which €6.5 million has been paid to qualifying young farmers. It is open to approved applicants to submit an online payment claim as soon as they are in a position to do so. I urged all approved applicants who have completed their works to submit a payment claim as soon as they are in a position to do so.

Senator Victor Boyhan: I thank the Minister for his detailed response and I fully understand he cannot amend the whole scheme. However, this goes back to the small farmers and small contractors and to the inter-reliance in communities where people do not have the necessary funding mechanisms to hire plant and machinery. The eligible person has to be a landowner or a farmer, so who is looking out for these guys? The Minister and I are very familiar with a number of small contractors. Where do they fit into all of this? In this whole big conglomerate of the European Union, where is the relevance for local communities? We hear right across the country that farm communities are struggling. Somebody who takes a lease on

a piece of machinery and tries to offer services in his or her community, who is bedded down and respected in his or her community, is offering a service. Who is going to financially support and assist that person? Is there any other mechanism through which such a person can apply for funding? What can the Minister do? What reassurance can he give me that he will look at this, particularly in regard to the small contractor?

The person should not have to be a farm owner or be involved in agriculture. We have more graduates and students studying agriculture at the moment who live in cities than ever owned land and, in many cases, they have never been involved in agriculture. We have to acknowledge and recognise there is a new shift and a new interest among people coming into agriculture. Clearly, I will send this to the *Irish Farmers' Journal*, www.agriland.ie and other media to say this is the response. This is the Minister's response, which is accurate, and I appreciate the Minister taking the time to do that. However, I would also like to know what support and comfort the Minister can give small contractors.

Deputy Michael Creed: I recognise and value the work done by agricultural contractors in rural Ireland, many of whom are of the land, some of whom have land and qualify for TAMS payments, although a significant cohort do not. I do not undervalue or under-appreciate the contribution of either but I accept that, in some respects, some contractors, by virtue of being both contractors and landowners, have an advantage in terms of their eligibility for grant aid. The dilemma I face is that, under EU regulations, it is not open to me to provide funding to non-farmers under this scheme.

The scheme is critical, as are all of the schemes under TAMS II, but this is particularly so in the context of climate, and we are out in public consultation in the context of the roadmap we envisage for meeting our ambitious targets in the agricultural area. We are also at present engaged in deliberations about what the next Common Agricultural Policy could be, so it may be an opportune time to look at those regulations in that context. I accept personally that, in terms of the scarce resources available to farmers, it is not necessary for every farmer to have low-emissions slurry spreading equipment but it is obligatory, in the context of our ambition, that all farmyard manures would be spread in the most environmentally friendly way possible. Given the capital cost, much of that can be done, and most effectively in financial terms, through contractors.

How we might marry the two issues - the reform of CAP and our climate ambition - is somewhere I see opportunity in terms of using the toolbox that the new CAP can give us to drive that agenda in the most environmentally and financially efficient way. That could include opening the door, if it were possible in the context of the new CAP, although I am not committing to that as it is a deliberative process which we are in consultation about.

I accept this is expensive equipment. It is beyond the reach of many farmers and, in many cases, given the individual farmer's scale, and notwithstanding the period when it is optimum to use the low emissions slurry spreading equipment, it is questionable whether every farmer should be obliged to own it, or whether, through a co-operative purchasing system or through extended the availability of assistance to contractors, there is an optimum solution. It is something we can set our minds to considering in the context of climate and the reform of CAP. However, under the current regulations, as drafted, it is not open to me to consider them under TAMS as currently constructed.

Schools Building Projects Status

Senator Tim Lombard: The Minister, Deputy Creed, has great knowledge of Kinsale and his father covered that area for many years. His knowledge of Kinsale is very appropriate to this matter. I am looking for movement on the Gaelscoil in Kinsale, which was established in 2007. It first got approval for a permanent structure in 2015 and, since then, it has been sitting in limbo. We have a site and we are trying to get the conveyancing sorted for the site. My office in Kinsale has been in contact with both the Chief State Solicitor's office and the Department of Education and Skills every month for the last year, trying to get movement on the conveyancing of the site. Since October 2018, it has sat in the Chief State Solicitor's office and we have been trying to get contracts out of that office since that time.

There is deep frustration in Kinsale on this issue. The Gaelscoil is a thriving school in a thriving town that just needs a little help to move forward. We have the site and we need to move forward with regard to the ownership of that site so we can move from stage 1 of the project list all the way to stage 5 in the next few years. There was an original commitment that construction would begin on this site in 2018 and we are now lagging behind because we do not have ownership of the site. In many ways, this is about making sure we can transfer the land over to the Department and then move forward with the next phases of the project.

It is a very important project for Kinsale. I want to bring to the Minister's attention that over €1 million has been spent on prefabs since 2007 and, in many ways, it is money wasted. Every day that we delay, more money is being spent on temporary prefabs, which do not suit the needs of the students. One of these prefabs had to be stood down last year because of its condition, with rain literally pouring through it. This is a significant issue for Kinsale, a thriving town that has seen its population increase by 22% in the last decade. We need to move forward with the educational campus, in particular the Gaelscoil. I hope the Department can put pressure on the Chief State Solicitor's office to sort out the conveyancing issues and get the site transferred over, so we can go through the phases to deliver this site and, in turn, deliver the school for Kinsale.

Deputy Michael Creed: I thank the Senator for raising this matter. I apologise on behalf of the Minister, Deputy McHugh, who is unavoidably absent. As the Senator is aware, a project to provide a new school building for Gaelscoil Chionn tSáile is included in the Department of Education and Skills' capital programme. The Gaelscoil is currently operating in temporary accommodation, as the Senator said.

The project to provide the new building for the Gaelscoil required the acquisition of a site for the school. In order to secure a suitable site, the Department of Education and Skills worked closely with Cork County Council under the memorandum of understanding for the acquisition of school sites and a number of site options were identified by the council. These were all thoroughly appraised for suitability by both officials from the Department of Education and Skills and from Cork County Council. The Senator will appreciate the importance of a thorough appraisal of site options at this point in order to ensure the achievement of value for money and to minimise the potential of any issues arising during the planning and development stages.

The outcome of this technical appraisal exercise was that council officials, acting on behalf of the Department of Education and Skills, entered into negotiations with the landowners of the site on which the Gaelscoil is currently located in temporary accommodation as it was deemed to be the most suitable option. Agreement in principle was reached for the proposed

acquisition of the site by the Department of Education and Skills and the acquisition process has since advanced into the legal conveyancing stage. The conveyancing process remains under way as legal due diligence must be undertaken in respect of any such proposed transaction. The Senator will appreciate that, in such a process, the Department of Education and Skills is dependent on the engagement of third parties and, furthermore, the process can be subject to certain legal complexities. Therefore, timeframes for completion are outside the direct control of the Department of Education and Skills. Nevertheless, the conveyancing stage is progressing and officials from the Department of Education and Skills are working to bring this matter to a conclusion at the earliest possible date.

I can assure the Senator the school authorities are being kept apprised of progress with respect to the advancement of the site acquisition and building project for the school.

Senator Tim Lombard: I thank the Minister for his response. I realise it is not his brief. This issue went to the Chief State Solicitor's office in October 2018. Every week my office has contacted the Department and State solicitors for an update. While I appreciate it is not in the Minister's brief, it is very frustrating that we have no movement on it. He might ask the Minister for Education and Skills, Deputy McHugh, to look into the issue. We have been waiting for 13 or 14 months and have not been given a timeframe. The board of management, principal and students are in limbo, waiting for this process to finish.

Deputy Michael Creed: I appreciate this is not a satisfactory situation from the point of view of the patron, principal, staff, parents and not least pupils. Temporary accommodation tends to drag on beyond the wishes of all parties involved. I will, of course, speak to the Minister, Deputy McHugh, on the matter and with the best of endeavour on all sides we should be able to complete the conveyancing and move to the next stage at the earliest possible date. I will commit to speak to the Minister, Deputy McHugh, on that matter on the Senator's behalf.

Ambulance Service Provision

Senator Keith Swanick: I welcome the Minister of State to the House. He is probably aware of the desperate situation regarding ambulance services in rural areas. Councillor Erin McGreehan from Louth recently raised with me the specific issue of ambulances in the Omeath area of north County Louth. At present no ambulances are operating in this district of the county.

It has been revealed that ambulance services in Louth have taken over an hour to respond to emergency call-outs on at least six different occasions in the last year. A freedom of information request has revealed that on one emergency occasion in Louth last year it took an hour and 27 minutes for an ambulance to arrive at the scene. Out of the six occasions where ambulances took more than an hour to respond in the county, waiting times were between an hour 18 minutes and an hour 27 minutes.

This is not to do with trolleys backing up and the dysfunctional situation in our emergency departments. Insufficient resources are being directed towards rural areas. What does the Minister of State plan to do, in a holistic fashion, to deal with this issue and ensure that we can get the ambulances to bring the patients to the hospitals in a timely fashion?

Ambulance turnaround times measure the time interval from ambulance arrival at a hospi-

tal to when the crew is ready to accept another call. In a number of hospitals, the emergency departments are completely overcrowded and this will get worse with the winter flu season approaching. This overcrowding contributes significantly to delays in ambulance turnaround. The lack of resources in rural areas is a different problem. We are not dedicating enough resources to rural locations. If we are serious about reducing the turnaround times, it means that we need to reduce the length of time people are spending in our emergency departments. With that in mind the escalating overcrowding in hospitals being reported by the INMO's figures is of particular concern. We have a long way to go in this regard and the failure to recruit more nurses has exacerbated the issue.

I accept that there are challenges in rural areas and that we cannot expect to achieve the same turnaround times as urban areas, but they could be vastly improved. We need to increase the number of ambulances and paramedics, but we also need to support community first responders to help with emergencies in rural areas.

Details released under the Freedom of Information Act show that nationally on 123 occasions this year it has taken an ambulance at least an hour to arrive at a life-threatening emergency. Some 26 of these were in Wexford while the longest response time was in Mayo. I thank the Minister of State for coming to Belmullet to visit the district hospital. While I am talking about Louth today, the Erris Peninsula is as big as the entire county of Louth. He will be very familiar with this from his part of the country. We are fortunate to have an ambulance base in Belmullet, albeit an hour and ten minutes away from Castlebar.

Rural areas need an increased service. We have a great air ambulance that I have used, thankfully infrequently, as a GP in rural Mayo. Increasing the number of community paramedics and first responders would be sensible and pragmatic, and may alleviate some of the problems we have today.

Minister of State at the Department of Health (Deputy Jim Daly): I welcome the opportunity to address the House, on behalf of the Minister, Deputy Harris, regarding the ambulance service in north County Louth. The National Ambulance Service has three bases in Louth, namely Dundalk, Drogheda and Ardee, from which emergency ambulances and intermediate care services are provided.

The National Ambulance Service has been moving to a policy of dynamic deployment, where vehicles are strategically located where they are most likely to be required, rather than located at a particular station. In this regard, Louth can also be served by resources based at neighbouring counties. The adoption of a dynamic deployment approach was recommended in the National Ambulance Service Baseline and Capacity Review, published in 2016. The ambulance dispatch points were identified following an analysis of demand based on historical data from the regional control rooms. There are ongoing reviews of rosters and strategic deployments of ambulances in the region to ensure that deployed resources remain relevant to demand.

The baseline and capacity review also identified particular difficulties serving rural areas. The review indicated that the only practical way to improve first response times in rural areas is through voluntary community first responder, CFR, schemes. The National Ambulance Service continues to work with local CFR groups across the region to enhance services with eight CFR groups currently operating in County Louth.

20 November 2019

The National Ambulance Service also works closely with the Northern Ireland Ambulance Service to provide a better and more responsive service for patients in Border counties, including County Louth. Co-operation is formalised in two memoranda of understanding signed in September 2019.

I note that the Senator seeks the provision of an adequate ambulance service, but I assure him that the Government aspires to the provision of a quality, responsive service. The National Ambulance Service has undergone a very significant process of modernisation in recent years, and a number of important service innovations and developments have taken place. The National Emergency Operations Centre has been established, where emergency calls are received and emergency resources are dispatched. The National Ambulance Service now has full visibility of all available paramedic resources and vehicles in real time, ensuring that the closest available resource is dispatched to an emergency.

Recent developments also include the development of alternative pathways to care. The Hear and Treat clinical hub went live in the National Emergency Operations Centre last year. This is an important service in that it diverts some lower acuity patients away from busy emergency departments and frees up emergency capacity. These initiatives are helping to improve the availability of ambulance resources throughout the country, including in north County Louth.

In each of the recent years, additional investment has been directed towards the National Ambulance Service. This year the National Ambulance Service budget has increased to an unprecedented €168.6 million which supports the National Ambulance Service to continue to deliver a high-quality service. I can confirm that in line with the Programme for a Partnership Government commitment, additional funds will be made available to the National Ambulance Service in 2020.

Senator Keith Swanick: I thank the Minister of State for his comprehensive response. While the ambulance is based in Belmullet, if the ambulance is not available locally we have to get an ambulance down from Castlebar or Ballina.

Returning to north County Louth, I would like the Minister of State to consider expanding the co-operation with the Northern Ireland Ambulance Service. Places such as Omeath are only ten minutes away from Daisy Hill Hospital in Newry and yet ambulances are being dispatched from Drogheda, leading to a response time of an hour and 20 minutes, when it could be a ten- or 20-minute response time from across the Border.

Deputy Jim Daly: I again thank the Senator and take his comments on board. As I pointed out, two memoranda of understanding were signed in September 2019. The benefits are only starting to emerge and that is ongoing.

Having been a Minister of State in the Department for a number of years, I have had occasion to visit many health service facilities and see the progress and in some instances the lack thereof.

The Senator will trust my bona fides when it comes to making a judgment like this.

I recommend to any Member to visit the National Ambulance Service and meet its director, Mr. Martin Dunne. I do not have any skin in the game but my impression is that the it is one of the most progressive aspects of our health service. It is impressive to see how the reform

agenda has taken hold and how the service has been modernised and extraordinarily progressive in the development of response-led services to meet the needs of the patient and improve response times. It is unfortunate that there will always be outliers and we will all hear stories about an ambulance that took an hour and 20 minutes to arrive. We do not hear the thousands of stories where ambulances or community response cars are typically available within a 20-minute response time in most areas they are deployed. The community response cars are fantastic and they have advanced paramedics. The Senator, as a doctor, will understand and appreciate that.

11 o'clock

I genuinely suggest to Members with concerns about the National Ambulance Service that it is well worth going visiting its headquarters. I commend the service highly on the progressive, proactive, can-do approach that the director and the team have adopted under the reform agenda. I am proud of their achievements and Members who have the opportunity to visit them will also be. I thank the Senator for raising the issue.

Hospice Services Provision

Senator Frank Feighan: I am pleased to be given the opportunity to raise this important issue. I seek an update on the planned 12-bed hospice inpatient project for Sligo. For more than three decades, the North West Hospice has been providing wonderful care to people in counties Sligo and Leitrim, south Donegal and west Cavan. The hospice currently provides an inpatient unit, a community palliative care team and a hospice palliative care team. As many people in the north west will be aware, the hospice is planning a significant project, namely, a 12-bed unit along with day care and outpatient facilities. This is a major undertaking on the current hospice site with an estimated cost of €8.5 million. I understand that this project will be funded through a combination of Government funding, financing, corporate support, support from the diaspora and the local community, along with significant donors.

As representatives of the North West Hospice have stated, this project is crucial to cater for the current and future needs of local communities. The current inpatient unit comprises eight beds, three single rooms and a five-bed ward. The 12-bed project will allow for 12 single rooms and I concur with representatives of the hospice that this is essential and vital for the dignity and privacy of patients and their families. I visited a good friend of mine there nearly two years ago and the service, commitment and dignity shown by the staff, doctors and nurses were admirable.

All these services enable patients with life-limiting illnesses to access expert help locally. The North West Hospice serves a population of 110,000. That is why the project is so vital to the region.

Deputy Jim Daly: I thank the Senator for raising this important matter.

Since opening in 1998, the North West Hospice has provided a valuable palliative care inpatient service to the people of counties Sligo and Leitrim, south Donegal and west Cavan, as the Senator outlined. While the quality of care provided continues to be excellent, the specialist inpatient unit no longer meets best practice in maintaining the dignity and privacy of patients and their families due to the physical limitations of the facility, especially in relation to space.

As the Senator will be aware, the HSE's palliative care services three-year development

framework 2017-2019 informs the development of adult palliative care services in Ireland. The framework recommended that six existing inpatient units should be redeveloped as all single room patient accommodation to ensure the privacy and dignity of each person and to be in compliance with HIQA standards. North West Hospice was listed as one of the hospices to be redeveloped. Against this background, the HSE is continuing to progress plans to develop a new hospice facility on the existing site of the inpatient unit, located on the grounds of Sligo University Hospital. This will see the inpatient unit increase from the current capacity of eight inpatient beds to 12-bed, single room accommodation.

The new hospice facility will include accommodation for the community palliative care team, outpatient and consultation facilities, administration and management offices and will have meeting room facilities for HSE and community and volunteer activities that support the delivery of specialist inpatient, community and acute palliative care services. This will provide for a more efficient delivery of palliative care services throughout the hospice's target region.

I am advised that HSE estates are managing the capital project on behalf of the hospice to ensure compliance with all relevant HSE protocols and statutory requirements. I understand that HSE estates has received the stage 2a design report and is currently working to finalise the costs of the new build. HSE estates is continuing to work closely with the North West Hospice board on the design of the build and has acknowledged the funding commitment given by the board to bring the design and planning application submission to stage 2b.

When the final design is agreed and costings fully worked out, the planning application will then be submitted to the local authority. It is estimated that planning permission will be in place by the end of quarter 2, 2020. The North West Hospice development is included in the HSE's capital plan.

I want to conclude by acknowledging the commitment of the management and staff of North West Hospice for their continued positive engagement with the HSE during the design and planning process. More important, I thank them for their valuable work in providing high-quality palliative care to people with life-limiting conditions in the north west.

Senator Frank Feighan: I pay tribute to everyone who has helped to raise funds for the hospice and I thank the Minister of State for his reply. Sunflower days are the hospice's main fundraising initiatives and the generosity of local people is incredible. Sunflower days raised a staggering €33,000 over two days in June this year. I understand that special plans are being put in place for the 30th year of the sunflower days campaign in 2020. Great work is being done in developing the hospice facilities in this region and only last month, I was delighted to attend the official opening of a new 14-bed hospice in Castlebar under the Mayo Roscommon Hospice Foundation. I am privileged to have worked on the €6 million hospice plan for Roscommon, which is at an advanced stage of planning and is set to open in 2021. I acknowledge the great work that is being done by the North West Hospice, the Mayo Roscommon Hospice Foundation and many hospices around the country. These people are willing to work together and I know the Government will work with all these groups to ensure we get the best possible palliative care for our citizens.

Deputy Jim Daly: The purpose of the redevelopment is to provide single rooms that maintain and enhance the dignity and privacy of patients. Ireland has a well-earned reputation for providing high-quality, specialist palliative care thanks to a long-standing positive working relationship between the voluntary and statutory sectors. Collaboration between organisations

such as the North West Hospice and the HSE ensure that an integrated approach to palliative care is created, meeting the needs of people across the north west.

I again thank the management and staff of the hospice for the quality care they provide for the people of the north west. The addition of four more inpatient palliative care beds in Sligo is part of a wider move to increase the availability of specialist inpatient palliative care services. There are currently 214 inpatient palliative care beds in hospices at a national level and, by the end of 2020, a further 55 inpatient beds will be opened in hospices in counties Waterford, Wicklow, Kildare and Mayo, bringing the total number of hospice beds to 269.

National palliative care policy seeks to ensure that there is a hospice serving every region. This Government will continue to work with hospice organisations to ensure people with life-limiting conditions throughout the country receive the palliative care they require.

Sitting suspended at 11.08 a.m. and resumed at 11.30 a.m.

An tOrd Gnó - Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, statements on transport and sport, to be taken at 2 p.m. and conclude at 4 p.m, with the opening contribution of the Minister not to exceed 50 minutes, the contributions of group spokespersons not to exceed eight minutes each and those of all other Senators not to exceed six minutes each and the Minister to be given not less than ten minutes to reply to the debate; No. 2, Judicial Appointments Commission Bill 2017 - Report Stage, resumed, and Final Stage, to be taken at 4 p.m. and adjourned at 5.30 p.m., if not previously concluded; and No. 3, Private Members' business, Criminal Justice (Rehabilitative Periods) Bill 2018 - Committee Stage, to be taken at 5.30 p.m. and adjourned after two hours, if not previously concluded.

I remind Members that following the Order of Business we will be hosting the Kiely family for the scheduled tributes to the late iar-Chathaoirleach Rory Kiely. As I am sure many Members will want to pay tribute to him, I hope we can strive to complete the Order of Business without delay in order that we can start the tributes at 12.45 p.m.

An Leas-Chathaoirleach: On the last point, I remind Senators that group spokespersons have three minutes and are permitted to raise two items on the Order of Business. All other Senators have two minutes and are permitted to raise one item. Unfortunately, many Senators are not in the Chamber and will not be aware of this, but their colleagues who are present might remind them of it as they arrive. I apologise as I might have been a little lax yesterday, but I will not be today. The Leader has reminded us of the reasons we should not delay today.

Senator Terry Leyden: I support the Order of Business as proposed. Will the Leader of the House devote time within the next week or so to debate the roll-out of the €3 billion and flawed national broadband plan that was signed yesterday by the Government? It was an excellent PR stunt. According to the successful bidder, Mr. David McCourt, the project will ensure businesses and residents will have a bright and sustainable future. The only one who has a brighter future is Mr. McCourt because he has the best sweetheart deal of all time. It is one of the most magnificent achievements of any businessman without one yard of fibre or one pole

at his disposal. I know that he is in New York seeking to raise funds for the project and he will probably be successful because it is a win-win for him and his company. In August the Oireachtas Joint Committee on Communications, Climate Action and Environment brought forward a very good and well studied report. Deputy Dooley led off for Fianna Fáil at the time when we came to the conclusion that there was good cause to look at the issue again because we had the ESB, which is not a national but an international company. It has all of the infrastructure needed to provide broadband for every house in Ireland without any difficulty. Eir also stated it would be prepared to consider becoming involved again. Of course, the reason the decision has been announced is the by-election to be held on 29 November, as well as the fact that things are not going very well for the Government. In fact, they are going very badly for it. They are going so badly for it that it is thinking of withdrawing candidates, not to mention anything else. Of course, broadband is needed. We need it. Fianna Fáil-----

Senator Jerry Buttimer: The Senator should be on the stage.

Senator Terry Leyden: We are on the stage.

Senator Jerry Buttimer: The Senator should be in an opera house.

Senator Terry Leyden: This is one of the most important stages in Ireland. The Dáil and the Seanad are the most important stages in Ireland. In every election in recent years Fine Gael stated in its manifesto that it would provide broadband for every house in the country. That has not happened and it will not happen for a very long time. It is a myth. It is a great day when a contract is signed, but Mr. Robert Watt and others questioned the signing of it as much of the fibre would not be rolled out until beyond 2020 or 2026. All I am saying is there is a need for broadband. How it is provided is a matter of judgment. The Government will be judged on the issue. It is very strange that the former Minister was accused of being too friendly with Mr. McCourt and left office, while the Minister seemed to have been influenced by him. I say, "Well done," to Mr. McCourt, for whom it is a great day. I wish him luck in that regard.

Senator Gabrielle McFadden: How is Fianna Fáil's Fingal candidate going?

Senator Terry Leyden: I hope Fine Gael is not receiving any contribution from-----

Senator Jerry Buttimer: The Senator should withdraw that remark.

Senator Terry Leyden: What did I say?

Senator Jerry Buttimer: The Senator knows well what he said. It is scurrilous.

An Leas-Chathaoirleach: Did I miss something?

Senator Jerry Buttimer: The Senator did say it. It will be in "the blacks".

An Leas-Chathaoirleach: If Senator Leyden was out of order, I rely on him to-----

Senator Terry Leyden: I was not out of order.

Senator Jerry Buttimer: The Senator knows that he was out of order.

An Leas-Chathaoirleach: We will not argue about it now. Senator Leyden will reflect on the matter.

Senator Jerry Buttimer: It is about time that he was called out. It is the Fianna Fáil model of broadband and that is what it is going to be playing at.

An Leas-Chathaoirleach: The Leader will respond in due course.

Senator Joan Freeman: I would love to see that level of debate about mental health services, not comments in the Chamber. It is a pity because I receive text messages on a daily basis, not just from parents whose children are trying to avail of mental health services in County Wexford but also from staff in HSE South. I will quote from a text message sent to me yesterday by a very distressed mother. She said:

What's happening? What's the story in Wexford? There is still no consultant, no registrar, no clinical nurse manager, who's out sick at the moment, no medical appointments for children with mental illness. They are in dire need. There's no one to write prescriptions for controlled drugs for children, no service after five o'clock when there is a clinical manager there. Instead children are sent to the Department of Psychiatry in Waterford in a single room with no occupational therapy, just medication offered. They're locked in a room.

By the way, this area in University Hospital Waterford is called the dungeon. Every now and then, a consultant is brought from Galway and paid €3,000 per day to see children on the weekends he is available. I do not know anymore where we are. Two and a half years ago staff in Slaney House were promised that they would be moved to better accommodation, but they still have not been moved. In October 2017 they were promised that premises would be available to them.

They are still in the old premises. At this point I do not know what to do. I was Chairman of the Oireachtas Joint Committee on the Future of Mental Health Care. I was promised the committee would continue, which would allow members of the committee to oversee, supervise and scrutinise the HSE. Now that committee is gone, so there is nobody doing it. I again call on the Government to reinstate the committee and to please do something within the next week about Slaney House. I acknowledge that Mr. Paul Reid was down there the other day. Wexford will come to its knees. A massive problem or tragedy will happen and then the Government will act. It should act now. I will be on this case daily until Christmas until something happens.

Senator Rose Conway-Walsh: I support Senator Freeman's remarks. It is not confined to Wexford but I am aware of particular problems there. I spoke to one mother this morning who must wait 13 weeks to see a psychiatrist in an emergency. That young person must go through the whole of December, Christmas and the beyond without getting an appointment. That is a very serious situation. I agree with Senator Freeman about the life-saving initiatives and action on recruitment that we are talking about. Years have passed since A Vision for Change was published. Think of all the photo opportunities that it created and yet we are still in those circumstances. It is a shame on us all.

I propose a change to the Order of Business – this may have been done and I apologise if it has been – that instead of debating the Judicial Appointments Commission Bill 2017, we debate the need for a public inquiry into the death of Shane O'Farrell. The Minister for Justice and Equality will obviously be available at that time. It is crucial that we debate that in this House.

An Leas-Chathaoirleach: Is the Senator proposing an amendment to the Order of Business to that effect?

Senator Rose Conway-Walsh: I am. It may already have been taken care of but if it has not I am proposing that.

The Government is planning new laws to stop local groups and environmental organisations challenging controversial developments in court. I have real concerns about this because the new law will effectively deny ordinary citizens, community groups and non-governmental organisations, NGOs, the chance to ever take a court challenge. If passed, the changes would make it impossible for newly-formed campaign groups to seek judicial review of planning decisions affecting their locality and it speaks to the lack of consultation. Developments absolutely must happen but they must be done in consultation with community groups. To state this cannot be done unless a group has been in existence for three years and 100 members have signed it is the wrong way to go. This comes on top of the changes to legislation that allow major capital projects and large housing developments to go directly to An Bord Pleanála for approval. There is no means of appealing them except by judicial review. That is taking autonomy away from local authorities. I would like a debate on this here because I do not like the direction it is going in terms of local people not having a genuine say in the development, shaping and structure of their communities.

Senator Ivana Bacik: I support Senator Conway-Walsh's proposed amendment to the Order of Business to take statements on the Shane O'Farrell case and the need for an inquiry in that case instead of Report Stage of the Judicial Appointments Commission Bill 2017, at 4 p.m. today. I had not been aware that Senator Conway-Walsh was proposing that amendment but I did last week call on the Leader to arrange for further debate on the case of Shane O'Farrell. I have been supportive of the family, and I know other colleagues in the Chamber, notably Senator Norris, have also been very supportive of the family. I think there would be great support for Senator Conway-Walsh's proposed amendment and I am happy to second it. In the Dáil last week, there was significant movement forward on that debate. It would be useful for us to take a similar approach in the Seanad, in keeping with the approach we have taken before on the issue of Shane's tragic death.

The recent unfortunate comments by candidates from different parties, although not the Labour Party, in the by-election campaigns in several constituencies – I am not going to go into them – exemplify what the Labour Party Leader, Deputy Howlin, has called the toxic discourse that is seeping into public discussion about migrant communities in particular, new communities in Ireland and the nature of inward migration. It is a really unfortunate development. It is important that the Government and all public representatives be seen to lead, to take a stance against language that is disrespectful of others, particularly minority communities. It is important that we show in a concrete and visible way that we are taking a stand against this. The language we use as public representatives really matters. There are two ways in which we could move forward on this and I ask the Leader to take these on board.

First, we need to see the introduction of legislation on hate speech. The Department of Justice and Equality is conducting a review of the prohibition of incitement to hatred legislation. That is a very welcome review. It is due to conclude in December. We should have a debate early in the new year on the shape of proposed hate speech laws. There has been a good deal of discussion already about these in this House and the other House but it is long overdue that we reform our incitement to hatred legislation and ensure greater protection for our communities against that sort of hate speech. Second, and more immediately in the Seanad, we could give Government time to Committee Stage of the Labour Party Bill that would have given rights to undocumented children in Ireland. We brought that Bill forward this time last year. It passed

Second Stage, despite Government opposition. It got support across the House, apart from Fine Gael, and it was introduced specifically in response to cases of children who had been living all their lives in Ireland, who had been born here or had come to Ireland as very young children, had all their schooling here yet had no regularised status in Irish law due to long delays in the asylum applications system and other flaws in the system. It is within the scope of our Oireachtas to legislate to give residency and citizenship rights to such children. It would be a really positive, concrete step for the Government to be seen to move on this. I understand the Taoiseach is favourably disposed to some form of regularisation system and I am proud to support the Migrant Rights Centre, which yesterday brought people into Leinster House and brought a letter signed by many people in this situation to the Minister of Justice and Equality. It is not a huge number of people overall. Will the Leader give Government time to Committee Stage of the Labour Party Bill on undocumented children?

Senator Gabrielle McFadden: I want to raise the issue of mental health facilities, the child and adolescent mental health services, CAMHS, and disability services in my local community health organisation area, CHO 8. I have said on numerous occasions that I believe CHO 8 has the least funding *per capita* for disability services and for CAMHS. I am concerned that every time there is a difficulty with the budget, disability services are like low-hanging fruit and lose out each time. I would like the Minister of State with responsibility for mental health to come in here to discuss this. Part of this discussion could be about the assistant psychologist posts advertised in the past two years, 120 the year before last and again last year, the big recruitment drive, the week-long interview sessions in hotels. Hundreds of young people were interviewed and I do not know if any of those positions have been filled. If they were filled, by their nature, young people move and I do not think they were backfilled. There is a huge flaw in a system that can announce 120 positions for assistant psychologists but not fill all of them or fill some at least. I do not know what they are doing with them. Assistant psychologists are perfectly capable of carrying out assessments under the supervision of a senior psychologist, and reducing waiting lists, and that is what should be done. I ask that the Minister of State come before the House to have this debate with us and give us his impression of what is going on and how we can make it better.

Senator Michael McDowell: I support what Senator Freeman said about psychiatric services. If, as she stated, an emergency appointment for a psychiatric interview is taking 13 weeks, we are not just talking about delays but also about lives. The HSE is statute-bound to provide psychiatric services, and there comes a point at which it is in breach of its statutory duty. I think this will end up in the courts in the form of some massive action at some stage. The problem is that when people, especially young people, take their own lives, there is no financial penalty on the people responsible. It is very serious. Children could be denied psychiatric help for 13 weeks when they are in crisis.

The other matter I wish to speak about is the desirability of asking the Minister of State with responsibility for the Electricity Supply Board, in which I think the State is still a shareholder, to come before the House to explain the reason for the following: when, in the 1960s, the board had destroyed the longest single stretch of Georgian architecture in Dublin by putting up a hideous office block on Fitzwilliam Street, it then had the opportunity to rectify the damage it had done. Deputy Jim O'Callaghan, when he was a member of Dublin City Council, had inserted into the city development plan a requirement that any development on that site should involve the reinstatement of the facade. The board campaigned to change this in order that it could put up another incongruous building on the site. Now it appears that the board is not even building

this building for itself; it is a speculative office development that it is offering to the market to dispose of. There is no excuse for this. The opportunity to restore this part of Georgian Dublin was sitting there, and the ESB, in its wisdom, has chosen to ignore that opportunity, to get Dublin City Council to change its development plan to allow it not to restore the damage it did. Now the board is proposing to sell off the development, once it has it finished, for private office development. This is a terrible tragedy, and somebody - the shareholder - should take responsibility for what has happened.

Senator Maria Byrne: I call on the Leader to ask the Minister for Housing, Planning and Local Government, Deputy Murphy, to come before the House at some stage for a debate on the issue of housing. Limerick City and County Council and several other councils are considering a programme that proposes that people, be they widows or widowers living on their own or single people living in three or four-bedroomed houses, be given the option to downsize. While some councillors have raised concerns about issues surrounding this, it needs to be examined. Several people have called to my office expressing interest in downsizing from a three or four-bedroomed house to a smaller, perhaps one or two-bedroomed, bungalow or apartment. We need to look at this nationally. It would free up homes for families on the housing waiting lists. We need to look at the bigger picture and have a debate on the matter in this House. I ask the Leader to arrange for that to happen.

Senator Pádraig Mac Lochlainn: I wish to raise an important issue. Thousands of families in Donegal are affected by defective mica-affected concrete blocks. This has devastated them. We welcome the fact that a scheme administered by Donegal County Council will be operational soon to help the families make their homes safe. Unlike with the pyrite redress scheme, however, families in Donegal have been required to provide a 10% contribution. If this involves a complete rebuild, 10% will be a significant amount for families who are paying mortgages on homes that have been destroyed by this blight in our county. The Mica Action Group has done some excellent work. It has engaged with financial institutions and has received a fairly positive response to its call for the banks and other financial institutions that hold mortgages on thousands of these homes to make a contribution to help with that 10% and to make the scheme happen. What is required from Government is for the Minister for Finance to engage with the Central Bank to bring together all the banks and other financial institutions in a cross-lender approach such that everybody is on the same page and the families can be reassured that when the scheme is announced, they will have the financial supports to make their homes safe again. This would be completely in the interests of the banks and other financial institutions because right now the real value of these properties is rapidly deteriorating. The homes would be made safe and their value restored to the full market rate, which is what everybody wants. I ask the Leader to refer this matter to the Minister for Finance today and to ask him to engage urgently with the Central Bank and the financial institutions to get this resolved in order that when the scheme is up and running soon, those supports will be in place.

Senator Frank Feighan: This issue is not exactly on the radar, but a few months ago “RTÉ Investigates” followed the controversy in the greyhound industry concerning retired greyhounds and the poor welfare of greyhounds. There was a major clamour from animal rights groups, and rightly so, for the Government to stop the nearly €17 million of funding going to the Irish Greyhound Board. Today, however, I see that the board is introducing a traceability database, which will cost in excess of €300,000. I very much welcome this. I have never had a greyhound but I have attended Shelbourne Park on a few Tuesday nights and seen many people with no interest in greyhounds from all around the world. Seemingly, it is a tourist destination.

They seem very much to enjoy it, as I do. On this occasion I will not say the Irish Greyhound Board should be congratulated, but perhaps it is getting its act in order. I thank
12 o'clock “RTÉ Investigates” and the animal rights groups for ensuring that there will now be traceability for the welfare of these greyhounds. A total of 6,000 greyhounds seemingly went missing, but this initiative should be welcomed.

Senator Jerry Buttimer: I thank the nine Members who spoke for their contributions to the Order of Business.

To respond to Senator Leyden’s contribution, we all welcome the publication and signing of the national broadband strategy. I am disappointed the Senator does not welcome its guarantee of high-speed broadband for every home, business and farm in the country.

Senator Terry Leyden: I do, and the Leader should not misrepresent me.

An Leas-Chathaoirleach: Order.

Senator Jerry Buttimer: I am sure the Senator’s people in his county of Roscommon are congratulating Senator Hopkins-----

Senator Terry Leyden: That is pure propaganda.

Senator Jerry Buttimer: I am now congratulating Senator Feighan.

Senator Terry Leyden: Has the Leas-Chathaoirleach no control of this man at all?

An Leas-Chathaoirleach: I cannot allow the Senator back in.

Senator Frank Feighan: Senator Leyden is out of touch.

An Leas-Chathaoirleach: I am not responsible for the competence of the Leader’s response. Everybody gets their turn here.

Senator Terry Leyden: The Leader has made irresponsible comments.

An Leas-Chathaoirleach: Please, Senator.

Senator Jerry Buttimer: I shall re-state what I said, a Leas-Chathaoirligh. It is disappointing that Senator Leyden, in his contribution this morning, did not welcome the fact that high-speed broadband will be supplied to every home, business and farm in the country, and in particular in Roscommon.

Senator Frank Feighan: Hear, hear.

Senator Jerry Buttimer: I am sure Senators Feighan and Hopkins will be delighted-----

Senator Frank Feighan: Yes.

Senator Jerry Buttimer: -----to tell the people of Roscommon that Senator Leyden could not welcome broadband.

Senator Frank Feighan: Senator Leyden is out of touch.

Senator Jerry Buttimer: Everybody knows full well, as do the Members opposite who

20 November 2019

complain about rural Ireland being left behind, that one of the most important things is connectivity. I have noticed that the contributions of the other Opposition Members did not do what was done by Senator Leyden.

Senator Terry Leyden: What about Deputy Naughten?

Senator Frank Feighan: They are only happy when there are miseries.

Senator Terry Leyden: Did Deputy Naughten not help as well?

An Leas-Chathaoirleach: Order, please.

Senator Jerry Buttimer: Senator Leyden probably wishes he was still the Minister for Posts and Telegraphs.

Senator Gerald Nash: He was Minister of State but that is a long time ago.

Senator Terry Leyden: We had automatic phones then, Gearóid.

Senator Jerry Buttimer: Senator Leyden was probably the Minister who had telephones in the boot of his car and delivered them to all of the homes.

Senator Frank Feighan: Yes, and asked people whether they wanted a black or red phone.

Senator Diarmuid Wilson: We would not even have the fixed lines for phones if it were not for Senator Leyden-----

Senator Terry Leyden: That is correct.

Senator Diarmuid Wilson: -----the then Minister, Mark Killilea, and, most especially, Albert Reynolds. That is fact.

Senator Terry Leyden: And Pádraig Faulkner.

Senator Diarmuid Wilson: And Pádraig Faulkner.

An Leas-Chathaoirleach: Order, please. We cannot be having this ad-libbing.

Senator Frank Feighan: Senator Leyden held his post with distinction.

Senator Jerry Buttimer: Senator Leyden will remember Albert Reynolds putting his sweet lips a little closer to the phone on “The Live Mike” one Friday night. I remind Senator Leyden, as a former Minister-----

Senator Terry Leyden: Yes.

Senator Jerry Buttimer: -----that the Attorney General and the European Commission have advised that it would be against state aid rules and procurement laws to simply designate the ESB, or any semi-State body, to carry out the project. The Fianna Fáil way was never to pay notice to rules and do their own thing.

Senator Terry Leyden: The Leader is being too political.

An Leas-Chathaoirleach: Order, please.

Senator Terry Leyden: Senator Buttimer is the Leader of the House so should be more reasoned-----

An Leas-Chathaoirleach: Please, the Senator can take that up with the Leader afterwards.

Senator Terry Leyden: ---and responsible.

An Leas-Chathaoirleach: The Senator is out of order.

Senator Jerry Buttimer: Senators Freeman, McDowell and McFadden have raised the issue of mental health. All of us concur with the remarks that if a person is an emergency case there should not be a 13 week wait, which is unacceptable. Senator Conway-Walsh also made reference to mental health.

Again, it is disappointing that Members do not acknowledge that there has been an increase in funding. I will say it again, as I said to Senator Devine yesterday, there has been an increase to €1.026 billion in 2020, which is an increase of €315 million since 2012. In addition, there has been an increase of €39 million in the mental health service budget, which will include €13 million for new developments next year.

I accept there has been an issue with recruitment and Senator McFadden made reference to the interview process. To be fair to the Minister of State, Deputy Daly, priority has been given to the child and adolescent mental health services, CAMHS. There is too long a waiting list but the numbers have been reduced. As Senator McDowell said, with which I completely agree, if an emergency is an emergency then it is about the life of a person. That is the fundamental point and there is a need for a joined-up approach to the whole issue of mental health.

Senator Freeman made reference to the Government in terms of the Oireachtas cross-party committee. That is not a matter for the Government. It is a matter for the Houses of the Oireachtas, the Dáil and Seanad, to reconvene the group, a measure of which I am very supportive.

Senator Conway-Walsh proposed an amendment to the Order of Business on the need for a debate on the Shane O'Farrell inquiry. All of us on this side of the House and indeed, all Members in both Houses, want justice for the O'Farrell family. I will not divide the House on the matter and acquiesce to the request. This is not a partisan matter.

Senator Rose Conway-Walsh: I thank the Leader.

Senator Jerry Buttimer: All of us want justice for the O'Farrell family.

Senator Ivana Bacik: I thank the Leader.

Senator Jerry Buttimer: Reference was made to the strategic planning process. The Minister for Housing, Planning and Local Government has or is making changes to the process. I understand the point that was made about people having their say. One must balance housing needs with the rights of residents. Valid points were made and I am happy to arrange for the Minister to come to the House to discuss the matter.

Senator Bacik made reference to the recent comments by a number of by-election candidates. Yesterday, Senators McDowell, O'Sullivan and I discussed, as part of the Order of Business, the need for respect and tolerance in the political process. Sometimes we need to

understand the import of our words, what they mean, and be mindful of how we say them. I am happy to have that debate, as we had yesterday, in the House. I will have a discussion with the Senator regarding her request for Government time to be set aside for the Labour Party Bill.

Senator McDowell made reference to the Georgian heart of Dublin being uprooted and demolished by the ESB. One cannot disagree with the points that he made about Fitzwilliam Square, where the ESB demolished a Georgian building, which beggars belief. I agree with him that there was an opportunity and I am disappointed that the ESB is not acquiescing. I am not aware that the ESB is selling the building on as I thought it was its headquarters.

Senator Michael McDowell: The building is not the headquarters at all.

Senator Jerry Buttimer: I thought it was.

Senator Michael McDowell: So did I.

Senator Jerry Buttimer: Perhaps Senator McDowell might table a Commencement matter on the topic. Perhaps he might ask Deputy O'Callaghan, as he quoted him, and ask him to ask his councillors for help. Perhaps the Senator is getting ready to run in Deputy O'Callaghan's constituency.

Senator Victor Boyhan: Maybe after the invitation from the Minister last night.

Senator Michael McDowell: I was invited by the Minister for Justice and Equality, Deputy Flanagan, to run for the Dáil.

An Leas-Chathaoirleach: We are not going back on last night's discussion.

Senator Jerry Buttimer: Given some of the proposals made by Senator McDowell, where he wants to tie the hands of the next Government and Dáil, he might have an interest in being there himself given what his amendment proposed last night.

Senator Victor Boyhan: Hear, hear.

Senator Gerald Nash: Senator Boyhan for President.

An Leas-Chathaoirleach: Order, please. The Leader to respond, without interruption.

Senator Jerry Buttimer: I note that Senator Boyhan is not rushing to run in Dún Laoghaire-Rathdown.

Senator Victor Boyhan: I am reviewing that also.

Senator Jerry Buttimer: In light of that, we might tell the county council that Senator Boyhan is reviewing his position.

Senator Victor Boyhan: I have two options.

Senator Diarmuid Wilson: Senator Boyhan is considering it.

Senator Jerry Buttimer: Senator Boyhan is considering his position, exactly.

Senator Byrne made reference to the issue of housing and the need for us, as a country, to have a debate and a discussion around what Senator Marie-Louise O'Donnell calls rightsizing

and what Senator Byrne called downsizing this morning. The points Senator Byrne made are becoming the norm in our offices. As we knock on doors, we find that single or widowed persons are living on their own in three or four-bedroom houses. We need to have the conversation and I am happy to arrange for the Minister to come to the House.

Senator Mac Lochlainn raised the important issue of mica in Donegal. Vested interests and stakeholders have held a series of meetings in Donegal. I am happy to bring his points to the Minister. Perhaps a Commencement matter on the topic might be more expeditious in getting a reply. The incidence of mica is a very important matter that needs to be resolved for the people of Donegal.

Finally, Senator Feighan made reference to the welfare of greyhounds in light of the “Prime Time Investigates” television programme. The Irish Greyhound Board has put €350,000 into a fund for a traceability database, which is welcome. We welcome any improvement to be taken in terms of animal welfare. Many people in the greyhound industry were appalled at the content of the programme and are working hard to redress the matter.

I will not divide the House in terms of the amendment proposed by Senator Conway-Walsh.

An Leas-Chathaoirleach: Senator Conway-Walsh proposed an amendment to the Order of Business, “That No. 2 not be taken and that a debate with the Minister for Justice and Equality on the need for a public inquiry into the circumstances surrounding the death of Mr. Shane O’Farrell be taken instead.” Is the amendment agreed in light of what the Leader has said? Agreed.

Senator Jerry Buttimer: I was tempted to propose an amendment that we take Judicial Appointments Commission Bill at the end of the Order of Business.

Senator Rose Conway-Walsh: No.

An Leas-Chathaoirleach: Order, please.

Senator Jerry Buttimer: In light of Senator McDowell’s contribution last night, I know that he needs to recharge his batteries so I will not do that.

An Leas-Chathaoirleach: I thank the Leader. Is the amendment agreed? Agreed.

Order of Business, as amended, agreed to.

An Leas-Chathaoirleach: I ask the Leader to propose the suspension until 12.45 p.m.

Senator Jerry Buttimer: In proposing the suspension, I wish the Fianna Fáil Whip a very happy birthday as well.

An Leas-Chathaoirleach: We will all subscribe to that but no singing in the Chamber.

Sitting suspended at 12.10 p.m. and resumed at 12.50 p.m.

20 November 2019

Death of Former Member: Expressions of Sympathy

An Leas-Chathaoirleach: The Seanad will now hear tributes to the late Rory Kiely. Before I invite Senators to contribute, I extend a very warm welcome to the members of Rory's family who are with us - his children, Vincent, Roderick, Mairéad and Aileen, with their spouses; his sister, Eileen, and extended family and friends. Also in attendance are some of his former Oireachtas colleagues and comrades-in-arms - John Cregan, Liam Aylward, Batt O'Keeffe, Dermot Fitzpatrick, Donie Cassidy, Fiona O'Malley, Geraldine Feeney, Councillor Eamonn Aylward, Deputy Dara Calleary, Mary Cowen who is representing former Taoiseach Brian Cowen and Deputy Michael Collins. I hope I have not missed anyone. I add Deputy Barry Cowen and apologise for omitting him. On behalf of the Members of the Seanad, I again express our sincere sympathy to all those present and hope that, since Rory's unexpected death in June last year, they have been able to come to terms with their very sad loss.

Rory lived a life which had community and public service at its centre. To say he was steeped in the GAA and politics is an understatement. He was first elected to the Seanad in 1977 on the Agriculture Panel. It began a 30-year career in this House in which he served with great distinction. He was a hard and constructive worker in the Seanad in which, as in the GAA, he achieved high office. It was a great honour and privilege for him and his family when he was elected as Cathaoirleach on 12 September 2002. His wife, Eileen, was present in the Visitors Gallery on that wonderful occasion but predeceased him.

Rory represented the Seanad at home and abroad with great honour and respect. I had the privilege of serving as a Member while he was here. We were of different political viewpoints, but that did not prevent us from being friends. At his funeral last year the Cathaoirleach brought to the altar a copy of the Constitution of Ireland as a symbol of Rory's role as Cathaoirleach and Senator. The Cathaoirleach has asked me to convey to his family his sympathy. He is heartily saddened that, on doctor's orders, he cannot be here in person on this very important day to pay tribute to his friend.

Rory began his involvement in the GAA in the 1950s and it continued for over 60 years. As well as being an accomplished hurler - he won Limerick senior club hurling titles in the 1960s - he was also chairman of the Limerick County Board, a Munster Council delegate and a trustee of the GAA in Croke Park. He was chairman of the Limerick County Board when Limerick won the all-Ireland hurling final in 1973. It is a great pity that he was not in Croke Park to witness the Liam McCarthy cup going back to Limerick in 2018. His spirit must certainly have been in Croke Park on that memorable day in the month of August.

Rory will be fondly remembered in this House for his warmth, humour and loyalty. Personally, he was affable and pleasant and a great man to talk politics. He had some great stories about political life in west Limerick - Members and our guests know much more about it than I do - a most interesting constituency in which to be, but I will not go into them today. It would be remiss of me, however, not to mention his huge interest in horse racing. I understand and, in fact, know that he was part of several successful syndicates with other Oireachtas Members and also bred horses on his family farm in Feenagh. The family farm was a huge part of his life and he never lost interest in or his love for farming. His heart was always in Feenagh with his family who were central to everything he did. He was a great character and a great Limerick man. Ar dheis Dé go raibh a anam.

I call Senator Ned O'Sullivan to lead the tributes from his side of the Chamber.

Senator Ned O’Sullivan: Is onóir agus pribhléid domsa cúpla focal a rá anseo inniu mar gheall ar ár sean-chara Rory Kiely. Cuirim fáilte is fiche roimh chlann Rory agus a chairde go léir go dtí Seanad Éireann, áit ina rinne sé a dhícheall i gcónaí ar son na tíre, ar son an pháirtí agus ar son mhuintir Luimnigh.

It is a privilege for me to lead the tributes from this side of the House to our dear friend and former colleague the late Rory Kiely, a former Cathaoirleach of Seanad Éireann. As the Leas-Chathaoirleach said, his emotion shows the affection in which he held him that the rest of us share. Rory had friends on all sides of this and the Lower House. His career in national politics extended over a long period, from 1977 to 2007, during which time he endeared himself to everyone he encountered, from Taoisigh and party leaders to officers and staff of the Oireachtas. Unfortunately, as I did not arrive in Leinster House as a Member until the year he retired, others are better qualified to recount his achievements in the Oireachtas - they are many - but my own association with him goes back a long time. I had the pleasure of voting for him in several Seanad campaigns. He was a regular and very welcome visitor to my home in Listowel where he had numerous friends and acquaintances. When it was my turn to run for the Seanad in 2007, he supported, advised and encouraged me in every way he could.

I join the Leas-Chathaoirleach in welcoming Rory’s family to the Chamber - his sons, Vincent and Roderick; daughters, Aileen and Mairéad; sons and daughters in law; brother in law; nieces and nephews; and, of course, the joy of his life, his many wonderful grandchildren. His death last year, although not unexpected, was a huge loss to all of them and I know that they are feeling that loss today. He was a great family man and it is a great pity that he did not get to spend more time in retirement with his beloved wife, Eileen, whom we also remember.

It is great to see so many of Rory’s old colleagues in the Visitors Gallery, each of whom has his or her own story to tell about him. No doubt, they will re-tell some of them today whenever they get together.

Rory was great company. He was convivial, entertaining and mischievous. He had a keen political intellect and was a great man at sizing up a situation, spotting a move or getting to the very heart of a matter. A simple man in many ways, he had no time for posers or high-flyers. His greatest traits were his loyalty and straightforwardness. You always knew exactly where he stood and if you were moving in the wrong way, you were told quickly and smartly. He straightened me out on more than one occasion.

Rory was a true patriot and gave everything he had to the cause, whether it was his beloved GAA, in which he received the highest honours at national, county and club level; his native parish of Feenagh which was the centre of his universe; or Fianna Fáil, his other great love. Former Senator John Cregan is in the Visitors Gallery. I will not mention names, other than to say John chairs the Limerick County Board, a position Rory held with honour. John will know of all of Rory’s achievements at Munster Council and Central Council level and so on. Rory was known and respected greatly by everyone, high and low, in the Fianna Fáil Party, from the cumann member to the county councillor - they were very special to him - to the party leaders with whom he served, each and every one up to its current leader, Deputy Micheál Martin, whom I welcome to the Chamber.

An Leas-Chathaoirleach: I apologise to Deputy Michéal Martin. I did not see him in order to welcome him to the Chamber earlier. He is most welcome.

Senator Ned O’Sullivan: Each of the party leaders trusted Rory’s advice and they received good advice at all times. Former Taoiseach Brian Cowen was especially close to Rory and made a wonderful oration at his graveside last June.

We think especially of Brian today and wish him continued recovery and good health into the future. It is great to see Deputy Cowen here and I ask him to convey our best wishes to Brian.

Senator Jerry Buttimer: Hear, hear.

Senator Ned O’Sullivan: The turnout at Rory’s funeral was exceptional. It had to be, first as he never missed a funeral himself, and second as he knew everyone and everyone knew him.

An Leas-Chathaoirleach: I was there myself.

Senator Ned O’Sullivan: Good man. I saw the Leas-Chathaoirleach there. Rory had a fantastic interest in people and loved to be involved with them. It was not just for the votes, though we are all guilty of that to some extent. Rory was genuinely interested in people. He wanted to know their stories, what they were up to, what was going on with their families, and who was up to what. This stood to him politically and in all other walks of life. In his first run for the Seanad, Rory started from a very low base, but picked up transfers from all parties as the day went on and was elected comfortably in the end. It was that ability to connect with voters, including non-Fianna Fáil supporters, that ensured Rory was re-elected with a plurality in his Seanad elections thereafter. He was a popular choice for Cathaoirleach when he attained that prestigious position in 2002 - the highest honour to which any Senator can aspire. Any young politician setting out in this profession could do worse than study Rory Kiely’s *modus operandi* and CV. Even in this era of new politics and fake news, there is no substitute for personality and hard graft. May it always be so.

I am thinking today, as is the Leas-Chathaoirleach, of our Cathaoirleach, Senator Denis O’Donovan, who was a lifelong friend and companion to Rory. The Cathaoirleach set this event in motion with Rory’s family and I know how much he was looking forward to it. I spoke with him this morning. As we know, he was unwell recently, but happily is on the mend and is under doctor’s orders. He is watching this on television and is here in spirit.

The best stories I have about Rory would not be allowed to be told under Standing Orders. They are numerous. His GAA connections proved very useful when it came to All-Ireland tickets, which were eagerly sought by Seanad voters. Rory pulled some great strokes and his rivalry with another great GAA Seanadóir from the Border area was something else.

An Leas-Chathaoirleach: We know a bit about it.

Senator Ned O’Sullivan: The great Francie. Rory’s other great passion was racing, and it was in that sphere of activity that I knew him best. He was a great judge of a horse, as he was of pedigree cattle, and he lived very close to his great friends Cora and Charles Byrnes, the legendary trainer. Many is the good tip I got from Rory and-----

Senator Jerry Buttimer: Bad ones too.

Senator Ned O’Sullivan: -----many is the big coup he was involved in, though he might not always tell one about it. He was a lifelong member of the grand alliance racing syndicate which was made up of racing aficionados in the Dáil and Seanad. It mostly included Members

from Fianna Fáil and Fine Gael, and the great Des O'Malley was involved as well. I welcome his daughter Fiona to the House. The syndicate had phenomenal success with good horses such as Arctic Copper and Donna's Palm. I was allowed in towards the end and we had great luck with a horse called Tulsa Jack, which was trained by Noel Meade. In racing, as in politics, Rory gave it everything. Tulsa Jack ran one cold wintry day in Downpatrick, which is a long way from Feenagh. Most of the syndicate cried off and watched it on television but Rory was there leading the horse, and he well into his 80s. That is the kind of commitment and energy that set him apart.

Rory was involved in life to the very end. Not for him were the carpet slippers and the television, apart from "At the Races", of course. I called to see him one evening and could not find a chair to sit on as they were all full of national newspapers, farming journals, racing bulletins, and GAA programmes. He campaigned for years as a Seanadóir to get an elevator for the elderly at Charleville railway station. He tasked me with completing that job when I was elected, and I am glad to say he and his neighbours got the benefit of that lift in his final years.

Mar fhocal scoir, guím rath Dé ar Rory, Eileen agus ar an gclann Kiely uile. In remembering Rory's life, personality, and achievements in sport and politics, we are celebrating a true one-off. He was a man of honour and integrity. He knew the value of loyalty and truth, which were very important to him, and he lived a full, happy and contented life among the people he loved.

An Leas-Chathaoirleach: I welcome Deputies Jackie Cahill, Niall Collins, Michael Collins, and Michael Moynihan. I call a former Cathaoirleach, Senator Paddy Burke.

Senator Paddy Burke: I extend my sympathy to Rory's sister, Eileen, and family, and welcome all the family members to the House. It was a great honour to have known Rory Kiely. He was a very affable man and as previous speakers said, he was very loyal to this House and its Members. He was also very loyal to his party, Fianna Fáil, and was a great loss to it when he passed away. He liked to travel and often did so. I knew that well as I was his Leas-Chathaoirleach and had to deputise for him when he was away on his many great missions. He had a great love for the GAA. He was chairman of the Limerick county board, a member of the Munster council, a member of the central council of the GAA, and a trustee of the GAA. Anyone who raised matters relating to the GAA while Rory Kiely was Cathaoirleach of Seanad Éireann came under the full wrath of the former Senator. He never allowed GAA issues to be debated in this House. It may have brought him into contention due to the many All-Ireland tickets he used to get and give out to councillors around the country.

Rory was a very fair Cathaoirleach and was fair to me as Leas-Chathaoirleach as well. He was fair to the Members and gave each of them fair time. All I can say about Rory Kiely is that, based on my observations from serving with him, he was a very fair and loyal man. One can see that from the many Members of the House who are present today, the many Members of Dáil Éireann in the Public Gallery, and the many past Members as well. In my years in this House, I have never seen as many past and present Members of both Houses attend the expressions of sympathy for any late former Member. It is great to see Donie Cassidy, Geraldine Feeney, Dermot Fitzpatrick, Fiona O'Malley, Batt O'Keeffe and John Cregan joining us today for the expressions of sympathy for our great friend Rory Kiely. He was loved by all and always commanded great respect in this House. He set very high standards, not only for himself but for all Members of this House while he presided as Cathaoirleach of Seanad Éireann.

An Leas-Chathaoirleach: Before calling the next speaker, I welcome former Councillor

Mattie Ryan.

Senator Terry Leyden: The Leas-Chathaoirleach's tribute was wonderful and emotional. I welcome Rory's family here today. It is a very special occasion for them as the Seanad recognises the work of the late Rory Kiely. He was very proud of his lovely family at all times - his beloved wife, Eileen, who has died, his two sons, Roderick and Vincent, his two daughters, Aileen and Mairead, and his grandchildren. It is also an opportunity to welcome so many friends. Of all the tributes paid to former Members over the years, I have never come across so many friends who travelled from all over Ireland to pay tribute to Rory, particularly the leader of Fianna Fáil, Deputy Micheál Martin, along with Deputy Barry Cowen and Mary Cowen. I thank them for coming here. I wish Brian a speedy recovery. It is a very nice gesture for her to come today.

Rory contested the general election in 1969 and entered the Oireachtas in 1977. He was elected to the 14th Seanad and served here more or less all the time until 2007. He served as Cathaoirleach of Seanad Éireann, which was a marvellous achievement at that time. I had the pleasure of voting for him in the final vote on the day, as I was also a candidate in the election. Nevertheless when it came to the position, I felt that having served so long himself - almost 24 or 25 years - he would make a very good Cathaoirleach, which he did. He was born on 1 May 1934. Senator O'Sullivan and others have outlined what he achieved over his tenure.

Besides his political career, his GAA career is something that should be recognised. He has not been recognised for the work he put into the central council of the GAA and the development of Croke Park. Without his ability and support at that point in time, we would not have the stadium we have today. That is another major tribute to him. It is there as a monument to his work as a member of the central council, a trustee and a prominent member of Fianna Fáil. We were very lucky to have the likes of Rory Kiely diligently working on behalf of Fianna Fáil throughout the country and in Limerick and as a Member of this House. He was a wonderful man who had a wonderful career. He was a wonderful family man, a great Fianna Fáil man, a great Irishman and a great GAA man.

Senator Paul Daly: I also welcome the members of Rory's family, those who served with him and those who serve today in both Houses. As has been said on numerous occasions, it is a testament to Rory that there is such a great turnout today, the largest I have seen since I entered the House. Unfortunately, I never served with Rory. As people know, I only came in here three years ago but I got to know him particularly well through horse racing. As Senator O'Sullivan mentioned, he was involved in the Royal Alliance Racing Club. The horse, Tulsa Jack, won the Midlands National on my own track in Kilbeggan, of which I am chairman. It was on that day that Brian Cowen introduced me to Rory. I acknowledge Mary Cowen and send my good wishes to Brian. When Rory heard I was a Senator on the Agricultural Panel, we struck a chord and built a relationship. Our paths kept crossing on the racetracks of Ireland. With that in mind, we usually say on days like this that the person we are honouring is probably up there looking down on us but if there is racing on up there at this particular time, I imagine that we are on "Record" to be viewed later. Senator O'Sullivan struck a chord with me when he said that Rory would always take a young politician under his wing and advise him or her. Based on the relationship I developed with Rory in a short time, I got the impression that I may have been one of these young politicians - young in the political sense, not chronologically.

I have a share in a horse being trained by Paddy Neville in Rory Kiely country. We were down there a couple of weeks ago. I mentioned that there would be tributes to Rory today to

a couple of his friends who were talking about him and they said they would like to be here so I extend a special welcome to good friends of Rory - Donie Nestor, Jim Enright and Eamon Leahy - who are here today. The lads told me some stories. We all have an impression of Rory being laidback and placid but two of the lads played hurling with and against him and they will tell you he was anything but when he had the camán in his hand. Donie told me another story that epitomises the Rory that I knew. He was coming to Dublin with him one day to visit somebody in hospital and they ran out of diesel. Rory was driving. Donie started panicking a bit but Rory took out the newspaper and started reading. Lo and behold, somebody just stopped, which Rory had predicted by laying back. The person who stopped happened to have diesel in the car. The colour of the diesel might have been questionable but it did not bother Rory. The man filled the car with diesel and they continued on their trip. Donie said that he thanked the man but never got his name but Rory got the registration number of the car and later tracked down the man who owned it and made sure he was looked after. That says it all about the kind of man Rory was. His involvement in the GAA has been mentioned a lot. It would probably be safe to say that Croke Park had Micheál O'Hehir and Leinster House had Rory Kiely. Go neirigh Dia trocaire ar a anam uasal.

Senator Rose Conway-Walsh: The Sinn Féin team in the Seanad wish to pay tribute to the former Senator and Cathaoirleach, Rory Kiely. I extend our deepest sympathies to Vincent, Roderick, Mairead, Aileen and his sister, Eileen, who are here today along with all who have travelled to be here and all of the Deputies, particularly Deputy Calleary, deputy leader of Fianna Fáil. It was only the week before he died that he travelled to Mayo to be at the funeral of Seán Calleary, Deputy Calleary's father. I did not know Rory Kiely but in respect of all the stories and how people spoke about him, to have words like "affable", "loyal" and "fair" associated with you is an honour for anybody. He was obviously a man of great character. I extend my sympathy to all of the Fianna Fáil party here and throughout the country, including Deputy Micheál Martin as leader. The Leas-Chathaoirleach knows that it is very unusual for me to stand up here and be nice to Fianna Fáil

Senator Gerry Horkan: Not all of us.

Senator Rose Conway-Walsh: Is that right? That is a new development.

Senator Jerry Buttimer: It is a new coalition.

Senator Rose Conway-Walsh: They should not get used to it. Obviously, he was an exceptional man given the way he has been spoken about and brought an awful lot to politics and to the GAA. Indeed we could do with him in Mayo GAA at the moment to sort out a few things for us. For his family, it is the greatest loss of all. I, again, extend my sympathies to them. May he rest in peace. I have no doubt that his legacy will live for longer than any of us.

Senator Rónán Mullen: Ba bhreá liom freisin comhbhrón a dhéanamh le muintir Kiely, atá anseo inniu. Gabhaim buíochas le, agus cuirim fáilte roimh, na baill agus na hiarbhaill Oireachtais uilig atá anseo, go háirithe na daoine ó chlann Fhianna Fáil atá anseo inniu chun comhbhrón a dhéanamh le muintir Kiely agus chun cuimhneamh ar bhuanna Rory Kiely agus ar an méid a thug sé do na Tithe seo.

It is an honour to be here today to add my few words of tribute to Rory Kiely, express my sympathy to all of his family and add my words of welcome to the unprecedented number of current and former Members of the Oireachtas who are present to join in these very well-de-

served tributes to Rory. I did not have the pleasure of knowing him well but I had the honour of meeting him on a number of occasions. I recall very clearly the first occasion. It was in 2007 when there was an induction for new Seanad Members. It was our first time in the Members' restaurant and Rory was there with some friends and colleagues. He had left the Seanad at that stage having carried out the function of Cathaoirleach for the previous term. I still remember how he went out of his way to welcome me and express warm words of support. That happened again on a few other occasions when I had the pleasure of meeting him. He went out of his way to encourage me in what I was doing.

He was the type of politician I can identify with very easily and have a distinct liking for. Obviously, he came from a rural background, as I also do. He was rooted in many of the great values and ideals of rural Ireland. That was in no way a narrow thing. There was a strong sense of rootedness. I remember other colleagues in all parties, principally Fianna Fáil and Fine Gael, but also in the Labour Party, those people from rural areas who have a certain ethos about what it is to be a community person. They do not claim to be right on everything, but they know where they stand on issues. To quote a phrase my father loved, they do not let their feathers go with the wind. They understand the importance of pragmatism, but know that not everything is for sale. I greatly admire that breed of politician and Rory Kiely was certainly in that political mould.

It was mentioned that he received a low first preference vote the first time out. Senator O'Sullivan rightly paid tribute to the ability he showed in being able to attract so many transfers. That comes from being liked and respected, especially in a Seanad election, it also comes from having the homework well done. It is not enough to be liked and respected; a person must have the work ethic to succeed in politics. He always struck me as a quiet and unassuming person, perhaps someone who undersold himself but was very well informed. When it was his moment to perform, he did very well indeed.

Earlier today I was talking to another Rory, the former Ceann Comhairle and Minister for Health, Rory O'Hanlon, who had great affection for Rory Kiely. He recalled the positive role Rory Kiely played when they were abroad together on a number of occasions. I understand the two Rorys led the first Speakers delegation from Ireland to Britain since the foundation of the State. Rory O'Hanlon, who wishes to be associated with today's tributes, recalled that Rory Kiely was always more than able to hold his own. He impressed people by his friendship and engagement. I understand he had a particular friendship and rapport with the then Speaker in Westminster, Michael Martin, funnily enough. It could be said of Rory Kiely, as it might be said of Michael Martin when compared with successive Speakers in Westminster, that he was more understated in style, but always effective.

Rory's success in travelling around the country and getting elected to the Seanad must be considered in the context of how difficult it must have been to be competing for votes on a panel with people like Francie O'Brien and Paddy McGowan. He was always well received and he built up his vote steadily as befitted a man of his capacity and capability.

He was a farmer, of course. He had studied and had a diploma from UCC. He was not just from and of rural Ireland, but determined to contribute to its advancement. It was said that he would insist on appropriate conduct here in the Seanad. I believe a former Clerk of the Seanad gave me to understand that Rory Kiely was responsible for the insertion of the glass panel in front of the Visitors Gallery when somebody in the Gallery was more vocal than they should have been. He understood the dignity of the Houses of the Oireachtas and acted to protect them.

Drawing again on the words of Rory O’Hanlon, Rory Kiely was a very good ambassador for Ireland as well as a very positive and effective politician in these Houses. He developed friendships easily and well. Hopefully now, as we all hope for ourselves, he is developing the greatest friendship of all. Ar dheis Dé go raibh sé.

Senator Maria Byrne: In paying tribute to the late Rory Kiely, I welcome his family, Vincent, Roderick, Mairéad and Aileen, his sister, Eileen, and his extended family. I also welcome his former colleagues. I know there is great cross-party support in the Gallery. It is great to see so many people here today to pay tribute to Rory.

I knew Rory from a very young age as my late father was a city councillor in Limerick. Even though he was of a different political party, he was a regular caller to my father and was always assured of a preference down the line. They were great friends over many years through both politics and the GAA. My father had a public bar in Limerick. When Rory was in the city, he often came in. The bar had a manager, Fintan Coleman, who was a South Liberties man. Rory came in for double abuse because he used to get into battles over both politics and GAA. They had great banter and I think my father sometimes used to be the referee between the two of them.

Rory was always a thorough gentleman, a really loyal person and totally sincere. In 2007, the year Rory retired, when I received my first nomination for the agricultural panel, I remember meeting Rory and he wished me all the best. He said he hoped he would see me in Seanad Éireann one day. I was unsuccessful then, but I was elected in 2016.

I have fond memories of meeting Rory at GAA matches and especially Limerick matches. I know how passionate he was about his own Feenagh-Kilmeedy club and Limerick GAA. He was a great stalwart up in Croke Park. When the Limerick club functions took place, Rory would always be there to the forefront. He was such a pleasure to meet at matches. He had great knowledge and passion. Politically we often had discussions when I met him at a funeral or other events. He was very knowledgeable and a great ambassador not just for Limerick but nationally as well, as has already been mentioned.

GAA was his first love and he was very dedicated to it. Senator Paul Daly and others referred to his love of horse racing. He was an example of a true politician. I was very sad when I heard of his passing because I had only met him shortly before that and he was in great form. I have very fond memories of him. May Rory Kiely rest in peace.

Senator Mark Daly: I welcome the family of Rory Kiely here today for this very special occasion to honour and remember him. We also remember his wife, Eileen, on this occasion.

Rory Kiely was one of those rare people who was a legend in his own lifetime, in that we all heard about him when we were candidates for the Seanad. Those of us in Fianna Fáil and in politics heard of the legend of Rory Kiely and understood that if we could only have a small bit of his magic, we would indeed go far.

He lived a life in many arenas, including politics and sport. Deputy Micheál Martin said on the passing of Rory Kiely that he was the epitome of a gentleman who was widely respected by people of all political hues in every party. We see that today with people from all over Ireland who have retired from politics. Many of them have not been back in this House, but came here specially today to be with the family, and to remember Rory Kiely and what he did for the State.

It was fitting and appropriate that the Cathaoirleach, Senator O'Donovan, was at the funeral to bring forward a copy of the Constitution. One of the few roles mentioned in the Constitution is that of Cathaoirleach of Seanad Éireann. I know Rory was proud to be the Cathaoirleach of the Seanad, as were the Senators proud to have him as their Cathaoirleach - a very strict Cathaoirleach who did not allow much latitude especially when it came to the issue of the GAA. Anybody who mentioned the GAA in any light other than a glowing light in paying tribute to winning teams was not going to get an ounce of latitude. When it came to the issue of him living his life in many arenas, it would be fitting to talk about the idea that he was one of those people who tried and failed, and tried again and succeeded - he was relentless in what he pursued in all arenas of his life. As was said in a description of another politician, he was not going to be among those cold and withered souls who neither know victory or defeat. He succeeded in all areas of his life. We were honoured to have him as a Member of this House.

Senator Kieran O'Donnell: I want to welcome Rory's family and I acknowledge the large Fianna Fáil presence and the Progressive Democrats presence here today. I got to know Rory very well as he is from Feenagh, and people would know I spent my childhood in Charleville. We both went to the same secondary school, as did Eamon de Valera, which has been commemorated in the town. Rory was an institution in his lifetime. He was universally liked. I always found him a very deep man, hugely knowledgeable about politics, and he epitomised all that is good about Limerick. His interests were politics, horse racing and the GAA. I want to particularly acknowledge the presence of the Limerick county board chairman, John Cregan, who was a near neighbour of Rory's and would have come up through the same channels, and would have gone into the county board position a short time prior to Rory's passing. The GAA was a great passion with Rory.

When I met him first, he was a model of brevity and always picked the appropriate words. I remember he turned to me and said, "Kieran, remember the power of the transfer." When he first ran for the Seanad, he did very well but to survive initially, he needed the percentages. Rory was the great artist in that area. He understood what politics was about. He was quite sophisticated in his understanding, a great judge of people, passionate about Limerick GAA and, obviously, the fact Limerick won the all-Ireland a short time after his passing clearly meant he was looking down on us.

I am delighted to be here to pay tribute to Rory. The fact there is such an enormous turnout is a tribute to him. I want to take the opportunity to welcome Brian Cowen's wife, Mary, and his brother, Deputy Barry Cowen, and to wish Brian a speedy recovery. I want to put on record that although Rory was well known outside of Limerick, he was a legend in Limerick itself. He commanded respect and affection. Reference was made to Sinn Féin. I have no doubt he got many votes across the spectrum. That is what Rory Kiely was about. I wish his family well. He was a man of his time and he left an indelible mark at national level but more particularly at Limerick level.

Senator Gerry Horkan: I will try not to be too repetitive but there are certain things I would like to mention about Rory. I welcome his family and I want to remember him and, indeed, his late wife. I have been at a number of these tributes since I became a Member of the Seanad in April 2016 and I have never seen so many people, including so many former Members, in the Visitors Gallery, or current Members sitting in the Chamber, of all parties and none. That reflects the warmth and affection for Rory, who was here for pretty much 30 years straight, perhaps with one tiny blip. At the same time, the last time he put himself forward to run was in 2002, which is 17 years ago. There are a lot of people who are not around now who were

around then and a lot of people who have come into the system since who would not necessarily have been canvassed by Rory for the Seanad, unlike Senators O’Sullivan, Leyden and Wilson.

I remember becoming a councillor in 2003 and becoming very aware of Rory quite soon. Until I came into the Seanad myself, I did not get the opportunity to talk to him all that often. The first time I had a really good conversation was at a lovely event, the conferring of the honorary doctorate on Brian Cowen by the NUI in June or July 2017. A number of us, including quite a number who are in the Visitors Gallery, were in the Dame Tavern that evening, and he seemed to know an awful lot more about me than I thought he would. We had a long chat and a great conversation.

An Leas-Chathaoirleach: He must have had you checked out.

Senator Gerry Horkan: That was the point. I did not realise it but it certainly became apparent that he knew a bit more about me than I thought he did. He was in great form. He knew everything about everything - farming, horse racing and Limerick. My local publican happens to be Charlie Chawke, so all kinds of connections were brought in there.

It should never be underestimated that to become Cathaoirleach is a huge ambition but to become a trustee of the GAA is something that very few people get the honour to do. To be trusted to become a trustee of the largest voluntary organisation in the country by a fair mile is an amazing achievement for anyone, and to simultaneously do that and be Cathaoirleach of the Seanad, and be very involved in his family, his farm and horse racing and Limerick generally, is a huge testament to how brilliant a man he was in so many different ways.

I met him again only a few months later at a sad but joyous event in that we were celebrating the life of the late Taoiseach, Liam Cosgrave. We repaired across the road and he was there and he said, “I think it is my third or fourth time in Dublin this week and they have all been funerals.” He was up and down, and back up again. As Senator Conway-Walsh mentioned, he had only been at Seán Calleary’s funeral the previous week before his very sad and, I suppose, sudden passing, in a way, in that, while he was of a certain age, he was not particularly unwell.

I was at the funeral. It was an amazing celebration of his life. We were in the hotel afterwards and many of the people who are here today were there that day. He was an amazing politician, an amazing person and an amazing family man. I would like to acknowledge Deputies Aylward and O’Keeffe and local Deputy Niall Collins, who have joined us in the Chamber. I will not repeat the names of everyone who has already been mentioned. Myself and former Senator and Deputy, Fiona O’Malley, soldiered together as local election candidates; she was successful the first time around and I was not. However, it is great to see Fiona here as well.

It is a wonderful occasion. He was a most loyal, affable and genuine individual and a true patriot of Ireland. I am delighted to have the privilege to be here to offer my small few words to him and to his family. We were very lucky to have him.

Senator Frank Feighan: I am delighted to say a few words about Rory Kiely. He was a man of his time. I have never seen as many people in the Visitors Gallery to pay their respects to a man who was very much respected. I see my former colleagues, including Donie Cassidy and Geraldine Feeney. It is hard to believe that since 2002, when I came in here first, such changes have happened in this Chamber.

The first time I met Rory, we had an absolutely blazing row. I stood up to congratulate the

Republic of Ireland soccer team in Japan and he stood up to say, “Keep quiet”.

An Leas-Chathaoirleach: The Senator was asking for it.

Senator Frank Feighan: I remember Joe O’Toole was behind me, saying, “Keep going, young fellow. Keep going.” It was probably not the best inauguration of my time in the Seanad. However, we met in the bar afterwards and I apologised, and we were great friends ever since. That was the mark of Rory Kiely.

In the Members’ Bar, we have many photographs of our achievements and most seem to be with racehorses or greyhounds, and I think we also played football. However, there is one from Navan in 2001. I do not know the name of the horse, perhaps Tulsa Jack or something like that.

Senator Ned O’Sullivan: Arctic Copper, I would say.

Senator Frank Feighan: Arctic Copper. Rory is standing at the front and, while everyone was happy, he was the happiest man and it is a lovely photograph. Every time I look at it, I think of the past and sporting occasions, and this was a really great sporting occasion. This is there for the Members to see and is something I really enjoy.

People talk about politics. It is great to see so many past politicians here today. Politics is a tough game. Senator O’Sullivan summed it up yesterday where he said that sometimes we are our own worst enemies and allow ourselves to be denigrated where people call shame on us and say that we are all the same. People like Rory came from a background, where he was not a politician but a community man. He was of his people. He was a family and sporting man. He got in here, represented his people and his country through his own personality. He believed in decorum and he ran this Seanad - no offence to the current Leas-Chathaoirleach - very well. Nobody misbehaved in the Seanad.

An Leas-Chathaoirleach: The Members tell me I am too lax. *Mea culpa*.

Senator Frank Feighan: Finally, I am also delighted to hear, as Senator O’Donnell rightly said, that the former Taoiseach, Brian Cowen, is recovering, and like Rory Kiely was, he is a decent and honourable man. Everyone in this House across party lines would like to see Brian Cowen making as speedy a recovery as he can. Brian Cowen is one of the same kind of people as Rory Kiely was. Fianna Fáil ran through their blood and veins. They would tell a person what they thought but were honourable, decent people. I want to say to his sister Eileen, and his family, that he made a difference and stood up for what he believed in. He was of his time. There are sometimes values that we miss from people like Rory Kiely who served this State so well.

Senator Jennifer Murnane O’Connor: I also want to welcome the Kiely family here today and all of Rory’s colleagues. It is a great honour today for the Kiely family. I did not know Rory personally but my late father, who was a councillor and Tipperary man, would have known him very well. Tipperary and Limerick were always quite close when it came to elections. I know that my father was a big supporter of Rory’s. I heard great things about Rory. He was a big community worker and very much involved in the work that he did in Limerick with the GAA, not to repeat what everyone has already said.

My father used to say that he was a diehard Fianna Fáil man. These are the things that always stick out in my mind. The family must feel so honoured today and proud to listen to what

is being said here about Rory and the kind of man he was and his achievements. It is such an honour that one's father was Cathaoirleach of the Seanad and to hear of all of the work that he did in Fianna Fáil, his love of that party, and of his own native Limerick. It is a great honour, tribute and respect to the man. Well done to everyone. We are delighted to be here to pay those tributes to Rory's family - forgive my sore throat - to welcome Mary Cowen, and in particular, to wish Brian well. Brian is another great man, and it is great that he is back on track. We look forward to meeting him again.

An Leas-Chathaoirleach: I call Senator Wilson now to speak.

Senator Diarmuid Wilson: I thank the Leas-Chathaoirleach. I welcome the Kiely family to this tribute to their late, great father. I welcome colleagues, past and present, and many friends who have gathered here as well, especially Mary Cowen. I also welcome those watching in, especially our Cathaoirleach, Denis O'Donovan, and as both referenced by the Leas-Chathaoirleach and Senator O'Sullivan, he cannot be here with us for health reasons but will be back very soon.

Rory Kiely was a man of honour and respect. He was steeped in community and public service. As has been said here, without being repetitive, he received the position of trustee of the GAA, an organisation that he loved even more than Fianna Fáil, which is saying something. He and my former colleague from Monaghan, Senator Francis O'Brien, started a tradition of providing endless amounts of tickets for the All-Ireland football and hurling finals to councillors the length and breadth of the country which lasted for three decades. Unfortunately we inherited their great tradition, but unfortunately we did not inherit the suppliers of the tickets. Needless to say, in the weeks preceding both All-Ireland finals we think of Rory and Francie in very fond ways.

I was going through the records of the House recently, and looked at the issues that Rory raised. Like myself, he spoke on very few occasions. Primarily, the main topics he spoke on were agriculture, fisheries, horse breeding and racing, local government funding and greyhound racing. These were among a few other issues he raised for unfortunate constituents.

There are two things that I will never forget about him in his canvassing technique. First of all, he arrived very late at night, probably 11 p.m. or 12 midnight. Time meant nothing to him and he would keep one up until 2 a.m or 3 a.m. with stories, etc. Second, his Christmas card always arrived on Christmas Eve. I do not know how he managed that but it always arrived then.

Colleagues have alluded to the fact that he was a very strict Cathaoirleach with which I can fully agree. On 23 March 2005 he suspended me from this House. I was honoured to be elected in 2002 and to serve with him and it took me some time to get the nerves and confidence built up to speak. By around 2005 I was getting into my stride. During a debate on the M50 toll bridge, I was doing very well when I was told that my time was up. Senator Geraldine Feeney and the late Senator Kieran Phelan were sitting beside me and they encouraged me to keep going and to finish the few words I had to say. I kept going and Rory said:

Senator Wilson must leave the House. He is suspended from the service of the Seanad for the remainder of the day.

That gave my confidence in public speaking a great boost but we remained good friends even after that.

20 November 2019

I want to quote the following and it is relevant to today. It is a small piece from Rory's address to the Seanad on 12 September 2002, after his election as Cathaoirleach:

It is a great honour and privilege to have been elected as Cathaoirleach of Seanad Éireann. Elections are a healthy sign of democracy. There are many factors which have culminated in my election today and many to whom I owe my gratitude ...

On a more personal note, each of my fellow politicians is aware of the huge burden placed on the home and family life when one is involved in politics. I have spent many years in politics and the honour bestowed on me today could not have come without the continued and unselfish support and encouragement of my wife, Eileen, and our family. To each of them I say, "Thank you". I am delighted that they sit in the Visitors Gallery today to be part of this wonderful occasion.

Since my election in 1977 I have served under nine Cathaoirligh. Each incumbent had his or her particular style. However, there is a tradition in the Seanad of co-operation rather than confrontation which has served the Seanad well. I intend to continue that tradition. As Cathaoirleach, I will gladly subscribe to any change that will enhance the status of Seanad Éireann and allow all Members to make meaningful contributions to the democratic life of the State.

It was an honour to serve with Senator Rory Kiely.

On 3 July 2007, his final words in this Chamber were during a debate on the Ethics in Public Office Bill when he asked, "When is it proposed to take Committee Stage?" I have no doubt that in heaven above, when he is taking time out from horseracing, that he is conducting the affairs of this Chamber. Until we meet again, Senator Rory Kiely, do not conclude that Committee Stage. Ar dheis Dé go raibh a h-anam dílis.

Senator Paul Gavan: I extend a welcome to the Kiely family and to the many people in the Visitors Gallery, particularly my neighbour Donie Cassidy who has been my good neighbour and friend for many years.

I am not going to add to the comments. A wonderful series of speeches have been made on Senator Kiely. I have been asked specifically by my colleagues in the Sinn Féin Party in Limerick, particularly in the county, to recognise, as everyone has today, that on a cross-party basis, Senator Kiely had huge respect, huge admiration and is sorely missed. I thank everybody for the tremendous speeches that we have heard.

Senator John Dolan: I apologise for not being here to hear all the tributes. I knew of Rory Kiely. I never met the man but I knew him to see. I am speaking on behalf of the Civil Engagement Group, members of whom probably knew less about the man than I did. Having said that, I want to focus on two things, namely, a lifetime of service to the common good and to the public good. Having listened to the comments, I have the impression of a man who was not full of himself and who was, I suspect from what has been said about him, good company. I am a rural person from west Tipperary and Rory was from Kilmallock in County Limerick, which is not too far away. I get a sense that he was engaged locally in the community through politics and sport, in particular. Senators have mentioned his sterling and long-standing commitment to the GAA.

Nobody can do those things on their own and that is where family, friends and support come

in. The people who are behind the veil and not in the public space in the same way are the makers or breakers of somebody's public participation. I say that to underline the part families play very quietly but consistently over the years.

Rory's period as Cathaoirleach of the Seanad coincided with what was, in many ways, a high-water mark for people with disabilities in Ireland because of two Bills that came through this House at the time. There was the Education for Persons with Special Educational Needs Act 2004 and the Disability Act 2005. There is no doubt that Rory Kiely, as Cathaoirleach, had a hand in and an important part to play in ensuring the Acts were well steered through the Upper House.

I know many of the people in the Visitors Gallery. A fair few of them were fellow travellers of Rory on the political stage. That the Visitors Gallery is full is a great tribute to the man. Not all of those in the Visitors Gallery are from the Fianna Fail family, which says a lot about him.

Many people do not become household names but are the backbone of political and civil life in this country and in other countries. Rory Kiely was one of them. He played an invaluable role in political life and political service. May he rest in peace and may his family have the comfort of knowing the part he played in Irish political life.

An Leas-Chathaoirleach: I see a face in the background. My macular oedema deceived me earlier. Deputy Kevin O'Keeffe is very welcome. Finally, I call the Leader of the House, Jerry Buttimer.

Senator Jerry Buttimer: Ar mo shon féin agus ar son Fhine Gael déanaim comhbhrón le clann Kiely agus cuirim fíor-fháilte rompu agus roimh mhuintir Fhianna Fáil. Táimid ag smaoineamh agus ag caint mar gheall ar fhear uasal, macánta agus cairdiúil. Nílimid ag céiliúradh ach tá an ócáid seo cosúil le céiliúradh mar tá brón orainn ach ní bás atá ann ach athfhás. Mar a dúirt an Seanadóir Sullivan, tá sé ag breathnú orainn inniu.

I had the pleasure of knowing Rory Kiely for many years not in a political sense but as a GAA man. The tributes paid to him today are well deserved. The number of former and current Members of the Oireachtas present today speaks volumes about the man Rory Kiely was. I welcome his family, in particular. I have been friendly with his son, Vincent, for a long time. I also had the pleasure of meeting his son-in-law, Gerry, who is a Tipperary man.

On my own behalf and that of the Fine Gael Party, I welcome Mary Cowen and Deputy Barry Cowen. I extend our very best wishes to Brian and hope he has a full recovery. Brian is a very genuine, sincere man and I had the pleasure of serving with him in the Oireachtas.

Rory Kiely was a man, as many people have said, who transcended the political divide. He was an extraordinary character. He was, as has been said, a Fianna Fáil man, a GAA man and a Limerick man but he was also a man of his community and of his people. I refer to the magnificent stadium that Croke Park is today, and Senator Leyden is right about that. Tributes have been paid to many members of the Cabinet at the time, the former Taoiseach and presidents of the GAA but Rory Kiely was a pivotal player in ensuring that the funding was given to Croke Park and that the stadium was built in the way that it was. I know that from serving with him on Munster's GAA coaching and games development, and being involved as an officer of the Cork county board.

When one considers Charles J. Kickham's reference to the pride of the parish and pride of

place, Rory Kiely comes to mind. Rory was affable, a gentleman and a rogue. He was firm, fair and friendly but he was a really good man.

The former Minister, Batt O’Keeffe, is present. Many Members and former Members will remember the time when Frank Murphy was the county board secretary in Cork. Very few people got beyond the hatch in Páirc Uí Chaoimh and even fewer got beyond the phone to speak to Frank. As a former officer, I had the pleasure of working with Mairéad and Barbara in the office during the summer. On one particular evening we had a meeting and a phone call was put through to the office. Mairéad answered and told the caller that she was not sure if Frank was available. Then Frank walked into the office and Mairéad identified the caller as Rory Kiely. The backroom team was sent away and Frank got on the phone. A couple of minutes later Frank emerged and he asked me whether I had anything on that evening to which I replied “No”. He asked me to take a bundle of tickets to Rory Kiely in Limerick and I was duly dispatched with the tickets. It was not a small number of tickets, and John Cregan would have been very proud of his ability to get the tickets. We stopped on the side of the road halfway between Cork and Charleville, just outside Mallow at Newtwopothouse where we met Rory. He opened the envelope and said that Frank was very generous and he asked me if I would like a ticket. I said I would and I got a ticket to the Limerick-Wexford All-Ireland Final.

I will share another GAA memory of Rory Kiely.

I will not name the person concerned - Gerry Maguire will understand - but a prominent Cork hurler was in trouble. I was the chairman of the GAA club in University College Cork at the time. There was a Munster council hearing and I was dispatched with the player to that meeting. For some reason, Rory Kiely sometimes called me “Barry”. The chairman of the meeting asked if anyone had any knowledge of Mr. Buttimer and the player and
2 o'clock Rory said he did not know Barry at all. The hearing was going badly anyway for the prominent Cork player. Rory might have had a different idea of a good outcome wearing his Limerick hat, but to be fair to him he winked at me halfway through the hearing and said we would be fine. He was right and we won our appeal. Rory Kiely was part of a great triumvirate with Gerald McKenna and Frank Murphy in the GAA.

My other story from the GAA about Rory concerns the time when we were bringing the concept of games development officers and associated bursaries to fruition at third level. Rory Kiely was an extraordinary supporter of that endeavour. I recall another meeting that was not going too well and where we were in a bit of bother. In his calm and understated way, Rory asked a particular question and that allowed me and two other lads to give a speech outlining the virtue of our case. A vote was subsequently taken and Rory Kiely was the man who swung the vote that day.

I also have a story about Rory and Frank Murphy. A Cork candidate was going for a Munster council job. There was an agreed rota for people to be elected to positions on the council, but this particular Cork candidate was anxious to run for election. For some reason, Denis Lyons, former Deputy and Minister of State, and I were earmarked to travel with the candidate and we met Rory, who was supporting a different candidate. We left that meeting, however, thinking that the Cork candidate was getting the vote. I subsequently met Rory at another Munster council meeting and he remarked that our candidate had not done too well. I agreed with him and he reminded me that we would have another day. He was a gentleman. I had the great pleasure of knowing Rory Kiely from a GAA perspective and I had the great pleasure of watching him in Páirc Uí Chaoimh. He went up and down the stand, where he knew and spoke

to everybody. He had a word for everybody.

Today is a difficult and emotional day for his family, as well as for the members of the Fianna Fáil Party. Rory was a loyal son, a great father and a great Gael. Ar dheis Dé go raibh a h-anam dílis.

An Leas-Chathaoirleach: I thank Senator Buttimer. I ask the House to observe a minute's respectful silence in memory of the late Rory Kiely.

Members rose.

Transport and Sport: Statements

Acting Chairman (Senator Catherine Noone): I welcome the Minister for Transport, Tourism and Sport, Deputy Ross.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I am happy to be back here in the Seanad. Statements like this are not just an opportunity to update the House on these particular topics, but, more important, to also offer an opportunity to hear the perspective of Senators on these issues. I look forward to our discussion on what are two different but hugely important issues.

I will start with the issue of rail in the greater Dublin area, GDA. The Government recognises that rail is not just a GDA but a national issue. Reflecting on that, I will shortly seek Government approval for a €1 billion investment programme in our rail network. That investment will benefit every part of the network, from Ballina to Dublin to Killarney. This investment is needed to maintain, renew and improve the network over the next five years and deliver better journey times, improved reliability and continued safety. This investment is significant and welcome and I look forward to the benefits of this funding over the next five years.

That investment will complement the construction of the new national train control centre. It was approved by the Government this summer and I understand construction will start in earnest in the new year. We all know we need this level of investment. Passenger numbers are increasing all the time, particularly in the GDA. The GDA commuter network carries approximately 70% of all passenger journeys on the network every year. In the last few years the National Transport Authority, NTA, and Iarnród Éireann, supported by increased PSO funding, have expanded commuter services across the greater Dublin area. I have no doubt that Senators will acknowledge these increased services, such as the introduction of Phoenix Park tunnel services bringing Kildare line commuters into the heart of the city, their subsequent expansion in more recent times, and the introduction of the long-awaited ten-minute DART service last year. While these service improvements are obviously welcome, we need to do more. An important part of that is expanding the fleet.

In the last few weeks the Government approved the purchase of 41 additional railcars for InterCity services, which will add significant capacity on the greater Dublin area rail network. These 41 additional carriages will increase capacity by approximately 34% on the Kildare, Maynooth and northern lines during morning peak time and will start entering service by late 2021. I ask the House to allow me to expand a little on how that decision was arrived at.

There are those who say other options should have been pursued or that the chosen option could have been done more cheaply. Of course, alternative options were considered. One of those options was to refurbish older rolling stock and bring it back into service but that option simply did not work out. The initial projected costs were not borne out by the actual tenders received. I hope the House agrees that, when we talk about spending taxpayers' money, we need to make sure we are making the right call. I am told that option simply was not the right call. Along with that option, there was also the proposal to purchase additional carriages for the existing InterCity railcar fleet. It was decided by the NTA and Iarnród Éireann this year to proceed with this proposal and purchase the additional carriages. Senators will be aware that all expenditure of taxpayers' money must comply with the public spending code. The proposal to purchase additional carriages was therefore developed into a business case and that business case was submitted to my Department at the end of August. In line with the public spending code, that business case was evaluated by my Department and, because of the scale of expenditure, it was also evaluated by the Department of Public Expenditure and Reform. I assure Senators that there was no undue delay and that I brought the matter to Government in October.

I have also seen some commentary suggesting that alleged delays caused an increase in the cost. I do not accept that. No business case was submitted until late August and, while the total project will cost almost €150 million, the carriages themselves cost just over €100 million, with the remainder of the costs comprising related things like compatibility works, spares, design and VAT. Therefore, there has been no great shift in the cost of the actual carriages since the proposal was first referenced publicly in late 2016. I hope that clarifies that particular point.

I assure Senators that I know this purchase is just a short-term measure. The game-changer for rail in the greater Dublin area is the DART expansion programme. Next year, I expect to receive a business case in respect of this multi-billion euro investment. It is a very exciting project which will effectively double the capacity of the greater Dublin area rail network compared with today. When it is finished, the DART really will serve the entire Dublin area, as its name suggests. Preparation has already begun. Earlier this year the NTA and Iarnród Éireann commenced procurement pre-qualifying for the purchase of a minimum of 300 electric and battery electric trains. The way the procurement competition will be structured means that number can increase up to 600 carriages if required over the ten years of the procurement framework. This will provide a flexible and speedy way to ensure that demand can be served by additional fleet if needed. Senators will appreciate that new rail fleet is not sitting in a showroom somewhere waiting for a new owner to turn up and take it away. It needs to be built to the specifications of the purchaser and, in our case, to the specifications of our unique rail gauge. It will therefore take between three and four years after the award of the contract before this new DART fleet starts to arrive. That does not mean, however, that nothing is being done in the meantime.

As well as the arrival of the 41 additional carriages the year after next, the core city section of the wider city centre resignalling project will be commissioned next year. When this project is complete, it will significantly increase the capacity of the network through the bottleneck of the loop line bridge across the Liffey. Next year will also see construction commence on a new station at Pelletstown on the north side, the Kishoge station in west Dublin will open and the station improvement works at Pearse will finish.

Of course, everything we are doing in terms of improving our rail network in the greater Dublin area is set out in the transport strategy for the greater Dublin area, which is a statutory transport plan for the region that, importantly, must be reflected in land-use plans across the greater Dublin area. This type of integrated land-use and transport planning was long sought,

was fought hard for, and represents international best practice. I have no doubt that Senators will have their own views as regards particular projects in the greater Dublin area. I am happy to inform the House that, towards the end of next year, the NTA will begin a review of the existing transport strategy. This review will provide an important opportunity to consider whether additional projects above and beyond the extensive measures in the current strategy should be included. I hope Senators can recognise that there are a number of measures under way over the short, medium and longer term which will improve and enhance rail services across the greater Dublin area. I look forward to hearing their views later.

I would like to now turn to our second topic and thank Senators for the opportunity to update the House on the sports capital programme. As Senators will be aware, the sports capital programme is the Government's primary vehicle to support the development of sports facilities and the purchase of sports equipment. More than 10,000 projects have benefited from sports capital funding since 1998 with the total invested in that period amounting to approximately €1 billion. Grants under the programme have directly improved sports facilities in virtually every village, town and city in the country. Before I deal specifically with the latest round of the programme, I would like to take a step back and speak briefly about why we should continue to provide public funding for sports facilities.

It is well established that participation in sport plays a significant role in improving people's health and well-being. Initiatives that encourage people to exercise regularly can help to reduce the incidence of strokes, cancer and depression, resulting in higher productivity and lower healthcare costs. With regard to our younger people, the World Health Organization, WHO, regards childhood obesity as one of the most serious global public health challenges for the 21st century. Childhood obesity has become such a problem in part due to children living increasingly sedentary lifestyles where physical activity has been replaced by watching TV, playing video games and spending time on smartphones. Accordingly, if we are to compete with these other distractions, we must have good quality, safe and attractive sports facilities.

Similarly, at the top level, we know that sporting success has the ability to lift the spirits of communities, counties and even the whole nation. Our county GAA stars, our international soccer, rugby and hockey teams, and our Olympians inspire us all. This high-level success is never achieved overnight, however, and we need to invest in facilities at grassroots level to nurture these talents.

With these factors in mind, enhanced investment in sports facilities is a key policy objective of the Government. The Minister of State, Deputy Griffin, and I launched the Government's national sports policy last year. The policy statement sets out our vision for sport in 2027 along with 57 specific actions to transform our sporting landscape. Increasing participation is a cornerstone of the policy and we have set an ambitious target to have half our adult population regularly participating in sport by 2027. Furthermore, we want people participating in sport regardless of their background or physical capabilities.

Within the policy statement is a commitment that the Government will continue to invest in sports facilities and central to this objective will be our continued support for the sports capital programme. The most recent grants under the programme were announced over the last week and represented the final set of allocations under the 2018 round. The application period closed on Friday, 19 October 2018, and by that deadline a record 2,337 applications were submitted seeking a total of €162 million in funding. A total of 186 of these applications were for projects deemed invalid under the 2017 round of the programme that subsequently submitted corrected

documents. These applications were assessed first and approximately €7 million in allocations to 170 projects were announced on 17 January; 619 equipment only applications were assessed next and 466 allocations with a value of €9.8 million were announced in May. On Friday last, we allocated a total of €37 million to 994 different projects and earlier today we announced further grants totalling €2.58 million to 15 regional sports projects.

I would like to speak briefly about the reforms we have introduced under the two most recent rounds of the programme. The Minister of State, Deputy Brendan Griffin, and I were determined that the system of applying for grants should be as user-friendly as possible and the methodology for allocating funding fully transparent and fair. A previous criticism of the programme was the number of applications deemed invalid at assessment stage. This gave rise to understandable frustration from applicants who had invested significant time and effort in making their applications. There was also a perception that the whole application process was cumbersome and difficult.

To address these concerns, several improvements have been introduced. The measures include a significantly shortened application form, more online validation of applications and the hosting of a series of regional seminars for potential applicants. Importantly, first-time applicants who submitted incorrect documentation under the latest round of the programme were given the opportunity to correct their application during the assessment phase. Some of these measures may have delayed the overall timeframe of the assessment process, but have been very well received by applicants.

The measures to reduce the invalid rate have been overwhelmingly successful. The proportion of invalid applications fell from one third in previous rounds to one fifth in 2017, and this has been reduced to less than one tenth under the 2018 round. Ironically this improvement does make the allocation of funding even more challenging as we have even more applications to consider. I think all Senators will agree, however, that it is the fairest way to treat our applicants and achieve the best overall results.

A further improvement we made under the 2017 round of the programme was the introduction of an appeals system for unsuccessful candidates. This will be continued under the 2018 round and unsuccessful candidates will be contacted shortly with details on how they can appeal the outcome of the assessment process.

In regard to individual grant amounts, historically there was no clear documentation showing how individual grants were decided. For the first time, we published the full scoring system and assessment process for the 2017 round in advance of assessment work commencing and this was again done for the 2018 round. Every application was then scored using the published criteria which included the likelihood of the project increasing participation, whether the proposed facilities would be shared with other users, the level of socioeconomic disadvantage in the area and the level of funding which the organisation received previously.

For the 2018 allocations, the total available funding was first divided by county, based on the *per capita* entitlement and level of demand from that county. The exact amount allocated to each project was then based on a formula which combined the assessment score obtained, the amount of funding sought and the total amount of funding available for that county. The scoring system for the 2018 round of the programme was amended to give an even greater weighting towards projects from disadvantaged areas and towards projects that shared the facilities with other users. The net outcome is that more than 1,600 individual projects benefited under

the 2018 round of the programme.

While the main field sports such as GAA, soccer and rugby again did very well, any fair analysis will acknowledge the diversity and spread of grants awarded. Last week's grants alone covered 37 different sports, including boxing, squash, rowing, and athletics to name just a few. While I believe we have made real progress in terms of improving the overall programme, we must always look to improve further. With this in mind, I have asked my officials to undertake a full review of the latest round of the programme to suggest any further changes. This will include an examination of how we might speed up the overall assessment process and whether we can reduce the invalid rate further. I look forward to hearing any views of Senators in this regard and will be very happy to take on board any suggestions if they meet with approval from the officials.

Before concluding I would like to touch briefly on one other significant development regarding Government funding for sports capital projects. The national sports policy also provided for the establishment of a new large scale sport infrastructure fund, LSSIF. The aim of the fund is to provide support for larger sports facilities where the Exchequer investment is greater than the maximum amount available under the sports capital programme. The new fund is designed to provide a transparent and robust system for funding such projects. The Government has provided a capital allocation of at least €100 million for the period to 2027 for the LSSIF. The new scheme closed for applications on 17 April, with applications initially confined to local authorities and national governing bodies of sport. By the closing date, 72 applications were received. Assessment work is well advanced and it is hoped to make the first allocations in the near future.

I hope that I have provided Senators with a good overview of where we are in respect of Government support for sports capital projects. I believe that Government investment in sport is money well spent and the sports capital programme remains an excellent example of the Government supporting the voluntary sector in a way that benefits entire communities. While we can always improve matters, I am proud of the reforms we have made in recent years. Furthermore, the Minister of State, Deputy Griffin, and I will continue to make the case for enhanced investment in sport infrastructure in the years ahead to ensure that all of the objectives set out in the national sports policy are met.

We look forward to seeing the many projects that recently received funding advancing, but also seeing new applicants being given the opportunity to submit new proposals as soon as possible. To conclude, I would like to thank Senators for the opportunity to discuss these two very divergent but important areas of my Department's work and I look forward to hearing their views.

Acting Chairman (Senator Catherine Noone): Group spokespersons have eight minutes and all other Senators have six minutes. Many people want to contribute, so I hope we can keep to the time available.

Senator Mark Daly: I thank the Minister for coming to the House to outline rail issues. I am slightly confused about the announcement made about 28 rail carriages. Initially they were supposed to be renovated but, as he said in his speech, an announcement was made about 41 new carriages which will not come on stream until the year after next. There was another commitment to leasing 60 to 80 used carriages for delivery in February 2020 at some stage. I ask the Minister to clarify the different announcements, especially the one about the 60 to 80

carriages.

As I am sure the Minister knows from his colleagues in Fine Gael who are canvassing in Dublin Mid-West and north Dublin and are speaking to commuters, they are seeing buses driving by them and full Luas carriages. Public transport is supposed to form part of creating a greener environment by taking people out of cars.

Additional debate to follow shortly.

No one is going to get out of a car to stand at a bus stop if buses are going by full. On top of that, the M50 is in crisis, as are various road networks.

As luck would have it, at a meeting of the transport committee this morning we were discussing cycling and cycle lanes. Under action 97 of the climate action plan, I was asked to raise the commencement of full implementation of the national cycle policy framework. It refers to local authorities setting out a clear pathway and timetable for the installation of dedicated cycle infrastructure. I am not just talking about greenways but also about people who want to commute to work using cycling as their mode of transport. It does not seem to be the case that the money followed the provision in the climate action plan on the national cycle policy framework. Where are the councils supposed to draw the money from to put in place the infrastructure? Perhaps the Minister could outline how that will happen. Perhaps he will refer to the thinking when roads are being designed. He mentioned an allocation of hundreds of millions of euro or billions of euro for the road network. This should be compared with the provision for the cycle network. When designing and upgrading roads, it should be insisted that account be taken of the national cycle policy framework. That is in regard to the overall transport issue. It is a question not only of commuters and the road network, which is creaking at the seams, but also of the announcements on the trains, whose provision could be two years away, or more.

The Minister referred to the sports capital programme. While we welcome the ability to appeal and the ability to engage with first-time applicants, I am aware from having been involved in applications that there is an issue with the *per capita* criterion and the arrangement for linking with other organisations when it comes to disadvantage. The Minister, through his officials, might be able to clarify this. The *per capita* capacity in a county such as Leitrim is obviously fairly low. It is welcome that the scoring mechanism is online and no longer very secretive. Finding out how to get points under the sports capital programme was like trying to decipher the third secret of Fatima. If an organisation is from a small county or small area and has no other organisation to partner with, its ability to increase its score is limited. It is up against organisations in the Dublins of this world, which obviously have considerable capacity to partner with other organisations and have a significant *per capita* score.

While the Minister outlined the position on rail carriages, there have been other announcements on them. It is too long for those standing waiting for trains in the commuter belt to wait until 2021. The same applies to the Luas, buses and cycle network. Ambition is not being matched to the funding for programmes in this regard.

Senator Victor Boyhan: I welcome the Minister. I thank him for his comprehensive overview. I want to spend my time discussing sport and the sports capital programme. Before I do so, I wish to raise the issue of transport and congestion in Dublin.

I was in London last week. I had to top up my card and was told that if I travelled after 9.30 a.m., there would be a substantial reduction. I wondered why we did not have a similar system

in Dublin. There are quite a few people on the platform who opted not to use a train going out before 9.30 a.m. It does not affect people returning; it only affects people going out. It is clearly trying to reduce the number of passengers at peak times. The Luas runs right through the Minister's constituency. I am very familiar with the DART. I come in here at 7.30 a.m. but do not take the DART very often because it is physically impossible to get onto it. One has to push passengers on and off. Some are left on the platform. There are many schools along the DART line so the time in question is busy. Many people travel to work at the time. Therefore, we have a problem. I am sure it has occurred to the Minister to ask the transport providers to consider a reduced cost for those using services after 9.30 a.m. If one takes a DART at 9.30 a.m. or 9.45 a.m., one notes it is half empty, which is great in that it is very pleasurable to travel on. We need to incentivise people to travel after 9.30 a.m. I do not believe circumstances are the same for commuters going home because journeys are staggered and they are not competing with schools at 5 p.m. and 6 p.m. The Minister might pass that on.

I want to talk to the Minister about the sports capital grant. I welcome the announcement thereon. The Minister has referred to the €37 million. That is particularly good. I support all forms of sport and participation. I was a competitor in hockey, equestrian sport and a number of other sports so I have a keen interest in them. I will touch on some later.

I acknowledge the substantial grant for Seapoint Rugby Club because I know it well. The club was successful on this occasion. I welcome the grant for Avoca Hockey Club, for which I was a very competitive player. I went to school in the area and was involved there for a long time. One of my key problems is that I heard about the grants long before Friday. I had asked in this House about the sports capital grant on numerous occasions. I had heard anecdotally around this House elements of what was to be announced. The Minister may call it all speculation. I take it that it was. I had heard decisions from political people. I took the time to Google what was being said in a few of the provincial newspapers, as I do anyway because I am keenly aware of rural communities. I saw that a number of individuals, from Ministers and Ministers of State to other politicians, had laid claim to fame in respect of the awards and grants. I am concerned about that. I am happy to supply some information on this. We need greater transparency in the process. I take on board that the Minister is reforming the process. I am not questioning him personally but believe it is important to have greater transparency in the process and in how we announce grants. I understand the Minister is in government and that there are pressures on people in Leinster House and all over the place on foot of organisations asking how they have fared. I have concerns over this. I took the time to talk to a number of politicians and staff from provincial newspapers, including editors, to ascertain the sort of information the newspapers were being asked to promote in their next editions. I downloaded a number of responses so I can provide them.

The Minister knows the sports capital programme is operated by his Department and provides the grants to assist in facilitating sport. I recognise that. We do not want circumstances in which there are private tip-offs or in which a politician can in some way enhance his or her political status or have a greater political advantage by knowing information in advance of anybody else. I have a difficulty with the timing of the announcement and the gap between it and the decisions on the grants, bearing in mind that individuals approached me and that I spoke to a number of individuals in the media who could confirm what I am saying. When I took the trouble to get the Minister's list – I had difficulty and had to go searching for it – I noted the figures were the same, euro for euro in some cases, as those I had to hand. I flag this as an issue of concern. We must ensure that there is transparency and accountability and that the whole

system is honourable and up front. It should not be in the gift of any politician or Minister to suggest, by private telephone call or tip-off, that he or she has secured a grant. Neither the Minister nor anybody else has secured anything. Grants are secured through the sports capital grant process. There are validations and processes, as the Minister said. I agree. I want to be clear and loud in saying nobody got anything for anyone. No sports club in this country gained because of any Minister. It will have gained because it prepared an application, adhered to the criteria and engaged in the proper process. Nobody should believe he or she got a leg up by anybody in Leinster House for sport. We need to be clear about that, and we need to be clear about the decisions, announcements and press releases we issue, in respect of which we say we influenced the decision. We influenced nothing and we should not be influencing anything. There is something wrong with a system if politicians influence it. I wanted to flag that issue. I have been asked by Horse Sports Ireland to bring the following to the Minister's attention. It has a strategic plan for the period 2019 to 2024, with which the Minister will be familiar. It may overlap with that of the Department of Agriculture, Food and the Marine because it involves horses. It is an impressive plan, with a vision for Irish sport, and I would like the Minister to look at it. As I say, it may overlap with that of Department of Agriculture, Food and the Marine, but I am not 100% sure. However, Horse Sports Ireland does have a vision and a mission. It wants to develop a sustainable funding model for its activities and to build organisational capability to enhance the Irish horse sport sector, which is right. It clearly wants to obtain the support necessary to grow this unique sport and industry, in which the Minister has a keen interest. I, therefore, ask him to look at it.

I welcome the statements the Minister has made, but I want to see greater transparency in how the process is completed and brought into the public domain. The Minister is familiar with Glenalbyn swimming pool because it is located in the heart of his constituency and I know that he is committed to seeing the process through. I do not know if they come under the sports capital grants programme - the Minister might tell me - but swimming and water sports are critical, whether in the sea at Dún Laoghaire Harbour or any other harbour. I would like the Minister to make some comment on where he sees funding being provided and whether there are resources available within his Department for the pool. The Minister is on record as being committed to seeing the project delivered in the heart of his constituency, to which I live close. I would like to leave here today with a little more information, if possible, on what the Minister can do about Glenalbyn swimming pool project and what funding he can provide for it. There is an expectation that he will be able to deliver on something he has promised for a long time.

Senator John O'Mahony: I thank the Minister for his update. I note the 16% increase in funding for the Department this year, which is both welcome and necessary. We have heard all the talk about Brexit, although it has not been mentioned for a couple of weeks because of the moving of the deadline. Our connections to continental Europe and preparations at ports and so on come under the Minister's Department and are very important.

The Minister did not mention climate change in his update, but it is another major issue for the transport sector which is the biggest contributor to carbon emissions as the economy grows and expands in the recovery. Solutions need to be provided and are being prioritised in initiatives such as the roll-out of electric vehicles. There is a need for considerable investment in the provision of charging systems throughout the country, as well as for public transport.

The Minister has outlined many improvements in the Dublin area which I support, but he leaves himself open to the accusation that he speaks about Dublin all the time. I know that he acknowledged at the beginning of his contribution that rail services needed to be upgraded na-

tionwide, but I would like to hear his comments on, or timelines for, some of the rail services to the regions. Representatives of the National Transport Authority were in my county of Mayo recently where they addressed councillors. The Minister mentioned the provision of 41 carriages, none of which will be used on the Westport line until 2022. Perhaps he can give me some updated news in that regard. There is an appetite to use more public transport services because of the acceptance of climate change. The number of passengers on the Westport line increased from 535,000 to 580,000 in 2018. There is an acceptance of the need to use public transport and there is demand for it, but we will be playing catch-up if we are not going to have extra carriages until 2022. There has been a change in the mood of the public and attitudes to climate change and the use of public transport. If we are to take advantage of it, we need to be doing more to get ahead of the curve, which is important.

I welcome the €22 million investment announced in the budget in the regional airports programme because regional airports are crucial to the economies of the regions, industry, job creation and tourism. I am conscious of this because I live within 15 miles of Ireland West Airport Knock which upgraded its main runway recently at the cost of €11 million. That is most welcome and an example of balanced development. Tourists need direct access to the regions to explore the Wild Atlantic Way and the Hidden Heartlands, as well as to take advantage of the value for money available in the regions that is not available in urban areas, Dublin in particular, because of the significant rise in the cost of hotel accommodation.

The Government increased the level of investment in sport and for the first time published the policy last year, which was welcome. The programme for Government pledges to double spending in sport in the next ten years, which is also welcome. In the same way that the use of public transport assists in dealing with climate change, investment in sport helps to keep the nation healthy, which is important. There have been many good stories in sport in recent times. I commend the Minister for the development of the campus at Abbotstown to such a high standard. It has been one of the good news stories, the jewel in the crown, as it were, for our elite athletes. The sport capital funding about which the Minister has talked is being used to provide facilities to increase the level of participation, at whatever level people are, throughout the country. In urban areas, in particular, there is a big demand for facilities. I met one of the officers of Cuala GAA Club in Dublin which fields 100 teams at all levels and owns nothing other than its clubhouse. It has leases with the local authority and so on. That will be an issue for policy down the line, but we certainly have the opposite problem in rural areas where we have the facilities but not the numbers. That is an issue, of which I am conscious in the GAA, but I am sure it extends across all of the major team sports, including soccer and rugby.

There are challenges in sport that the Minister has not mentioned. Like Senator Mark Daly, I attended the meeting of the Joint Committee on Tourism, Transport and Sport this morning. We have all heard about the challenges facing the FAI. The Minister has been very involved in dealing with them, but the reports have been slow, frustrating and painstaking. We all thought representatives from the FAI were to come before the committee in September, but they have not yet come before it. It is ready to receive representatives of the FAI and Sport Ireland to discuss their findings. The victims are the coaches who experienced the withdrawal of funding for programmes. I support what the Minister did in that regard, but the longer this goes on, the closer it gets to becoming impossible to restore funding until we are sure about the governance of the FAI. What is the implication for Government support for the European Championships next year, for example?

The budget allocation included €103 million for maritime safety initiatives to ensure the

Irish Coast Guard can operate safely and effectively and, according to the Budget Statement, “Key priorities here will be to increase investment in safety-related training.” Let us contrast that with the announcement last weekend, unless I need to be corrected, where the Coast Guard has withdrawn over an issue relating to safety equipment. Will the Minister clarify this or will the funding go some way towards solving that problem?

Senator Niall Ó Donnghaile: I am grateful to address the issues of transport and sport. They seem unrelated, except that they share a Minister, but both need to be got right to protect our future, especially our health, social well-being and cohesion. On transport, the Minister has to admit that he is losing the battle against congestion in Dublin, as colleagues have noted. It is a nightmare for tens of thousands of commuters every morning, ourselves included, who simply need to get to work. There are plans, but they are for the future and I do not believe they are ambitious enough to allow us to catch up with other cities, never mind start to win our own battles. We need to cut through the spin. For example, at budget time, the Minister announced an additional €384 million for his Department. This figure is deeply deceptive. The vast majority of this or €357 million is to implement the national development plan, and this was cut because of the overspend on the children’s hospital. That leaves only €27 million extra in current spending. The Minister announced €40 million for tourism, not linked to a no-deal Brexit. This leaves open the question as to how additional spending of €40 million can be accommodated in a €27 million budget. It is likely there are cuts hidden in the small print. All this means more congestion and even more stretched rural services for people throughout the State.

The Minister had little to say on the need for all-Ireland transport. A €60 million investment would mean four trains an hour between our two largest cities. Would not that be truly great, with a massive economic benefit, including on tourism, were it to come to pass? There is increasing demand for rail along the eastern corridor.

The big picture must be a plan to achieve free and efficient public transport. That is how we beat congestion, reduce emissions and make getting to work bearable for staff. Sinn Féin supports starting with under 18s so that the culture of public transport and demand is instilled in our youngest. I could list a bunch of roads we need or refer to airports for all but we have to shift our thinking towards free public, clean transport in urban and rural Ireland. I have seen a document released under freedom of information in which the Minister’s advisers rubbish the Government’s €1 million electric cars promise. It is pure pluck-a-figure politics and will not be delivered.

We must cut through more spin on sport. Many a Fine Gael Deputy and Senator was cock-a-hoop to announce, prior to any press release, details of the sports capital programme grants last week. I wonder how many of them know they were the 2018 allocations being paid out in budget 2020. This should be an annual, regularly paid, transparent process, not an overdue grant about which Fine Gael likes to tip off its local clubs, and gets to feature in its election literature.

I cannot discuss sport in Ireland without mentioning the need for and a growing demand for an all-Ireland sports structure across the board. From soccer to athletics to mixed martial arts, there is, bubbling under the surface, a people-led movement for all-Ireland sports teams and competitions, as it is proven both parts of the island work best and achieve more when they work together.

Fundamentally, investment is way behind other countries and the Government has no inten-

tion of catching up. Members will recall a recent briefing by our Olympic rowers who were paying for much of their own training themselves. That sums up the approach to sport. If they deliver Olympic medals, they are bound to have a Minister crawling up their backs, sometimes quite literally, but until then, they are on their own. That culture has to change. We must put our money where our mouth is if we want success and all the positive health, including mental health, and social benefits that go with a healthy sporting culture.

Last week, there was a press report of remarks by the chairman of Tourism NI who spoke positively of the growing rationale for linking Ireland's Ancient East with the Wild Atlantic Way via the Causeway Coast. It would be encouraging to hear the Minister's perspective on that. It has obvious tourism, economic and transport benefits. Now that Tourism NI and Fáilte Ireland are out of the traps, it is incumbent on him to encourage and foster that engagement and show his support publicly, and to initiate a process that considers economic research into the benefits of this. It makes sense from an economic, logistical and tourism perspective. It defies logic that Ireland's Ancient East stops where it does and does not continue into Downpatrick, the heartland of Cúchulainn and connect all the way up to Fionn Mac Cumhaill and the Causeway Coast.

Senator John Dolan: I welcome the Minister to the House to discuss rail transport in Dublin and sports. It would be wrong not to acknowledge the deep interest he has taken in people with disabilities in his multiple briefs. He has engaged directly with people with disabilities and the representative organisations. At the end of last year, the Joint Committee on Transport Tourism and Sport produced an excellent report and the Minister has begun to honour his commitment to meet that committee and provide updates on a six-monthly basis. He made sure that people with disabilities have been appointed to each of the public transport authorities.

I now raise an issue that I have previously made him aware of. I still have little confidence in the NTA, which is shared by many with disabilities, on its commitment to transport for all. I may be paranoid but a leaflet on BusConnects came through my letterbox recently. I do not see any symbol or reference to people with disabilities in the document, which sets out the revised plan. The front of the leaflet has four people of working age, two females and two males. It talks about the service being for the future. My open question to the NTA is: is it concerned about the future of people with disabilities and mobility impairments in respect of its brief? I could recite many examples, and the Minister will be aware of them, but I wish to keep this on the agenda.

In his opening remarks the Minister stated:

The game-changer for rail in the greater Dublin area is the DART expansion programme. Next year, I expect to receive a business case in respect of this multi-billion euro investment. It is a very exciting project which will effectively double the capacity of the greater Dublin area rail network compared with today. When it is finished, the DART really will serve the entire Dublin area, as its name suggests.

Perhaps I am being particular but I am concerned about whether it will serve the entire Dublin population and the people who travel around the city who have disabilities and mobility impairments? That is our challenge.

While I acknowledge the Government has committed to so doing, in light of what I have said about the National Transport Authority, NTA, it is important that we underline and take that

issue more strongly on board.

With reference to childhood obesity and health, sport has had a huge part to play for people with disabilities going back to the late 1950s and 1960s when Ireland participated in the first paraplegic Olympics to run in parallel with the regular Olympics in Rome in 1960. The purpose of accessible public transport is to get people somewhere and that includes to sporting events, as spectators and increasingly as participants. I am keen to hear what the Minister has to say about making sure that facilities are improved for people with disabilities to be able to participate actively in sport. People with disabilities have to go through really hard-knuckle rehabilitation in the National Rehabilitation Hospital in Dún Laoghaire and other places but sport too is rehabilitative and copper-fastens people's participation in a community. It has its own important part to play. Transport can make sure a person gets there or does not get there.

Following the lead this Minister has given, to use a sporting analogy, the ball is at the toe of many other Ministers to make sure that if people can use public transport, there is somewhere they can go and participate. The Minister has met Padraic Moran, a wheelchair user, on several occasions when he was a witness at the Oireachtas Joint Committee on Transport, Tourism and Sport. He is a young man who, unusually for people with disabilities, has employment, and he lives in Bray. He has had episodic problems using the DART, and problems with the maintenance of his wheelchair, which go back to the health services. He is an international sportsman and has represented Ireland playing boccia. The connections between sport and transport are critical issues for people with disabilities and to help us implement the UN Convention on the Rights of Persons with Disabilities, UNCRPD. What is the Minister's ambition for the next 12 months for people with disabilities? Senator O'Mahony talked about doubling spending in sport over the next decade. What does the Minister intend that to be like for people with disabilities?

Senator Maria Byrne: I thank the Minister for all his notices and notifications about transport in Dublin. There is a bit of a mix-up because the Seanad schedule listed statements on transport and sport in general. While I welcome the announcements for Dublin, the extra train carriages and high-speed trains to connect Dublin with the regions, I will raise issues that I have raised in the past with the Minister.

On 2 July, we had a debate here on the Limerick-Shannon metro link. I was informed then that there would be public consultation in the latter part of this year. On 7 November, I contacted the NTA to find out where that update was and was told that the consultation would not take place until the first quarter of 2020. It is really disappointing to find that while there have been announcements about transport for Dublin and Cork, there have been none for Limerick as the third largest city. I know the Minister's commitment because he has been down to visit the area and was recently in Shannon Airport. Much good is happening in the transport sector and in respect of Bus Connects in Dublin but is that what is holding up the announcements for the rest of the country? We have to have balanced regional development. The Government's announcements refer to that and that is part of the Ireland 2040 plan. I am really concerned that there have been no announcements about the connectivity between Shannon Airport and Limerick, which has the second largest deepwater port in the country. While I know the Minister might not be able to answer me today he might be able to give me some suggestions about what is happening there.

Acting Chairman (Senator Catherine Noone): Can I interject briefly?

Senator Maria Byrne: Yes.

Acting Chairman (Senator Catherine Noone): The Minister has just clarified with me that his brief was quite narrow when he was asked to come here today.

Senator Maria Byrne: That is why I said there might have been a mix-up.

Acting Chairman (Senator Catherine Noone): I just want to clarify it, and I will allow the Senator back in then. The Minister has explained that he was asked to come in here to speak specifically about rail in Dublin. Something has been lost in translation in the way this particular section has been framed as transport and sport. Obviously, it may have happened because he is the Minister with responsibility for transport and sport but today's debate was never intended to be a discussion of transport and sport in general. It was intended, from the Minister's perspective and the brief that he got, to be a discussion of rail. I want to be fair to the Minister.

Senator Maria Byrne: I understand that and that is why I said in the beginning that there might have been a mix-up because on the Oireachtas website this is scheduled as statements on transport and sport, which is totally out of the Minister's control. Nobody told him.

The Minister knows my feelings about the Limerick-Shannon metro link and how important it is to the development of the region. Senator O'Mahony referred to the regional airports budget announced recently. I know from the Minister's recent visit to Shannon that he realises the importance of Shannon Airport. I will keep putting this on the agenda. While Shannon has autonomy and is set up slightly differently from other airports, I welcome the fact that extra routes have been announced recently and acknowledge the work the board is doing there to try to bring extra business to the airport. Many companies are considering expansion and when they created extra jobs recently they announced that Shannon Airport is the airport for the region and having the airport and the port on their doorstep helped them make up their mind to locate in the mid-west. That is why I would really like to see something happening with Shannon. While I acknowledge that the Minister said he would talk to the different tourism groups to see if they can work with the board, I will keep this at the top of the agenda, if that is okay.

I acknowledge the recent announcements about the many successful clubs that received money under the sports capital programme. Sports clubs are the heart of all communities. There are so many in rural and urban communities and they help children to have a very healthy lifestyle, as the Minister himself has noted. It is very important to keep supporting these sports clubs because many of them find it hard to get money for club or pitch development. I thank the Minister for the work he has done. I know there is an appeals process for clubs that have not been successful. I acknowledge the support clubs receive from the staff in the Department who help them with their applications and who point out where they have gone wrong and help them in the appeals process. That is to be commended and shows an acknowledgement that sports clubs are needed and wanted and being supported by the Government. This issue is linked with participation in sport as part of Healthy Ireland.

Senator Kevin Humphreys: The Minister may have opened a Pandora's box in his statement. The section on transport was several pages long. He came to the House to speak about transport, but his statement included three pages about sports capital grants. Any blame for the opening of a Pandora's box can be laid fairly at his feet, as I am sure he will accept.

I refer to the Minister's comment on the purchase of 41 rail carriages. I accept what he laid out. However, one of the delays was caused in going to tender for the purchase of second-hand

carriages. Anyone who has any interest in transport knows that there is a particular gauge in use in Ireland and that the likelihood of finding second-hand carriages anywhere else in the world is very slim. I understand that only in Brazil and one territory in Australia is there a similar gauge in use and that rail carriages are in short supply in both countries. They will hardly have workable carriages available to sell to Ireland. The Minister might expand on why a tender was issued for second-hand rail carriages when even the smallest amount of research would have shown that they would not be available. That contributed to the delay and, possibly, the final cost of the carriages. I understand the cost is €150 million, but at one stage it could have risen to €160 million. It is to be hoped the final cost will be a little lower.

I will not apologise for speaking about rail services in the capital city where and greater Dublin area where over one third of the population lives and just under 70% of all tax revenue is generated. We have to make sure the capital city works and that the city in which the highest tax revenues are generated for the State is protected. I am always sorry when I hear Fine Gael Members ask why the situation in Dublin is being discussed. The greater Dublin area is the economic engine of the country. It is welcome that the Minister is taking a particular interest in making sure this economic engine will continue to run. In this House I have always stood in social solidarity with those living in other regions which should receive investment. Fine Gael and, to some extent, Fianna Fáil, constantly criticise people for mentioning Dublin, but I will not criticise the Minister for doing so. That is the reason he was called to the House today.

The Minister laid out the investment plan for the greater Dublin area. It provides for investment in rail services and the provision of extra electric engines, carriages, etc. The Sinn Féin Senator referred to profiling and overspending in other areas. I am concerned about whether the profiling of spending in the greater Dublin area in terms of investment in rail services will change owing to overspending in other Departments, as well as the Minister's. Some time ago I carried out a quick analysis of all of the road announcements made by the Minister, from County Mayo to Macroom, Dunsink and so on. On average, the figures are running at approximately 34% above the original estimated costs. That will create a €700 million hole in the Department's budget. Some call it profiling, but will there be delays because of the overruns on several projects? Will they be re-profiled, delayed or cut? Has any work taken place in the Department to assess the impact of overspending inside and outside the Department? Construction inflation happens, as I am sure the Minister is aware. When he was in this House and in the Lower House he was quite scathing of the Government when there was an overspend or an increase in spending, but there is construction inflation. Let us see how it impacts on the overall spend. The Minister can explain the figures.

I hope the Minister will forgive me for asking some questions not directly related to his brief. Kids Go Free was a campaign run by the NTA during the summer to promote use of the leap card system. The campaign was very effective and educated people on the benefits of moving to public transport. It is too late to have another scheme this year, but I ask the Minister to explore the idea that children should be able to travel for free during the Christmas period in the main urban centres. This would help to create an ethos of using public transport at an early stage in children's lives.

I refer to the DART line. About a month ago I spoke to a young woman who had lost consciousness while travelling on the line near Blackrock, but because of the crush of bodies she did not hit the floor of the train until it had reached Grand Canal Dock station. She was complimentary about the staff and passengers who had been around her, but it is frightening that somebody can pass out owing to overcrowding on the DART. I know that the NTA has done

some work to try to encourage students to travel at alternative times on the DART and the Luas, but the introduction of a financial incentive to travel outside rush hour should be considered in the short term. This is a short-term problem which will take time to solve.

In a report in a newspaper the Minister may have been quoted incorrectly where it referred to the enforcement of the law in bus lanes in order to make maximum use of bus services and corridors. The report stated the Minister was not open to the idea of enforcement through the use of cameras and transferring responsibility for it to the NTA. He might avail of the opportunity to clarify the matter. I do not think having a garda stand in a bus corridor to make sure cars are not travelling in it is the best use of his or her time.

I have a plea to make to the Minister. I know that the matter is not within his remit, but perhaps he might use his good offices to make some progress in reintroducing for the Christmas period Operation Freeflow in the main cities, including Dublin, Cork, Limerick and Galway, using gardaí on probation from the Garda College in Templemore. It would help to encourage more people to visit these cities. Operation Freeflow was last used in the 1990s when it was very successful. People on the roads today know how difficult it is to move around cities. I have noted the number of cars which move into bus lanes which affects not only the flow of buses but also cyclists who are put in danger. I ask the Minister to consider this issue. I know from speaking to him that he may have been misquoted in the report in the newspaper and hope he will clarify the position today.

Acting Chairman (Senator John O'Mahony): Before I call the next speaker, I owe the Minister and Senator Humphreys an apology. The schedule we received referred to statements on transport and sport. How could I accuse the Minister or the Senator of being Dublin-centric? It was all lost in translation.

Senator Jennifer Murnane O'Connor: I congratulate and applaud all those involved in our sporting achievements this year and in recent years. There are many areas across the globe where we punch above our weight and sport is certainly one of them, from hockey and rowing to horse racing, boxing, rugby, golf and soccer. There are incredibly talented people in Ireland, and each and every one of them should be admired. Nevertheless, we need to do more to support our young, female or vulnerable athletes, as well as those who would be athletes if they had the means, those who define our wonderful, multicultural society today and those stars struggling for support. I welcome the national broadcasting pledge to increase coverage of women's sport. If young girls cannot see women succeeding, it will be much more difficult for them to dream they can do it too. We need to play our part in that regard and I ask the Minister to consider ways to subsidise girls' clubs to attend women's events. Let us pack those stadium stands, irrespective of people's ability to afford tickets. I say the same for juvenile sports and their teams. When the hard work is going on, we should not just celebrate events, but also examine ways to encourage children to participate in sport and to enjoy it because sport is an enjoyable adventure. It was heartbreaking to read the following in the *Limerick Leader*, written by a 13 year old boy who had given up the sport he loved - hurling - because he was never given game time:

The coaches didn't care about my feelings, they only wanted to win at all costs. Even now I find it very hard to trust adults. I was completely isolated at a sport I love. I can honestly say, I have been affected by what I had to go through at a very young age. There is so much sadness in life but playing sport should not be a sad experience.

I read that and thought it was very sad.

Sports capital grants are a lifeblood for clubs and organisations throughout the country and I have worked on quite a few with many volunteers in Carlow. It would be great if we tied some of the funding to the fair play rules, or gave more to clubs that give more to their child members, female members and the most vulnerable. We need to consider the most vulnerable. I was delighted with the sports capital grants. I acknowledge that some people were disappointed, including some clubs that contacted me. Some clubs did not receive as much funding as they deserved, and I have an issue with a few of them, which I will appeal, but other clubs were delighted. Overall, I welcome the grants.

There are many concerns about public transport. I understood that Kilkenny was meant to receive a town bus link, for which everything was ready to go. There were four buses and two routes but that is now on hold. It was meant to start in the next few weeks or perhaps in a month or two but today, when I was travelling to the House, I learned that it is on hold, which upset me. Carlow's town bus link is also on hold, which concerns me. I am constantly disappointed when I leave Carlow town on any slip road to a motorway and see cars and vans chock-a-block for the day while the owners carpool to Dublin for work. While such people are being environmentally friendly in their decision to carpool, many of them will have returned from working in New York, where the carpool system works, in one of the most densely populated areas in the world. The carpool system can work. We need to have lanes specifically for carpool vehicles in order that commuters can share their cars when they go to Dublin. I speak about Dublin because everything seems to centre on it, but I always have to ensure I represent rural Ireland, as I do. The more people who are encouraged to carpool, the fewer cars there will be on the road, which will mean less traffic for everyone and reduced carbon emissions. However, this type of pseudo-public transport is wrong because people have no other choice. We have no reliable, decent public transport in rural Ireland. While there may be trains, buses and, in some parts of the country, boats and aeroplanes, the only place where there is reliable and fit-for-purpose public transport, with all forms joined up together, is in our capital city.

Recently, we as a nation watched, horrified, as RTÉ highlighted chronic overcrowding on Irish Rail services throughout the country. As any commuter, tourist or rail user will agree, however, the problem is not new. Customers pay for transport services they do not receive. I have been contacted by a number of my constituents who use the Waterford-Dublin line and have been unable at any time to access seats for their journey. When an Irish Rail ticket is issued, it is not designated as standing or sitting. The expectation is that there will be a seat on board. If there is not a seat, there should be a reduced ticket price for those standing. It is common for lights indicating reserved seats to be turned off when the train is about to depart. Those queuing to board may not be able to access their reserved seat but when they eventually reach it, they may have to argue with a rail user who sat in the seat when the light turned off.

Seating reservations cost money and, therefore, should be guaranteed. Otherwise, customers' rights are being infringed. I have been told of passengers sitting on toilets, in wheelchair bays, in baggage units and on the floor which is wholly unacceptable. Although I requested the Minister's attention on the matter, I have been advised that such transport operational issues are outside his remit. Irish Rail's passenger charter states, "We do our best to ensure our stations and trains are safe, clean, and comfortable and have the appropriate facilities for you to enjoy your journey." This is not currently the customer experience. There is a serious issue with both health and safety and customers' rights on Irish Rail. I ask the Minister to examine this serious issue. It constantly arises. We have sought additional carriages for the Waterford-Dublin trains,

which pass through Carlow. We were told months ago we would get them but they have not arrived and it is becoming a serious health and safety issue.

Senator Anthony Lawlor: I welcome the Minister to the House. I hope he will be able to visit Kildare for the official opening of the Sallins bypass, a project about which I spoke to a couple of his predecessors, namely, the Taoiseach, Deputy Varadkar, and the Minister for Finance, Deputy Donohoe. I would be delighted to welcome the Minister, Deputy Ross, to the opening of the bypass. It will almost coincide with the recent opening of three additional lanes on the old Naas bypass.

I agree with Senator Murnane O'Connor in respect of carpooling. Those of us of a certain vintage will remember the case of Boston. A lane into Boston was designated specifically for carpoolers. It would be easy to take such a measure. Carpool lanes need to be combined with bus lanes, which both carpoolers and buses could use. The facilities are there but the problem is the NTA cannot envisage anything else but cars on the road. Its public transport remit has fallen down in this regard. I have spoken and written to it on a number of occasions, identifying potential park-and-ride areas such as lands that adjoin interchanges, which could easily be turned into park-and-ride facilities. The agency has indicated to me that providing a park-and-ride facility would be a waste of time because it is quicker to go to Dublin by car than by bus. Such a response should not come from the NTA. It should encourage more people to take public transport. I hope that when the plans are drawn up for the N4, to widen the Maynooth road, it will encompass a bus lane that can be used for carpoolers. It has been done in Belfast, where there is a lane on the N1, which goes into the city.

I turn to the issue of traffic into Dublin in the morning. Everyone complained about the N7 before the third lane was opened, and now it is almost like a car park. It requires just one person to brake and, suddenly, there will be a concertina effect all the way down the road. The Minister might communicate with the NTA in respect of the introduction of speed restrictions - perhaps 80 km/h - at certain times, such as peak traffic times in the morning. It would reduce the level of congestion that occurs on the N7 and N4. I hope there will be further planning for a new train station in Sallins. The train station is currently located in the middle of the village but there are parking restrictions, leading to people parking in the housing estates around the station. The development of a new train station with a large car parking facility would be beneficial, particularly with electrification to Hazelhatch and the possibility of development further to Kildare.

I welcome last week's announcement on the sports capital process. Many clubs were extremely pleased with the funding, although some were disappointed. Can we get an indication on when clubs can access the reasons they failed? I have looked at the points system but how is it worked out, calculated or broken down? When is the Minister expecting to announce the regional sports grants? I will do a plug for Kildare GAA. Now we have a Kerry man looking after us on the management side, we could do with the facilities at St. Conleth's Park in Newbridge. The organisation has the matching funding that would be required, were the Minister willing to support this, and it has planning permission as well.

Senator Mark Daly: There's an all-Ireland on the way.

Senator Anthony Lawlor: It is a shovel-ready project and the Minister looks at those in a positive light. The RDS in Dublin is a multisport facility. Not alone would it be for rugby but it would also be for hockey, which is proving very successful currently, as well as equine sports. I hope the Minister will examine that project as well.

20 November 2019

Acting Chairman (Senator Diarmuid Wilson): Before calling on Senator Craughwell to speak, I welcome Ms Alexandra Douglas to the Gallery. She is a guest in my office along, with Mr. Tom Collins. I hope they enjoy their visit to Leinster House.

Senator Gerard P. Craughwell: I welcome the Minister to the House and it is a privilege to address him today on the matters of sports grants and transport. I will first address the sports grant system. I agree totally with my colleague, Senator Boyhan, and I know the Minister's opposition to people making political gain, political appointments or anything like that. It may be at odds with my position on the judicial appointments legislation but the Minister now has the opportunity to take politics out of sports grants and stop the nonsense we see of people getting mileage from this. As Senator Boyhan has said, nobody got a grant for anybody and grants are given by officials on the basis of an application.

Senator Jerry Buttimer: The Senator is always making out-----

Senator Gerard P. Craughwell: Do I not have the floor?

Acting Chairman (Senator Diarmuid Wilson): Senator Craughwell, without interruption.

Senator Jerry Buttimer: Hypocrisy knows no bounds.

Senator Gerard P. Craughwell: People apply for grants and the Minister's officials assess those grants in an open and transparent way and the decisions are made accordingly. Let us stop the nonsense of "I got a grant a grant for you" or "We worked to get you a grant". The Minister is the only one who should be seen when grants are handed out.

Senator Jerry Buttimer: The Senator is wrong.

Senator Gerard P. Craughwell: It should be the Minister or his successors. Over the past few days I have taken to the bicycle following a challenge in Dublin city and I invite the Minister to do the same. We learn some serious lessons as we cycle around Dublin.

Senator Victor Boyhan: As one falls.

Senator Gerard P. Craughwell: From I BIKE Dublin I thank Mr. Ciarán Ferrie and Mr. Oisín O'Connor for their assistance in accompanying me around the city. It is incredible that we have cycle lanes that go a couple of hundred yards and then disappear. There are cycle lanes along the quays, for example, that we share with bus lanes while cars fly past in the right-hand lane. People have discussed transport in Dublin and in fairness, the Minister has extended the length of the Luas lines and is improving the DART. The time has come to put a congestion charge in Dublin and remove as much traffic as we can from the streets in Dublin. Public transport is very good in this city.

When we get past Westland Row, there is a contraflow cycle lane so cyclists can get to City Quay. There is a cycle lane on City Quay that is fantastic. As a novice cyclist I felt so safe there. I was well away from the traffic and it is a great piece of work. There is an opportunity to put a cycle lane from Blackrock, for example, or Dún Laoghaire straight to the city centre. We can do so much for cycling around this city. I never knew or thought about it until I was on a bicycle - and commercial drivers, bus and taxi drivers tend to be more sympathetic - but when a cyclist is at traffic lights which turn green, for some reason or other people in cars feel they need to compete with the cyclist in taking off. Will the Minister consider exploring if we can put in a secondary signal that would turn green for cyclists and allow them to take off with

safety perhaps a minute before the lights turn green for cars? It would help safe cycling around the city. I also have difficulty with delivery vans parked in cycle lanes. The local authority has put in a cycle lane along Dame Street but as one cycles there, one finds trucks parked on the left and any cyclist must move to the carriageway, competing with cars in order to pass those trucks. I do not know how we can get over this other than to have deliveries between 7 a.m. and 9 a.m. or something like that.

I compliment the Minister on the rules recently introduced, although when I initially heard them I was a bit horrified that a driver had to be a certain distance from a cyclist when overtaking. Having climbed on a bicycle, I can see the need for it. As a cyclist, one needs to feel that the cars will not come right alongside. We cycled up Kildare Street the other day and a van came up behind us with the driver revving the engine no end. He could not have passed us if he wanted to because the road is narrow enough and it is divided because a contraflow lane is in operation for buses. This guy constantly revved his truck in trying to intimidate us so we would stop cycling, get off the bike and get on the footpath so he could pass. Cyclists suffer much travelling around the city. I am no cheerleader for them and they have enough cheerleaders. Some of the people who speak for cyclists need to cop themselves on and try to do it in a more controlled way.

Looking at the city in mornings from approximately 7.30 a.m. until 9.30 a.m., there are thousands of bicycles coming through every day. The bicycle renting system in the city allows people to get across the city very easily. I compliment the Department, which has put many initiatives in place or facilitated local authorities in putting them in place. Today we heard that a small number of people in the Department are dedicated to cycling so I wonder if we could get a couple of really proactive people involved who could get out on a bicycle and note the position for cyclists around the town. When one gets to the contraflow lane beyond Pearse Street station on Westland Row and towards City Quay, there is a nice cycle lane but it ends suddenly. Crossing O'Connell Street bridge and heading down the quays, there is a cycle lane for approximately 100 yards and then it is gone. The rest is a joint bus and cycle lane, and it is certainly not the best way to do things.

We need to sit down and look at bicycles as a mode of transport. They are clean and healthy. I am thinking of taking up cycling a little more and I have undertaken to cycle in Galway, Limerick, Cork and Waterford, although I have some reservations about doing it in Cork because of the number of hills. We need officials to go out there and see what is going on. Will the Minister consider how to support cyclists in the city to make a cleaner, greener and safer environment for all of us? I know the Minister is always keen to engage with people and there was engagement today in a committee with cycling advocates, including representatives of I BIKE Dublin. Perhaps officials will sit down with a small group of advocates who are calm and who have reasonable arguments to make and listen to them in order to see how we might improve things. I appreciate that local authorities have a role in this also and I ask those authorities to do something similar. If they listen to what people need, we can see what we can provide for them. There is some great work being done around the place. I will leave it at that.

Senator Jerry Buttimer: I welcome the Minister who is consistent in his approach. When I hear Members criticising political involvement in the sports capital programme and about people writing to councillors to take credit for raising the issue of their pay and conditions, it beggars belief. I will start with the sports capital programme.

There are 26 counties, not one, covered by the sports capital programme. To respond to

Senator Craughwell, there should be political involvement in the programme and I will outline the reasons. As a former chairman of my own club for six years-----

Senator Gerard P. Craughwell: Talk to the Minister.

Senator Jerry Buttimer: -----I know full well the needs of my community and area, as well as of the clubs and organisations in my city. I challenge Members to outline the criteria and weightings included in the application form. I ask the Minister to review the criteria because we have a flawed system for the way funding is allocated under the programme. In saying that I am not casting aspersions on the Minister or the Minister of State, Deputy Griffin. I welcome the allocations made last week, on which I congratulate the Minister and the Minister of State, but we should examine the criteria and weightings outlined. Increasing participation in sport has been given a weighting of three. Level of disadvantage has been given a weighting of seven based on the Pobal index, but what happens where a club is not included in a Pobal area? What happens where clubs have received funding previously? The sharing of facilities has been given a weighting of five and technical merits, a weighting of three, which is wrong. It should be about more than that because the Minister is offering the grant based on the merits of the application made. Level of funding has been given a weighting of one, with a minimum figure of 20% being set for the club.

I welcome the investment made by the Minister's Department in infrastructure in the city and county of Cork, in particular. I want to speak about the Cork transport strategy which was published last May. It is an ambitious plan for the city and county of Cork, in particular the metropolitan area of Cork city. It is about accessibility, integrating public transport services, walking and cycling infrastructure. I ask the Minister to take note of the proposed Lee to sea greenway project which should receive attention in the Department in working with the county council and the city council on how a new greenway route can be promoted. The Minister has been very supportive of the greenway programme. This is a route which winds its way around the city of Cork towards the harbour, building on the success of other greenways. It takes someone from Inniscarra Dam to Crosshaven, through Ballincollig, the city docklands, past Monkstown and so on.

I have always found the Minister to be very fair. The National Transport Authority, NTA, should have a regional office in Cork to drive the Cork metropolitan area strategy. If we are serious about providing public transport, investing in cycling infrastructure and the regions beyond the M50, the NTA's decision not to locate a regional office in Cork as the lead agency for the Cork metropolitan area strategy is wrong. I ask the Minister to communicate this to the NTA, with a view to looking at how its decision can be changed. It is worth examining the issue.

There is a major difficulty in the aviation sector in the country that we have to address. I am not being critical of the Minister but of the decision made by the Commission for Aviation Regulation in the determination of charges at Dublin Airport in the period 2020 to 2024. A price of €7.87 has been set for the period, a figure which is 18% below Dublin Airport's flat price figure of €9.65 discussed with the airlines 12 months ago. I ask Members to note the words of the chief executive, Dalton Philips, who stated: "Dublin Airport's prices are already 30 to 40% lower than its European peers and the Regulator's decision will mean Dublin's prices will now be almost 60% lower than the EU market price." As the Minister is aware, the issue is about connectivity, on which, as an island nation, we are dependent. It is also about the impact this decision will have on Cork, Shannon and other regional airports as the price set in Dublin

is deemed to be the reference point for other airports throughout the country. It will have a knock-on effect. As the Minister knows, the use of infrastructure in the aviation industry is heavily dependent on what happens at Dublin Airport. That cannot be good for all of us, which is why it is important that Aer Lingus, in particular, consider locating a hub in Cork. I accept that it has undertaken a range of actions since the change in terms, but for us in Cork and, inadvertently, those involved in Shannon, it is about ensuring there is connectivity and that Cork Airport which is owned by the DAA will have its own capital expenditure programme. Will that happen if the commission's decision stands?

I thank the Minister for coming into the House and his work. I ask that we examine the issue of funding for Cork Airport in the context of the NTA. I refer, in particular, to Lehenaghmore, Matthew Hill, where Cork City Council is advertising a scheme under Part 8 for footpath and road realignment and the provision of public lighting. It is a very important issue in the area where there are no footpaths along roads. Permission was given for the construction of hundreds of houses without making provision for the inclusion of footpaths and public lighting. I hope the Minister will communicate with the NTA on the importance of the scheme.

Acting Chairman (Senator Diarmuid Wilson): I call Senator O'Donnell, to whom I can only give three minutes as I must call the Minister to respond.

Senator Kieran O'Donnell: I thank the Minister for coming into the House. Reflecting on the debate which has been centred on the lack of capacity, one of the successes in the area of public transport has been the train service. Most weeks I use the Limerick to Dublin train service twice. During the years capacity has increased exponentially in terms of the number of passengers travelling. The difficulties in Dublin with capacity are a manifestation of the over-concentration of the population within the greater Dublin metropolitan area. I have said many times that Shannon Airport is operating at approximately half capacity, whereas Dublin Airport is at breaking point. I imagine that many commuters who use trains use them to access Dublin Airport. We need a strong capital city, but we also have to look at the need for regional balance to take the pressure off Dublin and redirect traffic to areas from where there is access to, say, Shannon Airport.

To follow up on the point made by Senator Buttimer about transportation, it is critical that there be proper transportation models in cities. There is one under preparation for the Limerick-Shannon link. It is the first time this has happened. It will feed into the model for Shannon Airport and is a positive development. It must be done in an integrated way in terms of planning, the provision of housing and so on.

I know that in referring to the M20 project I am slightly off topic in this debate, but what is its current status? It is a hugely important project. If we are to have proper competition in Ireland inc., there must be synergies in providing direct links to Cork, Limerick and Galway as counterpoints to Dublin. Dublin, with its huge population, is in the east and there must be a counterpoint to it in the west. It is not all about public transport. There have to be connections which can be used by cars, bus services and so forth.

My final point is more of a housekeeping matter. While sports capital grants are most welcome, an issue that comes up repeatedly concerns the interaction with the Office of the Chief State Solicitor Office, of which the Minister is probably well aware, where if the total value of grants given to a club exceeds a certain amount, a legal charge must be paid to the State. This is causing untold difficulties for individual clubs. I have brought this matter up with the

Minister's Department and the Minister for Justice and Equality, who has responsibility for the CSSO, the need to have a designated section within the CSSO to deal specifically with sports capital grants because it is dealing with voluntary associations. It is an administrative problem that could be overcome with a little bit of reorganisation.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank every Senator who contributed to this very wide debate. I think there was a misunderstanding somewhere in communication between here and my office. I do not think it was the fault of my office but I do not want to attribute blame in any way. The understanding was quite clear from my office that the discussion was about rail transport in Dublin but somewhere in the meantime Senators understood it to be a bit wider than that. If I do not talk about trains and buses in Carlow, the Senator will forgive me.

Senator Jennifer Murnane O'Connor: I will have to get the Minister again.

Senator Mark Daly: What about cycling in Kerry?

Deputy Shane Ross: I will in a general way try to answer the broader questions that people have asked, which is fair enough and that was the purpose of this debate, specifically on the sports capital which is so topical.

I will start with Senator Mark Daly, on the refurbishment of old carriages, which I mentioned in my opening statement. The NTA and Iarnród Éireann did consider that option but the costs turned out to be three times greater than expected, a cost of almost two thirds of a new carriage with a lifespan of around one third, so it was not value for money. The NTA also looked into buying second-hand stock. That was actively explored but there were concerns about availability, age of fleet, compatibility and cost. Again, it was not considered to be value for money, which the Senator would be concerned about. The 41 carriages were considered to be the best option and that is being pursued.

As I also mentioned, a much bigger expansion under the DART programme is on the way with a minimum of 300 carriages and a maximum of 600. On the sports capital – I am trying to get through this at a rate of one person a minute but it is difficult – the Senator referred specifically to County Leitrim, which is fair enough. Under the 2018 round we moved away from the *per capita* to demand for the first time. This is a huge step and the people who are not happy with this are the sports clubs in Dublin, for reasons that are quite clear. I am not arguing either case here today because that is a long argument. Last time, under the old system, the Dublin clubs all received pretty full allocations for valid applications but under the new system they do not. There is a good argument for the *per capita* grant which they received but we have moved away from that in the direction of clubs outside Dublin and the heavy population areas. Leitrim and other clubs elsewhere will have benefited from that. The overall fund is split by county. Essentially, clubs compete only with others from the same county. Overall I would have thought that even though I am a Dubliner, Dublin people would perceive this as not being so favourable to them as the system was in the past.

Senator Boyhan talked about the number of trains at peak times and that he would like to see incentives for people to travel at different times to reduce the numbers. That is a fairly good idea, or a plausible one. The NTA is the body which decides the ticket prices and it has been considering ways to improve the overall ticketing system, whether by price or technology. Some people would say an attractive system is one that is simple to understand and a prolifera-

tion of charges sometimes goes against that. I do not know what the merits of the argument are but I do not decide the prices. It is perfectly appropriate for the Senator to raise the issue here but I do not decide the prices. People expect me to say it should be decided in this House but I do not. That is what the NTA is for but it has considered that. It has increased off-peak trains in order to make it more attractive to people to travel at different times because they will be less crowded. That has had a limited amount of success.

On sports capital, I think Senator Boyhan acknowledged that we have made incredible efforts to make this new system as transparent as possible. That has met with quite a lot of resistance in political circles. I do not think that is any secret. It is to make it quite obvious how these are awarded and that they are not awarded by politicians moving them around or preferring their own clubs one way or another and changing the order. We have a scoring system which is absolutely transparent. Senator Buttimer referred to it, he did not like it particularly or he wanted to improve the scoring system. That is perfectly fair enough. There are problems. I took his point about the Pobal index. It is a reasonable one and should be considered again. We have made the system utterly transparent. Once the officials make a recommendation, the clubs are not moved around geographically in any way. It is done on a scoring system which is perfectly transparent. If there are ways we can make it even more transparent, that is fine. We are open to suggestions. I want to be as far away from it as possible.

Senator Jerry Buttimer: The Minister should not be.

Deputy Shane Ross: Maybe the Senator thinks that but I think I should.

Senator Jerry Buttimer: Why officials?

Deputy Shane Ross: The Senator has expressed his view. I am expressing mine.

Senator Jerry Buttimer: That is wrong.

Acting Chairman (Senator Diarmuid Wilson): The Minister has only three minutes left. The Leader has had his opportunity. The Minister is attempting to answer the questions.

Deputy Shane Ross: I think it is absolutely wrong that politicians should be claiming, as Senator Boyhan said, that they have delivered something that they have not.

Senator Jerry Buttimer: That is different.

Deputy Shane Ross: That does happen, let us be honest about it but I think it is a very good thing that they have not, whether they claim it or not is up to themselves. If they are claiming something they have not done, at least we know they have not done it and people in this House know they have not done it.

Senator Gerard P. Craughwell: Hear, hear.

Deputy Shane Ross: If they go off and claim they have done it, that sort of thing does happen in politics-----

Senator Anthony Lawlor: They may lobby on behalf of it so that is part of the process.

Deputy Shane Ross: Up to the 2017 round, the process has always been that politicians lobbied and some of them, it appears, lobbied successfully. There is no doubt whatsoever, being realistic, that politicians from all groups lobbied in this particular round as well. I can

assure them, however, that they did not have any influence on the points awarded to the clubs in question.

Senator Gerard P. Craughwell: Well done to the Minister.

Deputy Shane Ross: That is the reality. We will continue to get lobbies and people sending emails asking us to consider this or that club but the points system will not succumb to that sort of pressure.

Senator Boyhan asked me about Glenalbyn pool. It is local authority funded. It may well have applied for the larger fund that is coming through but I do not think the Senator is suggesting that I should do anything for it because he is so completely and utterly opposed to politicians being involved.

Senator Victor Boyhan: The Minister agrees with that.

Deputy Shane Ross: He is just asking as a fact, he would undoubtedly discourage me from doing that because he thinks I should be independent.

Senator Gerard P. Craughwell: *Touché.*

Deputy Shane Ross: I am not quite sure which way to answer his question because I am not sure what he wants. Senator Boyhan can tell me what answer he wants and I will answer the opposite way.

I have only one minute. I want to make sure that the questions are answered and we will follow some of them up individually if that is all right. Some are very detailed and really not appropriate for this afternoon.

Senator Ó Donnghaile talked about an all-Ireland football team. I think yes, it would be a great idea.

I absolutely and thoroughly approve of it. We would have a better team and a combination of skills. It would be good for relationships between the two parts of this island and may lead to more all-Ireland tourism. I applaud the idea. I will not say too much about it, but I have made moves towards an all-Ireland football team. I have suggested it in certain quarters but one is presented with great difficulties the moment one opens one's mouth in this regard. As the Senator said so eloquently, this works incredibly successfully in other sports. I would love to see an all-island football team but I recognise the political difficulties. That does not mean that these difficulties are insuperable. I call on the Senator and other politicians to co-operate in this sphere, as I know he will. Sport is a wonderful healer of wounds. We are bringing communities together and the great leap to an all-Ireland football team would be good for the nation and would help with the issues of sectarianism and the difficult problems we face in this country, which have been underlined by Brexit. We would do a big favour for both communities in Northern Ireland and for the Republic. I am sorry that I have not answered in more detail but I will give more detailed replies to any Senator who wants them. I am grateful for the debate. It was very useful and very wide, although I do not think it was intended to be.

4 o'clock

Teachtaireacht ó Chomhchoiste - Message from Joint Committee

Acting Chairman (Senator Diarmuid Wilson): Tá Comhchoiste na Gaeilge, na Gaeltachta agus na nOileán tar éis a bhreithniú ar an ordú seo a leanas a chríochnú:

“Go molann Seanad Éireann an tUasal Rónán Ó Domhnaill lena athcheapadh ag an Uachtarán ina Choimisinéir Teanga.”

Gnó an tSeanaid - Business of Seanad

Senator Jerry Buttimer: To clarify for the Minister, a wide-ranging debate was what had been scheduled. There was a breakdown in communication somewhere. To be fair to the Minister, we will work on that. I thank him.

I move:

That, notwithstanding the order of the House today, No. 1a on the Supplementary Order Paper, statements on the need for a public inquiry into the death of Mr. Shane O’Farrell, be taken at 4 p.m., to conclude no later than 5.30 p.m. with the contribution of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes, and the Minister to be given not less than six minutes to reply to the debate; and No. 3, Private Member’s Business, Criminal Justice (Rehabilitative Periods) Bill 2018 - Committee Stage, be taken on the conclusion of No. 1a, to adjourn after two hours, if not previously concluded.

Question put and agreed to.

Inquiry into the Death of Shane O’Farrell: Statements

Minister for Justice and Equality (Deputy Charles Flanagan): At the heart of the matter under discussion is the dreadful loss of a loved one by the O’Farrell family. As in the past, including in the debate on these tragic circumstances in the Dáil last week, I express my sincere condolences and those of my Government colleagues to the O’Farrell family on the tragic death of Shane O’Farrell.

I stress that we are all working towards achieving the same goal, that of responding appropriately to the acute pain of the O’Farrell family arising from that dreadful loss and of addressing, in a meaningful way, their search for answers. In this context, I am glad to have the opportunity to clarify a number of important points regarding this matter. I look forward to a constructive debate on how we can fully address this matter in a legally robust way.

The circumstances surrounding the tragic death of Shane O’Farrell have been addressed on several occasions in this House and the other House. As I said in Dáil Éireann on 12 Novem-

ber, the terms of reference of the scoping exercise being conducted by Judge Haughton were finalised in September. Since that debate, Judge Haughton has made his interim report to me and is making progress. I will return to that shortly but first let me assure the Seanad that there is absolutely no intention on the part of myself or the Government to limit in any way the scoping exercise under way.

The terms of reference of the scoping exercise are focused, as required by the law and clearly set out by the Supreme Court in *Shatter v. Guerin*, to reduce the risk of legal challenge to the recommendations of the scoping exercise. The judgment of the Supreme Court requires the terms of reference of a scoping exercise to be as specific as possible to remove potential ambiguity and focused enough to promote a timely outcome to ensure fairness to all parties. However, they still allow for review of the issues intended.

In his interim report, Judge Haughton set out the issues he is considering in some detail. He said that he plans to conclude his scoping exercise without delay. My Department is providing assistance to him to seek to ensure that his important work can be completed as soon as is possible, particularly in terms of ensuring he has access to all relevant documentation from a range of sources. I understand that he has shared his interim report with the O'Farrell family and I intend to publish it shortly, following ongoing consultation with the judge himself and with the O'Farrell family.

I also very much welcome the fact that the O'Farrell family have decided to work with Judge Haughton and to supply him with the documentation they have in their possession. It will be important to ensure that the judge has sufficient time to fully consider what I understand is a significant volume of documentation in reaching his final conclusions.

In terms of that final report, I want to be clear that Judge Haughton is free to make any recommendation he sees fit, including recommending the establishment of any form of statutory or non-statutory inquiry. It is also the case that the O'Farrell family is free to make any representations they wish to him in respect of any matter into which they wish to see inquiries made. The judge has made that clear in his interim report to me. Should he recommend an inquiry of whatever type, he has been asked to provide draft terms of reference for such an inquiry for obvious reasons.

I am anxious to see real progress on this tragic matter. However, in view of the motion that was passed in Dáil Éireann last week to widen his terms of reference, I ask Senators to appreciate that I cannot, and should not, prejudge Judge Haughton's report or change his terms of reference in a way that does not comply fully with the law. I take this opportunity to respond directly to the concerns with regard to the terms of reference of the judge's scoping exercise. In establishing the scoping exercise itself and in determining its terms of reference, I have been guided by legal advice from the Attorney General. The terms of reference of the scoping exercise must be compliant with the line of jurisprudence established by the Supreme Court's decision in the *Shatter v. Guerin* case.

As Minister for Justice and Equality, I must act within the law at all times and indeed so must all of us collectively.

The terms of reference provided to Judge Haughton respect the law but, and I will repeat this point, there is no impediment on Judge Haughton to make any recommendation he sees fit, including the establishment of any form of future inquiry if he considers that necessary, and

the O'Farrell family are free to make any representations to Judge Haughton in relation to any matter that they would wish to see inquired into in any future inquiry.

This is not the first time we have addressed this issue in the Seanad. Judge Gerard Haughton is an experienced and respected judge. He has spent most of his life in the practice of law in road traffic cases as a practitioner and for many decades as a respected and effective District Court judge, dealing primarily in the area of road traffic law. He is also very dedicated to the work he has been asked to undertake for which I am very grateful to him. I know he has been engaging closely with the O'Farrell family and I would hope to see that engagement continuing in this sensitive and tragic case.

I ask all Senators to reflect on the situation as I have laid it out and to join me in seeking to make progress on this matter as quickly as possible through the process that is already in place.

Senator Robbie Gallagher: I welcome the Minister back to the House this afternoon to discuss the tragic and evolving story of the death of Shane O'Farrell who, as we all know, died as a result of a road traffic accident in County Monaghan in August 2011. He was killed in a hit-and-run by a man who had 42 previous convictions. The driver of the car was on bail in respect of several offences. He had breached the conditions of those bail bonds and had been serving suspended sentences that should have been activated, had the courts been informed of his convictions. In short, had the criminal justice system been functioning properly, the driver would not have been at liberty on the day he drove that car and was involved in that hit-and-run. The family, naturally, are devastated by their tragic loss.

A Garda Síochána Ombudsman Commission, GSOC, investigation commenced in early 2012. It was, I am disappointed to say, a total failure. It dragged on for over seven years and left the family with no real answers. While it was one of the cases referred under the independent review mechanism to consider allegations of Garda misconduct or inadequacies in the investigation of such allegations, the independent review mechanism directed no further action because the matter was with GSOC. Clearly, there are still questions to be answered.

On 14 June 2018, the Dáil voted in favour of a motion calling on the Government to immediately establish a public inquiry into the death of Shane. On 5 February 2019, the Minister appointed Judge Haughton to conduct a scoping inquiry into matters surrounding Shane's death. The Minister sought to significantly curtail the terms of reference of that inquiry, as drafted by Judge Haughton, and in doing so has undermined the process of the scoping exercise and placed significant restrictions on Judge Haughton.

Deputy Charles Flanagan: That is not so.

Senator Robbie Gallagher: I do, however, take on board the presentation of the Minister at the outset of the debate.

Fianna Fáil brought forward the motion calling on the Minister to adopt the terms of reference as drafted by Judge Haughton. As the Minister knows, terms of reference are clearly binding on an inquiry. They establish the jurisdiction of that inquiry in setting out what it can and cannot inquire into. Limiting the terms of reference of this matter significantly limits what can be considered by the judge and, consequently, what recommendations the judge can ultimately make. The terms of reference, as they currently stand, do not reflect the spirit of the Dáil vote and nor will they enable us, as a nation, to learn of the extent of the dysfunctionality of elements of our criminal justice system. The Fianna Fáil motion was passed by Dáil Éireann but

the Minister has refused to broaden the terms of reference.

The O'Farrell family, as we all know, have worked tirelessly seeking to get justice for their son and brother. The State has failed them in the manner in which the death of Shane was investigated and prosecuted. The State failed the family in the manner in which their complaints around the investigation and prosecution were handled by GSOC. The State is continuing to fail them in the attempt to limit the terms of reference of the scoping exercise.

The O'Farrell family must be commended on the courageous and dignified way in which they are pursuing justice for Shane. They have been unrelenting in their quest for justice and by so doing, they are doing the utmost to honour Shane's life. In many ways, the lives of the O'Farrell family are in stand-by mode and have been for more than seven years. It is difficult for the ordinary man or woman in the street to comprehend why the wrong that was done was not made right at the first available opportunity. Here we are and, in the Minister's words, not for the first time he is in this Chamber explaining what the State is doing in order to address the wrong.

The O'Farrell family have not had the time to mourn properly the death of their son. It is bad enough for any parent to bury a child. It is totally unnatural and goes against the grain of life as we know it. To compound that tragic loss is the fact that a wrong was done and that wrong still has not been righted. Clearly, there is a responsibility on us all, as legislators, and the least the O'Farrell family deserve is for the truth to be told about what happened not only so that the O'Farrell family can get justice and time to mourn the tragic loss of their son and brother but that we, as a State, can learn from the shortcomings that were illustrated clearly by this entire episode. We, as a State, must learn from the wrongs that have been done and can learn what actions must be taken in future to ensure that we will not be discussing another family at another time in this House or the Lower House.

I listened to the Minister's words with great intent. I was heartened, as I am sure the O'Farrell family will be, by one sentence the Minister repeated. He said he is anxious to see progress on this matter, as we all are, and I ask that the Minister, through his good offices, will consult with the O'Farrell family. There is no point in us doing scoping exercises unless all the parties, particularly the O'Farrell family, are happy with what has gone into that scoping exercise. All we want is closure and the O'Farrell family deserve that.

Senator David Norris: The Dáil and the Seanad both passed strong resolutions calling for an independent inquiry to be established into the death of Shane O'Farrell. The Minister has not acceded to this so he is actually in defiance of the wish of both Houses of Parliament and that is an extraordinary situation.

I listened to the Minister on the wireless during the week and he said that Judge Haughton had been appointed and was in a position to make recommendations regarding the terms of reference for the scoping inquiry. That was very disingenuous because we knew beforehand that the Minister had rejected Judge Haughton's detailed suggestions about the terms of reference of the scoping inquiry. The Minister had already turned them down. It is rather extraordinary for the Minister to go around saying that Judge Haughton could make representations on this. The O'Farrell family also made representations and were ignored.

The Minister has replied to questions in the other House. On 12 March 2019, Deputy Bríd Smith asked a question and the Minister's reply was that he had "invited them to give their

views on those terms of reference directly to Judge Haughton”. He continued by stating “Judge Haughton has met the O’Farrell family to discuss the terms of reference and to seek their input into any amendments that might be required.” He further stated “Of course, it is open to Judge Haughton to propose changes to the terms of reference to me” and “I have not placed any restriction on Judge Haughton”. The Minister did not place any restrictions on Judge Haughton but he did not accept the recommendations of Judge Haughton on the terms of reference. Deputy Bríd Smith asked another question on 16 May. In response, the Minister stated:

I invited them to give their views on those terms of reference to the judge ... I understand that Judge Haughton has met with the family to discuss the terms of reference and to seek their input into any amendments which might be required.

That deliberately gives the impression that the O’Farrell family and Judge Haughton will be listened to, but they were not listened to and considerable restrictions were placed by the Minister on the terms of reference for the scoping inquiry. My good friend from Fianna Fáil stated he accepted the Minister’s good intentions - we all do - and he hoped the O’Farrell family would be satisfied, but they are not satisfied. They are very far from satisfied. They are utterly disgusted by the situation and have made that clear in any meeting I have had with them. The family say they are concerned that the rejection of the judge’s proposed terms of reference undermines the scoping inquiry and that the new terms of reference proposed by the Department are deliberately narrow, thereby limiting the scope of what can be considered by the judge. That is not being satisfied; it is being very dissatisfied.

In June 2018, the Dáil overwhelmingly adopted a resolution calling for an independent public inquiry, which was followed up by this House. I tabled exactly the same motion that Fianna Fáil had tabled in the Dáil and it was passed unopposed. Neither the spirit nor intent of the resolution, however, has been enacted by the Minister or his Department. Instead, in February 2019, the Minister chose to appoint a retired District Court judge, Judge Gerard Haughton, to conduct a scoping exercise to address the public controversy surrounding the circumstances of Shane’s tragic death. The O’Farrell family met Judge Haughton and had a good, positive meeting, following comments by the Minister to the effect that the family would have an opportunity to consult the judge in respect of the terms. The terms of reference under which the scoping exercise will be conducted are crucial. They tell the whole story. The scoping inquiry sets it down clearly. To limit it is to limit any inquiry into the circumstances surrounding the death of Shane O’Farrell.

Judge Haughton subsequently submitted terms of reference to the Department on 24 April 2019. The family respect the terms, which go some way to reflect the spirit of the motions passed by the Houses. The Department rejected Judge Haughton’s terms of reference and further narrowed the original terms of reference, which the Department had proposed in February 2019. I have a list of clear, specific and factual complaints from the family. The Department removed references to Shane and the family’s rights under the ECHR to ensure an effective investigation into the unlawful killing. To date, the State has failed in its obligations under the ECHR. It removed consideration of the prosecution of Shane’s case, the first matter for consideration by the Department in the February terms of reference, and any consideration of the coroner’s inquest into Shane’s death, in which serious irregularities have emerged, yet they are not being investigated. Surely to God this is the precisely the type of matter that should be examined and included in the terms of reference. The Department also removed any investigation into the previous prosecutions of the accused, despite him being in breach of multiple counts of bail when he killed Shane. It is tragic that the car which killed him was stopped a couple

of hours before the accident and drugs were found in the car. The car was defective, it had not passed the national car test and it was not licensed. It should have been seized at that point, and Shane O'Farrell's death would not have taken place. The Department has limited the judge to take into account the outcome of reports prepared - reports that, in the family's view, are deficient - rather than a review of the investigations behind the reports, as originally envisaged in the February terms of reference.

The family have stated:

An independent public inquiry is the last chance for the State to meet its ECHR obligations to investigate properly Shane's unlawful killing and to carry out an effective investigation into the true and full circumstances of the unlawful killing and the role of State authorities in Shane's death. The family has the utmost respect for Judge Haughton, however the family believe that the terms of reference now proposed by the department do not reflect the spirit of the Dáil and Seanad resolution. [It is clear that is the case.] These terms will not allow the inquiry to ascertain the full and relevant facts pertaining to Shane's case and appear to be an attempt to curtail the scope of the Inquiry and further delay matters. The terms proposed by the department would lead to a narrow and unfair consideration of the complex legal and public policy issues that are at play in Shane's case and they are not sufficiently broad or exhaustive to address the State's ECHR obligations. The family attend Dáil Éireann today [to speak about the case].

In his speech, the Minister seemed to hide behind the *Shatter v. Guerin* judgment but he is being unnecessarily coy in his approach. He stated he must act within in the law and that the terms of reference must respect the law. His proposed amendment to the motion stated, "[T]he terms of reference of the scoping exercise must be compliant with the line of jurisprudence established by the Supreme Court in the case of *Shatter v. Guerin*". In my opinion, the terms are compliant. Does the Minister seriously think Judge Haughton would propose something illegal? He has paid tribute to the judge's long experience and expertise in matters of law, but he suggested that he might propose something illegal.

I will read the Minister's reply with great interest. Unfortunately, my car has broken down and I have to take it to hospital.

Senator Martin Conway: I wish the Senator all the best in having his car sorted out. It is a big problem.

We are back where we were previously, as the Minister rightly pointed out. This is a tragic case and nobody wants to be here discussing it. I again offer our sympathies to Lucia O'Farrell and her family, whom we met in Leinster House. Senator Gallagher welcomed the part of the Minister's speech when he stated he wanted there to be progress on the matter. I wish to correct that. The Minister wants the truth on the matter and the matter to be concluded, as does every Senator. An eminent judge has been appointed and has delivered an interim report to the Government, which is being considered by the Attorney General, the Minister and the Government, in conjunction with the family. The Government will abide by whatever recommendations are made when the judge delivers his final report. It will facilitate whatever type of inquiry Judge Haughton recommends but the process must be allowed to conclude.

One cannot just turn one's back on recent case law. If a Government did that, it would be accused of being negligent and of not respecting or taking into account judgments of the Supreme

Court, and this will not happen. Nevertheless, a family is grieving, and needs and deserves answers. They deserve that this jurisdiction and its structures will deliver those answers. I hope the judge recommends a full inquiry but I will not pre-empt what he will recommend. I have no doubt he will recommend what, in his wisdom and vast experience over decades in the legal profession, he deems to be appropriate and likely to achieve a swift result.

I recall well when this tragic case happened because it was only two or three months after I was elected to the House for the first time. I was elected in May 2011 and it happened during the summer. It was terrible. I am an alumnus of UCD, like Shane O'Farrell. We were all horrified and it is horrific to think that somebody on bail, with all those convictions, would be in a position to cause such unspeakable grief for a decent family, who work hard and have always done their best and more. We have a responsibility to assist in bringing closure or finality to this. The Minister has chosen the most appropriate way to do that by appointing somebody who is independent and who will come back with recommendations. I have no doubt that when the recommendations come back, he will act swiftly. There is not much more to be said on the matter.

Senator Pádraig Mac Lochlainn: I met Ms Lucia O'Farrell and her husband, James, when I was Sinn Féin spokesperson on justice many years ago. I will never forget that meeting. As a long-standing Deputy, the Minister for Justice and Equality will appreciate that some meetings with families that have been through unspeakable grief are harrowing. My memory of that meeting is that the family had been destroyed by tragedy. Shane's mother, Lucia, had a framed picture of her beloved son and she had so many questions. It has been a long and hard road to get to the process now under way with Judge Haughton. The family has seen much disappointment and frustration.

It was clear from early on that the matters arising were not solely applicable to An Garda Síochána and they related almost to the entire criminal justice system and how it functions not just in this State but throughout the island, how it communicates and how it ensures that those who are a threat to the public can be taken off the streets. These are very serious matters. It was always going to require much more than just a GSOC investigation as the scope needed to be much wider. The only way of getting to the truth is a full public inquiry.

It is the duty of any Government to respect the wishes of the majority of democratically elected representatives. A majority of the Dáil voted for a public inquiry and we unanimously passed a motion in this Chamber seeking a public inquiry. The Minister will recall that the motion, tabled by Senator David Norris and similar to the previous Dáil motion, laid out the catalogue of failure that culminated in the circumstances that led to Shane's death. Rather than respecting the democratic wishes of the Members of both Houses, the Minister proceeded to get advice and asked Judge Haughton to carry out this scoping exercise.

It makes me angry today that the Minister referred to the track record of Judge Haughton and how eminent he is because nobody has disputed that. The family has made clear its absolute respect for Judge Haughton but its issue is with the Department of Justice and Equality. The family's issue is with the Minister's statement that his Department has no wish to interfere with the remit of Judge Haughton, whom he speaks of in venerable terms today; it is exactly what the Department has done. Judge Haughton engaged with the O'Farrell family and he is an eminent man of the law. He is fully aware of the Supreme Court decision referred to by the Minister and, in his wisdom, he submitted terms of reference to the Minister that are precise and would allow us to get to the truth. They are within the framework of the European Convention

on Human Rights, which all governments must adhere to in such cases. The Department has chosen to reject those, so the only people demonstrating disrespect to Judge Haughton are the Minister and his officials. There is nobody else. We do not need the Minister to lecture us on his view of this judge as he has demonstrated profound disrespect to him and his interpretation of the law.

I recall the *Shatter v. Guerin* episode well as I was my party's justice spokesperson at the time. It is incredible that the Minister would present this case as the context for seriously amending the terms of reference presented by Judge Haughton. The issue at stake there was an investigation carried out by Mr. Guerin, a senior counsel, who did not consult the then Minister with responsibility for justice, Mr. Alan Shatter, to establish a response to the issues that were at stake but who had consulted other parties. The finding was a lack of justice in that but it has no application to this matter because Judge Haughton is not making commentary on the standing of any persons. He is merely making recommendations as to what way we should proceed to get to the truth and justice.

The Department of Justice and Equality has historically been one of the most conservative Departments in government and resistant to change, and it has failed in so many ways, as evidenced by a multitude of episodes in recent years leading to two Ministers and other senior personnel having to resign. It is astounding that motions from the Dáil and Seanad have instructed the Government to move to a public inquiry but the Minister has not done that. It has given the task to Judge Haughton and the Minister spoke about his track record, which nobody has questioned. The family has outlined clearly its respect for the judge.

It is outrageous that we are here again today having to engage with the Minister. I have no doubt that despite the outcome of today's statements, he will refuse to accept the will of the Dáil, as he did last week and will do in regard to this House again today. He has no respect for these two Houses on this matter. If he did, the Minister would stand up to his departmental officials. If he respected Judge Haughton, he would stand over his proposed terms of reference but he has not done so. Yet again we have another Minister who refuses to stand up to the conservative elements in this Department, thereby failing a family.

The family members are watching this on the live feed and could not be here because of the short notice for today's debate. If they were here, they would say that the death of their beloved son and brother would not have been in vain if we could get to the truth and change our criminal justice system, the way An Garda Síochána communicates with our courts and the Police Service of Northern Ireland or how our courts communicate with each other on this island. If this could happen, no other family would have to endure what they have had to. If this is about getting to the truth, learning lessons and honouring the memory of that young man, the Minister must stand up to the officials in the Department and give Judge Haughton the framework he requested. He must enable us in getting to the truth. That is his challenge and although I hope he can accept it, I very much doubt he will do so.

Senator Ivana Bacik: I welcome the Minister to the House and the fact that the Leader acceded to our request when Senator Rose Conway-Walsh and I asked that these statements take place today on the Order of Business earlier. I am grateful for that.

It is disappointing that we are again debating the need for a public inquiry into the death of Mr. Shane O'Farrell. This is a matter we all thought had been resolved by previous debates and votes on motions in both the Dáil and Seanad, as other speakers have noted. Like them, I ex-

press my condolences to the O'Farrell family on the tragic loss of their son and brother, Shane, who as we know was killed in a tragic event on 2 August 2011, more than eight years ago, when he was cycling near Carrickmacross. Shane and his family have a long connection with Trinity College Dublin and the law school in particular there. I commend my TCD colleague, Senator David Norris, who has led in making representations on behalf of the family in this House. I acknowledge he has been supported by many others. When the motion for a public inquiry came before the Seanad on 13 February at Senator Norris's request, it was passed, with all agreed on it, and a similar motion was passed by the Dáil in June 2018. We are back here again because of the family's serious concerns about the failure to implement in full the express wishes of the Dáil and Seanad on the need for a public inquiry. That is what makes this so disappointing. Like others, I have spoken to Lucia, Gemma and the O'Farrell family when they were in front of Leinster House some two weeks ago to express their concerns about the narrowing of the terms of reference, which appear to be much more restrictive than those originally drawn up for the scoping exercise to be conducted by Judge Haughton, for whom, like others, I have immense respect. However, it is unfortunate that these terms of reference have been so narrowed. I am glad that today the Minister has clarified to the Seanad that there is no impediment on Judge Haughton to make any recommendation he sees fit and that the O'Farrell family is free to make representations to him.

However, it is unfortunate that the Minister referred to the case of *Shatter v. Guerin*, as others have noted. In the Dáil, my Labour Party colleague, Deputy Penrose, also spoke on this. What should have been done in respect of *Shatter v. Guerin*, was that the Government should have reverted to the Dáil and Seanad as promised, if a proposal was going to be put forward on the Attorney General's advice to amend the terms of reference. Instead, it was an Opposition motion that brought the Government back to the House on the issue in the Dáil last week and it is a request by the Opposition which brought the Minister here before the Seanad today to deal with the issue again. It is unfortunate that there is not a more proactive approach being taken by the Government on this matter, given the express wishes of both Dáil and Seanad to see a public inquiry established.

Senator Norris and others have listed the family's points of concerns but they are that the terms of reference are more restrictive and in particular that they do not facilitate the inquiry being conducted into two specific issues. The first is a review of the investigations carried out to date, given the piecemeal investigations meaning that each procedural failing was looked at and treated as a separate event, rather than enabling us to have an overview of the entire chain of events and what we have described previously as a litany of failures across policing and justice agencies on both sides of the Border. That is important. As I have said previously, we have seen a number of different reports over some years, notably reports from the Garda Inspectorate, from Mr. Sean Guerin, senior counsel, and from the Morris tribunal, which have been highly critical of failings in policing and in criminal justice administration in the Border counties and a lack of communication in particular, between policing and prosecuting authorities on both sides of the Border. That is the first point that needs to be addressed in a scoping exercise and subsequently in a public inquiry. We also need a review of changes in law and practice in the context of bail and bench warrants. Lack of communications amounted to a serious issue. Because of gaps in the system, as other have noted, someone who should have been stopped and who arguably should not have been at liberty was free to perpetrate this utterly tragic and horrific death. This is a breakdown in the criminal justice system and in our system of policing. That is why all of us in these Houses have called for a public inquiry, to ensure that not only do we know what happened and what was the chain of events that led to the death of

Shane O'Farrell so tragically in August 2011 but also to ensure that we can identify the system failings that occurred and that contributed to that death to ensure that they will not be allowed to happen again.

To conclude on a different note, as someone who cycles every day and who has regularly raised issues around cycle safety in this House, I am concerned about a failure to ensure adequate safety for cyclists and a failure to prioritise the safety of cyclists in national transport policy. The Minister for Transport, Tourism and Sport, Deputy Ross, was just in the House dealing with transport issues. There has been a real lack of prioritisation of cyclists and of cycle safety. Only in the last few weeks there was a very tragic death of a cyclist in my local area of Dublin 8, on the South Circular Road. We have seen a number of really awful accidents and deaths of cyclists on our roads in recent years. Not only do we need to ensure that we have a means of addressing systemic failures in criminal justice and in policing where people can continue to drive when they clearly should have been put off the road, but we must also address systemic failings in our transport policy that lead to a lack of safety for cyclists on our roads. I speak as someone who sees daily the real hazards for cyclists in Dublin city centre in the lack of joined-up thinking around provision of Luas, road layout and facilities for cyclists and pedestrians. Cycle safety is also a real concern looking outside Dublin. That is part of the context in which this horrific death happened. I will conclude by expressing my admiration and respect for the O'Farrell family, and for the dignity and persistence they have shown in seeking to ensure that nobody else will suffer the same tragedy they did.

Senator Victor Boyhan: I welcome the Minister to the House and thank him for coming at such short notice. I appreciate how he has laid out his statement to us today. It is sensitive and there are many issues at stake. I do not doubt that anyone wants to get to the truth but to do it in an appropriate, properly structured way. I do not believe that anyone wants to stop the full story getting out there and justice being afforded to the O'Farrell family. I welcome the O'Farrell family, who are watching these proceedings on live webcast.

Senator Ivana Bacik: Hear, hear.

Senator Victor Boyhan: They are listening and they are here, although they cannot be here physically. I also acknowledge their enormous energy and commitment for their family, including their son who lost his life so tragically. All of us would fight for the same thing. They have engaged with me, more than I have them, and I met them outside Leinster House. That is an important space for the public and for citizens to come and engage with us. I always said I would like to see more people on this side of the gate rather than on the other side. People come to Leinster House regularly. There can be ten or 12 issues or campaigns here every day. They bring great meaning and it is a great place of engagement when people come to the gates of our Parliament and when politicians take the time and the trouble to go out to those gates and listen to those people. I had the opportunity to meet the extended O'Farrell family on several occasions. I met them two weeks ago and I thank them for coming with their message.

Let us put some context on this. In 2011, Shane O'Farrell at 23 years the only son of the O'Farrell family, was killed in a horrific hit and run by a man who had multiple breaches of bail and who should have been in State custody. Shane was studying the law while others were breaking it. He had just completed his degree in law at UCD and his masters in law in Trinity College Dublin. As others have observed, the Dáil and Seanad passed resolutions calling on the Minister to have a public inquiry but to date, to great disappointment, there has been no public inquiry. As the Minister knows, it is alleged that there was Garda interference in this case. The

criminal justice system has let down the O'Farrell family in this case and it is clear that there are serious failures in the criminal justice system and too many questions in respect of this case remain unanswered.

It is paramount that the public confidence in the working operations of An Garda Síochána and the criminal justice system are upheld. The Minister has always said that and I do not doubt his commitment for one moment to ensuring there is public confidence. However, this case has dented public confidence. It is a really serious case that has been covered by most media outlets. People are outraged and concerned at how this case has ended up so far. There is an obligation on An Garda Síochána to bring persons convicted of criminal offences, while serving suspended sentences, before the courts and to inform the sentencing court in respect of a person who has been convicted of subsequent offences. Where a member of An Garda Síochána becomes aware that a person has breached or is in breach of conditions of bail, there is an obligation on such a member to bring that breach to the attention of the court. There is also an obligation, which the Minister will be familiar with, of bringing the breach to the attention of the Garda Síochána Ombudsman Commission, GSOC, so that it can be properly investigated. All of the complaints it receives are investigated and determined in an appropriate and timely manner and fashion.

I note the points that the Minister made when he summarised his statement here today and felt reassured. I acknowledge that he said there is no impediment on Judge Haughton "to make any recommendation he sees fit, including recommending the establishment of any form of [...] inquiry" in the future. The Minister continued: "The O'Farrell family is free to make any representations they wish to [Judge Haughton] in respect of any matter into which they wish to see inquiries made". Those comments give me hope and we have to have hope. I shall finish as I started by saying that I do not believe that anyone in this Chamber is trying to block justice. It is a difficult situation to be fair. Process has to be followed and it is important that we get this right. Clearly, it is unacceptable that this has gone on for so long. We are back in here today and, hopefully, we are going to assist in progressing this matter.

I wish the Minister well with this sensitive issue. It is important that in some way we respect the sensitivities and acknowledge the separation of powers and the importance of the judge in this case. We must also acknowledge the family, their grief and their circumstances. Ultimately, we have to take professional and legal advice.

Today has been a good day and I shall finish by thanking a few people. To be fair, Fine Gael did not oppose the motion to suspend the Order of Business, and the House made a unanimous decision. The motion was agreed by the Leader and I acknowledge his support. I also acknowledge the people who proposed the motion in Sinn Féin and the Labour Party. Finally, I acknowledge and thank Members for their very high-quality contributions this afternoon.

Senator Niall Ó Donnghaile: Shane O'Farrell should not be dead. We are here not because he tragically died, because the sad reality is that people die and lose their lives every day. We are here because of the systematic failures that did not necessarily lead to Shane's death but certainly it could have been prevented had the failures not existed.

I am very conscious of all of the legal language that has been used here today. It is important that those views are articulated and those arguments are made in this institution. The last time we spoke about this matter the House agreed that there should be a public inquiry. It is incumbent upon us to refocus our minds on the fact that there is a family grieving the loss of a

loving son and brother. I have had the unfortunate honour and privilege of knowing many campaigning families and individuals who have had to fight to access truth and justice, and some of them had to fight for 50 years. Sadly, some of these people are still fighting to access truth and justice. It is a great travesty and injustice that we would further heap trauma on already suffering and hurting families.

The Minister is meant to take his mandate and direction from the will of these Houses and, indeed, use his own counsel. I do not doubt for one second, as Senator Boyhan said, that there is no-one in this House who does not want to get to the truth but I wonder about the people outside this House because of the following simple reality. If all of the evidence and rationale points to systematic failures from top to bottom, across the Border, back and forward, and between policing institutions and criminal justice institutions, then what is the rationale for not giving a family who have diligently campaigned and suffered so much what I think is a very modest thing in the context of a public inquiry? The establishment of an inquiry is the will of both of these Houses. The family desire an inquiry and I believe that it is also the desire of the vast bulk of people within Irish life. I think there is a clear rationale for an inquiry. There is a political and legal impetus on us to do it because of the clear and obvious failures. The curtain should not come down on this matter and the faceless bureaucrats in the Departments should not revert to their old traditional ways. We should focus our minds on shining a light on and rectifying what was a clear problem and clear failings that led to the life of a young brilliant man with so much potential being tragically and needlessly cut short.

I reiterate the call for a public inquiry because it is a great shame that we are forcing a family into a situation where they have to accept and concede to something less. Today, I speak with great disappointment but great feeling and solidarity with the O'Farrell family. I do not want to end my contribution on a negative note but I must end it on an unfortunate note. I have had the privilege of getting to know many campaigning families so I recognise a slow waltz when I see one and I sense that this is a slow waltz. I am equally encouraged by the campaigning families and, indeed, by the O'Farrell family and not least by Lucia. They are not going anywhere and should this take 50 years or more they will continue campaigning. We could ease or lift their burden of further stress and avoid re-traumatising them if we acceded to their request, and the will of these Houses, and gave them the public inquiry that they deserve and one we are compelled to deliver.

Acting Chairman (Senator Maria Byrne): As no other Senators have indicated a wish to speak I call on the Minister to respond.

Minister for Justice and Equality (Deputy Charles Flanagan): I very much agree with what I think every Senator has said, namely, that this is a most important and sensitive matter. I have listened closely to the comments made by Senators during the course of the debate. As I said earlier, we are all working towards achieving the same goal here, which is responding appropriately to the acute pain of the O'Farrell family arising from the loss they have suffered.

Can I say again that there is no intention on the part of the Government to in any way limit the scoping exercise, which is being carried out by Judge Haughton. We want to get to the heart of this matter. The Government, in this regard, is being guided by the advice of the Office of the Attorney General to ensure that this is done in a way that ensures that the recommendations of the scoping exercise are legally robust.

I listened carefully to the comments of Senator Bacik and I acknowledge her interest. I also

acknowledge her expertise. She speaks of the fact that there is no review of the investigations contemplated. It is incumbent on me and upon all of us to ensure that the terms of reference for a scoping exercise do not encourage the making of findings that are final in nature. This is an important aspect of the requirement for absolute clarity in scoping exercises arising from recent Supreme Court decisions. We might not like to acknowledge recent Supreme Court decisions but we have to be bound by the jurisprudence that is available.

The O'Farrell family are not restricted in any way in making any representations or in furnishing any documentation to Judge Haughton. Judge Haughton is not restricted in recommending any form of further inquiry or terms of reference in that regard. There is a desire on all our parts to get to the truth. In doing so, we should not open a scoping exercise up to legal challenge by requiring it to look into matters more appropriate to a full inquiry, which is of course something that Judge Haughton is free to recommend in any event. The simple and unavoidable fact is that the scoping exercise must be carried out in accordance with the law.

I ask Senators to recognise that this is in the interest of all concerned, including, crucially, the O'Farrell family. We would not serve them well by establishing a scoping exercise without regard for the law because that would leave the resulting recommendations open to legal challenge. While the terms of reference of the scoping exercise are focused as required by law, they still allow for a review of the issues intended. Judge Haughton is free in his final report to make any recommendations he deems fit, including setting up any form of statutory, or indeed non-statutory, inquiry.

I welcome the constructive contribution and comments made by Senator Boyhan and I share his concern regarding the timescale involved. I am keen to ensure that we allow Judge Haughton proceed and establish the appropriate terms of reference as he deems fit in his final report. None of us should prejudge the report or its recommendations. We should also not risk delaying or undermining that important work by changing the terms of reference when Judge Haughton has already made good progress in the scoping exercise or by asking him to work under terms of reference not in compliance with the law. That would render his work vulnerable to legal challenge and further delay, and would not serve anybody well, especially not the O'Farrell family.

I and the Government recognise, appreciate and share the consistent interest Senators have taken in this tragedy. As Senator Boyhan rightly commented, however, we all have the same objective and we are working towards achieving it. I readily accept that the process is taking longer than any of us would have wished. I ask Senators, however, to recognise that the process should continue in accordance with the law and without delay or the additional risk of confusion that could arise from interference with the ongoing work of Judge Haughton. A clear process is in place and Judge Haughton has committed to producing his final report in the coming months. The O'Farrell family is working with his scoping exercise to ensure that all of the facts, and I do not say that lightly, are fully considered.

Senator Pádraig Mac Lochlainn: They will have little choice.

Deputy Charles Flanagan: I will not be interrupted by political commentary from anyone. We are all working together.

Senator Pádraig Mac Lochlainn: The Minister interrupted Senator Gallagher and that is on the record.

20 November 2019

Deputy Charles Flanagan: I interrupted Senator Gallagher when he accused me of undermining the work of Judge Haughton, which is not the case. From subsequent comments made by Senator Gallagher, I know he readily understands that, and I accept his understanding. I am not undermining Judge Haughton and none of us should do that. I am pleased, and I hope the Senators are equally pleased, that the O’Farrell family is working with the scoping exercise to ensure all the facts are fully considered and that recommendations are made to address this tragic case.

Criminal Justice (Rehabilitative Periods) Bill 2018: Committee Stage

SECTION 1

Acting Chairman (Senator Maria Byrne): Amendments Nos. 1 to 3, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 1:

In page 5, lines 14 and 15, to delete “*sections 1, 3, 4, 5 and 6 and the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016*” and substitute “*section 2, Part 2 and the Act of 2016*”.

I thank the Minister for being here. We have many amendments to get through in two hours, so I will not speak at length as I move my amendments. I thank the Minister for his support for the Bill on Second Stage and the engagement he has allowed between my office and his officials.

I also thank the Joint Committee on Justice and Equality for its July hearings on unspent convictions reform, as well as its October report and recommendations. I am proposing to enact many of those recommendations into the legislation today. I also thank the Office of Parliamentary Legal Advisers, OPLA, the Irish Penal Reform Trust, IPRT, and Seb McAteer in my office for their help in preparing for today. I also thank the officials from the Minister’s Department whom I met recently. Amendments Nos. 1 to 3, inclusive, are technical amendments dealing with minor changes to citations and construction provisions. I am tabling them on the advice of the Office of Parliamentary Legal Advisers.

Minister for Justice and Equality (Deputy Charles Flanagan): Before I speak on the amendments, I will outline the Government’s position on the Bill. The Government does not oppose this Bill in principle. I agree with the core objective of assisting people with minor convictions who have moved on from offending and now wish to make a positive contribution to society without being constrained by their past. We have to recognise, however, that the changes proposed are significant, including the changes Senator Ruane proposes to make on this Stage. While I do not intend to oppose these changes at this time, I inform the House that I may well bring forward amendments at a future date to address any issues that may arise as a result of the detailed examination of the Bill and today’s amendments being undertaken by my Department.

As everybody will appreciate, this Bill requires careful and detailed consideration to take into account the perspectives of rehabilitation and community safety. In particular, my Depart-

ment, and others, will need to identify the possible implications of the recommendations of the joint committee's report on spent convictions. These are, in part, reflected in some of the amendments being moved by Senator Ruane. My officials met with the Senator earlier this month. I hope she will agree that the engagement was positive and there was a discussion of the objectives and implications of the obligations of the Bill, as well as the amendments before us. It was useful and constructive dialogue.

I agree with Senator Ruane that we need to do a little more work. We need more time to consider fully the implications of these proposed changes and the recommendations arising from the committee's report so as to achieve an appropriate balance. We have to get the balance right between individual rehabilitation and community safety. It will be important to analyse not only the type of offences that will become eligible under the provisions of this Bill, but also the knock-on effects of such changes for those involved and wider society. It is also necessary to identify any implications that may arise for vetting. Equally, it is vital that the needs of the victims of crime receive special attention, especially in the context of more serious offences that may qualify to become spent under the Bill. Account must also be taken of offences committed by those under the age of 18 years and by young adults aged up to 25 years in respect of the specific provisions contained in this Bill. Careful consideration will also be required of the operational implications of this approach regarding the possession of drugs for personal use and how that might be aligned with the overall regime for spent convictions.

I acknowledge what Senator Ruane said at the start of this debate and I thank her for agreeing to share her research and analysis with my Department. It will be of great benefit to me and my officials in our work. I assure the House that I look forward to continuing to work with Senator Ruane to progress this legislation in a meaningful way. As I have stated directly to the Senator, my intention is to ensure that what we have by way of legislation is balanced, fair and effective in its approach from the perspectives of protecting the public and rehabilitating the offender.

I will address the amendments when the House reaches them.

Senator Ivana Bacik: I welcome the Minister to the House's debate on the Bill. I commend Senators Ruane, Kelleher and Black and their colleagues on not only introducing it, but on tabling these amendments. I welcome the Minister's announcement that the Government will not oppose the amendments and that he is engaging with Senator Ruane. It shows the Seanad at its best-----

Senator Niall Ó Donnghaile: Hear, hear.

Senator Ivana Bacik: -----in working collaboratively on achieving important and necessary reforms that are not opposed by anyone.

I have spoken many times in support of the principle that is encapsulated in the Bill, namely, ensuring that a broader range of convictions may be regarded as spent convictions and lifting some of the restrictions in what is a highly-restrictive regime for spent convictions. Ireland came rather late to legislating for spent convictions. That was a matter of regret for many of us. I commend the work that has been done in introducing the Bill and ensuring it will progress with the Government's support. That last point is positive.

The Bill is part of a broader penal reform programme as highlighted in the work of the Irish Penal Reform Trust and others. All of us who are supportive of the Bill should be concerned

about the rising levels of imprisonment that have been highlighted recently. A great deal of work has been done in the Department of Justice and Equality to try to move towards a situation where prison is a sanction of last resort. The Oireachtas Joint Committee on Justice and Equality has called for the same. The Bill is an important part of that positive and progressive penal reform strategy, but we must ensure that we examine on an evidential basis why our imprisonment rates are increasing at a time when we are trying to move forward with a more progressive penal system generally.

I welcome the Bill and the amendments.

Senator Niall Ó Donnghaile: I do not want to prolong the work of the House, given that there is a significant amount of amendments to get through, but I wish to indicate Sinn Féin's support for this legislation and the amendments. Senator Bacik is right. On the bulk of penal reform issues, the Seanad, the Government and stakeholders have worked collaboratively and positively. That can only be a good and empowering thing as we move forward.

Like the Minister, and given the research and the level of interest in this important legislation, we on this side of the House will consider how to strengthen the Bill as it proceeds to the next Stage. For tonight, we wish the legislation and the proposing Senators well. Let us get to work.

Senator Robbie Gallagher: I will be brief. I welcome the Minister to the Chamber. On behalf of the Fianna Fáil Party, Senator Wilson and I are delighted to support this legislation. I compliment Senators Ruane, Kelleher and Black on their work. It is worthwhile legislation. We in Fianna Fáil introduced something similar in 2007 and 2011. We are delighted to support the Senators' Bill and to hear the Minister's statement that he will work with Senator Ruane to progress it as a matter of urgency.

Senator Lynn Ruane: I welcome Members' comments and look forward to their continuing engagement. Since my amendments represent a large shift, we will work with the Minister and his Department between now and Report Stage if they need to be tweaked in any way.

An Leas-Chathaoirleach: Does the Minister wish to comment on amendments Nos. 1 to 3, inclusive? Senator Ruane does not wish to contribute further.

Deputy Charles Flanagan: Amendment No. 1 is a technical amendment. I am not sure of the extent to which the Senator wishes to elaborate on it. I am prepared to accept these amendments insofar as they apply to the Bill as initiated.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 2:

In page 5, line 17, to delete "*section 7*" and substitute "*Part 3*".

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 3:

In page 5, line 19, after "2018" to insert "and shall be construed together as one".

Amendment agreed to.

An Leas-Chathaoirleach: Amendments Nos. 4, 25 and 29 are related. Amendments Nos. 4 and 29 are consequential on amendment No. 25. Amendments Nos. 4, 25 and 29 may be discussed together by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 4:

In page 5, between lines 19 and 20, to insert the following:

“(4) This subsection, *Part 4* and the Employment Equality Acts 1998 to 2015 may be cited together as the Employment Equality Acts 1998 to 2019 and shall be construed together as one.

These amendments relate to a new Part 4 that I am proposing to insert to amend the Employment Equality Act 1998 by providing for a new section 14B. This section would create a new category of discriminatory treatment whereby an employer would not be able to treat a current or prospective employee differently on the basis of a conviction if that conviction was regarded as spent under our spent conviction laws. I am tabling these amendments on foot of recommendation No. 7 of the Oireachtas Joint Committee on Justice and Equality’s report on spent convictions, which called on a cross-party basis for this exact change to the Employment Equality Acts.

There is a major gap in our spent conviction laws whereby a spent conviction cannot be used to disadvantage someone in our courts but the same protection is not afforded to those seeking or maintaining employment, where this issue is far more likely to arise. If someone’s conviction is spent, he or she currently has the right not to disclose that conviction in a job interview. However, in the era of the Internet and where background checks are becoming routine in recruitment, current and prospective employees need to be protected from being disadvantaged where the employer finds out about the conviction through other means. When we legislate for a conviction to become spent, we are telling that individual that it is no longer on his or her record and he or she is entitled to no longer disclose it. Without this amendment to employment law, however, we are implicitly allowing employers to discriminate on the basis of a conviction that the State has deemed no longer relevant. The amendments would prohibit any requirement to disclose a conviction or circumstances ancillary to it if it is spent.

I wish to reserve the right to table a similar amendment on Report Stage relating to the Ban the Box campaign and to ensure that a prospective employee is only asked about his or her conviction history at a later stage in the application process when he or she has the opportunity to explain it and put it into context.

I hope that the Minister will accept these amendments.

Deputy Charles Flanagan: I am not opposing the amendments on this Stage, but I wish to give notice that I may table amendments of my own on Report Stage. In the meantime, I assure the Senator of meaningful engagement with my Department with a view towards reaching agreement for Report Stage.

Amendment agreed to.

An Leas-Chathaoirleach: Amendments Nos. 5 and 26 are related. Amendment No. 5 is consequential on amendment No. 26. Amendments Nos. 5 and 26 may be discussed together

by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 5:

In page 5, between lines 19 and 20, to insert the following:

(4) This subsection, *Part 5* and the Children Acts 2001 to 2015 may be cited together as the Children Acts 2001 to 2019 and shall be construed together as one.”.

These amendments propose a change to section 258 of the Children Act 2001, which relates to criminal record disclosures for those under the age of 18 years. I am tabling them on foot of advice from the Office of Parliamentary Legal Advisers, OPLA, which has informed me that such a change is required as a consequence of the new provisions that I am proposing for young adults and the generally shorter rehabilitative periods they would have under the Bill. The Children Act sets out the rehabilitative period for under 18s at a blanket three years. Since we are creating in the Bill a new and more generous arrangement for those aged 18 to 24 years, however, the lowest rehabilitative period for that new cohort will actually be shorter at two years. Therefore, there would be a major inconsistency within the Children Act, given that a young adult aged between 17 and 24 years would be treated more generously than those under the age of 18 years despite the special category of rights enjoyed by children under the Constitution.

I am, therefore, advised by the OPLA that a consequential change to reduce the rehabilitative period for those under 18 to one year is needed. This change is also supported by recommendation 9 of the Oireachtas joint committee report from October, which called for the removal of the rehabilitative period for people under 18 altogether. I am trying, therefore, to strike a balance between the two provisions and have gone for a one-year rehabilitative period as a result. I hope the Minister can accept these amendments.

Deputy Charles Flanagan: Amendment No. 5 is a technical amendment which refers to and cites new substantive provisions in respect of amending the Children Act 2001.

Amendment No. 26 provides for a substantive change to the Children Act 2001 by reducing the rehabilitative period for those under 18 from three years to one year. I am sure Senators would agree that this would need to be harmonised with potential amendments to the Children Act, first, in respect of expungement of offences under the Children Act but also with regard to possible amendments to the regime governing records of admission to the Garda diversion programme in Part 4 of that Act. I, therefore, wish to flag to the committee that I may need to move my own amendments to this part of the Bill in due course but I say so in the context of my earlier comments of constructive dialogue with Senator Ruane.

Amendment agreed to.

Section 1, as amended, agreed to.

NEW SECTION

An Leas-Chathaoirleach: Acceptance of amendment No. 6 involves the deletion of section 2 of the Bill. Amendments Nos. 6, 19 and 20 are related. Amendment No. 20 is consequential on amendment No. 19. Amendments Nos. 6, 19 and 20 may be discussed together, by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 6:

In page 5, between lines 23 and 24, to insert the following:

“Definition

2. In this Act, “Act of 2016” means the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.”.

Amendments Nos. 6, 19 and 20 are technical amendments, which alter the definition provision contained in section 2 and move the citation for the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to Part 3 later in the Bill, which contains the provisions relating to the 2012 Act. They are tabled on the advice of the OPLA and are technical amendments.

An Leas-Chathaoirleach: Is the Minister accepting them?

Deputy Charles Flanagan: I am.

Amendment agreed to.

Section 2 deleted.

SECTION 3

Question proposed: “That section 3 be deleted.”

Senator Lynn Ruane: The OPLA has advised me that section 3, which relates to a review of the Act, is more appropriately located in Part 2 of the Bill, which contains the provisions relating to the 2016 principal Act. It is a technical amendment. The section will be reinstated later by amendment No. 18.

Question put and agreed to.

Section 4 agreed to.

SECTION 5

An Leas-Chathaoirleach: Amendments Nos. 7 to 14, inclusive, 27 and 28 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 7:

In page 6, line 28, to delete “24 years” and substitute “25 years”.

Amendments Nos. 8, 10, 12 and 14 are technical amendments removing the words “and over” from section 5 on foot of advice of the OPLA and to insert a comma where it was omitted from the Bill as initiated.

Amendments Nos. 7, 9, 11 and 13 are substantive and relate to the age at which the Bill defines a young adult. As the Minister will be aware, a major part of this Bill is that it sets out different spent conviction arrangements for young adults due to their higher rehabilitative needs by allowing for shorter periods before their convictions can become spent. The Bill currently defines the age as 23 and younger, and in these amendments I am proposing to increase it to 24 years and younger. This is on foot of recommendation No. 9 of the Joint Committee on Justice and Equality report, which specifically calls for a distinct approach and even proposed extending the provisions of the Children Act 2011 for those under 18 to the same age range. While not

identical, what I propose largely reflects the recommendation and will also align the Bill with the Youth Work Act 2001, which defines a young adult as a person under the age of 25.

Amendments Nos. 27 and 28 are consequential amendments to the Schedule to the Bill to reflect the proposed redefinition of a young adult from the age of “23 and younger” to “24 and younger” in section 5.

Deputy Charles Flanagan: I accept amendments Nos. 8,10,12 and 14 on the basis that they are technical amendments that apply to section 5 regarding the removal of the references to “and over” which allows the relevant subsections to read more clearly and appropriately.

I am not opposing amendments Nos. 7,9,11 and 13. These relate to increasing the age at which the provisions of this Bill specific to the young adult cohort may apply from the age of 23 to the age of 25. Amendments Nos. 27 and 28 amend the Schedule to the Bill in terms of reflecting the proposed changes in section 5 to the increased qualifying age of the young adult and I do not oppose these amendments. I note that this policy angle is consistent with recommendation No. 9 of the joint committee report on spent convictions. I am not objecting in principle to this but as with some of the other amendments, I will need to give careful consideration to the detail of how these provisions will operate. The implications of the overall regime being proposed through the Bill will also need to include detailed consideration of the views of An Garda Síochána, as well as the Probation Service, the Irish Prison Service and the Office of the Director of Public Prosecutions, DPP, as well as legal assessments from the Office of the Attorney General. I am merely flagging the possibility that I will bring my own amendments to this section of the Bill at a later stage.

Senator Lynn Ruane: I appreciate the Minister’s comments. Of course, that is fine.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 8:

In page 6, line 29, to delete “committed and over” and substitute “committed,”.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 9:

In page 6, line 34, to delete “24 years” and substitute “25 years”.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 10:

In page 6, line 34, to delete “committed” and substitute “committed,”.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 11:

In page 7, line 1, to delete “24 years” and substitute “25 years”.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 12:

In page 7, line 2, to delete “committed and over” and substitute “committed.”.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 13:

In page 7, line 7, to delete “24 years” and substitute “25 years”.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 14:

In page 7, lines 7 and 8, to delete “committed and over” and substitute “committed.”.

Amendment agreed to.

An Leas-Chathaoirleach: Amendments Nos. 15 and 16 are related. Amendment No. 16 is consequential on amendment No. 15. Amendments Nos. 15 and 16 may be discussed together, by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 15:

In page 7, between lines 11 and 12, to insert the following:

“(5) Notwithstanding subsections (1) to (4), the relevant period in respect of a relevant sentence imposed on a person for an offence under section 3 of the Misuse of Drugs Act 1977 shall be the lesser of the following:

(a) the period determined in accordance with subsections (1) to (4);

(b) the period of 3 years.”.

Amendment No. 15 allows for a distinct treatment for simple drugs possession offences under section 3 of the Misuse of Drugs Act 1977. Amendment No. 16 is a technical amendment.

As the Minister will be aware, the working group to consider alternative approaches to the possession of drugs for personal use convened between the Department and the Department of Health delivered a report in July which called for a shift in our drug policies from a harsh criminal justice focus to one focused on public health. As the Minister will be aware, I have a significant interest in this area and have tabled my own legislation on an public health approach to drugs policy.

A key part of this shift announced by this report will be how we treat old convictions for simple drugs possession and in its ancillary recommendations, the working group called for allowing all personal use convictions to become spent and for the rehabilitative period to be reduced to three years. This recommendation was then endorsed by the Joint Committee on Justice and Equality in recommendation No. 14. I am proposing to enact it by providing that the waiting period will still be proportional if shorter than three years, with three years set as the maximum wait. This is a key part of the proposed shift away from treating drug issues with the criminal justice system. I believe it aligns closely with the work of the working group this year and allows for some of the recommendations from that working group to be given life.

Obviously, this is something that is extremely close to my heart in relation to drugs possession, and especially in respect of Garda vetting and the significant amount of people who we

keep out of certain sectors because of simple possession in their past. I hope the Minister can accept the amendment.

Deputy Charles Flanagan: I will not oppose amendments Nos. 15 and 16. Amendment No. 15 will amend section 5 by creating a new subsection to reflect recommendation 14 of the joint committee report and recommendation 10.2.2 of the working group report to consider alternative approaches to the possession of drugs for personal use, regarding the setting up of an upper rehabilitative period limit of three years for personal possession offences under the 1977 Act. The Minister for Health and I need to give further consideration to examining the legal implications and the perhaps unforeseen consequences of reducing the limits applying to the offence. I ask for the forbearance of Senators on the matter and suggest that the views of An Garda Síochána will be important in respect of the operational implications for how an approach to drug possession might be aligned with the overall regime for spent convictions.

While I will accept the amendments, I will do so against the background of my position being that further consideration of a detailed nature of the matter will need to be part of ongoing discussions between officials from my Department and the Senator. In that regard, it will be no surprise to the Leas-Chathaoirleach if I reserve the right to table amendments in the area, if necessary, on a later Stage.

Amendment No. 16 is a consequential amendment in respect of the numbering of the subsections in section 5, and I do not have a difficulty with it.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 16:

In page 7, line 12, to delete “(5) The relevant” and substitute “(6) The relevant”.

Amendment agreed to.

Section 5, as amended, agreed to.

SECTION 6

Senator Lynn Ruane: I move amendment No. 17:

In page 7, to delete lines 36 to 41, and in page 6, to delete lines 1 to 5 and substitute the following:

“and

(b) by deleting subsections (3) and (5).”.

The amendment is one of the most important changes I propose to the Bill. It will remove the limit on the number of convictions that can become spent. The single-conviction rule of the current law received significant criticism at the justice committee as a major barrier to access to spent convictions and as an interference with the right to privacy under Article 9 of the European Convention on Human Rights. It was acknowledged it was a disproportionate limit on the rehabilitative potential law and that it needed reform. My Bill, as initiated, proposed increasing the limit to two convictions for adults and three convictions for young adults. In

recommendation 4 of its report on spent convictions, however, the justice committee called for the removal of the limit altogether, citing the support of the Irish Human Rights and Equality Commission for the change.

I, therefore, propose the amendment to enact the change. If we do not remove the limit, we will not be able to cater for those with clusters of offences. Even if they took place decades earlier, they would never have an opportunity to become spent, irrespective of how minor they were. If a person is on track to have his or her convictions spent, he or she must not offend for a significant period. All indicators show that the length of the period without reoffending is the best indicator of someone's propensity to commit crime. This should be the standard by which we allow someone to avail of a spent conviction, rather than an arbitrary restriction on the number that can become spent.

Deputy Charles Flanagan: As in the case of previous amendments in the name of the Senator, I will not oppose the amendment, which will provide for the removal of the limit of the number of convictions eligible to become spent. It is a reflection of recommendation 4 of the joint committee's report on spent convictions. While I will not oppose it, I invite agreement from Senators that it should be subject to a more detailed, evidence-based consideration involving consultations with the wider criminal justice sector and other stakeholders. It is important there is clear communication of the effects of the proposal, and I again flag to the House that I may table my own amendments to the section at a later date. Nevertheless, I thank the Senator for advancing debate on an important matter of concern.

Amendment agreed to.

Section 6, as amended, agreed to.

NEW SECTIONS

Senator Lynn Ruane: I move amendment No. 18:

In page 8, between lines 5 and 6, to insert the following:

“Report on operation of Act

7. The Act of 2016 is amended in Part 2 by inserting the following after section 13:

“13A. The Minister shall —

(a) not later than 2 years after this section comes into operation, commence a review of the operation of this Act, and

(b) not later than 12 months after the commencement of the review, make a report to each House of the Oireachtas of the findings made on the review and of the conclusions drawn from the findings.”.”

The amendment will reinstate the old section, section 3, in Part 2, on the advice of the OPLA. It will make no substantive change but merely move its position in the Bill.

Deputy Charles Flanagan: It is a technical amendment and I have no difficulty with it.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 19:

In page 8, between lines 7 and 8, to insert the following:

“Definition (Part 3)

7. In this Part “Act of 2012” means the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.”.

Amendment agreed to.

SECTION 7

Senator Lynn Ruane: I move amendment No. 20:

In page 8, line 10, to delete “National Vetting Bureau (Children and Vulnerable Persons) Act 2012” and substitute “Act of 2012”.

Amendment agreed to.

An Leas-Chathaoirleach: Amendments Nos. 21 to 23, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 21:

In page 8, to delete lines 12 and 13 and substitute the following:

“(a) in subsection (1) —

(i) by substituting “a relevant court” for “the District Court”,

(ii) by inserting the following paragraph after paragraph (a):

“(aa) the penalty imposed by the court in respect of the conviction concerned is a relevant sentence;

and

(iii) by substituting the following paragraph for paragraph (c):

(c) the relevant period that applies shall have ended;”,”.

The amendments relate to Part 3 and will amend the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. Amendment No. 22 will make the same change as amendment No. 17, namely, removing the limit on the number of convictions from the Garda vetting scheme.

Amendments Nos. 21 and 23 will amend the 2012 Act to ensure that convictions received in the Circuit Court can become spent for the purposes of Garda vetting. The approach taken to differentiate the Garda vetting scheme from the general scheme of the 2016 Act was to make them largely similar and add a significant number of offences that would be excluded from being spent, which are listed in Schedule 3 to the 2012 Act. The change will be in light of the higher standards required for the purposes of Garda vetting for work such as care of children, regulated professions and so on.

A significant change was made, however, between the general spent convictions regime and that which applies to Garda vetting. Under the general scheme, Circuit Court convictions can become spent but under the vetting scheme, they cannot, despite 17 provisions excluding further offences not in the general scheme. In the more sensitive areas of vetting, we should exclude offences based on the nature of the offence and not on the court in which the conviction was received. The more targeted approach will prevent an arbitrary exclusion of Circuit Court convictions where such a distinction was not made in the general scheme and where, if there are concerns about specific offences being included, we can legislate for them specifically. I hope the Minister will accept the amendments.

Deputy Charles Flanagan: I am pleased to inform the Senator it is not my intention to oppose amendments Nos. 21 to 23, inclusive, which will extend section 14(a) of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to include Circuit Court convictions and therefore attempt to harmonise the equivalent related provisions of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 with those of the 2012 Act. Simply put, the amendments appear to be designed to provide that those Circuit Court convictions that may become spent under the 2016 Act will be treated as such under the 2012 Act. Senators will appreciate I will need to consult further across the criminal justice sector, not least with the National Vetting Bureau, because implications will arise from the amendments.

As I stated in the case of other amendments, while I will not oppose the amendments before us at this stage, I ask Senators to bear with me on the basis that I may consider tabling appropriate and necessary amendments to the section at a later stage. In the meantime, I commit to all five Senators that there will be a significant degree of consultation with a view to reaching an agreement before Report Stage.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 22:

In page 8, to delete lines 14 to 25 and substitute the following:

“(b) by deleting subsections (2) and (4),”.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 23:

In page 8, to delete lines 26 to 33 and substitute the following:

“(c) in subsection (5) —

(i) in the definition of “effective date of conviction”, by substituting “a relevant court” for “the District Court”, and

(ii) in the definition of “excluded offence” by substituting “2016;” for “2016.”, and by inserting the following definitions after the definition of “excluded offence”:

“ ‘relevant court’ means the District Court or the Circuit Court;

‘relevant period’ in relation to a relevant sentence of a court imposed on a person, means the period that applies under section 4A of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 in respect of the sentence

20 November 2019

and includes any extension of that period under section 4B of that Act;

‘relevant sentence’ has the meaning given to it in Part 2 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.”,

and

(d) by deleting subsection (6).”.”.

Amendment agreed to.

Section 7, as amended, agreed to.

NEW SECTIONS

Senator Lynn Ruane: I move amendment No. 24:

In page 8, after line 33, to insert the following:

“Amendment of Schedule 3 to Act of 2012

8. Schedule 3 to the Act of 2012 is amended in paragraph 16 by substituting “an offence under” for “a first offence under”.”.

I have tabled the amendment in the same vein as amendment No. 15 and in light of the recently heralded shift in the Department towards a health-led approach to drug policy rather than one rooted in the criminal justice system. The list of excluded offences for the purposes of Garda vetting provides that a first conviction for simple possession of drugs under the Misuse of Drugs Act can become spent but that second and subsequent offences cannot. If drug possession is a health issue in the first instance, it must be a health issue thereafter.

I propose, therefore, that second and subsequent offences for simple possession become spent in Garda vetting. It is a logical next step following amendment No. 15 and the setting of a maximum waiting period for drugs offences. I hope the Minister can accept the amendment considering his Department’s recent commitment to adopting a health-led approach following the report in July from the working group on the possession of drugs.

Deputy Charles Flanagan: Again, as on previous amendments, I do not intend to divide the House. While I am not opposing the amendment, I ask Senators to agree and accept that we still need to engage in a level of consultation across a range of stakeholders within the criminal justice sector. We need to analyse what will be required in assessing the merits of the amendment. While I commit to constructive engagement with the Senators proposing the amendment, I reserve the right to introduce my own amendments at a later point should it be necessary to do so.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 25:

In page 8, after line 33, to insert the following:

“PART 4

Amendment to Employment Equality Act 1998

Discriminatory treatment of persons with spent convictions or findings of guilt

8. The Employment Equality Act 1998 is amended by inserting the following section after section 14A:

“**14B.** (1) For the purposes of this Act, where an employer treats a person less favourably by reason of a spent conviction, the less favourable treatment constitutes discrimination by the employer in relation to the person’s access to, or conditions of, employment.

(2) For the purposes of subsection (1), a person is treated less favourably by reason of a spent conviction where each of the following applies:

(a) the person is an employee or prospective employee of the employer concerned;

(b) the person is a person to whom a spent conviction relates;

(c) the employer does either of the following:

(i) in the case of a prospective employee, requires the prospective employee to disclose a spent conviction or any circumstances ancillary to the conviction in the course of an application or interview for the employment concerned;

(ii) in the case of either an employee or a prospective employee, treats the person concerned less favourably for failure to disclose a spent conviction or any circumstances ancillary to the conviction in the course of an application or interview for the employment concerned.

(3) In relation to discrimination under subsection (1), nothing in this section shall render unlawful any act done in compliance with Part 3 of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

(4) In this section ‘spent conviction’ means—

(a) a conviction which is spent by virtue of section 5 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016,

(b) a finding of guilt to which section 258 of the Children Act 2001 applies, or

(c) a conviction made against a person under the law of another state or territory, which would, if the conviction concerned occurred in the State, be a conviction to which paragraph (a) or (b) applies.”.”.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 26:

In page 8, after line 33, to insert the following:

“PART 5

Amendment to Children Act 2001

Amendment of section 258 (non-disclosure of certain findings of guilt) of Children Act 2001

8. Section 258 of the Children Act 2001 is amended in subsection (1)—

(a) in paragraph (c) by substituting “one year” for “three years”, and

(b) by substituting “one-year period” for “three-year period” in both places occurring.”.

Amendment agreed to.

SCHEDULE

Senator Lynn Ruane: I move amendment No. 27:

In page 9, to delete lines 6 to 12 and substitute the following:

“

Reference number	Relevant sentence imposed	Duration of relevant period for persons aged 25 years and over	Duration of relevant period for persons who have reached the age of 18 years but have not yet reached the age of 25 years

“

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 28:

In page 10, to delete lines 3 to 9 and substitute the following:

“

Reference number	Sentence imposed	Duration of relevant period for persons aged 25 years and above	Duration of relevant period for persons who have reached the age of 18 years but have not yet reached the age of 25 years

“

Amendment agreed to.

Schedule, as amended, agreed to.

TITLE

Senator Lynn Ruane: I move amendment No. 29:

In page 5, line 8, after “spent,” to insert “to make consequential amendments to other Acts, to

amend the Employment Equality Act 1998”.

Amendment agreed to.

Title, as amended, agreed to.

An Leas-Chathaoirleach: Pursuant to Standing Order 154, it is reported, especially to the Seanad, that the committee has amended the Title to the Bill.

Bill reported with amendments.

Deputy Charles Flanagan: I thank the Leas-Chathaoirleach and Senators for their work in ensuring this debate would take place this evening. I am mindful of the fact that they have a very busy schedule. I acknowledge the significant amount of work Senator Ruane has done to progress this important legislation. I formally thank the Senator for her work, but I also thank the Independent Senators, Senators Black, Kelleher, Dolan, Higgins and Grace O’Sullivan, for supporting its presentation to the House. It is an important issue, not only for those with convictions but also for society as a whole.

I agree with the general objective of the Bill, as do my Government colleagues, as we strive to assist those with minor convictions who have moved away from offending and want to get on with their lives. The amendments proposed by Senator Ruane go further than what was envisaged by her or her colleagues, but they take into account the recommendations of the Joint Committee on Justice and Equality in October this year. I acknowledge the importance of that report in the context of this debate. I also acknowledge the meetings that took place between my officials and Senator Ruane earlier this month. I acknowledge what Senator Ruane said about the constructive nature of that engagement. While I am generally supportive of the direction of the amendments, as are my Government colleagues, it has not been entirely possible within the time available to fully consider the implications of the committee’s recommendations at an appropriate level of detail, in conjunction with the proposed amendments the Seanad has passed this afternoon. However, I am happy to accept them in the knowledge that and against the background of further consultation being required to ensure unintended consequences will be avoided, for example, serious offences being captured unintentionally by the Bill, as constituted.

I acknowledge that there is great merit in the legislation and I am happy to work with Senator Ruane to progress the Bill further in order that it will be balanced and fair in its approach, both from the perspective of rehabilitation of the offender and given the crucial need to at all times protect the public. I am committed to working further with Senator Ruane as this research and consultation progresses. I acknowledge the welcome the Senator has given to this. We will continue to engage, with a view to identifying amendments which might be needed on Report Stage because my objective is in line with those of the Independent Senators. Their presence in numbers underlines the support for Senator Ruane and the importance they place on this reforming legislation. At the end of Committee Stage our objective is the same, that is, to ensure the fairest possible outcome can be achieved for all citizens. I thank Senator Ruane and the other Senators involved.

Senator Martin Conway: I concur with the Minister and commend Senator Ruane on bringing forward this legislation that will impact on people’s lives. We are in this House to improve them. I am convinced that the Bill, when enacted, will make a huge difference to the lives of citizens. I followed the debate on Committee Stage. To be fair to the Minister, he is

20 November 2019

working with Senator Ruane because he understands her objective, which is a common objective for all of us. The further dialogue that will take place with officials before Report Stage to fine-tune and improve the Bill will be important. Senator Ruane has done a fantastic job and I look forward to the Bill being passed and signed into law when it will make a difference to people's lives.

Senator Lynn Ruane: I thank everyone. It has taken me a long time to advance the Bill to this point. Long before I became a Member of the House, I was part of very early discussions in the community and drugs sectors about the fact that we did not even have a spent convictions regime in place in Ireland. It is almost as if I am getting close to giving birth. To reach the end of the process would be amazing as it has taken up a decade of my life.

Senator Robbie Gallagher: The Senator is in safe hands.

Senator Lynn Ruane: As a Senator, I have never wanted to work on legislation in isolation to either oppose a measure or differ from other Members. My goal has always been to work cohesively with everybody around me. That probably comes from a lifetime of work with people in the community sector and it is the only way to get things done. The Minister's departmental officials have been open to participating in that engagement process. It does not feel tokenistic in any way when we consult or meet his departmental officials. The process has been lengthy and constructive and helped to work out the issues involved, something I welcome. I thank Seb McAteer in my office for the huge amount of work he puts in to make me sound better than I am, something which is to be welcomed.

Senator Robbie Gallagher: Can I borrow him?

Senator Lynn Ruane: I thank all those in the community sector and the NGOs who fought to get the Bill to this point. I hope that between now and Report Stage we can see a Bill leave this House which everyone will support and which can be championed by the two larger parties in the Dáil. Obviously I do not want a Bill to leave this House which will not be picked up by the Minister's Department, considering the huge amount of work the Department has done with me in the Chamber. I hope the Bill will have champions when we get to Report Stage and get it into the Dáil. I thank the Minister and the members of the Civil Engagement group for their support.

An Leas-Chathaoirleach: When is it proposed to sit again?

Senator Martin Conway: Maidin amárach ar 10.30.

The Seanad adjourned at 5.51 p.m. until 10.30 a.m. on Thursday, 21 November 2019.