



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 26 Bealtaine 2015*

*Tuesday, 26 May 2015*

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

*Paidir.*

*Prayer.*

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## Ceisteanna - Questions

### Priority Questions

#### Garda Misconduct Allegations

106. **Deputy Niall Collins** asked the Minister for Justice and Equality if she will provide an update on the independent review of certain allegations of Garda misconduct; the estimated time of completion of the report; the proposed steps arising from the report; and if she will make a statement on the matter. [19575/15]

**Deputy Niall Collins:** This matter was previously the subject of a priority question by Deputy Mac Lochlainn and the Minister for Justice and Equality gave an update about six weeks ago. We have not heard much since then so I am asking for an update on where we are.

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** The mechanism established for the independent review of certain allegations of Garda misconduct was an unprecedented step by this Government to bring independence and objectivity to bear on the examination of those allegations, some of which go back to 1969 and many of which pre-date 2000. A panel consisting of two senior and five junior counsel was established for this purpose with all members selected on the basis of their experience of the criminal justice system. They have been asked to examine the papers in each case with a view to determining whether further action is warranted and practical.

A total of 319 complaints were referred to the panel of counsel. Obviously, the volume and complexity of cases has changed the timeframe and has led to the review taking longer than originally anticipated. We wanted counsel to take time to examine all of the cases fully and carefully. Indeed, the number and variety of cases make the work of counsel all the more im-

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portant. There are many cases which have already been through some form of process, whether that involves the courts, GSOC or some other body. The issues involved in the cases also range considerably, from tragic deaths to property disputes.

While the review of all of the allegations is not yet complete, my Department has received the recommendations of counsel in a significant number of cases. I have received the first batch of submissions on these cases and clearly, as I said previously, I want to start the process of writing to everyone concerned as soon as possible. I will consider the recommendations of counsel extremely seriously and cannot easily imagine circumstances in which I would not follow such recommendations. In communicating with individuals I am also anxious not only to set out the recommendation of counsel and my decision on it but also to outline as far as possible the reasons for the recommendation subject to any legal constraint there may be.

The legal advice of counsel contains, in many instances, comments on third parties and great care will have to be taken in setting out the main points. Therefore, I have decided to appoint a former judicial figure to advise on the preparation of the letter and the communications to the complainants. It is better to take that time now so as to provide complete reassurance on the probity and independence of the entire process from start to finish. That is the best way to communicate the decisions of counsel.

While it would not be appropriate to publish individual recommendations, I have considered how best information on the outcome of this process could be made public. In this regard, I have asked counsel, in addition to making recommendations in individual cases, to produce a general overview of the issues and trends which featured in this process. That may lead to the identification of issues and recommendation for change across a number of areas which I hope will enable us to address some of the general and thematic concerns raised by those persons whose cases were examined by counsel.

**Deputy Niall Collins:** The Minister will appreciate that this process has been dragging on for a considerable period. In the past 24 hours I have received communications from two of the 319 people affected, one of whom came to my clinic in Limerick yesterday, while I received an e-mail this morning from another individual whose case was subject to review. At a minimum, the fact that the Minister has now engaged a former member of the Judiciary to help draft a reply should be communicated to each of the 319 people involved. They are concerned because they believe the process is drifting. Prior to this they had lost confidence in the processes of State and now this process seems to be dragging on. That is what they are saying to me. Obviously, I have reassured and relayed to them what I have heard from the Minister on the issue. I have spoken to them about her positive disposition to arrive at the truth for them. Will she consider giving them, when they receive their formal reply, an opportunity to interact and engage with somebody on the review panel? The opportunity to have face-to-face contact or engage in direct correspondence has been absent from the process. People made their submissions and their cases are being judged on them, without any follow-up or further interaction. That is a bone of contention for some and it must be addressed.

**Deputy Frances Fitzgerald:** I welcome the Deputy's comments on wanting to get at the truth for the people concerned and to have the best process in place to examine their complaints. The complaints, in many instances, are about cases that have been in a variety of places, including before the Director of Public Prosecutions, through the courts systems or GSOC. The cases that have been referred to the process are complex. There were very wide criteria and it involved all of the cases that appeared to be relevant, although some that have been referred

fall outside the terms of reference. It was never intended that the process would include face-to-face meetings. It was always to involve a review of all of the work that had been done and all of the papers relating to the cases involved to ascertain whether, on the basis of an objective, independent legal review, recommendations should be made in terms of a follow-up. I will take up the Deputy's point about communicating with complainants.

**Deputy Niall Collins:** The Minister should not close the door on the option for her, her Department or members of the review panel to engage with people face-to-face afterwards. That should not be ruled out at this point. The Minister is right in saying that many of them pertain to people who have been through some of the legal processes. Without getting into detail I can tell the Minister of one complaint brought to my attention. A person has sworn an affidavit that no court registrar was in court on the day that person was in court, but the Courts Service is disputing it. So there are cases where the system or the State claims one thing and yet a person is willing to swear and can bring witnesses to back up their position. At this point I urge the Minister to reconsider.

I mention one case in particular, the Sarah Bland case. I ask the Minister or one of her departmental officials to make contact with Ms Bland. She has been back on a number of occasions and I know the Minister has had extensive correspondence with me and others on her case. She is seeking a face-to-face meeting with the Minister and I ask her to take that on board.

**Acting Chairman (Deputy Alan Farrell):** The Minister's time has already been taken in the question.

### **Policing Authority**

107. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality if she will immediately publish all submissions received by her Department in relation to the new policing authority, in order that Oireachtas Members can consider them, and to assist with potential amendments to the Bill as it moves through the Houses of the Oireachtas. [19811/15]

**Deputy Pádraig Mac Lochlainn:** I believe I submitted a parliamentary question about the matter, but I wanted to raise it today. It relates to submissions made to the Department about the now published legislation for the new policing authority. Will the Minister publish all those submissions to assist Deputies, including Deputies Niall Collins, Clare Daly, Wallace and me, who will be engaging with the legislation through Committee and Report Stages, and so on?

**Deputy Frances Fitzgerald:** The Deputy's question relates to submissions received. I am making arrangements for all submissions to be published in the next couple of days. I will put all the relevant material - there is a lot of it - on the Department's website, [www.justice.ie](http://www.justice.ie). They were taken into account in the preparation of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015, which I published last week. The new Bill provides for the establishment of the independent policing authority to oversee the performance of the policing functions of An Garda Síochána and it is at the core of our reforms in the justice area. It is a fundamental reform of policing oversight in Ireland. It is the most far-reaching reform of An Garda Síochána since the foundation of the State.

As we will be discussing in the House, it allows a new independent forum for the public oversight of policing services in Ireland. In particular, under the new arrangements senior

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gardaí will report to the authority on the performance of policing services, including by way of public meetings. The authority can provide a key role in being an engine to drive reforms of the policing system and practices to ensure that An Garda Síochána is fit to meet the demands of 21st century policing.

The new Bill is awaiting Second Stage in the Seanad and I look forward to its passage through the Houses. Approximately 30 submissions were received from a wide range of groups, including the Deputy's party. They will all be on the website in the next few days.

**Deputy Pádraig Mac Lochlainn:** I welcome the Minister's confirmation. I express concern over a few areas. Garda Síochána officers, to whom I have spoken over recent years, have told me there is an issue in terms of a meritocracy over recruitment. This applies not just to senior officers but goes through the ranks. We need better oversight not just of the appointment of assistant commissioners up to the Commissioner but also to include promotions to the level of sergeant, inspector, superintendent and chief superintendent - from the very bottom to the very top.

While the police board in the North of Ireland appoints senior officers in the North, it also has oversight of the recruitment and promotion process throughout the ranks. I seek reassurance on that.

**Deputy Frances Fitzgerald:** Even at present there is misunderstanding about some of the appointments. The most senior appointments are subject to an independent process at present, with a lay chairperson and two lay members of the panel. Clearly what we are doing with the new policing authority represents a sea-change on appointments. The authority will now have responsibility for overseeing the process of those senior appointments. That is quite a change. The authority will be responsible for selecting the process to be used. It is expected that, in some instances, it will use the public appointments service and, in others, the body which oversees public appointments generally. It now has the authority to make the decision on how the process will be conducted. There have been suggestions of politicisation in Garda appointments, but I certainly have no experience of this, nor did my predecessor. To ensure the transparency people now demand, the police authority clearly will have a critical role.

**Deputy Pádraig Mac Lochlainn:** The difficulty is that the legislation does not address the appointment of sergeants to the position of superintendent and, possibly, chief superintendent. That is where there is a big issue. I submitted ten questions to the Minister six months ago. Her response at the time was that she would refer them to the Garda Commissioner, but I have yet to receive responses to them. My concerns are around the level of oversight by the Department and, soon I hope, the police authority of the entire promotions process in An Garda Síochána. In the context of the debate on reform, this needs to happen from the bottom up, including how people are promoted, with independent oversight. I have concerns about this issue, as reflected in my questions. I ask that they be responded to as soon as possible.

My second concern relates to the independent adjudicator, an issue we dealt with in the context of the Garda Síochána (Amendment) Bill. If the police authority asks questions of An Garda Síochána and it responds that it cannot provide information for security reasons, an independent adjudicator, namely, a judge, rather than the Minister, should oversee the process so as to remove any accusation of a Minister being too close to the Garda and so on.

These are the two issues I want to flag as being of concern to me.

**Deputy Frances Fitzgerald:** The Deputy is getting into the detail of the Bill. No doubt, we will have a robust discussion on these issues when the Bill is brought before the House. It is extremely important that the Garda Commissioner has operational responsibility and is independent in dealing with operational issues. Obviously, a particular number of appointments come within the internal process within An Garda Síochána and it is envisaged that this will continue up to a certain point. We can have further discussions on this issue during the course of the passage of the Bill.

This is the first time a definition of “security” has been set out in legislation. There is, for example, clarity and a clear exemption for advocacy in order that people will not think we are using the definition of security, for example, to say peaceful protest would not be allowed. This is very important and will help in appropriately deciding what comes within the remit of policing because uniquely in this country An Garda Síochána deals with policing and security issues.

### **Garda Complaints Procedures**

108. **Deputy Mick Wallace** asked the Minister for Justice and Equality her views on concerns that two Garda whistleblowers (details supplied) who made complaints of Garda malpractice over one year ago have still not had an investigation of their complaints completed; and if she will make a statement on the matter. [19803/15]

**Deputy Mick Wallace:** The Garda Commissioner, Ms Nóirín O’Sullivan, has said any garda who wants to report wrongdoing in the force will be welcomed. Sadly, Garda Nick Keogh and Garda Keith Harrison have not been welcomed. It is over one year since they made their complaints. Both have been treated shamefully since. Does the Minister have any problem with the contrast between how those who make complaints are treated and how those against whom complaints are made are treated because the latter are treated far better by the hierarchy in An Garda Síochána?

**Acting Chairman (Deputy Alan Farrell):** Before calling on the Minister to respond, I remind Deputies of the need to refrain, where possible, from naming individuals in the House. Regardless of the context, it is my preference that they avoid doing so.

**Deputy Mick Wallace:** I have permission to do so.

**Deputy Frances Fitzgerald:** By way of background, as the Deputy is well aware, prior to the Protected Disclosures Act 2014 coming into operation, whistleblowing by members of An Garda Síochána was provided for under the Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007 which provided for the appointment of an independent confidential recipient. The confidential recipient was then required to transmit each confidential report to the Garda Commissioner. Only where a confidential report contained an allegation which related to the Garda Commissioner was it transmitted to the Minister. In transmitting a report, the confidential recipient had to be aware of the obligation to protect the identity of the whistleblower, and any communication between the confidential recipient and the whistleblower was confidential and was not conveyed to the Minister. The regulations provided that any harassment or intimidation of a member who had made a confidential report would be dealt with in accordance with the law. This system was replaced by the Protected Disclosures Act 2014, which came into operation in July 2014 as part of the Government’s comprehensive approach to enhance the protection available to whistleblowers, including Garda whistleblowers.

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GSOC was prescribed under the Act as a body to receive protected disclosures.

With regard to the two cases referred to by the Deputy, I first make the point that all of us in this House must be very careful in discussing individual cases of whistleblowing. The Protected Disclosures Act prioritises the confidentiality of the process, a confidentiality which is not always easily reconciled with some discussions in the House. However, I am advised by the Garda authorities that reports in both of the cases referred to by the Deputy were originally received under the confidential recipient regulations. One of the cases is the subject of a comprehensive criminal investigation and upon completion may be the subject of a report to the Director of Public Prosecutions. The second case was subsequently referred to GSOC under the Protected Disclosures Act 2014.

I know that the Deputy will appreciate that I have no functions in regard to criminal investigations that are ongoing, to the submission of files to the DPP or in regard to the investigation of complaints by GSOC. In regard to both of the cases the Deputy referred to, one is the subject of a current criminal investigation and the other has been referred to GSOC.

**Deputy Mick Wallace:** I am not going to discuss the details of the complaints, so I will not be prejudicing any case. In regard to the latter case referred to, the Minister spoke about a confidential report. In the case of this particular garda, there was supposed to be an internal investigation. Nóirín O'Sullivan handpicked two individuals to look after the internal investigation, but what did they do? They leaked the information to the alleged perpetrator. They leaked it. They have concrete evidence of it. What happened was - I am not talking about the case itself - they went then-----

**Acting Chairman (Deputy Alan Farrell):** Will the Deputy pause for a moment?

**Deputy Frances Fitzgerald:** There is a serious allegation there.

**Acting Chairman (Deputy Alan Farrell):** He has already named the individuals, therefore, what he is saying is directly linked to-----

**Deputy Mick Wallace:** But I am not discussing the case.

**Acting Chairman (Deputy Alan Farrell):** I am sorry, but the Deputy is. I ask him to be careful as to what he says.

**Deputy Mick Wallace:** I will be careful. The garda was told then that he should refer the matter to GSOC and it said "Ye were the ones who damaged the internal investigation, so ye do it." Eventually they did it in September. In September 2014, it was referred to GSOC by Nóirín O'Sullivan but zero progress has been made to date. In the meantime, this particular garda has had a Garda car go down his boreen 19 times this year alone to intimidate him and his post has been opened. He has been treated like a criminal.

**Deputy Frances Fitzgerald:** I note the Deputy has raised allegations about these cases on at least two occasions with the Taoiseach, on 28 January and on 31 March and on both occasions the Deputy was asked to provide information in writing if he has it.

**Deputy Mick Wallace:** That is not true. I was not asked about any information, Minister.

**Acting Chairman (Deputy Alan Farrell):** Please refrain from interrupting.

**Deputy Frances Fitzgerald:** The Deputy has made some serious allegations. There are independent processes available to members of An Garda Síochána and the Deputy is aware the Government has introduced new legislation under the Protected Disclosures Act. I have told the Deputy there is a criminal investigation under way. If there is information available, such as the Deputy has put forward in the House today, that obviously needs to be part and parcel of the criminal investigation that is going on. For the Deputy to make the suggestions he has made in regard to proactive leaking on this case is a serious allegation.

Obviously, every criminal investigation is serious and there is a criminal investigation going on in one case. In the other case, there is a GSOC investigation. Surely those cases should be allowed to be dealt with via the process of the criminal investigation and the Garda Síochána Ombudsman Commission, GSOC, report on those that is currently taking place. The floor of the Dáil is not the place to be discussing the detail of those cases when there are processes, rules and legislation set up to deal with the concerns of whistleblowers in An Garda Síochána and other bodies.

**Deputy Mick Wallace:** I can only presume that the Minister has been ill informed because the process is not working for these two Garda whistleblowers. I am not saying that is the Minister's fault. I am saying it is not working for them, and they have been treated abysmally. Both of them are out sick much of the time. They have suffered terrible intimidation. They are stressed. Garda Keogh has been sent to the surgeon in the Phoenix Park headquarters as an intermediary measure. It is crazy to say there is a process in place that works for these people. They are not getting any feedback. There is no communication with them. The only communication they are getting is bullying and intimidation. I am not saying it is the Minister's fault. I am saying the system is not working. I am sorry but it appears to me that the Minister is not being kept accurately informed by An Garda Síochána. These people are in a bad place, and they need help and protection.

**Acting Chairman (Deputy Alan Farrell):** Thank you.

**Deputy Mick Wallace:** Sadly, given that we have not changed the hierarchy of An Garda Síochána it is difficult to see things changing until we see-----

**Acting Chairman (Deputy Alan Farrell):** Thank you, Deputy. Please take your seat.

**Deputy Mick Wallace:** -----new faces running the force.

**Deputy Frances Fitzgerald:** I repeat for the Deputy that the new protected disclosures legislation, which became operational in July 2014, is intended to provide precisely the sort of robust framework that is necessary and under which workers can raise concerns, and that includes members of An Garda Síochána. An Garda Síochána is committed to that and has informed all members of the force of it. In another question I am asked if members of An Garda Síochána are aware of the changes. They have been made aware of them. The legislation we have brought in, which is the framework under which these complaints are being dealt with, reflects best international practice on dealing with whistleblower protections, which I agree with the Deputy are a very serious issue. Both gardaí can make their points within the force in regard to their current experience. I am informed that all of the actions that need to be taken to investigate their complaints are being taken.

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## Witness Protection Programme

109. **Deputy Niall Collins** asked the Minister for Justice and Equality if she will provide an update on the operation of the witness protection programme; if operational concerns have been raised with her; her plans to review the programme; and if she will make a statement on the matter. [19576/15]

**Deputy Niall Collins:** I am tabling this next question on the State witness protection programme because I have been speaking to two people who are former participants of the scheme and some of what they told me I find concerning. I am asking the Minister if she can provide us with an update on the operation of the State witness protection programme; if any concerns have been raised with her; and if she has any proposals on the future of the scheme.

**Deputy Frances Fitzgerald:** The Garda Síochána has operated a witness security programme since 1997 to respond to attempts by criminal and other groups to prevent the normal functioning of the criminal justice system, including threats of violence and systematic intimidation of witnesses. Given the highly confidential nature of the programme and the need to maintain the protection of persons who receive support, it has been the policy of successive Ministers for Justice, for obvious reasons, not to set out the procedures of its operation in detail and certainly not to go into the details of specific cases. I can say that the programme has been and is used in a significant number of cases and has proven its value in helping to secure the conviction of very serious criminals while at the same time protecting individuals who have assisted in securing those convictions.

For the Deputy's information, admission to the programme is considered by a high level group that comprises senior gardaí and a representative from the Office of the Director of Public Prosecutions and it assesses the range of legal, security and other issues. The operation of the programme is kept under constant review. In particular, the question of how to provide a statutory framework of guidelines for the programme is under consideration by my Department. The Deputy will appreciate that trying to strike an effective balance between an appropriate legislative framework while maintaining the necessary confidentiality and flexibility in the operation of the programme is a complex matter. Some issues relating to persons who have received support under the programme are among those being considered under the mechanism for the independent review which we discussed earlier. I should make it clear, however, that persons who have concerns about their personal safety should bring those concerns directly to the Garda Síochána and that the security measures that should be put in place for an individual is an ongoing operational decision for the Garda Síochána.

**Deputy Niall Collins:** As I said to the Minister, a number of people, at least two, Dave Mooney and Joey O'Callaghan, contacted me and gave me their permission. Both of them have told me they do not have criminal backgrounds or history and participated in the scheme for the right reasons, to give evidence to convict people who were involved in criminality. Their central argument is that what they say was agreed with the witness protection programme but the support offered to them after they had fulfilled their side of the agreement was not upheld by the State. Unfortunately, they have had to engage with GSOC and their solicitor, Kieran Kelly, and I find much of what they told me disturbing.

Joey O'Callaghan sought a meeting with the Minister and it is a matter for her whether she can meet him. At the very least, would the Minister consider asking the Garda Inspectorate to carry out a review of the witness protection programme to see how it is operating? In the

Minister's reply, she has told us it was operating at a high level within the Garda Síochána. In a reply to a parliamentary question, the Minister told me the witness protection programme costs approximately €700,000 per annum. Could the Comptroller and Auditor General undertake a value for money review to see where the spend is going? Some of what these people have told me about how moneys have been spent should ring alarm bells within the Minister's Department.

**Deputy Frances Fitzgerald:** If the Deputy has any particular information he would like to forward to my Department, he should do so. It is not appropriate for me to go into the details of individual situations in the Dáil. Any intimidation of witnesses is an offence under section 41 of the Act, which specifies the offence as harming, threatening or menacing or in any other way intimidating or putting in fear another person who is assisting in the investigation of an offence by the Garda Síochána with the intention of causing the investigation or course of justice to be obstructed, perverted or interfered with. It is punishable by imprisonment of up to ten years.

As I said, it is a very sensitive area and is under review by my Department and, in the first instance, this is how it should be handled. Given the small size of the State and the population and the closeness of communities here, the operation of the witness protection arrangements presents particular challenges. Striking the right balance between the appropriate legislative framework and maintaining the absolute confidentiality and flexibility in its operation is a key concern. In the first instance, it is most appropriate to continue the review within the Department and then, perhaps, other possibilities such as the Deputy suggested could continue at that point.

**Deputy Niall Collins:** We have received different reports about different activities of the Garda Síochána and reviews carried out by the Garda Inspectorate. They have been greatly welcomed by every Member in this House and beyond. They have given some very insightful advice on how systems can be improved in terms of giving a better service to the people. I urge the Minister to take seriously my suggestion about the Garda Inspectorate and the two individuals to whom I referred. It would go a long way towards informing the Garda Inspectorate if it met with them or their legal representatives to hear their experiences of participating in the witness protection programme.

## **Human Rights Issues**

110. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the reforms she plans to introduce to make the State fully compliant with Article 2 of the European Convention on Human Rights, given that Articles 1 and 2 of the convention, when read together, require a proper and adequate official investigation into deaths resulting from the actions of State agents, both from the use of lethal force and in situations where the negligence of agents leads to a death. [19812/15]

**Deputy Pádraig Mac Lochlainn:** Is the Minister satisfied that the State is compliant with Article 2 of the European Convention of Human Rights? Taken together, Articles 1 and 2 place a particular responsibility on the State to investigate deaths in suspicious circumstances, whether at the hands of State agents or others. The Joint Committee on Justice, Defence and Equality and the Joint Committee on Public Service Oversight and Petitions will shortly hold joint hearings to obtain the views of a range of delegates, including Mr. Michael Finucane, the Irish Council for Civil Liberties, people researching the systems in place in England Wales and

a coroner in this state.

**Deputy Frances Fitzgerald:** Ireland takes very seriously its obligations under the European Convention on Human Rights. In particular, we are concerned to ensure the right to life, as stated in Article 2, when read in conjunction with Article 1, is respected and vindicated. As Minister for Justice and Equality, I am conscious of the responsibility which this brings, in particular because of my functions as they relate to an Garda Síochána and the Irish Prison Service. There is an obligation on the State to thoroughly investigate deaths which result from the use of force by State agents or in circumstances in which individuals die while in the custody or care of the State. The mechanisms whereby the death of an individual in such circumstances is investigated have changed in recent years. These changes have ensured Ireland is in a position to meet all of its obligations under the convention. Our commitment to complying with the convention was made explicit with the introduction of the European Convention on Human Rights Act 2003.

Under section 102 of the Garda Síochána Act 2005, the Garda Commissioner is required to refer to GSOC any matter that indicates to him or her that the conduct of a member or members of An Garda Síochána may have resulted in the death of or serious injury to a person. GSOC which is fully independent and has extensive powers of investigation is obliged to directly investigate such fatalities. This process is compliant with Article 2 of the convention. Since 1 January 2012 the death of any prisoner in custody is the subject of an independent investigation by the Inspector of Prisons. The Office of the Inspector of Prisons is a statutory independent office established under the Prisons Act 2007. The inspector's investigation and reports are part of a three pronged process, the other elements being investigations by An Garda Síochána and investigations and inquests conducted by coroners. The inspector is satisfied that the combination of these processes meets the requirements under Article 2.

**Deputy Pádraig Mac Lochlainn:** If one reads Article 2 with Article 1, there is a broader challenge for the State. I will use as an example the case of Mr. Seamus Doherty who was murdered in Donegal in 2012. I have raised this case previously with the Minister at Question Time. In recent days Mr. Doherty's daughter, Caitriona, was in contact with me. She is on the verge of taking legal action against a range of bodies. She cannot have the coroner's hearing dealt with or apply to the Criminal Injuries Compensation Tribunal because the investigation is still live. She made a complaint to the Garda Síochána Ombudsman Commission about the conduct of the investigation and the serious questions that arose in respect of it. However, the ombudsman can only refer cases to the Garda Commissioner with an opinion on whether disciplinary action is required. She cannot get answers two years after the murder because of the way the system has been designed. Many coroners are critical about the need to update the Coroners Act 1962. The bereaved next of kin of victims are suffering indignities for several years as they try to get answers and, in some cases, challenging the State agencies tasked with carrying out investigations. Radical reform is required. I ask the Minister and her departmental officials to pay heed to the hearings of the Oireachtas committees and examine the issues brought to our attention.

**Deputy Frances Fitzgerald:** I will ask my officials to study the transcripts of the committee hearings to determine the issues arising. I acknowledge that the 1962 Act needs to be revisited and that that process commenced seven years ago under a previous Government. I have had a number of meetings about that piece of work.

The Coroners Bill 2007, to which I referred, proposes to extend the matters which can be

investigated by the coroner, from investigating the approximate cause of death to establishing in what circumstances the deceased met his or her death. I take the Deputy's point that when an investigation is ongoing it can be difficult to get answers from other bodies. While the investigation is current there is a real difficulty and it is not easy in any circumstances to see how that can be dealt with. If the Deputy can give me the individual details, I will see what policies issues arise concerning the points he has made.

**Deputy Pádraig Mac Lochlainn:** The other case that has led me to pursue this matter is that of Jake McGill-Lynch who in 2013 tragically took his life with a weapon in his own home. His family have been pursuing the issue of whether medication could have had an impact on his mental health that led to that scenario. It is devastating for this family, too, who are locked in a process through the coroner's system. The coroner's oversight is very limited when people question how the HSE or doctors dealt with their deceased family members. This poses a big challenge and, in fairness, it will take some time to address. I ask the Minister to be aware of the fact that many families have suffered a double bereavement of loss and then feel they are not getting justice for their loved ones. The system chugs along, yet never quite gives them the answers they need.

**Deputy Frances Fitzgerald:** Just last week, I held a meeting with about 50 representatives from a variety of victims' groups. I also held a meeting of criminal justice agencies to discuss the implications of the victims' directive, which has to be legislated for later this year. The implementation of that legislation will have a strong impact on some of the points the Deputy has raised, including the relationship between victims and various elements of the criminal justice system. In addition, it will give better information to victims and keep them informed.

As regards the Deputy's point about the use of medication, there are real concerns that this is not sufficiently incorporated by some of the bodies examining deaths. However, as the legislation on the victims' directive is introduced and begins to be implemented, it will have serious implications for behaviour in all of these bodies, whether it is the coroner's court or elsewhere within the courts system. Responses to victims will need to be much more robust and, in addition, victims will need to be told what their rights are. Representatives of the criminal justice agencies will be expected to have much better contact with victims.

## **Other Questions**

### **Garda Síochána Ombudsman Commission**

111. **Deputy Mick Wallace** asked the Minister for Justice and Equality the progress that has been made to date as regards filling the post vacated by the former chairperson of the Garda Síochána Ombudsman Commission in January 2015; the process she is following for this appointment; and if she will make a statement on the matter. [19526/15]

**Deputy Mick Wallace:** My question concerns the Garda Síochána Ombudsman Commission which is clearly struggling to represent Garda whistleblowers. We are concerned because it would appear that since the departure of Mr. Simon O'Brien things have become even more difficult and disappointing. Can the Minister explain why it is taking so long to replace Mr. O'Brien? I understand that under section 65 of the relevant legislation, a political appointment

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of the GSOC commissioners is permitted. Has the Minister considered changing that operation to make it an independent one?

**Deputy Frances Fitzgerald:** The Deputy will be aware that on 15 May, my Department placed an advertisement seeking expressions of interest from suitably qualified individuals for appointment as chairperson of the Garda Síochána Ombudsman Commission. The advertisement can be viewed on the Department's website and the website of the Public Appointments Service. The closing date for the receipt of expressions of interest is 29 May. Selection for consideration will be based on an examination of expressions of interest received. I will establish an independent panel to advise me on which applicants are best qualified, following which I will present suitable names for consideration by Government. Under the Garda Síochána Act 2005, the Government must be satisfied that a person nominated for this position has the appropriate experience, qualifications, training or expertise for appointment, having regard to the functions of GSOC. As the Deputy is be aware, under the Act the nomination is also subject to the passage of resolutions by Dáil Éireann and Seanad Éireann recommending the appointment. The appointment is then made by the President.

I should point out that the Act provides for a situation where a member of GSOC has resigned his or her position and permits GSOC to act notwithstanding the vacancy, as the Deputy knows. The person who will be appointed as chairperson of GSOC will, under the Act, serve out Mr. O'Brien's term of office, which will expire on 12 December 2016. More generally, it is vital that the public has confidence in the Garda Síochána and the system of oversight, as I have often said. We are implementing a comprehensive programme of reform in the areas of policing and justice. As part of the programme of change, the Garda Síochána (Amendment) Act 2015, which is fully in force, strengthens and clarifies the remit and capacity of GSOC, and I will keep under review the case for further change.

**Deputy Mick Wallace:** The Minister would agree that if a garda makes a complaint in September and he still has not been interviewed by May the following year, there is a problem. If a Garda makes a complaint in November and has not even got a reply by May the following year, there is a problem. GSOC is still not fit for purpose and it is not doing the job it is supposed to; it is not able to do it. It is going to require more funding. I know there were some improvements in the Minister's Bill but that probably represented approximately 10% of what international experts had advised us to put in our police Bill last year. Sadly, GSOC is still not in a place really to hold An Garda Síochána to account. There are Garda whistleblowers waiting six and eight months for cases to be dealt with while the same junior gardaí are at the mercy of senior gardaí who did not like the fact that nasty evidence was being brought to the table. Those junior gardaí are being badly treated. Will the Minister have another look at GSOC's powers and its resources?

**Deputy Frances Fitzgerald:** As I recently told the Deputy, GSOC received an extra €1 million in funding and it has also been exempted from the moratorium that applies to recruitment. It has now taken on extra staff and a small number of vacancies are currently being filled. The annual report was published fairly recently and it is clearly dealing with a large volume of work. I am in regular contact with GSOC personnel and I have meetings with the commissioners. They are getting on with the work. If the Deputy has details of particular cases that he would like to forward to me, although I do not get involved in individual details, I can examine the reason for delays.

**Deputy Mick Wallace:** Will the Minister consider bringing in GSOC personnel to have a

chat with them? She could ask them if they are adequately resourced and if there is enough power to deal with the challenges faced by GSOC. One of the whistleblowers I mentioned since making his complaint over a year ago has had five internal investigations against him. The person he complained about has not even been suspended. One could not make this up. There is something seriously amiss in this regard.

As I have previously said, I honestly believe the Minister is not being kept properly informed. She would deal positively with such issues if kept informed. She should bring in GSOC personnel and ask them if there are enough financial resources to deal with all these problems. She should ask if they would like more power to carry out this very challenging task.

**Deputy Frances Fitzgerald:** I will repeat the fact that extra resources and staffing have been made available. Clearly, hardly a body in the country would not say “Yes” when asked if it needed more resources. I have to be satisfied that GSOC, with the resources and staff that it has, can do the work being referred to it. As I have said, I have met with GSOC a number of times since I became Minister and have been discussing the work with its representatives on an ongoing basis, as I have with the Garda Commissioner. I have been looking at the relationship between the two bodies and the need to put robust mechanisms in place. One of the issues I would like to see resolved and which would make quite a difference to the volume of work would be to agree a mechanism for the resolution of more informal complaints. If I call them “lesser complaints”, it is not to say that not every complaint should be dealt with seriously. It would be helpful if everybody involved could agree to a mechanism for some of the complaints which could be dealt with more informally. That does not exist which means everyone is involved in a great deal of investigation which takes up a great deal of time. It is not to say that proper complaints should not be investigated fully to note that there is scope in this area. I have had discussions with the Garda Commissioner, GSOC and the representative bodies on this and we are looking at a number of initiatives which could deal with the matter and be helpful in terms of the resource issues mentioned.

### **Garda Misconduct Allegations**

112. **Deputy Clare Daly** asked the Minister for Justice and Equality if she will update Dáil Éireann regarding the independent review mechanism into cases of Garda malpractice, in terms of the number of persons who have been communicated with by the panel; the number of cases that they have recommended for further investigation; and the way she proposes to address the cases for which no further action is recommended. [19513/15]

**Deputy Clare Daly:** This question is obviously linked to the first priority question on the independent review mechanism. Approximately eight weeks ago, the Minister told the House the review was at a very advanced stage in the vast majority of cases and that the process of notifying people of outcomes would begin after Easter. We had a similar response today to the first question, but there are subtle differences. I wonder what the story is. Why has no one been contacted in the intervening eight weeks and where are we at? The consistent thing has been the lack of engagement and dialogue with those who went to the panel.

**Deputy Frances Fitzgerald:** The Government agreed to establish the independent review mechanism to deal with a variety of cases of complaints, not all of which, it turns out, relate to the An Garda Síochána, though a substantial number do. A number are about other bodies and experiences in court. Some of the complaints relate to property issues. There is a range of is-

sues within the complaints which have been made. This is an independent process and I have been very keen and committed to ensure that from beginning to end it is seen as independent and robust. The Department has received a significant number of the recommendations at this point so the process should be completing over the next couple of months. Obviously, the legal advice has been made available to the Department in certain of the cases. The question now is to communicate that. As it is legal advice to the Department and as quite a number of parts of the advice refer to third parties, I must now find the best way to communicate as robustly and fully as possible the outcome of the process and the recommendations. In order to ensure that it fulfils those criteria and that we can communicate in the most effective way possible with the complainants, I have decided, having received the first cases just a couple of weeks ago and considered the recommendations, that the best way to proceed in keeping with it being a fully independent process from beginning to end is to ask a judicial figure to oversee the process of communication to complainants in each and every instance.

**Deputy Clare Daly:** I see. A problem is that nobody who has participated in the process so far sees it as independent and robust. When it was initiated, they were told it would take eight weeks. Let us be clear that it is a paper review and eight weeks was more than ample time for the Minister to decide that some issues related to the Judiciary or land law and could be parked. Those issues are not contributing to any delay in this scenario whatsoever. Two months ago, the Minister told us here that she had these outcomes and would communicate with people. Now, we are told that people may hear back over the next couple of months. There are going to be a great many very distressed people when they hear this. I have made the point previously that we know that, of some of the cases that have been referred to the panel, not even preliminary inquiries were made by it into some of the information contained in the reports. Therefore, it could not in any way have constituted a robust inquiry; it was a paper review. In some ways, this will create a bigger problem than in solving one, if they are to receive an answer perhaps some time before Christmas. The Minister has not explained where the shift has occurred.

**Deputy Frances Fitzgerald:** In quite a number of cases more information has come into the Department through the review mechanism which has had to go to counsel for further analysis. In any circumstance where under the review mechanism extra written information is needed, for example, from GSOC or An Garda Síochána, it has been possible to get that information. It is an analysis of all of the data available. I do not agree with the Deputy's description of the ease with which it could be decided that certain cases were part of the process, while others were not. In fact, it has been quite time consuming. It is clear that the original six to eight week timeframe was a miscalculation in terms of the number of cases involved. The process is very detailed and robust. This is the first time any Government has taken these complaints - more than 300 - and set up an independent process with senior and junior counsel who are completely independent in reviewing the material and have come back to the Department and in various cases recommended further action. When I said "a couple of months", I obviously meant by the summer. I do not expect it to go on any further. I am at the point where I have made the decision that we will bring in the judicial figure and the notifications will start once that person is in place. I expect things to move ahead quickly from that point onwards. I started to receive the recommendations in the past few weeks. That is when I started to examine the individual cases and I decided that in order to continue the independence in the process, this was the way forward.

**Deputy Clare Daly:** It is very important to say this process, in fact, is not detailed and that either the Minister is being misinformed or she is not being kept updated on the issue. I do not

mean this in a derogatory way, but it is absolutely not the case that people were asked for more information. There has been no communication with the people who gave information to the panel. Therefore, how could it have looked for more information? What we do know is that many people who volunteered new information were told by the panel and the Minister that this was not an investigative body, that it did not want to see new material and that its only job was to decide what to do, not to come up with an outcome. It is not an independent panel. The Minister did not advertise for people who would engage. It did not meet people. It is not the case that it was delayed because of the provision of new information.

**Acting Chairman (Deputy Alan Farrell):** We are over time.

**Deputy Clare Daly:** I did not set a short timeframe; the Minister was the one who set the timeframe. We were all shocked at the idea that such a timeframe would be advanced, but the only reason it was advanced was this was only to be a paper review and it has remained as such. The panel has refused to take onboard extra information and has not even queried information available.

**Acting Chairman (Deputy Alan Farrell):** As we are a little over time, I ask the Minister to limit her response.

**Deputy Frances Fitzgerald:** To clarify, I said that where the independent panel decided that it needed further information based on its review of cases, it asked for it. I also said quite a lot of information had come in on an ongoing basis from members of the public - the complainants in the cases - and that information, even where a recommendation had already been made, had been sent back to the panel to be analysed and taken into account by it when making decisions. The Deputy is extremely dismissive of a process that has been put in place for the first time to analyse these cases. In respect of individual responses, there are recommendations that further action be taken in a number of the cases. As I said, I cannot envisage circumstances in which I would not accept the recommendations of counsel. The Deputy is very dismissive of a process that is objective, independent and involves a legal examination of information-----

**Deputy Clare Daly:** After years of experience.

**Deputy Frances Fitzgerald:** -----which, in many cases, as I said, has been around since 1969. The initial timeframe was incorrect and I have said that from the outset.

**Acting Chairman (Deputy Alan Farrell):** Thank you, Minister. We are over time.

**Deputy Frances Fitzgerald:** Once I realised the volume of cases I knew that it would take time. It is an independent process and to continue that independence I have now asked a judicial figure to be involved in the robust communication of the outcome of the investigation to the people concerned. Certainly I stand over that process as independent and robust.

**Acting Chairman (Deputy Alan Farrell):** Minister, please. Thank you.

**Deputy Frances Fitzgerald:** It is a review. If we were to interview people individually we would be talking about a different initiative completely to the one announced.

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## Insolvency Service of Ireland Applications Data

113. **Deputy Niall Collins** asked the Minister for Justice and Equality to set down the number of deals concluded under the new personal insolvency regime to date; the number sought; and if she will make a statement on the matter. [19373/15]

**Deputy Niall Collins:** I want to know the number of deals that have been concluded by the Insolvency Service of Ireland in comparison to the number of cases it has taken on. We know that the Insolvency Service of Ireland has not delivered or has not had the desired effect that was intended when it was set up. There is a sense of *déjà vu* in that here we are in the House today saying, “We told you so” again in respect of the bank veto. Will the Minister give us some detail on the statistics and the follow-through on the recent Government announcement to the effect that it intends to deal with the bank veto?

**Deputy Frances Fitzgerald:** As published in the Insolvency Service of Ireland’s quarter 1 statistics, the ISI has received 2,013 applications since its launch on 1 March 2013. A total of 996 protective certificates have been granted and 821 arrangements have been put in place. In terms of the ISI’s indirect impact it is worth remembering that prior to its establishment insolvent debtors were not obtaining informal debt agreements with creditors but the situation is rather different now. I believe the establishment of the ISI has been a significant catalyst for this change and, generally, I believe people familiar with this issue would agree with that. As the Deputy will be aware, under a major reform of the insolvency framework announced recently the courts will be given the power to approve insolvency deals rejected by banks where the proposal relates to mortgages or mortgage arrears on the borrower’s home and certain criteria are satisfied.

The quarter 1 statistics of the ISI show that creditors are already voting in favour of personal insolvency arrangements in three out of four cases. I believe that by giving the courts the power to review cases in which creditors initially reject personal insolvency arrangements, including power to overturn that rejection, and where certain criteria are met, acceptance rates will increase and more debtors will avail of the debt solutions offered by the ISI. I expect that this development, along with the rest of the measures announced by Government - the Deputy will be familiar with the other initiatives - will strengthen the framework to support mortgage holders in arrears and will encourage more debtors to seek the assistance they need to get back on track financially.

There is a major public information aspect to this as well in terms of encouraging people to use the services available, including the ISI, MABS and other organisations which can give support.

**Deputy Niall Collins:** I intend to raise many of the points I am making in the House today with representatives of the ISI tomorrow when it attends the justice committee. The last point that the Minister made in terms of public awareness cannot be emphasised enough. My colleague, Deputy O’Dea, and I attended the sitting of the Circuit Court in Limerick recently, where there were 219 cases heard by the County Registrar on the day. Every person involved was asked by the registrar whether they had engaged with the ISI. Inasmuch as I could ascertain having sat through most of it I do not believe there was one person there that day who said that he had interacted with it. That is an indictment of the ISI and the fact that it is not marketing its service. It also shows a disconnect between the banks, which are pursuing these people relentlessly into court, and the insolvency service in that there is no loop between the two in

terms of banks pointing and pushing people towards the insolvency service and showing them that this is a channel through which they should engage.

I call on the Minister again to outline when she intends to remove the bank veto. Can the Minister give us a timescale in this regard? As we know, certain people are watching this day by day. Can the Minister also offer a comment on the Government's proposals around the bankruptcy term? At present it is three years at a minimum. Deputy Willie Penrose from the Labour Party has produced a Bill on the matter. Where is the Government in terms of reducing the three-year term? Can we have the Minister's view on the matter?

**Deputy Frances Fitzgerald:** Deputy Collins asked a question on bankruptcy. Those responsible for dealing with these issues in some modern economies believe that a three-year bankruptcy term is the appropriate one and that is what they have. Others have shorter terms. I have asked both the Joint Committee on Justice, Defence and Equality, on which the Deputy serves, and the Joint Committee on Finance to examine the proposals and revert to me, by July I hope, with their views on the advantages and disadvantages of reducing the terms. Obviously, arguments are made both ways. The debate will benefit from the committees' examination of the bankruptcy terms and the possible implications of changes to them.

The legislation, based on the examinership model, is being worked on and will be brought before the House before the end of this term. Yesterday I met a number of people who were working together, including staff from the Insolvency Service of Ireland, to ensure there was very clear communication with the public on the range of initiatives taken by the Government, including particularly the use of MABS. To take up the Deputy's point, we are also in discussions with the Courts Service to determine whether initiatives can be streamlined to ensure more cases will be referred to the Insolvency Service of Ireland.

### **Immigration Policy**

114. **Deputy Seán Kyne** asked the Minister for Justice and Equality in view of the ongoing crisis in the Mediterranean concerning persons seeking to enter Europe, her plans to assist in this in terms of resettling persons and tackling the persons engaged in the exploitation and trafficking of vulnerable persons; and if she will make a statement on the matter. [2021/7/15]

**Deputy Seán Kyne:** This question relates to the ongoing crisis in the Mediterranean concerning persons who are seeking to enter the European Union and the Minister's plans to assist in resettling immigrants and tackling those engaged in the exploitation and trafficking of vulnerable persons. I appreciate that there is a large crossover with the work of the Department of Foreign Affairs and Trade which deals with EU affairs. The crisis is ongoing.

**Deputy Frances Fitzgerald:** This obviously is a very big issue for Europe and every country therein. We are all very conscious of the huge humanitarian crisis owing to people attempting to cross over from Libya and Syria. I had discussions on this issue yesterday with the Secretary General of the United Nations who praised Irish initiatives on resettlement. I announced recently that Ireland would take 300 additional refugees this year as a response to the European package of measures announced. Strictly on the basis of the quota, the number would have been fewer than 300, but, in fact, we had already agreed to take 150. That brings the total number of refugees who will be resettled by the end of the year and into next year to 450. Obviously, we are very conscious of the tragic loss of life in the Mediterranean, includ-

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ing, in April the loss of an estimated 800 lives in one incident. By taking the measures about which I have just informed the House, we are responding to what has been requested of us. We have dispatched the Irish naval vessel to assist in the humanitarian search and rescue tasks in the Mediterranean.

I have attended the various meetings of EU Justice and Home affairs Ministers. A broad range of conclusions has been arrived at and broad priorities have been laid out. They focus on a number of initiatives, including strengthening the European Union's presence at sea and interrupting and fighting traffickers in accordance with international law. Fighting traffickers is an essential part of our response. Another focus is preventing illegal migration flows. From the discussions yesterday with the Secretary General, it was very clear that, at European level, we needed to initiate more legal ways for people in need to gain access to all of our countries, whether it was through the use of more legal routes to enter countries, the granting of visas in particular circumstances or educational opportunities.

**Deputy Seán Kyne:** I acknowledge that this is a very complex issue that concerns a number of Departments, including the Department of Justice and Equality, the Department of Foreign Affairs and Trade which is responsible for European affairs and the Department responsible for the marine considering the response involving the *LÉ Eithne*.

On the point about the Council of Ministers, will there be ongoing discussions between the Minister's Department and her colleagues across Europe on tackling the criminals who are profiting from trafficking? Will this be a key focus of her partners?

While I acknowledge that development aid is not within the remit of the Department of Justice and Equality, will there be a focus on those areas where development aid is needed, particularly those countries in which economic conditions result in people seeking to risk their lives to have a better life in Europe?

**Deputy Frances Fitzgerald:** Clearly, there must be a very intense focus on dealing with traffickers. This relates to the current humanitarian crisis but, of course, it is also an ongoing issue in Ireland and elsewhere in respect of the trafficking of women and children.

**Acting Chairman (Deputy Alan Farrell):** May I ask for silence in the House while the Minister is speaking?

**Deputy Frances Fitzgerald:** Dealing with it is a priority for the Garda Commissioner and An Garda Síochána. There are ongoing discussions at European level about the legal mechanisms and the legal authority under which this work will be done but it is certainly a priority. It is very important because there is no question that people are being abused by unscrupulous traffickers and this has led to the deaths about which we have spoken. Clearly, the larger issue is what is happening in conflict areas and the need for those countries to be helped in conflict resolution. This is a significant international challenge. not just a European challenge.

**Acting Chairman (Deputy Alan Farrell):** There are seven minutes remaining for the final question. I ask Deputy Durkan and the Minister to bear that in mind.

**Deputy Pádraig Mac Lochlainn:** This session did not start until 2.03 p.m.

**Acting Chairman (Deputy Alan Farrell):** The Deputy is correct but an amount of time is allowed and there is one question left.

*Dáil Éireann*  
**Garda Deployment**

115. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which she expects to continue to avail of extra Garda numbers arising from the new recruitment programme with a view to ensuring increased strength in Garda stations that have experienced a reduction in Garda numbers in the course of the past number of years and with particular reference to demographic requirements; and if she will make a statement on the matter. [19511/15]

**Deputy Bernard J. Durkan:** My question seeks to ascertain the extent to which the Minister hopes to be able to avail of extra gardaí accruing from the new recruitment programme with particular reference to deployment to areas that have experienced an increase in crime over the past number of years and at the same time, suffered a reduction in the number of gardaí.

**Deputy Frances Fitzgerald:** As the Deputy is aware, the Garda Commissioner is responsible for the distribution of personnel among the Garda regions, divisions, and districts. This is kept under continuing review in the context of crime trends and policing priorities to ensure that the best possible use is made of these resources.

The Deputy will be aware that the Garda Commissioner has taken a number of decisions relating to distribution and where the new recruits will be placed on the basis of looking at the needs of particular areas and crime trends. It is a completely objective and operational decision. For the first time since 2009, new recruits are entering the Garda College in Templemore. As part of budget 2015, a further intake of 200 recruits in two batches was announced. On 15 December 2014, the first 100 of these batches commenced their training. The remaining 100 entered the college in early February. This has brought to 300 the number of recruits in the Garda College with a further intake later this year. In addition, I have received sanction from the Minister for Public Expenditure and Reform for two further intakes of 125 Garda recruits later this year. New gardaí will be assigned by the Garda Commissioner to Garda stations throughout the country.

It is the Government's intention that there will be ongoing seamless recruitment to the force because it is essential. However, it is not just a question of Garda numbers. The Government is also committed to ensuring that An Garda Síochána has appropriate technical and other resources. The Deputy will be aware that for the first time, I have initiated a review of the ICT needs of An Garda Síochána. A committee is close to producing its final report on identifying the ICT needs of An Garda Síochána. This will also lead to a more efficient and effective force. We are committed to meeting the ICT requirements of An Garda Síochána. This is the first comprehensive examination. We expect to have a plan in place that will identify needs in the short, medium and longer term.

**Deputy Bernard J. Durkan:** I thank the Minister for her comprehensive reply. What is the extent to which the particular-----

**Acting Chairman (Deputy Alan Farrell):** I apologise for interrupting Deputy Durkan. Could we have some order in the House?

**Deputy Bernard J. Durkan:** To what extent will the areas that have suffered a sharp increase in crime, sometimes of a violent nature, in recent times receive particular attention in the deployment of extra gardaí? I also wish to ask about the extent to which comparisons relating to best policing practice in other jurisdictions might be made with a view to achieving the best

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possible means of attacking criminal elements.

**Acting Chairman (Deputy Alan Farrell):** Time has now expired for this-----

**Deputy Pádraig Mac Lochlainn:** I must object in the strongest terms. This session did not start until 2.03 p.m. and there are three minutes still remaining in this session under my clock because the quota from the Government side was not here. I have been waiting patiently for this question and I will adhere to the three minutes.

**Acting Chairman (Deputy Alan Farrell):** I respect the Deputy's point of view, however, the time is 3.15 p.m. The Deputy may be of the view that-----

*(Interruptions).*

**Acting Chairman (Deputy Alan Farrell):** Please do not interrupt me.

**Deputy Pádraig Mac Lochlainn:** It is a point of order. There is a question here.

**Acting Chairman (Deputy Alan Farrell):** It is not a point of order. The Deputy has made his point. The time has expired. Perhaps he would consider submitting a matter under Topical Issues. I am sure the Ceann Comhairle will consider it. I ask the Deputy to resume his seat.

**Deputy Pádraig Mac Lochlainn:** This session did not start until 2.03 p.m. We are sitting here with questions we cannot put.

**Acting Chairman (Deputy Alan Farrell):** If the Deputy wishes to submit his name for the role of Acting Chairman, I suggest he submits it to the Ceann Comhairle. In the interim, I am Acting Chairman of the Dáil and I ask the Deputy to resume his seat.

**Deputy Pádraig Mac Lochlainn:** Can the Acting Chairman clarify a point of order?

**Acting Chairman (Deputy Alan Farrell):** I ask the Deputy to resume his seat. He is out of order and he is wrong.

**Deputy Pádraig Mac Lochlainn:** I will not take my seat because this session was delayed by three minutes. The Acting Chairman is rewarding the Government for not getting its numbers here and denying the Opposition its chance to ask questions. It is outrageous. My point of order continues while the Ceann Comhairle is in the Chair. The Ceann Comhairle is normally very reasonable.

*(Interruptions).*

**Deputy Pádraig Mac Lochlainn:** The Ceann Comhairle is normally very reasonable when it comes to the issue of time. If a session is late in starting, he allows the Opposition to have its full period for questions. One question is being denied here because the session was late in starting due to the Government quorum. I ask the Ceann Comhairle to adjudicate on this issue and allow it. I am only asking for two minutes. We have already lost a minute because of this protest.

**An Ceann Comhairle:** We have a timescale for matters like Topical Issues and Leaders' Questions. The time of 3.15 p.m.-----

**Deputy Pádraig Mac Lochlainn:** Can I ask the Ceann Comhairle a question?

**An Ceann Comhairle:** The Deputy cannot really ask a question-----

**Deputy Pádraig Mac Lochlainn:** If there was a delay of ten or 15 minutes, that means-----

**An Ceann Comhairle:** It was not ten or 15 minutes because I started the session. It was about two minutes late.

### **Topical Issue Matters**

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputies Seán Conlan, Caoimhghín Ó Caoláin and Brendan Smith - the need for the Tánaiste and Minister for Social Protection to ensure that the offices of the Department of Social Protection are retained in Ballybay, County Monaghan, with at least their present staffing complement; (2) Deputy Kieran O'Donnell - the need to reverse the decision to remove post-leaving certificate courses from the East Limerick Centre for Further Education and Training, Cappamore, County Limerick; (3) Deputy Frank Feighan - the reason for the delay in opening the ambulance centre in Loughlinn, County Roscommon and proposals to remedy the situation; (4) Deputy Aengus Ó Snodaigh - the negative impact on the disability community with the loss of funding to Disability Mainstream Access Project in Dublin 12; (5) Deputy Mary Mitchell O'Connor - the plans by the Minister for Transport, Tourism and Sport for Dún Laoghaire Harbour; (6) Deputy Pat Breen - the need for the Minister for the Environment, Heritage and Local Government to explain the reason why funding towards the development of a sewage treatment plant in Carrigaholt, County Clare was not included in the 2015 rural water programme allocations as a pilot project; if he will outline the specific criteria for the inclusion of pilot projects in the programme; and if he will make a statement on the matter; (7) Deputy Brian Stanley - the report on autism compiled for the Laois Offaly Friends of Autism; (8) Deputy Mattie McGrath - the need for the Minister for Health to outline how is going to address concerns regarding the free GP care for under-sixes; (9) Deputy Ciara Conway - the need to overturn the decision to cut funding for the Imagine Arts Festival in Waterford to enable both the festival and the community arts sector in Waterford city to continue their work in the community; (10) Deputy Seán Kenny - the need for the provision of a grant from Department of Social Protection to St. Eithne's national school, Edenmore, Dublin 5, to allow the school's breakfast club to continue; (11) Deputy Brendan Griffin - the urgent need for the new N22 Cork-Kerry Road and the 41 deaths on this road since 1990; (12) Deputy Maureen O'Sullivan - the need to address the cuts in funding to Ait Linn in Ballymun, Dublin 11, and Barrymore House, North Circular Road, Dublin 7, and the impact these cuts will have on persons suffering with alcoholism; (13) Deputy Eamonn Maloney - the role of the Central Bank Report with regard to the micro-loan scheme and the credit unions; (14) Deputy Clare Daly - the need to discuss the expert group report into the proposed sale of Aer Lingus to IAG; (15) Deputy Martin Heydon - the need for faster roll-out of the broadband plan for rural Ireland; (16) Deputy Barry Cowen - the need for the Minister for Environment, Heritage and Local Government to outline what measures are being taken to address the crisis of family homelessness in Dublin; (17) Deputy Charlie McConalogue - the need for the Minister for Transport, Tourism and Sport to address the need for investment in tourism facilities at Ireland's most northerly point at Malin Head; (18) Deputy Timmy Dooley - the need for the Minister for Transport, Tourism and Sport to outline in detail the recommendations of the report by the expert group commissioned by the Minister on the sale of the State's 25% share in Aer Lingus; (19) Deputy Regina Doherty - the need for An

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Bord Pleanála to postpone the oral hearing scheduled for 16 June 2015 in respect of Emlagh Wind Farm as a High Court decision is currently pending regarding the SID status awarded to this development; (20) Deputy Mick Wallace - the need to discuss the behaviour of Dunnes Stores in closing its shop in Gorey; (21) Deputy Richard Boyd Barrett - the continuing crisis of families in homelessness; (22) Deputy Dessie Ellis - the need to discuss the increasing number of families becoming homeless in Dublin; (23) Deputy Ruth Coppinger - the new IAG bid for Aer Lingus and the possible sale of the State's 25% share; (24) Deputy Thomas Pringle - the need a new building for St Mary's national school, Stranorlar, County Donegal; (25) Deputy Catherine Murphy - the outstanding actions required as a result of the conclusions of volume II of the Tribunal of Inquiry into Payments to Politicians and Related Matters and lack of urgency on the part of the Government with respect to the related recommendations; and (26) Deputy Colm Keaveney - the need to raise with the Minister for Health the issue of industrial action in University Hospital Galway's psychiatric unit, the impact on patient welfare and the ongoing issues relating to staff safety.

The matters raised by Deputies Kieran O'Donnell, Maureen O'Sullivan, Ciara Conway and Seán Conlan, Caoimhghín Ó Caoláin and Brendan Smith have been selected for discussion.

## **Return to Writ: Carlow-Kilkenny**

### **Introduction of New Member**

The Clerk Assistant of the Dáil made the following announcement:

I gcomhlíonadh Bhuan-Ordú céad seachtó a cúig de na Buan-Orduithe i dtaobh Gnó Phoiblí, tá orm a chraoladh go ndearnadh, sa Chorrthoghchán a bhí ann an fiche dó Bealtaine, dhá mhíle is a cúig déag, de chionn an Teachta Pilib Ó hÓgáin d'éirí as, an comhalta seo a leanas a thoghadh don Dáil:-

In compliance with Standing Order 175 of the Standing Orders relative to Public Business, I have to announce that at the By-Election held on 22 May 2015, consequent on the resignation of Deputy Phil Hogan, the following member has been elected to the Dáil:-

Dáilcheantar Cheatharlach-Cill Chainnigh . . . . . Riobárd Aileart

Consituteny of Carlow-Kilkenny . . . . . Bobby Aylward

Tá Rolla na gComhaltaí sínithe ag an Teachta de réir Bhuain-Ordú 1.

The Deputy has signed the Roll of Members in accordance with Standing Order 1.

**Deputy Micheál Martin:** A Cheann Comhairle, a Thaoisigh agus a dhaoine uaisle go léir, ba mhaith liom i dtús báire a rá go bhfuil sé mar phribhléid an-mhór dom fáilte faoi leith a chur roimh Bobby Aylward ar ais go dtí Teach Laighean agus go dtí Dáil Éireann. Is duine dílis é Bobby Aylward, atá fréamhaithe ina dhúiche féin agus ina phobal féin. Oibríonn sé go dian dícheallach, Domhnach is dálach. Tá mé an-sásta go mbeidh sé ar a chumas an-chuid oibre a dhéanamh ar son a mhuintir féin sa Teach seo sna míonna atá le teacht agus go háirithe roimh an olltoghchán atá le teacht.

It is my great privilege to warmly welcome Bobby Aylward to Dáil Éireann, to congratulate him on his success and to say in my capacity as leader of the Fianna Fáil Party that this is an occasion to celebrate, given that it has been 19 years since the party won a by-election and for the electoral nerds among you, about 45 years since we won a by-election from the Opposition benches. On this occasion we have taken the seat of the European Commissioner, former Deputy Phil Hogan, who I know is loved by many across the country and particularly by our Labour Party colleagues. We wish Phil every success and thank the people of Carlow-Kilkenny for exercising their democratic mandate.

The Aylwards have made a distinguished contribution to public service. Bobby's late father, Bob, served in Seanad Éireann and his brother Liam served as a Member of the Dáil, a Minister of State and Member of the European Parliament. Bobby himself served as a county councillor and was a Member of this House previously. He is a very committed community person, rooted in his local community. He comes from a distinguished republican tradition as well as a very distinguished hurling tradition. This has been a very exciting few months for the Aylward family because two of Bobby's sons, Bobby and Mark, played a fantastic role in Ballyhale Shamrocks' victory in the All-Ireland club hurling championship last March. The Aylwards have been on a bit of a roll lately. As a humble Cork man traversing the plains of Kilkenny, I had to eat a lot of humble pie along the way while meeting one hurling giant after another, all of whom feigned concern about the state of Cork hurling. They need not worry because the mushroom may fade, but Cork hurling never will.

We listened on the doorsteps and it was clear that there were a number of key issues about which people were concerned, including regional disparity and the lack of regional economic development, the plight of the self employed, homelessness and a range of other issues. I have no doubt that Bobby Aylward will do his very best to represent those issues and the needs of his people over the remainder of this Dáil term. He will also contribute to creating the right policy platform for contesting the next general election in a constituency which will be particularly competitive. I want to thank all of those involved in securing his success, particularly his colleague Deputy John McGuinness, who worked extremely hard on his behalf.

*(Interruptions).*

**Deputy Micheál Martin:** Clearly, he worked harder than those Members of Fine Gael who are heckling from the back benches because-----

*(Interruptions).*

**Deputy Niall Collins:** The result is on this side.

**Deputy Simon Harris:** We were canvassing for the referendum.

*(Interruptions).*

**An Ceann Comhairle:** Settle down, please.

**Deputy Micheál Martin:** I do not want to be overly party political on this occasion but there is the matter of the 28 point decline in the Government's performance. In any event, I want to thank all of our Deputies for their work and Deputy Barry Cowen in particular for his outstanding stewardship as director of elections.

**The Taoiseach:** In the spirit of comhghairdeas, I was going to say that in this business, you

win some and you lose some but-----

**Deputy Micheál Martin:** The Taoiseach would know all about that.

*(Interruptions).*

**Deputy Niall Collins:** Where is Lucinda?

**The Taoiseach:** Congratulations to Bobby Aylward and the Fianna Fáil Party on winning the by-election in Carlow-Kilkenny. The Aylwards have been long-standing and outstanding representatives of the people of Carlow-Kilkenny. Bobby makes a return to this House to continue that tradition. Credit is due to all of the candidates in the by-election who put their names on the ballot paper, canvassed in the constituency and asked for support. I was particularly pleased with the showing of our own candidate, David Fitzgerald, throughout the constituency. Deputy Aylward is welcome back to Dáil Éireann. In his own way, he will continue the long line of representation from his family and will articulate the concerns, anxieties and issues of his constituents in his own inimitable fashion. He should not take too much advice from the Deputy beside him because he will be away on holidays all of the time----

*(Interruptions).*

**The Taoiseach:** Comhghairdeas to Deputy Aylward and I wish him good fortune for the time that he is here. He should not put his posters up too high in the hay shed because he might have to get them out again before----

**Deputy Niall Collins:** -----Christmas?

**The Taoiseach:** -----spring 2016. Congratulations again and good luck to the Deputy.

**Deputy Kathleen Lynch:** On behalf of the Tánaiste and the Labour Party, I congratulate Bobby on his election. This is not our first time serving together and Dáil Éireann was a poorer place without him. I am standing today to try to inject a little bit of gender balance into the proceedings. Congratulations to Deputy Aylward. I join the Taoiseach in congratulating all who stood for election. It is never an easy experience and particularly so in the case of a by-election. I won a by-election myself and I know what it is like to have the spotlight on one area with an intensity that only a by-election can bring. It is quite difficult. That said, walking in here is a great leveller. Everyone who wins a by-election walks in here and because of the constant media attention, believes that he or she will be Taoiseach the next day. However, as Deputy Aylward and I both know, that is not going to happen today or tomorrow. I commend all who stood in the by-election, including Willie Quinn, the Labour Party candidate. All candidates put up a magnificent show, not just on behalf of the people they were hoping to represent but also on behalf of their parties. We owe a debt of gratitude to them all for supporting the democratic process. Once again, I congratulate Fianna Fáil and Deputy Aylward. Well done.

**Deputy Gerry Adams:** Cuirim fáilte ar mo shon féin agus ar son Sinn Féin roimh Bobby Aylward agus a theaghlach. Is lá bródúil é seo dóibh uilig. I welcome Bobby Aylward and his family to the House today. It is a big day for him. I say, “Well done; you’re back again”. I spent some time in Carlow-Kilkenny and enjoyed the campaign tremendously. It is a beautiful part of the world. I commend all those who voted, including those people who voted for Kathleen Funchion. It is our hope that if she goes forward again she will be in here very soon - as soon as the Taoiseach has the gumption to call a general election and give the people the chance. I also

commend the Fianna Fáil Party and its leader - more power to your elbow, Micheál, and fair play to you on the day that is in it. This is really Deputy Bobby Aylward's day and his family's day. He should enjoy it and I hope his stay here can be a very productive one.

**Deputy Finian McGrath:** I congratulate Deputy Bobby Aylward and pay tribute to and commend his family on the magnificent victory in the by-election. I heard from people on the ground that it was an amazing local campaign, with great team support from his family and many of his friends across the constituency. I also congratulate Deputy Martin on this campaign and also the director of elections, Deputy Cowen, who, I believe, did an excellent job in recent weeks.

I know Bobby well from the previous Dáil. I always found him very warm and sincere. He is very generous and I welcome the fact he is back in the Dáil. As Members will know, Bobby would totally understand ground hurling. Deputy Martin and I had a bad day yesterday in Dublin Bay North-----

*(Interruptions).*

**Deputy Finian McGrath:** -----but we will talk to Bobby over the next 24 hours to see if we can get back on the pitch and get back into business.

**Deputy Patrick O'Donovan:** Is the Deputy looking for a nomination?

**Deputy Finian McGrath:** I wish Bobby well. There is a seat over here for him if he ever gets a bit wobbly on any issues. It is a fantastic day for his family. I know that Mr. Liam Aylward is in the Distinguished Visitors Gallery along with another former colleague, Mr. Rory Kiely, the former Cathaoirleach of the Seanad. I offer a very special welcome to Mr. Kiely, who made a massive contribution to life in the Seanad over many years.

I wish Bobby and his family well. This is their day.

**An Ceann Comhairle:** Some of Deputy Aylward's constituency colleagues want to make a short contribution and I call them in alphabetical order.

**Deputy Pat Deering:** I congratulate Deputy Aylward on his re-election to Dáil Éireann. As has been said already it was a very enjoyable campaign, which has probably laid the foundation for what will be a very enjoyable campaign in a little less than a year. I look forward to taking on that challenge in the time to come. I look forward to seeing Deputy Aylward and Deputy McGuinness going hand-in-hand around the constituency this time next year.

**Deputy John McGuinness:** As the Member of the House who nominated Deputy Bobby Aylward to contest the by-election and who contributed hugely to his campaign and his efforts, I congratulate him. I have no doubt that in the coming months - whatever time is left in this Government - he will have heard enough during the course of the campaign about the promises that were not fulfilled and about the issues facing rural areas, and he will have the opportunity to raise those issues here. No one is better placed to do that than Deputy Bobby Aylward, knowing the constituency and rural Ireland as he does.

I am delighted he is joined here by his family. I have no doubt that his late parents, Bob and Kitty Aylward, are looking down on his family today with great pride in Deputy Bobby Aylward's achievement in that by-election.

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I served with Mr. Liam Aylward. We fought hard fights in the constituency. However, it is my strong belief, if all Members told the truth, that they fight the same fight with their colleagues every day of the week. It is the constituency and the people we represent that actually benefit from that competition. That is how I see it. I also served with Bobby, another honourable member of the Aylward family, and he contributed a lot in the course of his time here.

I pay tribute to all the candidates who fought the by-election, a number of whom went out knowing that they would not end up in this House, I am sure, but they wanted to do their best in terms of the agendas they served and to highlight the issues they believed needed to be highlighted. Each and every one of them is to be complimented.

Regarding the political parties and those who fought the conventions, came out and were supported, I say to Deputy Deering that the same thing happens in Fine Gael as happens in Fianna Fáil and other parties. I doubt if I will see him walking the streets holding hands with Mr. John Bryan. I doubt if Deputy John Paul Phelan will hold hands with him either. I am sure the Taoiseach is not too impressed with how they dealt with Mr. John Bryan at the convention.

*(Interruptions).*

**Deputy John McGuinness:** Every political party has a story to tell. Congratulations to Bobby; it is his day today.

**Deputies:** Hear, hear.

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Ann Phelan):** I very much welcome Deputy Bobby Aylward to the House. I am delighted to be here today to say that because as Members can see demonstrated by the other Deputies, we are one big happy family across Carlow-Kilkenny. I soldiered previously with Bobby. I know that we can certainly do business together. It is a wonderful day for his family. I would not like to take away from that in any way. I wish him the very best of luck; well done.

**Deputy John Paul Phelan:** I join others in the constituency in congratulating Bobby and welcoming him back to Dáil Éireann. In particular I congratulate his family and supporters who are present today. The Aylward family have been involved in politics in County Kilkenny for generations at this stage and they have a formidable political operation as was shown in recent months.

I am a bit of a political nerd and I know the Leader of the Opposition mentioned statistics earlier. I believe this is the highest turnout in any by-election I can remember in my lifetime. It represents a huge endorsement for all 13 candidates who put their names on the ballot paper. I sincerely congratulate Bobby and his wife Helena, and their children and grandchildren on their election campaign. From looking across, I note that Bobby got a tan on the highways and byways of Carlow-Kilkenny. There are others sitting close to him who got their tan elsewhere during the course of the by-election campaign.

**Deputy Willie O’Dea:** Mr. John Bryan got a good tan.

**Deputy John Paul Phelan:** It is not a day for party politics, other than to say that my family’s connection with the Aylwards goes back a long time. My father was on the Kilkenny GAA county board for 20 years and sat beside Bob Aylward for most of those years. We are neighbours and friends. I wish Bobby the very best of luck for the ten months or however long

is left in this Dáil term.

**An Ceann Comhairle:** On behalf of the other Members of the Dáil and on my own behalf I say céad míle fáilte. It is nice to see Deputy Aylward back here. He was always a thorough gentleman when he was here the last time. I have no doubt he will continue in that vein for whatever period he remains here in the future. I wish him every success.

**Deputy Bobby Aylward:** I was told I was not supposed to make a maiden speech here today, so I will not. I just want to thank the Taoiseach, my party leader and all the other leaders involved for the warm welcome. I have got a mandate from the people of Carlow-Kilkenny. It was a hard fought mandate. I have been out on the doorsteps for the past eight to ten weeks and have met thousands of people. I have a message to bring back to Dáil Éireann. I hope that over the next eight or nine months I will be able to articulate that message and fight my corner for the people of Carlow-Kilkenny.

### **Leaders' Questions**

**Deputy Micheál Martin:** There has been extensive briefing of the media over the proposed sale of Aer Lingus to IAG. So extensive has the briefing been that one would be forgiven for believing the Government is teeing up the situation for a decision eventually to sell the airline. I understand it was discussed at Cabinet today and that there will be a further meeting later this evening - the Taoiseach may clarify that. He might indicate whether he has addressed the concerns of the Labour seven who he may remember at the time objected to the sale of the remaining 25.1% share in Aer Lingus. I believe at the time Labour's Deputy Costello described the offer as bargain basement and the five-year guarantee as wholly inadequate. He made other very strong objections to the sale at the time.

We are opposed to the sale of Aer Lingus. We believe there are fundamental issues pertaining to connectivity and reduced competition if it goes ahead. Aer Lingus does not necessarily need to move into a larger company or to consolidate just to grow. We know from Ryanair and EasyJet that small airlines can grow to extraordinary levels, with passenger numbers in Ryanair having grown from 11 million to 100 million in 14 plus years and in EasyJet to 60 million. There are options. The fundamental issue is connectivity with the regions, including Shannon and Cork airports, and the guaranteeing of slots which ultimately is the guarantor of connectivity. We know that if these airports lose connectivity, they will, essentially, be dealt a fatal blow. Perhaps the Taoiseach might tell the House if the Government has made a decision on the sale of its 25.1% shareholding in Aer Lingus; if he favours the sale of that shareholding to IAG and what guarantees he can give to the regions in terms of Heathrow Airport slots and ongoing long-term connectivity with the regions, particularly Shannon and Cork airports.

**The Taoiseach:** I thank the Deputy for his questions. I expect the Government to make a decision this evening that will be in the best interests of the country.

**Deputy Micheál Martin:** I am sorry-----

**The Taoiseach:** I expect the Government to make a decision this evening that will be in the best interests of the country. The Deputy will recall that some time ago, when an approach was made in respect of the possibility of the State selling its 25.1% shareholding in Aer Lingus, this was a matter that was not acceptable to the Government and the Minister for Transport, Tour-

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ism and Sport. I made the point at the time that this matter could not be considered unless cast iron guarantees were given. The Minister has spoken publicly on many occasions about the issues involved, including regional connectivity, employment, the airports involved, both transatlantic and European routes, slot disposal, brand image and name of the airline, the potential for growth and so on. All of these major issues were raised by him. The Government heard a presentation from him this morning. We have not yet concluded our deliberations on the matter, but we expect to do so this evening. As I said, we expect any decision made to be made in the interests of the country.

**Deputy Micheál Martin:** I do not think that is satisfactory in the sense that the media have been briefed extensively on the matter and it has, essentially, been teed up for sale. The unions have also been briefed, as has the Labour Party. Deputy Michael McNamara has said he has ongoing concerns. It seems the last to be briefed is Dáil Éireann. I asked the Taoiseach a simple question. Is he in favour of the sale of the 25.1% shareholding? The answer I have received is that the Government will make a decision tonight in the best interests of the people, but that is no answer.

**Deputy Willie O’Dea:** The Taoiseach is testing the waters.

**Deputy Micheál Martin:** What is the Taoiseach’s view? Does he believe it should be sold and will he tell the House if he will be recommending to the Cabinet this evening that it be sold? I disagree with him if that is his position. I would like to know what cast iron guarantees he can give to the regions in terms of connectivity. I have heard Senator Sean D. Barrett articulate very strong views on some of the key issues involved, including connectivity, consolidation and so on.

**Deputy Finian McGrath:** Where are the Labour 7?

**Deputy Micheál Martin:** The Fianna Fáil spokesperson, Deputy Timmy Dooley, has been very consistent on this issue. We are not being briefed to the same degree as others. The media have been briefed and are stating this is going to be great, that it is a good deal and so on. The Labour Party has been briefed, but there has been no briefing of Dáil Éireann or the transport committee. I suggest to the Taoiseach that that is not good enough. What is his view?

**Deputy Emmet Stagg:** The Deputy is wrong; the Labour Party has not been briefed.

**Deputy Barry Coven:** It seldom is.

**An Ceann Comhairle:** I am sorry, Deputies, but we are over time.

**Deputy Micheál Martin:** Deputy Michael McNamara has said he was briefed.

**Deputy Michael Healy-Rae:** Only one member of the Labour Party-----

**Deputy Timmy Dooley:** Deputy Emmet Stagg is not doing his job as Whip.

**An Ceann Comhairle:** I am sorry, but we are over time.

**Deputy Micheál Martin:** I apologise. Deputy Emmet Stagg has confirmed that Deputy Michael McNamara is special and, therefore, received a briefing.

**Deputy Emmet Stagg:** He is very special.

**Deputy Micheál Martin:** Does the Taoiseach believe in the sale of the 25.1% shareholding? Is he recommending this to the Government - yes or no?

**Deputy Robert Dowds:** Does the Deputy believe in the sale of the remaining 75%?

**Deputy Willie O’Dea:** There is a big difference between 75% and 100%.

**The Taoiseach:** I believe in making decisions in the best interests of the people and the country. As Deputy Micheál Martin is well aware from his own experience, it would be very wrong to comment here on a particular issue on which Government had not yet concluded its deliberations.

**Deputy Timmy Dooley:** Tell the truth.

**Deputy Barry Cowen:** The Taoiseach is testing the waters before going back into session.

**The Taoiseach:** As I pointed out, when this matter came to prominence some months ago, the Government was not in a position to state it would be supportive, nor was the Minister. The issues outlined, in my view, included the giving of cast iron guarantees. A presentation was made to the Cabinet this morning based on the major issues to which I referred. Like any other issue, the Cabinet has not yet signed off on the matter. I am not in a position to give the final details-----

**Deputy Micheál Martin:** What is the Taoiseach’s view?

**The Taoiseach:** My view is that the decision we make must be in the best interests of the people and the country.

**Deputy Barry Cowen:** That is why Deputy Enda Kenny is Taoiseach.

**Deputy Willie O’Dea:** He is supposed to be.

**The Taoiseach:** I thank Deputy Barry Cowen. That is why I do not go around making comments when the Government has not signed off formally and properly on decisions.

**Deputy Timmy Dooley:** Surely, the Taoiseach has his own opinion.

**The Taoiseach:** I expect the Government to conclude its deliberations on this matter this evening. As I said, any decision made will be in the best interests of the people and the country.

**Deputy Gerry Adams:** That is not acceptable. The Taoiseach has said he does not go around making comments when the Government has yet to make up its mind, but this is Leaders’ Questions and he is being asked what his view is on this issue. A decision may be taken later this evening, which means that the Dáil will hear of the decision made through the media. What we have been hearing all day, in what are clearly orchestrated Government leaks, is the new commitments from IAG. It is obviously going out of its way to try to get the Government to sell off the State’s stake and share in Aer Lingus. As far as I am aware, having listened to the media, the only concession - if one could call it such - available involves a stay of execution for the Heathrow Airport slots. Any assurance on this issue in terms of Irish access to routes from Heathrow Airport will only delay the inevitable loss of the slots. The company, if the Government sells off its stake in Aer Lingus, will sell off the slots some time in the future in favour of more profitable routes. That is the fig leaf the Government has been dangling in front of the people. The Taoiseach then comes into the House and refuses to give the Dáil his opinion on

this issue.

Sinn Féin has been very consistent on the Aer Lingus issue. We opposed the original sell-off of this key strategic asset by a Fianna Fáil Government and will oppose any move by the Government to sell off the State's remaining 25.1% stakeholding. I have two questions for the Taoiseach. Was the issue of compulsory redundancies or outsourcing discussed at the Cabinet meeting this morning? The Taoiseach has said the Minister for Transport, Tourism and Sport brought a report to the Cabinet. Will he tell us what is the Minister's recommendation on this issue and, if not, why not?

**The Taoiseach:** As I said, the Government will continue to make decisions in the best interests of the country. This matter was discussed in the House on many occasions in the past few months. The issues raised are of great importance, including connectivity, growth, employment, REAs, the structure that will apply if a decision is made to dispose of the State's shareholding, slot disposal, the brand of Aer Lingus, the opportunities for further growth, both to Britain and beyond, including the United States, the importance of Cork, Shannon and Dublin airports in terms of their being the central airports in Ireland, the implications for Knock airport, from which Aer Lingus operates services, and services to Gatwick Airport. Account must also be taken of the potential for growth should such a sale take place. As I said previously, the Government will not tolerate any consideration of the disposal of the shareholding without particular and strong guarantees being secured in regard to the matters referred to. The Minister for Transport, Tourism and Sport briefed the Cabinet this morning on a number of changes that had been presented since the matter was first discussed. The reason the decision has not yet been made is that the Cabinet has not yet concluded its deliberations. I expect that will happen this evening. If that is so, I assume a statement will follow and that the matter will be discussed in the Dáil tomorrow, that is if the Government decides to conclude its deliberations on it this evening.

**Deputy Gerry Adams:** I asked the Taoiseach if the issues of compulsory redundancies or outsourcing were discussed at today's meeting, but he did not answer me. He comes out with the mantra that whatever decision the Government takes, it will be in the best interests of the country. That is the same excuse he used for giving billions of taxpayers' money to the bankers, for running down the health services and for all of the other terrible decisions he has taken.

We are a small island nation and our economy needs consistent and secure air access. The Government cannot jeopardise that by throwing away the links that Aer Lingus provides. Aer Lingus is vital to the economic future of Limerick, Belfast and Cork, as well as Dublin. The IAG proposes to do nothing to prevent the loss of an estimated 1,200 jobs, following any sell-up. I remind the Taoiseach that Iberia Airline shed 4,500 jobs after being taken over by IAG. I ask this question without any great hope of an answer, but will the Taoiseach confirm that any offers from the airline cannot guarantee long-term, into perpetuity, access for Irish routes from Heathrow? Does he accept therefore that the inevitable loss of connectivity will have severe social and economic repercussions? We should not have to read this in a press statement, so will he publish the full details of any proposals from IAG and will he commit to a Dáil debate on any Cabinet decision taken in respect of the future of Aer Lingus?

Please answer the question I asked about compulsory redundancies or outsourcing.

**The Taoiseach:** Aer Lingus has always made it clear that it uses direct labour where that is possible and as far as I can recall, there have been no compulsory redundancies in Aer Lingus.

I pointed out that when the Cabinet was briefed this morning by the Minister, he referred to employment, to the REAs, to the question of compulsory redundancies and to all of the issues, such as employment, protection and growth of jobs, potential for employment of pilots, engineering and airline staff, connectivity, the issues raised by Deputy Martin, connectivity from Cork, Shannon and Dublin to Britain and Heathrow and to Gatwick in the case of Knock, connectivity to the United States and Europe, the opportunity that presents itself for serious growth and the changes that are being discussed in regard to the slots, their legality, their disposal, the brand image of the airline and the name of the airline. All of these matters were part of the briefing the Minister gave.

I have told Deputy Adams already that if the Government signs off on this evening on this decision, whatever decision it makes, all the details will be made public and we will have a normal full-scale debate in the House. This is a matter that should be discussed and the House should be able to comment on the decision made by the Government and the details of that. This is in everybody's interest. However, let me be clear on this. As I said to Deputy Martin, the Government will make its decision in the best interest of the people. That means analysing thoroughly all of the relevant issues. This is an important issue for Ireland as an island nation. We need greater connectivity to keep up our exports, our businesses and to support the huge numbers of people who will come to this country from many parts of the world in the time ahead.

When this process began, I made it perfectly clear on behalf of the Government that we could only consider it in the context of guarantees being given in respect of fundamentally important matters.

**Deputy Paul Murphy:** Last Friday, appropriately, was Harvey Milk Day, the day that would have been the birthday of the assassinated gay rights activist. His observation that "rights are won only by those who make their voices heard" was borne out with the count on Saturday, because it was those who made their voices heard who won the referendum. It was those LGBTQ campaigners who have fought and campaigned for equal rights over decades. It was those who spoke to friends and family and who spoke out publicly. It was those who wore badges to make their voices heard. It was those who campaigned door-to-door in the streets and on social media. It was the tens of thousands who came home to vote to demand a break from the oppression of the past. Together, these people made up a powerful social movement that has changed this country. At the forefront of that movement were young people and working class communities who turned out massively to vote "Yes".

The result is a massive step forward towards equality. The movement for change that has been unleashed will not stop now, but will continue. People will demand an end to all discrimination, to all homophobia and will call for full equality. They will demand that Ireland becomes a modern, progressive and secular society, where people's religious beliefs are respected, but where no church has control over the laws of the State or the provision of education, health care or social services.

The choice now for all political parties is how to react to the change that is happening. Will they be carried along with it or will they try to stand against and resist it? The traditional hiding place of the establishment, behind a supposedly conservative silent majority no longer exists. The choice now is clear and the Taoiseach has a choice to make about what the Government will do. Will he go along with the change? Will he remove the clause in the Employment Equality Act which allows schools or hospitals run by religious orders to discriminate against

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LGBTQ or atheist people? Will he end the ban on gay and bisexual men giving blood? Will he take on board all of the criticisms from the trans-community of the Gender Recognition Bill and ensure it is passed by both Houses before the summer break?

Finally, will the Taoiseach now hold a referendum to repeal the eighth amendment of the Constitution, to end the barbaric situation where a woman who has chosen to terminate a crisis pregnancy - even in the tragic eventuality of fatal foetal abnormality - or a doctor or anybody else who helped her could be jailed for 14 years?

**The Taoiseach:** I thank Deputy Murphy for his comments. I was very happy to see the extent of the result of the referendum on Friday in respect of the equality of marriage. This was an extraordinary result, driven by the conviction, belief and enjoyment of so many new people involved in politics. It demonstrates the importance of politics, the power of the vote and the influence of people driven by a sense of belief and conviction for change. This is heartening and encouraging for the thousands of people of the gay community who now stand with equal status in terms of civil marriage with all other people in the country. This big message from a small country has now gone out worldwide.

There are changes being examined and considered in respect of the equality legislation in regard to the issues mentioned. With regard to the repeal of the eighth amendment of the Constitution, I do not believe this House should be rushed into a situation that is as sensitive and personal as elements of fatal foetal abnormalities and other issues. I know an Oireachtas committee is considering hearings in the late autumn in respect of this matter. The difference between this and the referendum is that in respect of the referendum on the equality of marriage, people were able to point out exactly what the consequences would be - that if the referendum was passed, this would be the situation that would apply in law. Believe me, from experience over many years, it is not possible to be as clear in respect of a concept of changing the eighth amendment of the Constitution.

*4 o'clock*

For that reason, the excitement of change created by the vote of the people, and it was the Government that decided to put the referendum to the people by popular vote, is an entirely different matter. We are talking about an issue that is not as clear or as simple as it might sound. The referendum on marriage equality and rights for gay and lesbian people was about living, love, commitment and dedication. A repeal of the eighth amendment of the Constitution, empathising with the very many tragic stories I have heard, deals with other elements that are not clear at all. I will not be rushed into considering these matters because we had a referendum last weekend that was very positive. This requires the most careful consideration by whoever is elected to the House here in the next Administration.

*(Interruptions).*

**Deputy Paul Murphy:** Last Friday, and the result on Saturday, was a cry for social change, equality for LGBTQ people and an end to discrimination, but it was more than that. It was a cry for a different type of society. There is a sense that society has changed fundamentally and that social change has taken place. It was reflected in the referendum, and the referendum result is now an active factor in giving people confidence that more change can be won and that if people continue to mobilise we can create a very different type of society, and central to that is the question of the eighth amendment of the Constitution. It is incredible for a Government

that has been in power four years to say that repeal of that amendment would represent a rushing of the process. Twenty thousand women have travelled for abortions in the course of this Government's term.

**An Ceann Comhairle:** A question please.

**Deputy Paul Murphy:** We know about the tragic case of Savita Halappanavar. We know about the horrific case of Miss Y. It is quite simple. Repeal of the eighth amendment would remove a constitutional ban on abortion and allow a Government to legislate for abortion in whatever circumstances that Government considered. I am in favour of the full right of women to access abortion but, at the very least, the Government should commit to repeal the eighth amendment. It should not hide behind the need to have another election or use it to try to get votes in an election. The Government should commit now to having a referendum in the course of this Dáil term. We should have it. We will campaign and win a "Yes" vote, and we should then legislate for abortion rights in this country.

**The Taoiseach:** What Deputy Murphy forgets is that the people voted in a referendum and determined the wording in the Constitution. That wording was interpreted by the Supreme Court many years ago, and no Government in the intervening period did anything about that. This Government legislated for the protection of life during pregnancy in the Protection of Life During Pregnancy Bill based on the Supreme Court's interpretation of what the people wanted inserted in the Constitution following the referendum. Believe me, Deputy Murphy, it is not a case of saying we should have another referendum next week. I will not do that, and there will not be a referendum on this issue in the lifetime of this Government. I am saying to the Deputy that this issue deserves the most serious consideration. I do not believe in abortion on demand but there are very sensitive stories in respect of-----

**Deputy Joe Higgins:** Do not use that term.

**The Taoiseach:** -----fatal foetal abnormalities and other issues. However, it is not a case of simply repealing the eighth amendment and that everybody will be happy afterwards. If we were to be rational about what we do in this House, there are great sensitivities that must be carefully considered and, therefore, there will not be a referendum to repeal the eighth amendment during the lifetime of this Administration.

## **Ceisteanna - Questions (Resumed)**

### **Cabinet Committee Meetings**

1. **Deputy Gerry Adams** asked the Taoiseach when the Cabinet sub-committee on health last met. [2154/15]
2. **Deputy Joe Higgins** asked the Taoiseach when the Cabinet sub-committee on health last met. [3366/15]
3. **Deputy Micheál Martin** asked the Taoiseach when the Cabinet sub-committee on health last met. [3270/15]

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4. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet sub-committee on health last met. [7797/15]

5. **Deputy Denis Naughten** asked the Taoiseach when the Cabinet sub-committee on health last met. [19232/15]

**The Taoiseach:** I propose to take Questions Nos. 1 to 5, inclusive, together.

The Cabinet committee on health met last on 25 May.

**Deputy Gerry Adams:** Go raibh maith agat.

**An Ceann Comhairle:** If you ask a question, you get an answer.

**Deputy Gerry Adams:** I hope the Ceann Comhairle will allow me to raise some matters around the issue of health that are of concern. I understand the Cabinet sub-committee covers a wide range of issues including general expenditure, the Health Service Executive, HSE, implementation plan, the development of primary care and community systems, mental health provision and pay and agency costs, in addition to other matters.

I know the Taoiseach is forbidden to report on conversations had by the Cabinet sub-committee on health but in January, the Minister for Health brought forward his 25 health priorities. Given that the last meeting of the health committee was in May, will the Taoiseach indicate if those priorities were discussed?

I recall the Taoiseach telling me previously that the big challenge for the Minister for Health is to stabilise the health system in order that it can deliver the results we expect. Given what is happening within our health system across a range of disciplines, does the Taoiseach accept that the Government's general health policy is failing and that this committee is failing also because the difficulties within the health service are increasing, not decreasing? We have the difficulties around persuading doctors to buy into the proposal for cover for children under the age of six, which the Government promised to have in place in July. Today, there are 395 citizens on hospital trolleys. In Our Lady of Lourdes Hospital, in my constituency, there are 37 citizens on trolleys, which is the second highest number in the State. Those are the type of figures one would usually associate with the winter months. The Government has failed entirely to end that scandal. I was in Our Lady of Lourdes Hospital last week and it is obvious that the staff and everyone else involved are doing their best but there is not the capacity, given the number of nursing places and the number of beds the Government has scrapped.

At the end of April, 412,422 citizens were on the outpatient waiting list, and 72,000 of them have been waiting for more than a year. Those figures are unacceptable. We have asked here on a number of occasions if there will be a supplementary budget for health. We did not get an answer, but it is expected that the HSE will be over budget by at least €100 million for the first three months of this year.

I will conclude on this crucially important point about the lack of mental health services. This month sees the Green Ribbon campaign to get people talking about mental health. I do not believe there is a family across this island who does not have a story to tell but austerity, the economic crisis and Government policy have had negative impacts on these services, including mental health and well-being.

Big gaps have been created by dint of Government policy. The recent report from the

Health Information and Quality Authority, HIQA, on the safety of services in the Midland Regional Hospital found that the hospital was not governed, resourced or equipped to provide the 24 hours, seven days acute surgery, accident and emergency, and maternity services that are required. The Minister, on behalf of all of us, has extended solidarity to the families who were bereaved, and I do so again now. I commend them for persevering to get to the truth about what happened in Portlaoise. HIQA stated patient safety was not a priority and that there were similar sad and serious cases on all HSE sites. Perhaps the Taoiseach might give us some indication of what the Government is doing and how the health committee is responding to what is a crisis in the health service.

**The Taoiseach:** The Cabinet sub-committee on health is not the Government. The opportunity presents itself during the course of Cabinet sub-committee meetings to receive updates and progress reports from the Ministers involved and request details on an issue from the HSE person involved.

The Deputy has asked a number of relevant questions. In dealing with beds, a new modular ward is to come on stream this summer in Our Lady of Lourdes Hospital which will have 20 beds. GP care services for those aged under six years and over 70 will be introduced this summer, as planned, and people are signing up. Fair deal scheme waiting times are down to four weeks and will be maintained at this level for the rest of the year. As the Deputy is aware, they have been reduced from 18 weeks, which was unacceptable. The numbers of patients on trolleys are still high. It is a problem, but it is easing. Although the position is much better than it was, it is not yet acceptable to us.

The private sector is being employed, where possible, to reduce the very long waiting lists. I can give some details of the emergency department action plan which was published in April. It details a range of time-defined actions to make the best use of existing hospital and community service capacity; to develop internal capability and seek process improvement; and to improve oversight, planning, governance and leadership. In view of the experience to date, it was decided to allocate €74 million for the action plan on a strictly ring-fenced basis. I have referred to this previously. Some €44 million is being allocated for the nursing homes support scheme, NHSS, in providing an additional 1,600 places and reducing waiting times from 11 weeks to four. Coupled with the normal weekly release, this funding allocation has seen the number on the national placement list fall to 476 as of 15 May, with waiting times reduced to three or four weeks from that date. Since 2 April, more than 1,800 people have been approved for funding under the NHSS.

Some €13 million was provided to cover the cost of additional transitional care beds and home supports, both of which can provide people with viable alternatives to acute hospital care. The temporary transitional beds in use to address emergency department overcrowding will be replaced with sustainable, more effective beds under the fair deal scheme. A further 173 community care beds will be made available around the country, which can be opened on a short or longer term basis and as part of a mix of short-stay rehab or long-term care beds. Of these, 110 have been opened in district hospitals, with a further 24 opened at Moorhall, County Louth. Some 65 beds are being opened in Mount Carmel Hospital, of which 15 are available, while the remainder will become available on a phased basis from now until the end of June. This will provide more flexibility and improve the flow of patients out of hospital at an earlier point.

The additional funding comes on top of measures already taken in last year's budget, when the Government provided €25 million to support services that provided alternatives to and re-

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lieved pressure on acute hospitals. This will enable the HSE to deliver on the Minister's stated objective of reducing the number of patients subject to delayed discharges by one third to less than 500 and the number of patients on trolleys in emergency departments awaiting admission for over nine hours to fewer than 70. The benefits should have an impact within a relatively short space of time across acute hospitals and social care services.

The HSE commenced work immediately on these objectives. On the direction of the Minister, it has the capacity to recruit, where necessary to deliver front-line services. Arrangements are in place to allow the recruitment of such staff where it has been established that there is an urgent service requirement. Figures show that on 19 May there were 668 delayed discharges nationally, a fall of 100 since March.

For the Deputy's information, I will outline a number of additional measures. All hospitals open overflow areas on an ongoing basis, with up to 300 additional beds open, and such areas include day surgery cases, with a curtailment of day surgery activity levels as a consequence. Patients with private insurance are being diverted to private hospitals where consultants have admitting rights. Weekend discharges are being optimised, while level two hospitals are being optimised to decongest emergency departments. This was particularly effective in the Louth-Meath hospital group. Non-urgent elective cases have been curtailed, where necessary. The community intervention team services in Naas and at Our Lady of Lourdes Hospital have been expanded. These escalation measures will remain in place and the daily oversight arrangements in national hospital groups and individual hospitals will continue.

The Minister has given the HSE a very clear understanding of the necessity to control costs and have management exert its responsibility in managing these costs in hospitals. It is not always possible to do so. It is an opportunity for the Cabinet sub-committee on health to receive reports and updates on the progress being made in all of the different areas. There is good news to report in some cases, although not in all. The Department, the HSE and Ministers are working very hard in that regard.

**Deputy Micheál Martin:** The Taoiseach said the last meeting was held in May. One of the most famous promises he made before the last general election concerned his declaration that he would end the scandal of patients on trolleys. He did not do it. Before Christmas we had the largest number of patients on trolleys in the history of the system. The promise of universal health insurance is nowhere on the horizon. We are now talking about it happening in 2025, the general election after next, not that I believe it. Approximately a year and a half ago the Taoiseach said he was taking charge of health policy. The then hapless Minister, Deputy James Reilly, was going through a very difficult patch at the time and the Taoiseach declared that he was taking control. He said the Cabinet sub-committee was "not the Government", that it only provided updates. I got the impression that it was a decision maker, that it would recommend key decisions to the Government. The Minister has acknowledged that he was warned in briefing papers from officials about the trolley crisis six months before it happened. We also know this through freedom of information requests. I presume the sub-committee would also have been informed about this and that it took the decision, in the budget that followed, to ignore the warnings and allow the crisis to develop. Some 400,000 people are on long-term outpatient waiting lists, while inpatient waiting lists are going through the roof. Even in respect of diagnostic tests 27,000 people are waiting for MRI scans, with one quarter waiting for longer than one year, and 17,300 are waiting for CT scans. The Taoiseach spoke about the issue of contracting with private hospitals. That was always available under the National Treatment Purchase Fund, NTPF. The Government mothballed and undermined the NTPF, with the result

that the targets which had been reached of six months for adults and three months for children went through the roof.

**Deputy Leo Varadkar:** They did not.

**Deputy Micheál Martin:** They did. The Minister should speak to those involved with the NTPF. It was a success but the previous Minister for Health, Deputy Reilly, created a different agency and he employed people who had contracts overseas. They did not even pay tax in this country. The exercise went nowhere. Essentially, the Government undermined the NTPF at a time when it was making inroads. The idea of purchasing treatment was long with us but the parties opposite stopped doing it, with negative results for a range of patients. For example, the situation with paediatric scoliosis is a scandal that has gone on too long. There was warning after warning about this.

The health committee should be meeting much more frequently than is currently the case in order to deal with these issues. Last year it took a full 12 months to decide to provide €500 million to the health service. The Taoiseach knew at the beginning of the year that the health budget was a fraud, just as he knew it was a fraud at the beginning of the previous year. It was deliberately underestimated to enable the Government to budget for other areas. The Government is not being fair to the health service or the people who work in it. This is why morale is at an all time low in all health sectors.

We know from last year's health budget that the Minister for Health has spent an additional €70 million. While I was in Carlow-Kilkenny in the last several weeks, I was amazed by the number of owners of nursing homes who told me they were waiting 12 weeks or longer for fair deal scheme applications to be granted. Last month the Taoiseach indicated that the waiting time was four weeks. I learned from the nursing homes I visited that the waiting time in the south east is 12 weeks. That is an appalling scandal.

Does the Taoiseach agree that the health committee should be meeting more frequently given that waiting lists are out of control, the trolley issue has not been addressed and that we have no information on the Taoiseach's favoured Dutch model of universal health insurance? The Dutch model was Fine Gael's great promise at the time of the general election. The Dutch Prime Minister was forced to miss an EU summit in order to deal with a crisis in the funding of that country's health insurance system. The White Paper appears to have been sidelined and we have not seen any costings for this model. Can the Taoiseach indicate when he intends to publish the costings and can he confirm that the health committee will be meeting more often? Will he be in a position to publish the costings before the end of this session and, in particular, the fees that people will incur in purchasing insurance? Universal health insurance will entail significant taxes for a large proportion of the population. I ask the Taoiseach to outline the numbers who will be paying for health insurance and how much they will be paying.

**The Taoiseach:** The health committee met at least every month. It met on 19 January, 23 February, 30 March, 27 April and 25 May. While they were Cabinet sub-committee meetings, we seem to speak about every matter under the sun that is relevant to the general area of health. Those Cabinet sub-committee meetings receive reports from the HSE and the Department of Health, and recommendations are made where they are necessary for decisions to be taken by the Cabinet.

Responsibility for the Department of Health and the HSE is divided between the Minister

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for Health and the Ministers of State at the Department of Health. We examined issues pertaining to the budget last year. There are now 900 more staff in the health service compared to this time last year. An additional allocation of €500 million was provided to the Department of Health for this year. The budget of €993 million for the fair deal scheme is an increase of more than €50 million on the 2014 budget and it provides for more than 22,000 people on the scheme who contribute a further €290 million towards the cost of their care. No plans are in place to make changes in that regard. Between now and 2024 the number of people aged over 65 years is projected to increase by 200,000. This is a serious issue which has to be taken into account and on that basis the Government provided an increased allocation this year. I understand that the waiting period has decreased from 18 weeks to four weeks. I am not sure of the nursing home to which Deputy Martin was referring.

The HSE has carried out a staff morale survey for the first time and it is developing a people and manpower strategy on foot of that survey.

**Deputy Micheál Martin:** What was the outcome of the survey?

**The Taoiseach:** The outcome has not yet been analysed but it is an important issue. Recruitment has resumed, as the Deputy is aware, and agency costs have been reduced. The general situation is that a great deal of activity is taking place in the Department of Health and the HSE. It is not true to say that the intention was to introduce the Dutch model of universal health insurance. The intention is to introduce universal health insurance based on a model that is appropriate for Ireland's needs.

**Deputy Micheál Martin:** The Taoiseach cited the Dutch model.

**The Taoiseach:** The Dutch model was one of the models we examined in the beginning in terms of universal health insurance.

**Deputy Micheál Martin:** It was the only one. The Taoiseach told the people that we would follow the Dutch model.

**An Ceann Comhairle:** The Deputy should resume his seat.

**Deputy Micheál Martin:** Fine Gael paraded it up and down the country.

**An Ceann Comhairle:** There are procedures. Resume your seat.

**Deputy Micheál Martin:** The Taoiseach has extraordinary nerve to tell the House he never said it.

**An Ceann Comhairle:** The Deputy should resume his seat. He cannot hop up and down when he feels like it.

**The Taoiseach:** The model of universal health insurance to be introduced here will be appropriate to Ireland's needs. This is not the Netherlands.

**Deputy Micheál Martin:** Am I hearing this?

**The Taoiseach:** Is he listening?

**Deputy Micheál Martin:** I am incredulous. I cannot understand what the Taoiseach is saying.

**An Ceann Comhairle:** Please resume your seat.

**Deputy Micheál Martin:** He is now saying the Dutch model is not suitable for Ireland. He promised the people of Ireland we would follow the Dutch model.

**The Taoiseach:** If the Deputy relaxed -----

**Deputy Micheál Martin:** Fine Gael produced a paper on it.

**An Ceann Comhairle:** I ask the Deputy to resume his seat and show respect to the Chair. Other Deputies are waiting to put their questions.

**Deputy Micheál Martin:** Let us inject a bit of life into this debate. The world will fall asleep listening to us.

**The Taoiseach:** I can confirm to the Deputy, if he is prepared to listen, that universal health insurance will be introduced according to a model that is appropriate for Irish needs. I hope he understands that.

**Deputy Micheál Martin:** Is the Dutch model gone?

**The Taoiseach:** I went over there myself to investigate the Dutch model. Certain elements of it will not be introduced here. The system introduced here -----

**Deputy Micheál Martin:** He is telling incredible untruths.

**The Taoiseach:** ----- will be appropriate for Ireland's needs.

**An Ceann Comhairle:** Please stop interrupting the Taoiseach.

**Deputy Micheál Martin:** I cannot use the word "lies".

**An Ceann Comhairle:** We have to proceed.

**The Taoiseach:** Deputy Martin tends not to listen these days. Perhaps he should.

**Deputy Micheál Martin:** I am listening very carefully. You told a whopper of an untruth. I cannot use the word "lie".

**An Ceann Comhairle:** I ask the Deputy to show respect to the Chair by speaking through the Chair. He has been around here long enough to know the procedures that are in place. I ask him to adhere to them.

**The Taoiseach:** The Deputy referred to the areas in which change is necessary and asked what is happening in the Department of Health and in health reform generally. I referred to the legislation providing free GP care to all children aged five years and under and those aged over 70 years. That has been enacted, an agreement has been reached and doctors are signing up. From this summer, up to 300,000 children and senior citizens who currently have to pay to see their GPs will no longer have to do so. This represents the first step in the phased introduction of universal GP care without fees and it is a major milestone on the road to universal health care. In addition to specific projects to upgrade existing facilities, substantial work is progressing on a number of key infrastructure projects. That includes work on the planning application for the national children's hospital, which will be a truly iconic building catering for the children of the entire island. That application is well advanced and is expected to be submitted

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before the summer. In parallel, the children's hospital group board is overseeing the integration of the three children's hospitals in advance of the move to the new hospital.

Construction on the relocated national maternity hospital from Holles Street is expected to commence in early 2016. These are all major pieces of health infrastructure which will stand all our people in good stead for many years to come.

The Deputy is aware that seven hospital groups have been established as the first step towards independent hospital trusts. Each committee will develop a strategic plan by early 2016 setting out how they would consider reorganising hospital services and integrate with all other health services to provide best care for the populations they serve. Significant work is also underway in delivering community health care organisations and the implementation of activity-based funding across the public hospital system.

The work of the Cabinet sub-committee on health will continue to monitor and assess progress on key reforms to be delivered as part of the future care programme and, where necessary, will revert to the Government for decisions.

I was talking to somebody yesterday whose elderly parent was given a home care package just the other day, which came from the extra allocation made. They were so happy with the extent of the service being provided under that home care package. I know it is only one case, but it means so much in terms of assistance, support and comfort both to the family and the individual involved. These are all part of what we would like to be able to do on an overall basis, but it is not possible to deal with that in every situation.

The work of Ministers in directing where the health system wants to be in the time ahead is making substantial progress. What I have referred to is all part of the pathway to having a single-tier system that is appropriate for our needs in Ireland.

**Deputy Richard Boyd Barrett:** The Taoiseach has fundamentally betrayed his promises to the electorate in the area of health insurance. One of the central planks of his party's pre-election manifesto was the great promise of universal health insurance. He says he is still committed to that, but it is absolutely clear that it has been put so far back as to be a really meaningless objective now.

Is it not the case that in recent weeks the Minister for Health, Deputy Varadkar, has essentially been acting as an advertising agent for private health insurance? He has been scaring people over 35 into taking out private health insurance before a deadline, or to endure penal premiums that will increase over the years. That indicated a fundamental abandonment of the idea of a single-tier system, with the Minister actively championing the two-tier system.

Why would anybody take out private health insurance? The only reason people would do so is because they believe they will get premium care over and above what people get in the public system. People are being encouraged to do that due to fear of the situation in the public health system. They look at the public health system with its longer waiting lists, trolley crisis and massive cutbacks, and say: "Oh my God, maybe I need to take out private health insurance in order that I will not have to suffer that."

The Minister is reinforcing the notion of a two-tier system by saying: "Get your private health insurance now or we'll penalise you." Is it not the case that the Taoiseach has fundamentally backtracked on the principle of universality? The Minister, Deputy Varadkar's, deadline

essentially means that this Government is reverting to championing actively a two-tier health system.

My second point, which is connected, concerns the mess in the public health system. Whatever the Taoiseach may say, evidence is piling up that the situation in the public health system is getting worse. Last week, statistics revealed that 71,000 people have been waiting longer than a year for an out-patient referral. That is a huge figure. The Minister admitted that in the case of St. Vincent's Hospital and Loughlinstown Hospital, the reconfiguration process had actually worsened the situation. Last week, the Minister said it cannot be dealt with without extra resources going in. Are those resources going to go in or will the crisis continue to get worse?

Last week, doctors in Beaumont Hospital described the situation for those waiting in the accident and emergency unit as "institutional abuse". It is a pretty serious allegation for doctors to write to Tony O'Brien in the HSE and say that the hospital was guilty of institutional abuse against patients. Patients were afraid to leave the plastic chairs they were sitting on in case somebody would take them when they were awaiting admission to a bed. That is an outrageous situation.

There were record numbers on trolleys in February. Meanwhile today, psychiatric nurses in Galway are taking industrial action again after they were forced to walk out a couple of weeks ago due to assaults on staff. They believe that is the result of a lack of resources, including inadequate staffing.

Notwithstanding promises made by the Minister when the walk-out occurred, that negotiations would take place and the issue would be addressed, it has clearly not been addressed. Otherwise they would not be taking industrial action again today.

While it is implicit in the Galway case, in Cork a psychiatric nurse was suspended for blowing the whistle on patient safety issues. In the Portlaoise case we know that frontline staff were making reports to senior management about a lack of resources and dangers to patient safety, yet they were ignored. From how many other places are we getting reports of this kind by frontline staff that are either being ignored or silenced by senior management? Is there a policy to hush up the dangers to patient health and safety issues, instead of addressing them through the necessary resources and staffing?

All these issues point to a serious and worsening situation across our public health service.

**The Taoiseach:** The Deputy's comment in respect of an abandonment of the universal health insurance concept is simply not correct. The Minister and the Government have pointed out that the original target for the introduction of universal health insurance cannot and will not be met. It is important for Deputy Boyd Barrett to understand that health insurance must be affordable before it can become universal. The Government has put in place quite a number of the steps that lead to universal health insurance and a single-tier system. The Deputy is aware that long-term community rating was brought in to encourage younger people in particular to take out health insurance so as to reduce and contain the cost for everyone, as well as putting an end to double-digit increases every year, which we have had for so many years. It was an important step forward in everybody's interests that the significant increases in costs every year would be reduced for everybody. There are a number of other measures that the Minister will bring forward in due course to make health insurance affordable for more people in future.

The steps in respect of those under six and over 70 are two important elements of the pro-

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cess leading to free access to GP services as part of the universal health insurance concept. The Deputy is aware that the primary care centres are being built and opened on a continuous basis and the reforms I referred to. These include the national children's hospital and the national maternity hospital, and all of these are very major pieces of health infrastructure. Changes have been introduced and money has been allocated for very specific purposes. As everybody has pointed out, it is not always about the extent of resources that apply. Many years ago, there were massive amounts of money being ploughed into the health system and it was inferior to what we have now. The management has a responsibility here, as well as the application of resources. One is not separate entirely from the other but the concept of having a well-managed and well-resourced health system should lead to a competent, professional managerial capacity in hospitals.

The Deputy mentioned Portlaoise and the tragic cases that occurred there. The Minister for Health went there and met the families and parents who lost their babies for many hours, empathising and understanding the difficulties that they had, and he has taken appropriate action since. The report produced by HIQA and its recommendations have been accepted in full. I outlined the details of some of the changes that have already taken place here in answer to questions recently. The fact that the Minister for Health took the time to go to Portlaoise and meet the parents was important in him being informed as Minister of the necessity to have a comprehensive response to the HIQA report. The Minister wrote to the director general of the HSE on 15 May, directing that a swift and targeted response be put in place by the HSE to the immediate needs of those parents and families, including, in particular, counselling and support, a case review and other facilities as would be appropriate. He has obviously requested a response from the director general confirming that those services would be operational by this week, 22 May, at the latest. He has asked for weekly updates from the HSE on progress on the provision of those particular services. The HIQA report, which is very extensive and independent, set out the eight recommendations and the Minister has responded by committing the Department and the HSE to their full implementation. The Deputy knows those recommendations.

With regard to a broader patient safety response, high-quality health care means care that is evidence-based, appropriate, timely, effective, efficient, equitable and patient-centred. All of these factors did not apply in many cases, as the Deputy is aware. Patient safety is fundamental to quality health care and the health system must be enabled to deliver safe care while at the same time balancing competing pressures in what is an ever-changing, dynamic and complex environment, as Deputy Boyd Barrett is well aware.

It needs to be acknowledged, however, that the delivery of health care can always carry inherent risks, as we are all aware, and the scale and complexity is without parallel in other sectors of business, as it is always difficult to determine what might or might not happen. It is clear from recent incidents and events that the capability of the Irish health system to prevent issues and manage patient safety is being challenged and has been found wanting. That is why the Department and the Minister accepted the recommendations from HIQA in full and will get on to implement them. Clearly, the movement of setting up the hospital groups, with committees to make recommendations, is another part of that. The overall level of services and what might be provided best in any hospital in any group or locality is a matter of a considerable importance. It has taken up a great deal of time over the years.

These are all part of what the Minister and the HSE are now driving to bring about structural changes that will allow for the very best level of care and attention to be given, with a patient-centred system. I do not accept the Deputy's premise at all of the abandonment of the issue of

insurance. I have pointed out the reason young people have been encouraged to take out insurance, so that it should be affordable and it can reduce costs for everybody else. That leads, in part, to the introduction of the universal and one-tier health system, where a patient is central and treated on his or her needs, as distinct from resources.

**An Ceann Comhairle:** Deputy Denis Naughten sends his apologies. He is having a procedure on his foot so he cannot take Question No. 5. I am anxious to move on as there are questions here that are as old as the hills.

**Deputy Gerry Adams:** I want to concentrate on the issue of people on trolleys. The Irish Nurses and Midwives Organisation, INMO, has revealed that between January and April, there were 35,135 occurrences of people on trolleys, an increase of 26% on the same period last year. It is the worst figure since the INMO started to keep these records. We could deal with the huge scandals, patient safety issues and the lack of resources but I want to deal with an issue that affects the “small” people. On 18 May, around the time the Taoiseach’s sub-committee was meeting, there were 65 patients in Our Lady of Lourdes Hospital who were deemed to be ready for discharge but they could not be discharged. There are 310 beds in the hospital, so 65 of those beds could not be used by the people requiring procedures and who ended up on trolleys or having surgery put off.

The trauma for people on trolleys is that they are sick and many are elderly, etc. How could we expect anything different if the Government cuts home help and care in the community services, closes public nursing beds and strips away protections for people in their family home? They will end up in hospital. Today, there are 37 people on trolleys in Our Lady of Lourdes Hospital, which is the second highest number in the State. That is a direct result of Government policy. It has closed 2,000 beds. This Government and its predecessor stripped services from the Louth county hospital at Dundalk. Yes, the modular unit at Our Lady of Lourdes in Dundalk is welcome. I lobbied the last Minister as well as the Taoiseach for it as, I am sure, did other representatives. My point is that it is a huge injustice that, on the one hand, people are on trolleys and, on the other, that as many as 65 people were told they could be discharged but they had nowhere to go. That is a mark of the Government’s poor stewardship of health.

**Deputy Micheál Martin:** I raise one specific issue. The Taoiseach replied in relation to Portlaoise. The health committee of the Cabinet met in May. The Taoiseach said it meets monthly and gave out the dates of the previous five meetings. Repeated warnings were given in relation to safety in the maternity unit at Portlaoise in particular as well as to other obstetric units. The Joint Committee on Health and Children was informed by the then Minister during a particular crisis that Portlaoise was a band 3 hospital and there was no change to its status. The director of the HSE, the inquiry and HIQA are saying that the funding was never provided to match the grade the Government gave the hospital. In other words, the Government made a statement saying Portlaoise was at a certain level. HIQA says that despite that statement to the joint committee, the money was never provided. Does the Government feel any sense of responsibility? Can the Taoiseach confirm or clarify if there was any intervention by the health committee or Ministers in terms of the statement that was made to the joint committee? Was this a political announcement and statement but the money was never provided subsequently to match the grading?

**Deputy Richard Boyd Barrett:** In my question, I asked whether the Taoiseach is concerned given that there were lots of reports in the case of Portlaoise from frontline staff about the situation. We have a similar case with the psychiatric nurse suspended on foot of going to

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the media about the situation in Cork. My question is more general as to whether the Taoiseach is responsive and whether it is the policy of the Government to be responsive when health professionals blow the whistle about patient safety issues or are they to be censored and silenced. Is the Taoiseach cognisant of that?

I asked about the longer waiting lists and more people waiting for over a year for out-patient services. A number of areas were specifically highlighted as being particularly bad. There was an acknowledgement by the Minister that the hospital group, including St. Columcille's in Loughlinstown and St. Vincent's, had an issue. The Minister has said this resulted from reconfiguration which was supposed to improve the situation. Some of us warned it would worsen it. The Minister further said the problems which had arisen could not be dealt with without additional resources. If that is what the Minister is saying, will the additional resources be provided? Will there be upgrades of Loughlinstown or St. Michael's as necessary to deal with problems that have emerged from a botched reconfiguration?

**The Taoiseach:** There is a shortage of nursing homes in Deputy Adams's locality in the north east. That is partly due to the collapse of the construction industry a number of years ago because of the economic situation. The new unit I have referred to at Moorehall is now open and there is a number of planning applications in for further developments. I might add that the home help and home care package budget has not been cut. That is an issue of importance.

Deputy Adams mentioned trolleys. Yesterday, Monday, 25 May at 8 a.m., there were 292 patients waiting on trolleys. At 8 p.m. that was down to 175. Today at 8 a.m., there were 259 patients waiting on trolleys and at 2 p.m. there were 243.

**Deputy Gerry Adams:** Does the Taoiseach consider that is okay?

**The Taoiseach:** I am sure the number has gone down at this stage. As of 19 May, there were 668 delayed discharges nationally of whom 381 were in the Dublin academic teaching hospitals. That compares to a high of 830 in December last year. I note that €25 million was provided for support services to provide alternatives to relieve pressure on acute hospitals. Of that €25 million, €10 million was used to provide an additional 300 places under the nursing home support scheme, reducing the waiting time from a period of 17 weeks. Some €8 million was allocated to provide access to an additional 115 short stay beds in the Dublin area and €5 million was used to provide 400 additional home care packages which will benefit 600 people. A further €2 million was used to expand the community intervention team services in primary care across Dublin and the surrounding regions.

Deputy Martin referred to moneys for Portlaoise. The budget there is approximately €50 million for this year which is similar to other hospitals which were formerly called model 3 hospitals.

**Deputy Micheál Martin:** It is a different grade.

**The Taoiseach:** The Health Service Executive signs off as the Minister does on the budget for a given year. I make the point again that this is not just about funding or a lack thereof: it is also about management, professionalism and competence in doing a job effectively in the interests of the patient. If one looks at Wexford, Portluncula or Clonmel, there are similar sized hospitals to Portlaoise. It is not just a matter for financial resources, it is a case of management responsibility working with the resources they have to provide an effective, patient-centred solution.

I went through the beds being identified as open in other places and gave Deputy Adams the trolley count. I do not have the details of the reconfiguration to which Deputy Boyd Barrett referred but if he puts down a Topical Issue or raises the matter by way of a question to the Minister directly, he will get the detail of that.

### **Irish Language**

6. **Deputy Gerry Adams** asked the Taoiseach when the Cabinet sub-committee on Irish and the Gaeltacht last met. [2156/15]

7. **Deputy Joe Higgins** asked the Taoiseach when the Cabinet sub-committee on Irish and the Gaeltacht last met. [3367/15]

**The Taoiseach:** I propose to take Questions Nos. 6 and 7 together.

The Cabinet sub-committee on Irish and the Gaeltacht last met on 30 March 2015.

**Deputy Gerry Adams:** Tá a fhios ag an Taoiseach go bhfuil an Ghaeltacht faoi níos mó bhrú ná mar a bhí riamh agus tá géarchéim ann sa Ghaeltacht agus i bpobal na Gaeltachta mar gheall ar an Rialtas seo agus Rialtais eile agus a mbeartais laige. Chuir na beartais seo le dul i léig na Gaeilge mar ghnáth-theanga na ndaoine.

The Irish language is under greater pressure than ever, particular in Gaeltacht communities which are losing much needed resources. The number of children being taught through the medium of Irish is declining. The previous Irish language commissioner, Seán Ó Cuirreáin, criticised the Government strongly over this and resigned in protest. In January, his successor Rónán Ó Domhnaill made practical recommendations to the Joint Committee on Public Service Oversight and Petitions and the Joint Committee on the Environment, Culture and the Gaeltacht published its report on the general scheme of the official languages (amendment) Bill. I do not have time to deal with this in detail, but the joint committee put forward a range of recommendations that would enable the language to remain as a living vibrant language if it was fostered and nurtured by the State and its institutions. It has been in the public arena for some time that the heads of the Bill will not reflect the recommendations of the joint committee.

*5 o'clock*

It is ridiculous that the Government is not keeping to its strategy and commitments. The commissioner also reported the Department of Education and Skills to the Houses of the Oireachtas because it has failed to fulfil its obligations under the Education Act 1998. Other bodies that were in breach in respect of the use of Irish included the Railway Procurement Agency, Dublin Bus and the HSE.

Does the Taoiseach accept that the report by the Comisinéir Teanga is evidence that the State is not doing enough to protect and encourage the Irish language and go bhfuil sé soiléir nach bhfuil ag éirí leis an Straitéis 20 Bliain don Ghaeilge. An ndéanfaidh an Taoiseach athbheithniú iomlán neamhspleách ar an straitéis seo?

**The Taoiseach:** Tá an ceart ag an Teachta go bhfuil an Ghaeilge mar theanga labhartha faoi níos mó bhrú ná mar a bhí le fada. Is fíor a rá nach bhfuil ach 1,000 dalta ag caint Gaeilge mar ghnáth-theanga sna Gaeltachtaí ag an bpointe seo. Bhí brú ann ón imirce. Tá brú ann

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faoi láthair straitéis oideachais trí Bhéarla a thabhairt isteach sna scoileanna Gaeltachta ag an bpointe seo. Is deacracht é seo go gcaithfidimid glacadh leis. Tá a fhios ag an Teachta go bhfuil na Gaelscoileanna ar fud na tíre ag déanamh togha oibre ó thaobh oideachas trí Ghaeilge a thabhairt do na daltaí agus do na gasúir atá ag freastal orthu, ach níl an rud ceannann céanna ag tarlú sna Gaeltachtaí faoi láthair. Mar a dúirt mé, níl ach suas le 1,000 dalta ag caint Gaeilge mar ghnáth-theanga sna Gaeltachtaí ag an bpointe seo.

Aontaím leis an Teachta agus leis an tuarascáil a d'fhoilsigh an coimisinéir nach bhfuil cuid de na heagrais, comhairlí contae agus Ranna Stáit ag déanamh a ndíchill chun an Ghaeilge a choiméad agus a láidriú agus a bheith ina teanga ar féidir duine ar bith a úsáid i leith a chuid ghnó laethúil. Cé go bhfuil cinnlínte Bhille le tabhairt isteach anseo, is féidir linn, mar Oireachtas, an díospóireacht sin a bheith againn ó thaobh na Ghaeilge, na canúna agus múineadh na teanga de agus ó thaobh céard atá in ann don Straitéis 20 Bliain don Ghaeilge as seo amach.

Tá a fhios ag an Teachta go bhfuil airgead á chaitheamh an t-am ar fad, go bhfuil togha oibre á déanamh i gcuid de na háiteanna agus go bhfuil an-obair déanta le blianta anuas ach níl sé chomh láidir agus ba chóir. Nuair a thabharfaidh an tAire Stáit an Bille isteach anseo le díospóireacht a bheith againn, is féidir linn, mar Dháil, díospóireacht i bhfad níos leithne a bheith againn ar chúrsaí Gaeltachta, ar an nGaeilge, ar mhúinteoireacht sa Ghaeltacht agus sna scoileanna Gaeltachta agus ar an obair atá á déanamh ag na Gaelscoileanna ar fud na tíre. Beimid in ann breathnú orthu sin, straitéis a bhunú agus athruithe a dhéanamh más féidir agus más cóir ionas go mbeidh i bhfad níos mó oibre á déanamh taobh istigh de na heagrais ar fud na tíre i leith na teanga agus í a labhairt agus go mbeidh cead ag an ghnáthdhuine a chuid ghnó a dhéanamh as Gaeilge más mian leis é sin a dhéanamh.

Le linn na tuarascála a d'fhoilsigh an coimisinéir, is fíor agus is léir nach bhfuil an jab á dhéanamh mar ba chóir agus go gcaithfidimid déileáil leis sin as seo amach. B'fhéidir, más mian leis an Teach, go mbeidh díospóireacht againn ó thaobh na tuarascála sin nó ag éirí as an mBille a thabharfaidh an tAire Stáit isteach. Beimid ar a laghad dírithe ar na deacrachtaí seo i dtreo is go mbeimid in ann moltaí ón Aire Stáit a chur chuig an Rialtas i leith an bhuiséid atá le teacht agus go bhfeicfidimid an féidir linn níos mó a dhéanamh nó níos mó áiseanna a dhíriú ar na deacrachtaí agus na fadhbanna atá ann ag an bpointe seo.

**Deputy Gerry Adams:** Níl na moltaí sa Bhille. Ar lámh amháin-----

**The Taoiseach:** Beimid in ann é a leathnú amach.

*Written Answers follow Adjournment.*

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 37, Criminal Justice (Terrorist Offences) (Amendment) Bill 2014, [*Seanad*] - Order for Report, Report and Final Stages; and No. 38, statements on the Fifth Report of the Constitutional Convention (Voting Rights).

It is proposed, notwithstanding anything in Standing Orders, that: in the event a division is in progress at the time fixed for taking Private Members' business, the Dáil shall sit later than 9 p.m. tonight and shall adjourn on the adjournment of Private Members' business which shall be No. 190, motion re Midlands Regional Hospital, Portlaoise and shall, if not previously con-

cluded, adjourn after 90 minutes; the following arrangements shall apply in relation to No. 38: the statement of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case, and such members may share their time; the statement of each other member called upon shall not exceed ten minutes in each case, and such members may share their time; and a Minister or Minister of State shall be called upon to make a statement in reply, which shall not exceed five minutes.

Tomorrow's business after Oral Questions shall be No. 39, Health (General Practitioner Service) Bill 2015 - Order for Report, Report and Final Stages; No. 5, Communications Regulation (Postal Services) (Amendment) Bill 2015 - Order for Second Stage and Second Stage; and No. 38, statements on the Fifth Report of the Constitutional Convention (Voting Rights).

**An Ceann Comhairle:** There are two proposals to be put to the House. The first is the proposal for dealing with the late sitting. Is that agreed? Agreed. The second is the proposal for dealing with item No. 38, Statements on the Fifth Report of the Constitutional Convention (Voting Rights). Is that agreed? Agreed.

**Deputy Micheál Martin:** The Taoiseach confirmed earlier that the Government told a major untruth before the last general election that it would introduce the Dutch model of universal health insurance, UHI. Papers were published, there were detailed documents and visits to Holland and the country was led to believe for a full year that this was the Holy Grail of health solutions and health policies. I was astonished earlier to hear the Taoiseach say that the Dutch model was not going to be implemented and that there would now be a different model and system. It is an extraordinary and breathtaking breach of a promise the Taoiseach made to the people. It transcends even Deputy Ruairí Quinn's promise about third level fees. The former Minister, Deputy Pat Rabbitte, said that is what tends to happen during election campaigns but I find this extraordinary. This is one of the Government's pillar policies. A white paper on UHI was published last year. The Taoiseach said that there would be a statement on what the cost of compulsory insurance will be. We are still waiting for the publication of the costings. When can we expect the publication of the costings which have been promised previously during Leaders' Questions? Will the Taoiseach be upfront with the people about the cost of this policy and what they will end up having to pay?

I am aware that the general scheme of the marriage Bill 2015 was published last March. Following the success of the marriage referendum, will the Taoiseach confirm when the Bill to allow same sex marriages to take place will be scheduled before the House? Will he confirm when the administrative details to allow marriages between gay couples to take places will be finalised?

**The Taoiseach:** The Minister for Justice and Equality has confirmed on behalf of Government that the intention is that the marriage equality Bill will be enacted before the summer recess, so it will move through the House very quickly.

The Government is not resiling from or renegeing on its intention to introduce universal health insurance. Universal health insurance is the objective of the Government but the original target is delayed.

**Deputy Micheál Martin:** The Dutch model is gone.

**The Taoiseach:** The Minister has quite some work to do in respect of the cost. Let me con-

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firm for the Deputy again, in case he cannot hear me, that the Government is not renegeing on the commitment to introduce universal health insurance. It will be the universal health insurance system that will apply in this country, not as applied in the Netherlands.

**Deputy Micheál Martin:** What are the costings?

**The Taoiseach:** We have the Minister working on that issue.

**Deputy Micheál Martin:** That is the lie, though.

**An Ceann Comhairle:** I call Deputy Gerry Adams.

**Deputy Micheál Martin:** It is not like the system in the Netherlands. That is the lie.

**An Ceann Comhairle:** No, Deputy. I have called Deputy Gerry Adams.

**Deputy Gerry Adams:** The Taoiseach has said the marriage Bill will be ready or enacted before the summer recess, which means that it will be taken before the end of July. That is a very tight timescale. We all celebrate very much the compassionate decision taken in the referendum in favour of equality and inclusivity, but will the Taoiseach give a complete assurance that the Bill will be published before the recess? Also, we cannot have an *à la carte* attitude to equality. All Government economic decisions need to be equality-proofed. In particular, funding should be restored to NGOs and agencies charged with tackling inequality.

In the programme for Government and the statement of Government priorities last year the Government affirmed its support for the full implementation of all aspects of the Good Friday Agreement and subsequent agreements. As the Taoiseach is aware, there are significant elements of the various agreements which have not been implemented, including the introduction of a Bill of Rights, Acht na Gaeilge and so on. The British Government has also threatened to scrap the Human Rights Act which is an integral part of the Good Friday Agreement. We know that the Assembly in Stormont is today debating the so-called welfare reform Bill.

**An Ceann Comhairle:** I am sorry, but we are on the Order of Business.

**Deputy Gerry Adams:** What I am putting to the Taoiseach is that there are major pressures on the institutions in the North. This is not solely about the threatened cuts to welfare payments but also about the Tory Government's planned cuts to budgets. The Taoiseach is equal guarantor of the Good Friday Agreement. Has the Government raised these issues or concerns with the British Government? Will the Taoiseach-----

**An Ceann Comhairle:** I am afraid he cannot do so on the Order of Business.

**Deputy Peter Mathews:** At Stormont.

**Deputy Gerry Adams:** Will the Taoiseach engage directly with the British Prime Minister and remind him that the Good Friday Agreement is a binding international treaty and that the commitments entered into in it must be implemented?

**An Ceann Comhairle:** We will have to discuss that matter.

**The Taoiseach:** I expect the marriage equality Bill to be enacted in the House by 16 July. I think that is the date which is perhaps the week before the House is due to rise.

I am going to meet the British Prime Minister before the next European Council meeting. I mentioned this issue to him when I rang him to congratulate him on being re-elected as Prime Minister. This country and the Government are co-guarantors of the Good Friday Agreement, as Deputy Gerry Adams is well aware. The human rights issue is dealt with in an international treaty. That is an issue I will raise with the British Prime Minister.

The Deputy mentioned a point about Acht na Gaeilge, a Bill of Rights and so on. Obviously, the focus of the Government in Great Britain was on the election. Now that the Prime Minister leads a single party Government with a majority, I will be happy to take up these matters with him again, including the fact that the Agreement should be implemented in full.

I hope discussions will take place today on the welfare issue which is of great importance. The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, has been in constant contact with the Northern Ireland Secretary of State and the Deputy First Minister at Stormont. I wish the First Minister well in his recovery. I understand he was brought to hospital with a condition which I hope will be treated. I hope he will make a full recovery.

**Deputy Michael Healy-Rae:** The Taoiseach is in a unique position in that he is the only party leader who has refused to go on Radio Kerry to debate current issues.

**An Ceann Comhairle:** Hold on one second.

**Deputy Michael Healy-Rae:** This comes under the Government's policy in the programme for Government on the open-----

**An Ceann Comhairle:** I can tell the Deputy that it is not an issue for the Order of Business.

**Deputy Michael Healy-Rae:** No, it concerns the Government's policy on openness and transparency. I have a question for the Taoiseach. Jerry O'Sullivan has been looking for him to go on Radio Kerry for a long time.

**An Ceann Comhairle:** The Deputy can table a question or go and talk to him, but he may not raise the issue on the Order of Business.

**Deputy Michael Healy-Rae:** The Taoiseach is refusing to-----

**An Ceann Comhairle:** No, I am sorry, the Deputy is totally out of order.

**Deputy Michael Healy-Rae:** I am sorry, but I am not.

**An Ceann Comhairle:** The Deputy is totally out of order.

**Deputy Michael Healy-Rae:** I am not.

**An Ceann Comhairle:** Will the Deputy, please, resume his seat?

**Deputy Michael Healy-Rae:** This relates to Government policy on openness and transparency.

**An Ceann Comhairle:** will the Deputy, please, resume his seat?

*(Interruptions).*

**Deputy Michael Healy-Rae:** I am asking the Taoiseach to go on Radio Kerry-----

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**An Ceann Comhairle:** I do not care what Government policy states; I am dealing with the Order of Business.

**Deputy Michael Healy-Rae:** ----to talk about current issues, in the way the other party leaders have done.

**The Taoiseach:** I would be delighted to do so.

**Deputy Michael Healy-Rae:** I thank the Taoiseach.

**An Ceann Comhairle:** Please, do not respond.

**Deputy Michael Healy-Rae:** I thank the Taoiseach.

**Deputy Micheál Martin:** Four years later.

**An Ceann Comhairle:** Will Deputy Michael Healy-Rae, please, resume his seat? He is making a joke out of this.

**Deputy Michael Healy-Rae:** Thank you very much.

**An Ceann Comhairle:** I want to tell the Deputy something. I will not call him in future because every time I call him, I get into a dispute with him.

*(Interruptions).*

**An Ceann Comhairle:** Either he adheres to the rules like everyone else or he does not.

**Deputy Michael Healy-Rae:** I will.

**An Ceann Comhairle:** The Deputy has not done so thus far.

**Deputy Michael Healy-Rae:** You know I will.

**An Ceann Comhairle:** Do not plamás me.

**Deputy Michael Healy-Rae:** I will adhere to the rules.

**An Ceann Comhairle:** I am around here long enough to recognise when someone is trying to plamás me.

**Deputy Michael Healy-Rae:** The Taoiseach answered my question, for which I thank him.

**An Ceann Comhairle:** The Deputy knows exactly what goes and if he does not, will he, please, come to my office and I will tell him what he may raise on the Order of Business?

**Deputy Michael Colreavy:** On behalf of Sinn Féin, I join in the good wishes to the First Minister, Mr. Peter Robinson, following his illness. I hope he will make a full recovery.

In April 2014 we brought forward the Wind Turbine Regulation Bill 2014 which was accepted on Second Stage. When will it be taken on Committee Stage? Why was there not a moratorium placed on planning applications for industrial scale wind turbine developments pending the enactment of the Bill-----

**An Ceann Comhairle:** That is a separate issue.

**Deputy Michael Colreavy:** -----or publication of new planning regulations for wind turbine developments being prepared by the Minister or the Department?

**The Taoiseach:** It was a Private Members' Bill. Clearly, the Minister is considering some changes to the regulations governing wind turbines. We have a duty as a country to meet climate change targets. They involve the Department of the Environment, Community and Local Government and the Department of Communications, Energy and Natural Resources, as well as other Departments. I cannot speak about the planning process because, as the Deputy is aware, one does not want to interfere in any way with it. The Bill was passed on Second Stage. My understanding is the Minister will make his views known on the regulations governing wind turbines in the not too distant future. As the Deputy is aware, there are issues that cover a number of Departments.

**Deputy Catherine Murphy:** There is a motion on the Order Paper, No. 197, to which there are 45 signatories. Unusually, it has been signed by almost the entire Opposition. I am calling on the Taoiseach to consider allocating time for a debate on it. It concerns the review by KPMG of Siteserv and other issues. It was pointed out when we were debating the matter that there were conflicts or, at least, perceived conflicts with the individual who was to carry out the review.

**An Ceann Comhairle:** I am sorry, but we cannot deal with that issue on the Order of Business.

**Deputy Catherine Murphy:** There has been further damaged by virtue of the fact-----

**An Ceann Comhairle:** Is time being allocated to debate the motion?

**Deputy Catherine Murphy:** -----that IBRC joined the process last week.

**An Ceann Comhairle:** I am sorry, but the Deputy cannot raise this issue on the Order of Business. Will she, please, resume her seat?

**Deputy Catherine Murphy:** It joined the court case last week. Essentially, a court case was taken by Mr. Denis O'Brien-----

**An Ceann Comhairle:** Deputy Martin Heydon is next. I am sorry, but Deputy Catherine Murphy is out of order.

**Deputy Catherine Murphy:** The conflicts of interest are now greater than they were.

**An Ceann Comhairle:** The Deputy is out of order. Will she, please, resume her seat? She cannot raise this matter on the Order of Business.

**Deputy Catherine Murphy:** If there is to be a review and we are to spend public money on it and there is someone who is-----

**An Ceann Comhairle:** The Deputy has a Whip. She can ask them to go to the Whips' meeting and arrange a debate.

**Deputy Catherine Murphy:** It seems that time should be provided-----

**An Ceann Comhairle:** Will the Deputy, please, resume her seat?

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**Deputy Catherine Murphy:** That there are 45 signatories on the Opposition side is no small matter.

**An Ceann Comhairle:** The Deputy can ask her Whip to deal with the matter at the Whips' meeting.

**Deputy Catherine Murphy:** I am asking the Taoiseach to consider allocating time to debate the motion.

**An Ceann Comhairle:** Will the Deputy, please, resume her seat?

**Deputy Martin Heydon:** I wish to ask the Taoiseach about promised legislation following last Friday's historic vote. It represented another move by the Government to improve equality in society, as well as fixing the economy. I wish to ask the Taoiseach about another issue on which the Government has made progress. We need to see the Assisted Decision-Making (Capacity) Bill enacted. When can we expect it to become law? Its enactment is a key element in enabling Ireland to ratify the UN Convention on the Rights of Persons with Disabilities. It is key legislation that I hope we will see in the lifetime of the Government.

**The Taoiseach:** I am informed by the Minister of State at the Department of Health, Deputy Kathleen Lynch, that it is to go before the committee on 17 June.

**Deputy Tony McLoughlin:** With regard to the often-long delays in the criminal trial process and the need to reduce delays in the criminal justice system generally, when can we expect the criminal procedure Bill to be brought before the House for debate? Will it be during this Dáil term?

**The Taoiseach:** I cannot give the Deputy an accurate date, but it is due for introduction here later in the year.

**Deputy Mattie McGrath:** Tá a lán ceisteanna agam don Taoiseach. One concerns the Eir-Grid legislation. There is considerable angst in the community over it. It has been postponed time and again. We never get any date for it because, as I have stated previously, dates have been changed on account of public hearings and public submissions.

Only two general practitioners in Tipperary have signed up under the health (general practitioner service) legislation. I can speak only for Tipperary. There is a considerable amount of intimidation and bullying and there are threats. Where are the under-sixes to go if they cannot go to the general practitioners who treat their families? This is farcical in the extreme. I hope the Taoiseach will, at this late stage, ask the Minister for Health to engage meaningfully with the doctors. The doctors provide front-line services, and there is enormous pressure.

**The Taoiseach:** The Health (General Practitioner Service) Bill 2015 is due to be taken on Report Stage tomorrow. My understanding is that about 100 general practitioners per day are signing up.

**Deputy Mattie McGrath:** Not in Tipperary.

**The Taoiseach:** I hope the general practitioners will sign up also.

**Deputy Mattie McGrath:** They cannot sign up.

**The Taoiseach:** It is a very good scheme for providing free access to services for under-

sixes and over-70s.

**Deputy Mattie McGrath:** Blackmail.

**Deputy Bernard J. Durkan:** With regard to promised legislation, what is the current position on the Red Cross (amendment) Bill, which has been promised for some time and which is being sought with some considerable interest? What is the position on the energy (miscellaneous provisions) Bill, which will generate some debate on electricity generation, wind energy, fossil fuel energy and the extent to which energy in general will feed into the national grid?

**The Taoiseach:** The energy (miscellaneous provisions) Bill is listed for later in the year. I cannot give the Deputy a date for the Red Cross (amendment) Bill, but I will revert to him on the work that is under way.

### **Business of Dáil**

**An Ceann Comhairle:** Since Deputy Pearse Doherty is not present to deal with First Stage of his Private Members' Bill, the Central Bank (Mortgage Interest Rates) Bill 2015, we must postpone it and move on to the Topical Issue debate.

### **Topical Issue Debate**

#### **Education and Training Provision**

**Deputy Kieran O'Donnell:** I thank the Ceann Comhairle for the chance to raise this very important issue. It involves East Limerick Centre for Further Education and Training in Cappamore in County Limerick, an area I represent as a Deputy. The Limerick and Clare Education and Training Board recently informed the college that it is seeking to cease offering 83 post-leaving certificate, PLC, places for students for the next academic year. The people of Cappamore feel very strongly about this. I want to ensure the cessation does not take place. Cappamore had a secondary school up to 2013 and thereafter it evolved into a third level institution, a college of further education, East Limerick Centre for Further Education and Training. Eighty three places were allocated under a rural remit for Cappamore and east Limerick. That is the key element to this. The places were allocated to ensure students who have completed their leaving certificate and who are living in rural east Limerick and surrounding areas, such as Moroe, Caherconlish, Cappamore itself, Bilboa and Pallas Grean, could attend college in a rural setting. We now find it has been proposed that the 83 PLC places will be transferred to Mulgrave Street in the city. The Limerick and Clare Education and Training Board does fantastic work both in the city and county but it is extremely important to recognise the vital nature of the 83 places for students in a rural setting.

I met the CEO of Limerick and Clare Education and Training Board, Mr. George O'Callaghan, recently. He committed to carrying out a review of the decision, which I very much welcome. Furthermore, he stated the board is committed to the future of the college in Cappamore in terms of driving it forward.

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I ask that the 83 places be retained. I ask the Minister of State, Deputy Damien English, to confirm that the review is now under way. It should be an independent review, which is what the people of Cappamore and the surrounding areas want. We recently had a meeting with community leaders from Cappamore, led by Cappamore Development Association, and Mr. O'Callaghan to discuss this matter. Mr. O'Callaghan reiterated that a review of the places would be carried out and that they would be retained.

I want to see in the first instance a commitment to retain the 83 places and, second, a drive to create further courses on the campus of 3.5 acres. The college has a capacity of up to 210 students, which is well in excess of the 83 threatened PLC places. There are extra courses also. There is a blacksmith course, which is unique in Ireland and which operates under a City & Guilds programme, and there is a horticulture course. The key reason I am raising this issue in the Dáil this afternoon is the vital importance of the courses to Cappamore. Many of the students may not be able to travel to a city setting to avail of education. I would not like to see anybody unable to avail of PLCs and further education in the area in which he or she lives. That is the number-one criterion. It is a matter of rural rejuvenation. The college is in the heart of rural east Limerick and the 83 places need to be preserved. We need to enhance further what the college is providing. It has enormous capacity. There are 210 available places and the college is on a 3.5 acre site.

**Minister of State at the Department of Education and Skills (Deputy Damien English):**

I thank the Deputy for raising this matter as it provides me with the opportunity to outline the position on the allocation of PLC places in general and also in Cappamore.

By way of background, PLC places are allocated by SOLAS to the education and training boards, ETBs, and other schools as part of an annual service plan process. There are 32,688 approved PLC places nationwide. For each approved place, my Department provides a staffing allocation and non-pay capitation. The majority of these places are provided by ETBs in recognised ETB schools and stand-alone PLC colleges, but also in voluntary secondary and community and comprehensive schools, across the country.

SOLAS, the new further education and training authority, has been tasked with ensuring the provision of high-quality further education and training programmes that are responsive to the needs of all learners and the requirements of a changed and changing economy. Last year SOLAS published its five-year strategy for the development of a unified further education and training sector. The strategy seeks to implement a new integrated FET planning model to ensure relevant learner-centred, flexible and employment-led provision with a clear focus on reducing duplication and overlap of provision. The process is to take account of Government priorities, for example, Pathways to Work, the Action Plan for Jobs and the Youth Guarantee.

SOLAS engages in an annual service plan process with ETBs which places a focus on the relevance and appropriateness of the provision proposed. It is expected that this will result in an improved level of provision that is responsive to the needs of learners and employers and ensure better value for money for our limited resources. Under the legislation providing for the establishment of ETBs, ETBs are independent autonomous entities with resources to deliver educational and training opportunities within their regions to the highest standard. Limerick and Clare ETB is a statutory body with responsibility for education and training provision in the Limerick and Clare area. The ETB has 1,418 approved PLC places and the allocation of these places to schools and colleges under its remit is a matter for the ETB.

A PLC programme with 83 PLC places operated in St Michael's College in Cappamore for a number of years. This school amalgamated with two other schools - St Fintan's Christian Brothers school and St Joseph's Mercy secondary school in Doon - in September 2013 and St Michael's College, Cappamore ceased to operate as a school. This resulted in the PLC places previously allocated by the ETB to St Michael's College being re-allocated to Limerick College of Further Education. The ETB continued to operate the PLC programme in the former school premises in Cappamore as an outreach of Limerick College of Further Education. The ETB recently reviewed the PLC provision in Cappamore and decided that because there was duplication of the courses on offer in both centres and it was proving difficult to operate with such small numbers, it would withdraw the PLC programme from Cappamore and provide it in Limerick College of Further Education. I understand that discussions continue on this locally. The ETB will continue to offer part-time courses in Cappamore and intends to develop a new suite of programmes for learners in this centre. I believe it intends to use the centre in Cappamore as an education and training centre for learners, offering programmes at levels 3 and 4 on the QQI framework, and that it is not just working closely with my Department and SOLAS but is also working closely with the Department of Social Protection to provide courses for unemployed people in the area.

**Deputy Kieran O'Donnell:** I thank the Minister for State for taking this debate. I have also raised the matter with the Minister for Education and Skills. I have a number of points to make. The 83 PLC places were allocated within a rural remit, not an urban remit. I know that if these 83 PLC places are transferred to a city setting, many students will not be able to avail of PLC places and may not be able to go on to further education. That is something we cannot allow to happen. The role of an ETB should be inclusive, encompassing both urban and rural. ETBs do fantastic work in the city and county. I want to speak specifically about the college of further education in Cappamore. These places were allocated under a specific rural remit. Cappamore was established as, effectively, a rural element of Limerick College of Further Education in Mulgrave Street.

The Minister of State spoke about offering programmes at levels 3 and 4 on the QQI framework. The PLC courses across a range of areas that are currently on offer in Cappamore are levels 5 and 6. Many of these students have gone on to the University of Limerick and Limerick Institute of Technology. This is something we want here. There is no reason why level 3 and 4 courses cannot be offered on the same campus that offers level 5 and 6 courses. It is something that needs to be maintained. I want a commitment from the Minister of State and the Minister that they will contact the ETB in Limerick and get an update about how the review process is going and stress that the 83 PLC places are allocated under a rural remit. I want a commitment that future plans will involve retaining the PLC level 5 and 6 courses, introducing level 3 and 4 courses and enhancing those courses. There is a state-of-the-art college in Cappamore with 210 places available on a three and a half acre site. It would be seen as an integrated model with a rising tide lifting all boats. The Minister of State might confirm that these matters will be followed up.

**Deputy Damien English:** I can raise these issues with SOLAS and the ETB. We met with them recently and they are doing great work in the area referred to. It is about striking the right balance. As it is an independent autonomous entity, we cannot direct it in any way but it knows it has certain responsibilities. It works very closely with SOLAS on an annual basis in respect of the service plan and our overall strategy, which involves making sure that as many people as possible can avail of these courses. We recognise that PLC courses are a very important avenue

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into working with community bodies or enterprise. Most people who do a PLC course move on to further education or a job, so it is very successful. With that in mind, part of the SOLAS strategy is to commit to evaluating all further education provision this year, mainly the PLC programme. It is being looked at in a national context and we are also looking at barriers. The Deputy raised the issue of rural versus the city and access and whether there will be additional hardship in trying to attend courses in the city. That will be looked at. I will raise it with the ETB and SOLAS.

**Deputy Kieran O'Donnell:** It is a matter of striking the right balance.

**Deputy Damien English:** We need to get the balance right. The Deputy will appreciate that the ETB is an independent entity, but I will raise his concerns with them.

### **Addiction Treatment Services**

**Deputy Maureen O'Sullivan:** I wish I was not addressing this issue, but I am very happy it was chosen and that I have the opportunity to highlight two programmes working with those in alcohol recovery whose funding is being cut. Barrymore House will be temporarily closed for the month of June. It is the only residential treatment programme for problem drinkers and gamblers in the north eastern HSE region. Áit Linn has 74 active clients, which means that 74 families are being supported through the programme there. Referrals come from the individuals concerned, their families and communities, social workers, nurses, doctors, the GPs in the area and Beaumont Hospital and the Mater hospital.

These programmes offer 12 weeks of psycho-educational sessions which look at the health and psychological effects of alcohol misuse. They also look at the triggers for relapse during that period. The clients go into a treatment group for a minimum of 26 weeks. In the course of those 26 weeks, they help people to adjust to abstaining from alcohol and the pressures of being abstinent. They also offer couples therapy and family therapy. Social workers may be involved in cases if there are issues of institutional, domestic or sexual abuse. A further 26 weeks of aftercare are offered. During the aftercare period, a lot of work is done re-establishing the client within the family. They work on employment and education and also support people as challenges arise. Individual and group counselling is also offered.

All of this proves that the cycle of addiction can be broken and that those in recovery can heal and transform their lives. In my opinion, which I am sure is shared by the Minister for Health, we have reason to expand that kind of service and not to cut it. The centres also have a waiting list, but people on it will be supported through motivational interviewing and client-centred counselling; therefore, there is a link with people while they are waiting to go on the programme. There were 180 referrals in 2014. They run a weekly walk-in clinic in Beaumont Hospital in conjunction with liaison psychiatry there. It is a brief intervention clinic. Áit Linn is seeing a significant take up of places on its programmes from people who have presented at Beaumont Hospital and the Mater hospital with alcohol-related issues. They provide training on alcohol misuse to Dublin City Council's social work team to use with council tenants who have tenancy issues relating to alcohol misuse. They have held conferences and were involved in the Strengthening Families programme for parenting in 2014. They also provide support and training for organisations who work with the homeless like the Simon Community. They also constantly review and evaluate their programmes.

We know that there is an escalating tide of alcohol-related physical and mental harm. Here are two programmes that are trying to address that issue. We know that the cost of alcohol misuse to the country is approximately €3.7 billion, while the HSE addiction service budget was reduced by €2.5 million for 2015. A decision was made at national level that each health directorate would receive what it spent in the previous year so funding was taken from addiction services and reverted back into primary care. Addiction services must be separate, although they are part of primary care in a certain way. We cannot afford to cut programmes for those who want to recover. The Minister knows that catching people at that optimum moment when they are motivated to try to overcome their addiction is crucial and both of the programmes to which I refer do exactly that. I await the Minister's response with interest.

**Minister for Health (Deputy Leo Varadkar):** I thank the Deputy for raising this matter. This Government is committed to tackling alcohol misuse in Ireland and the widespread harm it causes. Alcohol is causing significant damage across the country, affecting the workplace and children and imposing a substantial burden on all in Irish society.

The Public Health (Alcohol) Bill which my Department is currently drafting is a part of a suite of measures agreed by the Government in 2013 on foot of the recommendations in the steering group report on a national substance misuse strategy 2012. The Public Health (Alcohol) Bill incorporates a number of the recommendations in that report and addresses the underlying factor behind alcohol misuse, namely affordability, availability and attractiveness.

The Health Service Executive national service plan 2015 aims to progress the implementation of the national substance misuse strategy including the community mobilisation pilot on alcohol initiatives in five drug task force areas and the further development of a co-ordinated approach to prevention and education interventions in alcohol between all stakeholders including third level institutions. The HSE provides services to prevent and treat addiction to alcohol. People who present for alcohol addiction treatment are offered a range of interventions namely initial assessment, comprehensive assessment, the Minnesota Programme, brief interventions, individual counselling, self-help, peer support or a combination of these. The delivery of these services is based on the four tier model of treatment intervention and services are designed to respond to the individual's specific identified needs. This care model implies that clients should be offered the least intensive intervention appropriate to their need when they present for treatment initially. Interventions range from community and family based supports and primary care services through to specialist support services either in the community or residential settings.

Inter-agency co-operation between the HSE, drugs task forces and multiple other community, statutory and voluntary agencies form the basis of this delivery as the target is to provide services where possible in a community environment. Counselling and rehabilitation services provide care for those presenting with an addiction through one-to-one counselling and onward referral to other statutory and voluntary groups where appropriate. The HSE also provides funding to a number of voluntary service providers who treat drug and alcohol addictions.

I am informed by the HSE that Áit Linn is currently funded by the Ballymun Regeneration group. While it submitted proposals for funding to the HSE's addiction service, the HSE was not in a position to offer funding to the group this year due to competing priorities and available resources. I understand that Áit Linn has met with the HSE and as it is a local service, it has have been advised to contact the local addiction service and drugs task forces. Barrymore House is a residential detox service run by the HSE. The executive has advised that due to staffing issues the programme has been temporarily suspended. However, it is in the process of

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recruiting new counsellors and plans to re-establish the residential programme in August.

The remit of the drugs task forces was extended to include the problem of alcohol misuse last year in view of the central role they play in co-ordinating the response to substance misuse at local level. The dormant accounts action plan for 2014/15 includes provision of €1 million for a specific substance misuse measure. Over €41,600 in funding will be available to every task force in the country for a range of activities aimed at raising awareness of alcohol-related harm and changing attitudes to alcohol in our society

**Deputy Maureen O’Sullivan:** I do not know where to start in response. First, the staff who work in accident and emergency departments see people presenting with alcohol-related issues. Sometimes these people are completely and utterly out of it and present with physical injuries or mental health issues. What is to happen to them at that point? In both Beaumont Hospital and the Mater Hospital, there is a system of referral on to these community-based programmes. If people are not referred onto such programmes, they will finish whatever treatment they are receiving in hospital - whether it is being on a drip for a few hours or having their injuries patched up - and be discharged. They will continue in their addiction unless an intervention is made at that point. At the moment, such an intervention is happening in Beaumont Hospital, which links patients in with the community-based programme in Ballymun and the community group in Ballymun is doing all of the things that the Minister has just spoken about.

I suggest the HSE could fund that group if the budget for its addiction services had not been cut by €2.5 million. The group is relying on donations and has a fund of €27,500. For that sum, it is employing fully accredited and fully qualified therapists to provide a service. Can the Minister tell me what will happen to the programme’s 74 clients and their families who are availing of this service now? These people are in recovery and are doing well. If they continue in recovery, they will not cost the State any more money but if they do not continue with the recovery programme they are in, there is a real danger of them relapsing and we all know of the potential effect of this.

I previously chaired the north inner city drugs task force and am a member of that task force again. I understand the pressure on the drugs task forces as a result of alcohol being included in their remit now. What can they be expected to do with €41,600 each per year? Even the sum of €1.1 million for a specific substance misuse measure is wholly inadequate. I am speaking here about a project that has been working well, getting people into recovery and supporting them in that recovery on what is by no means a massive amount of money. Again, I ask the Minister, what will happen to the people who are in recovery, to their families and their communities, because of a lack of funding?

**Deputy Leo Varadkar:** I appreciate the Deputy’s passion and interest in this issue. These are, of course, local services with which I am not familiar. It is not possible for me to get involved personally in the funding of individual local services. However, I am informed that Barrymore House is recruiting and intends to re-establish its residential programme in August, which is not too far away. It is difficult to recruit staff and sometimes that causes services to be suspended. Regarding Áit Linn, I am told that programme was previously funded by Ballymun Regeneration Limited. I suggest Áit Linn contact that organisation again and seeks funding from it or from the local drugs task force. The HSE obviously has its own addiction services.

*Dáil Éireann*  
**Arts Funding**

**Deputy Ciara Conway:** I want to raise the issue of a small amount of money that has a huge impact on Waterford every year. The Imagine arts festival is a special festival which is relatively small in scale but by no means lacking in programme events or community participation. The festival runs every October for ten days. It was founded in 2003 and has grown in scale and content since then. It is very much a community-based festival and represents everything that the arts should be about. It is focused on access to the arts and getting young people, in particular, involved. It has an interesting and varied programme of events including live music, dance, theatre, visual art and plenty of spoken word such as comedy, literature and story telling. There is a very strong children and youth programme and lots of the local schools are involved.

My party colleague, the Minister of State, Deputy Aodhán Ó Ríordáin, and I visited the Waterford youth arts building last October and we were delighted to meet young people who were working hard on their pieces for the Waterford Imagine arts festival. A big feature of the festival last year was the parade of light, which was very symbolic. Lots of schools from across Waterford city were involved in making lanterns and taking part in the parade. Local school children making things and taking part in a parade is the essence of a community arts festival. Imagine involves people of all ages and brings the community together in celebration. The festival promotes established and emerging artists on the local, national and international scene. Ticket prices are kept low so that as many people as possible can take part.

Two weeks ago the future of the festival was thrown into doubt when it was revealed that the Imagine arts festival would not receive any money from the Arts Council in 2015, representing a cut of 100%. Imagine was in the small festivals category and received just €11,000 last year but was very glad to receive that money. This is not just about the €11,000, although that is very important; it is also about the fact that Arts Council funding lends legitimacy to the work of the festival and its 42 volunteers. These include the festival board, the music committee, the John Dwyer trad weekend committee, the Imagine visual arts committee, the parade of light committee the film committee, the dance committee. There are many committees and considerable time is given up for free for the love of arts and for the love of including young people in the arts scene in Waterford.

All of these people give of their time and work hard throughout the year to make the festival a great success. It defies belief that last year this was one of the few festivals to get a small increase in funding from €10,000 to €11,000 and this year it has gone to zero. It makes no sense. It has been funded for the past 13 years. Last year AOIFE, the Association of Irish Festival Events, recognised this festival as the overall winner in best-marketed festival of the year. It must have been the best marketed around the country, but not to the Arts Council which could not recognise what a great offering it represented for Waterford.

It received an estimated €700,000 in value of PR from local and national media in 2014 and was very positive for the image of Waterford. The festival brochure was launched by Waterford man and editor of *The Irish Times*, Mr. Kevin O'Sullivan. The decision to cut the funding means there is now no arts festival in Waterford. To put it in context, the Clonmel Junction Festival receives €90,000 in funding; the Kilkenny Arts Festival receives €400,000 in funding; while the Wexford International Opera Festival receives a whopping €1.5 million. What does Waterford receive? We did receive €11,000 but now it is gone, which is not good enough.

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**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh):** I thank the Deputy for raising this important issue. I am pleased to respond on behalf of the Minister, Deputy Heather Humphreys.

The Arts Council is set up and operates under the Arts Act 2003. Section 24 of that Act states that:

the Council may, for the purposes of—

- (a) stimulating public interest in the arts,
- (b) promoting knowledge, appreciation or practice of the arts, or
- (c) improving standards in the arts, or
- (d) otherwise assisting in the development or advancement of the arts,

advance such amount of moneys as it determines to such persons or in respect of such activities as it considers appropriate out of moneys at its disposal upon such terms and conditions as it determines.

Section 24(2) of the Act states, “The Council shall be independent in the performance of its functions under this section”. Although the Department of Arts, Heritage and the Gaeltacht funds the Arts Council providing a total of €58.7 million in 2015, the provisions of section 24(2) of the Arts Act mean that the Minister is precluded by law from having any input in the decisions on how that funding is distributed. The law also precludes her from reviewing or overturning any funding decision made by the Arts Council.

Every year, the Arts Council allocates funding to hundreds of arts organisations in an open and transparent way. The council’s website gives details of each of its schemes and lists the allocations made in each scheme. The festivals and events scheme 2015 was open to organisations that promote festivals or events with a clear artistic purpose that will take place in the second half of the calendar year 2015. In making the awards the council recognises the distinctive role arts festivals play in sustaining a vibrant arts profile at a local level. Festivals provide opportunities for audiences and artists to experience new work and ways of making work. The council acknowledges the valuable contribution made by voluntary committees in developing these festivals. The council’s website also gives the information that a peer panel made the decision on which events to fund and also publishes the names of the members of the panel on the website. This is done for all festival and event scheme awards.

The Arts Council operates an appeals and complaints procedure, and, like other agencies under the aegis of the Department of Arts, Heritage and the Gaeltacht, is subject to the Ombudsman (Amendment) Act 2012.

**Deputy Ciara Conway:** As it stands, no Arts Council funding is going into Waterford for festivals. I accept the Minister cannot interfere in the process. However, as the Department sets the policy in terms of inclusion of young people and of community arts in particular, can the Department find the €11,000 elsewhere? Otherwise we will have no festival in Waterford. The contracts have been signed and the acts have been booked. There was no contact or consultation with the committee, which has received funding for the past 13 years and actually received an increase in funding last year. To go from €11,000 to zero is unacceptable.

I accept that the Arts Council has a job to do and its role is separate from that of the Minister. This festival is about the 40 volunteers who come together on an annual basis to make the festival happen. It is about schools, musicians and dancers. It is about encouraging creativity and fostering a positive atmosphere, and vision of and for Waterford. Let us not lose that goodwill that is so important to Waterford. Let us support this festival and keep the arts alive. The local authority and businesses are very supportive of the festival. As it stands there will be no arts festival in Waterford this year because of this decision.

I plead with the Minister of State to go back to the Department and ensure the funding is found elsewhere because no reason has been given and there has been no consultation. The committee has been working away voluntarily and diligently for the past 12 months. Having got €11,000 last year, to be told now that the festival is getting no funding is not good enough. The Government sets the policy on community arts. I ask the Minister of State to bring that message back to the Minister. It is not good enough for Waterford to be left out in the cold when we see that our neighbours receive anything from €90,000 to €1.5 million every year.

**Deputy Joe McHugh:** I reiterate that the Minister is precluded from becoming involved even in terms of a review or reallocation. However, the Deputy has highlighted the issue and the Arts Council will be listening to this. As an independent entity, there is an opportunity for the Deputy to meet representatives of the Arts Council. I am sure that is something the Deputy has considered.

I appreciate the importance of festivals. In my backyard the Earagail Arts Festival operates under a similar structure. It provides not alone entertainment and a tourism focus, but it is also an opportunity to delve into our heritage and history, and allows cultural expression to be at the fore during the height of the summer.

I appreciate where the Deputy is coming from in raising the festival in Waterford, although I am not familiar with it. It is important, especially for the year ahead in 2016 that the momentum the festival has built up during the years is not lost this year. Based on the title, the Imagine Arts Festival, that festival will have a key role in the 1916 commemorations next year.

The Minister is precluded from becoming involved, but the Deputy's contribution has certainly highlighted the issue very strongly.

### **Departmental Offices**

**Deputy Seán Conlan:** This is a very important issue in County Monaghan. For months I have been in communication with the Tánaiste and the Minister of State in her Department, Deputy Kevin Humphreys, on the issue. I have also contacted the Minister of State at the Department of Finance, Deputy Simon Harris. I have contacted the Taoiseach and all members of the Cabinet at this stage to try to get a reversal of the Tánaiste's decision to remove these jobs from Ballybay. It is vital that these jobs remain in a small town such as Ballybay. It sends a very bad signal about the rejuvenation of rural Ireland when public sector jobs, the jobs that Government can influence, are taken from a small town without any need.

Five property owners were prepared to tender for this project to retain the jobs in Ballybay. Having spoken to them, I can say with certainty that there has been no proper engagement by officials of the OPW or the Department of Social Protection with these property owners with

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realistic specifications so that they can price the job and keep the jobs in the town. These people are very civic-minded and were prepared to spend their own money, not the Department's money, to ensure these jobs could remain in the centre of County Monaghan in Ballybay, but they were not afforded that opportunity.

*6 o'clock*

Given the opportunity and proper specifications, they would be able to provide the necessary accommodation to enable the retention of these jobs. This issue has been ongoing since last autumn. It is essential, even at this late stage, that the Minister intervene to ensure these jobs are retained in Ballybay where the cost of renting is lower than in many surrounding towns and buildings can be adapted to meet the Department's needs. From a public service perspective, as Ballybay is located in the centre of County Monaghan, it is more appropriate that the offices be located there rather than in any of the surrounding areas. If the idea is to have an easily accessible public service office, the current location is ideal. Relocating the offices to another part of the county would not be ideal. I ask that, even at this late stage, the Minister revisit this decision.

We need to get to the truth of the matter. I note from previous replies that the Minister has said the OPW has looked at various options in Ballybay. I can say with certainty and have been told personally that some of the people who submitted tenders have not had any contact with the OPW about this issue. I am pleading with the Minister to intervene personally and ensure that whatever can be done will be done to retain the jobs in Ballybay. As I said, from a Government perspective, it sends a very bad signal to rural Ireland that the Government is seeking to take jobs from a town without considering all of the options before doing so.

**Deputy Caoimhghín Ó Caoláin:** I thank the Tánaiste and Minister for Social Protection, Deputy Joan Burton, for taking this Topical Issue. The announcement that the offices of the Department of Social Protection in Ballybay are to be relocated elsewhere in the county has been a devastating blow to the morale of the people of Ballybay and the economy of this mid-Monaghan town and its hinterland. As voices across Government and Opposition parties and representatives of the constituency, we are asking the Minister to re-explore the possible alternatives in Ballybay. My colleagues and I have outlined specific alternatives to the Minister of State, Deputy Kevin Humphreys. I have also discussed the matter with the Minister of State with responsibility for the Office of Public Works and continued to lobby on this matter, as we have done, individually and collectively, for a considerable period. We believe it is important that there be an understanding of the criteria being used by the Office of Public Works to evaluate alternative premises. Is the Minister in a position to offer us the detail of the specifications employed by the OPW in carrying out this evaluation? Will she indicate if she is in a position to invest in a building upgrade or development of some of the alternative sites that have been identified and on which we have lobbied for a considerable period? It is important that we look to smaller towns, particularly in rural Ireland, that are suffering greatly as a result of the economic downturn to ensure there is bias in favour of retaining, at the very least, what they have and have held for some considerable time, not only through the presence of the Department of Social Protection but formerly the Department of Agriculture, Food and the Marine. This issue is very important and I join my colleagues, Deputies Seán Conlan and Brendan Smith, in urging the Minister to reconsider.

**Deputy Brendan Smith:** I thank the Ceann Comhairle for giving me the opportunity to raise this very important issue. I appreciate the presence of the Tánaiste and Minister for Social

Protection, Deputy Joan Burton, in the House to reply.

As the Minister will be aware from written correspondence with her last September and from parliamentary questions tabled in the House, with others, I have been highlighting the need for retention of the offices of the Department of Social Protection in Ballybay. The employment of more than 30 people in the Department's offices in the town is critical. The loss of this employment would be a devastating blow to a relatively small town in which there are limited employment opportunities.

Some months ago we met the Minister of State at the Department of Social Protection, Deputy Kevin Humphreys, at which time we outlined to him and his officials the need for the retention of the Department's offices in Ballybay. A senior council official stated the county council and the local authority would do everything possible to facilitate the Department in ensuring its accommodation requirements were met in Ballybay. We have all seen the correspondence to the Office of Public Works and the Department from owners who are willing to upgrade buildings to meet the relevant specifications of the Department in the context of its office accommodation.

As stated by Deputy Seán Conlan, Ballybay is located in the centre of County Monaghan. This ensures easy access to services for the people of the county. As Oireachtas Members, we met on a number occasions councillors in the Clones-Ballybay municipal district and representatives of various development associations in the Ballybay area. We also met former town councillors in Ballybay. They all outlined strongly and passionately the need for the retention of the Department's offices and current complement of staff in Ballybay. I re-emphasise that a number of possible accommodation options are available in Ballybay, the owners of which premises are willing to upgrade them to meet the OPW's specifications and requirements laid down by the Department.

I join my colleagues in highlighting for the Minister the need for the retention of the Department's offices in Ballybay and the current complement of staff.

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** I acknowledge the concerns of the Deputies about the retention of the Department's offices in Ballybay.

Twenty nine staff occupying two adjoining buildings on Main Street, Ballybay, County Monaghan were redeployed from the Department of Agriculture, Food and the Marine to the Department of Social Protection in July 2012. The staff are engaged in the processing of the public services card, PSC, which is intended to enable individuals to gain access to public services more efficiently and with the minimum of duplication of effort, while at the same time preserving their privacy to the maximum extent possible. The card has been designed to replace others within the public sector such as the free travel pass and the social services card of my Department and to make it easy for providers of public services to verify the identity of customers.

The PSC project is a key initiative under the public service reform plan, with the aim of expanding the use of the public services card to cover a greater range of services. PSC registration is being expanded to encompass all departmental scheme customers and, over time, the adult population of Ireland. PSC operations in Ballybay have been expanded to include eight additional temporary staff. The two current buildings are in separate ownership. Unfortunately, they are in poor condition and not considered appropriate for the existing business processes or to accommodate the recently expanded or future operational requirements.

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A brief of requirements was sent to the OPW which has been working to identify alternative locations to which the functions could be relocated. The OPW has advised me that it has investigated all of the options in Ballybay and inspected a number of properties with a view to adapting a number of buildings to meet the requirements of the Department of Social Protection. The position is that a significant investment would be required to bring the proposed properties up to modern standards. In addition, other technical surveys and reports, planning permission, fire certification and physical works would take approximately one year to complete. Unfortunately, this timeframe is not commensurate with the Department's business requirements and it has been decided that the properties on offer in Ballybay cannot meet requirements, both in terms of cost and time. In that context, a decision has been made to move the current facilities some nine miles to Monaghan town.

The preferred location in Monaghan town is suitable for the services currently located in Ballybay. In addition, the location can also facilitate the Department's requirement to establish a public office for the purposes of issuing public service cards to County Monaghan residents. Monaghan is the only county which does not have a customer facing public services card office. The Office of the Chief State Solicitor is progressing the legal documents for the lease and detailed designs for the fit-out of the preferred location in Monaghan town are progressing.

I am sorry I do not have a more amenable reply for the Deputies.

**Deputy Seán Conlan:** I am disappointed with the Minister's response because it is much the same as what we heard a number of months ago from the Minister of State, Deputy Kevin Humphreys. The owners of the premises used by the Department of Social Protection are one of the five groups which have tendered for the contract, but they have not been approached by the OPW. They have also made it clear, as have other property owners, that they are prepared to upgrade their buildings at their own expense. If this process had started before Christmas, they could have had the work completed by now.

The Minister mentioned the public services card office. As a preliminary measure, the administrative jobs could have been retained in Ballybay. The county council was prepared to provide the town council offices in Monaghan town at little or no rent for the Department to carry out the public services card part of the remit. That would have facilitated a situation where the administrative jobs could have been retained in Ballybay and the public services card office could have been located in Monaghan town, at little cost to the State. However, instead of taking up this option, the Department has taken a different option and documents are being prepared to lease a building from another individual.

There seems to be a lack of communication or a lack of information from the Department for the concerned community in Ballybay, the politicians of counties Cavan and Monaghan and the county council which has offered a premises in the county town. If the Department wished to have a public services card office located in the county town, the county council offered the now vacant town council offices to it, at little or no charge, but that option has not been taken up. My main concern is that the jobs be retained in the mid-Monaghan town of Ballybay because this is important for the local rural economy. It sends a bad signal to private investors if the Government will not invest in small rural towns. If it removes jobs from smaller towns, why should private investors invest in them?

**Deputy Caoimhghín Ó Caoláin:** I share the fear of my colleagues that we are tilting at windmills. The Minister's reply is of the same construct as the responses we have received for

a period of months. I can only ask her whether there is any midway position that can be arrived at. Is there anything else she, in her position as Minister with responsibility for the Department of Social Protection, can do to demonstrate support and good will towards the sustenance of economic life in small town rural Ireland? The thrust seems to be towards the larger centres, with more and more centralisation. There is little evidence across a huge swathe of the country of cross-departmental interest in sustaining, let alone developing, economic activity in many locations similar to Ballybay. Is there any midway position the Minister could consider that would not see the operation in its entirety transfer? Is there any other role the Minister can see, from within her Department or in conjunction with colleagues, that might in some way help to ease the significant blow this represents and show some semblance of good will towards a community that is already struggling greatly to survive in these difficult times?

**Deputy Brendan Smith:** As other colleagues said, the Minister's reply is most disappointing. Ballybay will suffer because of poor employment opportunities in the town. That more than 30 people are employed there in the public service is of tremendous value to the town and the wider catchment area. The Minister's reply suggests the accommodation available would not meet the Department's requirements both in terms of cost and time. It is essential to highlight again our understanding from the meetings we attended that the owners of all of the properties that were in the frame for consideration were, understandably, prepared to upgrade their accommodation at their own expense. However, there does not seem to have been any meaningful engagement with these property owners. I do not know any of the property owners and have no interest in any particular applicant being successful. However, it has been brought to our attention that one of the properties available is a fine new enterprise centre that was developed through community activity and put in place through State funding and the initiative of local community and development groups. I understood from the last municipal district meeting we attended that this group did not receive the details of the necessary specifications or requirements to meet the accommodation needs of the Department. There does not seem to have been any meaningful contact by the Office of Public Works with individual property owners to ensure all potential properties will be examined. I emphasise again that the owners were willing to meet the requirements of the Department, both individual private property owners and the community group that runs the enterprise centre.

**Deputy Joan Burton:** I am aware that some of my points have been made previously. The OPW is the exclusive procurer of office accommodation for the Civil Service and the sole authority in the allocation of space. This is laid out in a memo to the Government and was approved by the Cabinet in December 2012. Therefore, my Department would not make contact with landlords or potential property owners. For reasons that can be understood, this is the preserve of the OPW. While the Department sets out what is broadly required, the OPW is the exclusive procurer of property for the State.

Questions have been asked about efforts made by the OPW. I do not want to go into detail, but I am advised that generally it conducts a market search, checks to see what is available on the market and makes contact with local auctioneers to determine if there are available properties which might not be on offer in the open market.

Members have referred to the meeting held towards the end of last year with the Minister of State, Deputy Kevin Humphreys, and a delegation from Monaghan County Council which included the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys, and Deputy Caoimhghín Ó Caoláin to discuss the options in retaining a presence in the town. At the meeting it was agreed that my Department would ask the OPW to hold off from signing a

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lease for a premises in Monaghan town so as to allow the representatives and officials to suggest potential alternatives in Ballybay. These were reviewed by the OPW, but, unfortunately, they were not deemed to be viable in the light of time and cost considerations.

I am sorry that the response is not more positive. As the Deputies know, the Department has a number of operations and sub-offices in County Monaghan. We also have quite a number of people employed, in the context of community employment services, including supervisors, in Tús, Gateway and other schemes. We are committed to providing people in County Monaghan with good services within the remit of the Department. Unemployment in the county has fallen significantly in the past year. It has fallen by almost 19%. I regret that the reply is not more positive, but if there is more information the Deputies believe has not been properly evaluated, the evaluator will have to be the Office of Public Works, not the Department. I would, however, be happy to bring it to its attention.

### **Criminal Justice (Terrorist Offences)(Amendment) Bill 2014 [Seanad]: Order for Report Stage**

**Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin):** I move: “That Report Stage be taken now.”

Question put and agreed to.

### **Criminal Justice (Terrorist Offences)(Amendment) Bill 2014 [Seanad]: Report and Final Stages**

**An Leas-Cheann Comhairle:** Amendments Nos. 1 to 7, inclusive, are related. Amendments Nos. 4 to 6, inclusive, are physical alternatives to amendment No. 3. Amendments Nos. 5 and 6 are physical alternatives to amendment No. 4. Amendment No. 6 is a physical alternative to amendment No. 5. Amendments Nos. 1 to 7, inclusive, will, therefore, be discussed together.

**Deputy Mick Wallace:** I move amendment No. 1:

In page 4, to delete line 24.

I mean no disrespect to the Minister of State, but, once again, the Minister, Deputy Frances Fitzgerald, has blanked us. She must not like us.

**Deputy Niall Collins:** The Deputy should speak for himself.

**Deputy Mick Wallace:** I am supposed to attend an under-18 match in Wexford tonight. My team is playing a Leinster championship quarter final match against St. Kevin's. It is only the second under-18 knockout game that I will have missed in 25 years because it is my job to challenge legislation and I am disappointed that the Minister is not present to participate in the debate.

I fear that the Bill and the principal Act may be used, as similar legislation has been used elsewhere, to restrict and clamp down on civil rights, freedom of expression, freedom of association and freedom of movement, while simultaneously embedding institutionalised racism in

the criminal justice system. My amendments all have to do with section 4 on public provocation to commit terrorist offences, in particular the use of the word “encourage” in the section. In this context, it is extremely broad in its scope and ramifications. It even deviates from the European Union approved wording as laid out in the Council of Europe Convention on the Prevention of Terrorism which is to be found in Schedule 2 to the Bill. The new section 4A on public provocation to commit a terrorist offence states that it means “the intentional distribution, or otherwise making available, by whatever means of communication by a person of a message to the public, with the intent of encouraging, directly or indirectly, the commission by a person of a terrorist activity”. The Council of Europe uses the word “incite” as opposed to “encourage”. This word is much tighter, less open to interpretation and reasonably narrows the scope of what is already very broad-ranging and wide-ranging legislation.

To quote the work of Dr. Cian Murphy of King’s College, we are moving towards a criminal justice system that enforces pre-emption rather than prevention, which is a sure-fire formula for repression. Dr. Murphy argues that pre-emption involves taking intrusive action against potential threats based on at best mere suspicion. It is evident in policy documents such as the action plan for combating terrorism, the preambles to various legislative Acts and the operative texts of these Acts. EU counter terrorism measures seek to eradicate any space in which violent politics could develop. Key enactments put in place the common European crime of terrorism and systems of targeted sanctions and financial, travel and telecommunications surveillance. Although the targets of EU counter terrorism measures are those who incite, finance, support and carry out acts of terrorism, the entire population is affected by the law. The European Union did not adapt the rhetoric of a war on terror, yet many of the dangers posed by US counter terrorism measures in that state can also be seen in the European Union. In particular, EU counter terrorism measures have seen the centralisation of power and the adoption of legal Acts to the detriment of the rule of law and fundamental rights.

At the centre of this debate should be the issue of a balanced relationship between security actions and fundamental human rights. Instead, the Government is blindly implementing laws crafted in Europe by a legislative process that primarily comprises the puppets that are the European Heads of State and their neoliberal advisers, without a discussion of what the reality of their implementation would be on the ground. Do we really need more counter terrorism laws in Ireland? Are they proportionate to the threat? That there is a particularly low level of threat in Ireland has been admitted and even emphasised by Ministers and the Garda. We are clamping down on a threat that is barely there and, in the process, passing laws that affect everybody. Ironically, it is comparable to the United States bombing the living daylight out of citizens in Baghdad in its 2003 shock and awe offensive in order to take out Saddam Hussein who we knew had no weapons of mass destruction, an action some clear-sighted thinkers argue was central to the long, unnecessary and bloody road that has created the unstable situation that has us discussing this legislation in the Dáil today. That same provocation and what I regard as terrorist activity on behalf of the United States and the so-called coalition of the willing are fundamental to so many of the problems we are seeing in the Middle East today. The Middle East is a failed part of the world and the seriousness of the problem is unimaginable. We could not have dreamed ten years ago that it would get this bad. Aside from what we saw happen in Palestine last summer, what has continued in Iraq and Syria, the development of ISIS and the conflict in south Yemen are atrocious.

Most rational people have to admit that the invasion of Iraq was at the core of the destabilisation of the Middle East. I do not believe fair-minded people will deny this. The militarisation

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of so much of the world has been detrimental to millions of people. Over 60 million people have been forced to move from their homelands, of whom 33 million are people who have suffered as a result of acts of war. We are dealing with different crises such as, for example, the refugees in the Mediterranean, but when will we admit that dropping bombs creates serious problems? We allow Shannon Airport to be used to facilitate the dropping of bombs in the Middle East by the Americans and their fighter planes. We allow 2.5 million troops to move through the airport and the result has been devastating. I have to remind the Minister of State that in opposition the Labour Party was adamant that military aeroplanes should be searched because they were not supposed to be carrying arms. The number that pass through the airport in one week is phenomenal and now nobody wants to search them. That does not stack up.

The progress of counter terrorism legislative measures since the 11 September 2001 attacks has led us to a situation where there is overly broad use of criminal provisions that could be seen as breaching the principle of legality and the presumption of innocence under Article 6 of the European Convention on Human Rights. The sad truth is that, even in the absence of a direct threat to Ireland, we will be faced with even more intrusive laws down the line. The Commission is discussing further moves, including stiffer border controls, better intelligence sharing, access to flight passenger registers and even the establishment of an EU security agency. The sharing of air travel records has been a highly contentious issue for EU law makers who have blocked it since 2013. If enacted, it would mean that millions of EU travellers would have their personal data kept on file for years.

The fact that France has some of the stiffest anti-terrorism decrees in Europe did not thwart the Paris attacks. US and British security agencies are carrying out surveillance of their own citizens on a scale that was, until recently, something we associated only with George Orwell's *Nineteen Eighty-Four*. He was not exaggerating, but he was behind the curve. To make matters worse, in July 2013 John C. Inglis, deputy director of the US National Security Agency, admitted in testimony that, at most, one plot might have been disrupted by the mass collection of telephone records of millions of Americans. Not even when one collects everything from everybody all the time does this anti-terrorism legislation work.

There are ways to discourage people from engaging in terrorism, other than the criminalisation of the direct or indirect encouragement of terrorism or terrorist publications. We need positive instances of cross-cultural dialogue on terrorism. Prosecutions that target speech would be a divisive strategy that could confirm fears that anti-terrorism efforts were based on hostility to Islam as opposed to condemnation of violence. Recently in America there was a gun attack in Dallas, Texas at a contest to draw cartoons of the Prophet Muhammad. Priyamvada Gopal, writing in *The Guardian* last week, drew parallels between this attack and the shootings in January at the offices of the satirical magazine *Charlie Hebdo*. She noted that, at the same time the shootings in Dallas occurred, the French magazine was due to pick up a Freedom of Expression Courage honour awarded by the literary group PEN and wrote:

When six writers pulled out of the ceremony in protest, Salman Rushdie accused them of cowardice and condoning terrorism. The six argue that the award validates “selectively offensive” racist and anti-Islamic material.

The last person to be fired from *Charlie Hebdo* was a person who had created an anti-Jewish cartoon, while nobody has been fired for creating anti-Islamic cartoons there. Ms Gopal posed a vitally important question surrounding the situation, namely, “what sorts of speech make the defence of freedom of expression truly worthwhile?” She wrote:

Free speech is most precious when it genuinely questions power, when dissent challenges and undermines an unacceptable *status quo*. Meaningful dissent makes the invisible visible. While the openly tyrannical are obvious targets, in formally democratic contexts free speech is truly only a weapon when it sets its sights upon insidious norms and received ideas rather than sanctioned enemies.

What makes the Bill a particularly bitter pill to swallow is the fact that the organisation that will have primary responsibility to carry out the provisions contained in the Bill, An Garda Síochána, is organised in such a manner that when somebody exercises that most precious form of free speech and questions the structures of power within the force, the person concerned is treated with contempt. Human rights have yet to be enshrined in the Garda code of conduct. I raised some of these issues with the Minister today at Question Time. We find the way the two Garda whistleblowers, Mr. Keith Harrison and Mr. Nick Keogh, have been treated as bordering on unbelievable. We have to sit back and think about it for a while, question it and check it over and over and ask ourselves whether it could possibly be true. The way they have been treated is horrendous. People think we like to come into the House and just give out about the Garda. I would so much like to think the energy we have put into challenging how it operates is reaping fruit and that things will be different from now on. It would be a great acknowledgement of the energy we had put into it. However, sadly, I cannot say that yet.

When the Government defends the actions of the US military or our trade partner, Saudi Arabia, does this not encourage the commission by a person of terrorist activity? Aside from US bombs being instruments of terror, what more powerful encouragement is there to become a terrorist than the completely unwarranted destruction of one's village by a faceless and unaccountable aggressor? This reasoning is too unacceptable a truth to entertain. We are the ones who protect freedom, justice and democracy. We are so fond of these values that we are not prepared to invade other countries and help these values take root by the use of billions of dollars worth of tanks, guns and bombs. The law will be used only to undermine the free speech of those whom it is politically expedient to criminalise by holding a monopoly of the definition of the word in order that terrorism is something in which only others engage, not us. The Bill is built on a false, unjust and hypocritical premise. We ask why they treat us like this, why they do not like our democracy. While they do not dislike our democracy, they do not like bombs landing on them in the middle of the night, killing their women and children. They do not like this very much, but they have no problem with our democracy. The fact that every sane person accepts that terrorism is bad and the fact that the wording of the Bill is opaque makes the Bill difficult to oppose in any systematic manner.

That anti-terrorism legislation has been used to clamp down on human rights and very little else is uncontested by civil rights groups the world over. My amendment is an attempt to stem this abuse in a small way and, within the scope of the legislation, tighten the wording surrounding who can be accused of being a terrorist and seems to be one of the few routes by which we can do this. The real problems with the Bill are not restricted to its wording but rather what surround it. The context of the drive towards counter terrorism and mass surveillance is a toxic development. I abhor all forms of violence by everybody and do not take sides with any of them. Peace is wonderful and we should do our maximum to encourage it and refuse to facilitate anyone who wants to settle any dispute or argument using military means. One small step towards this would be stopping arms, munitions and troops passing through Shannon Airport.

**Deputy Clare Daly:** The amendments are critically important and get to the heart of many civil liberties issues. They are being discussed in the context of our supposed desire to combat

terrorism. Yet, as Deputy Wallace said, terrorism is something we facilitate on a daily basis by being complicit in the efforts of the US war machine, which has been the key reason for which terrorism has exploded and the Middle East has been destabilised in the manner in which it has been. Since 2001, the so called threat of Islamic terrorism has been exploited by political establishments to curtail freedoms, abuse human rights, expand the scope of state security, restrict freedom of movement and militarise everyday life. As a consequence, the security and protection industries have become fat from selling their protection products while the world is much less safe than before.

The legislation is unnecessary and is a disproportionate response to an over-hyped threat whose potential to curtail freedom of expression is very worrying and unnecessary. The group of amendments is structured such that if one were not accepted, another would have been. The amendments have two main threads, namely to remove all reference to public provocation and to change the wording of the definition of public provocation in order to remove the existing reference to “encouraging, directly or indirectly, the commission of a terrorist activity” and to replace it with “directly inciting”. This is not an abstract or academic question but is critically important. The terminology we propose to put in is much more in kilter with international best practice. It is what practically every EU member state except the United Kingdom is doing. This is a necessary amendment because the wording of the Bill, as it stands, is far too vague. There are direct and worrying implications for freedom of speech, given that under the Bill, as it stands, a public statement to the effect that Palestinians, Iraqis or Afghans have the right to resist persecution through armed struggle could be construed as encouraging, directly or indirectly, terrorist activity and thus prosecutable. That is completely disproportionate. Advocates of direct action against corporations, government policies or intergovernmental organisations such as the European Union could also fall foul of public provocation offences because the definition of “terrorist” keeps changing.

The Minister for Justice and Equality attempted to assure us that the definition of public provocation would not criminalise acts of civil disobedience by referring to section 6(5) of the Criminal Justice (Terrorist Offences) Act 2005, which provides that the engagement in protest, advocacy, dissent, strikes, lockouts or other industrial action is not of itself a sufficient basis for inferring a person is carrying out an act with the intention of carrying out a terrorist activity. The problem is that the section only provides that protests are not sufficient of themselves to be construed as being carried out with the intention of, for example, seriously intimidating a population, unduly compelling a government or seriously destabilising or destroying a fundamental political institution. It does not bracket protests in and of themselves as a form of protected action. Such acts could be judged to have been carried out with one of the aforementioned intentions and thus prosecuted as terrorist offences. The wording of the Bill is vague to the point of being dangerous. One of the examples given in the Schedules is that endangering traffic could constitute a terrorist offence rather than a criminal offence. Such endangerment of traffic needs only to be committed with a view to unduly compelling a government or organisation to perform or abstain from performing an act. What is to say a protester who sits in front of a car in Tallaght is not committing an act that may be construed in this way? If he or she is trying to get a government to change something, he or she could be prosecuted for a terrorist offence. It is all very well for the Minister to claim that would never happen, but such incidents have occurred before.

The Minister must have a press engagement elsewhere, but these are important issues with implications for freedom of speech that should be of huge concern to citizens. These freedoms

were hard fought for and they are now being given away without the batting of an eyelid. Legislation of this nature will have a chilling effect on freedom of expression if not challenged. I recognise the protections that have been provided for under the framework decision and in the Convention on the Prevention of Torture with regard to freedom of expression, but prosecutions have been pursued under criminal incitement laws, despite the existence of these protections. In Austria a Danish cartoonist was arrested and his material seized because he had put up posters which criticised the Russian President, Vladimir Putin, on the death of a Russian journalist and contained the words “shoot” and “Putin”. In Azerbaijan an individual was convicted of inciting terrorism and sentenced to eight and a half years in gaol for writing an article opposing that country’s support of US policies on Iran. It is not good enough to simply say these things do not happen. When an attempt was made to introduce provisions of this nature in Canada, there was a major outcry because they were viewed with horror by legal scholars and free speech advocates. Is this measure worth it in terms of what we will get out of it? International human rights law requires any interference with a human right to be necessary and proportionate. Interfering with freedom of expression will only be deemed to be necessary if it meets a pressing social need. Where is the pressing social need to introduce this measure?

Amendment No. 4 is particularly important in this regard and, to use a favourite Labour Party expression, it is eminently doable. Most other European states do not provide for an offence of indirect provocation. Ireland is under no obligation to do this and, even if we were so obliged, plenty of our international obligations have not been implemented in national law. Similar laws in other European member states do not use the word “encourage” because it is too vague; instead they use the precise term, “incite” which is also the term used in the framework directive that we are being asked to transpose into our law. This is a critical point. In Bulgaria the offence is openly inciting the perpetration of a crime by preaching before many people or distributing printed works. It is not limited to terrorist offences but refers to crimes in general. The term “encourage” is specifically excluded. In Germany only written materials that could serve as an instruction for the commission of a terrorist offence are covered. In France which is known for its freedom of the press public messages inciting crimes are an offence. However, this provision explicitly covers only direct provocation and provocation is only an offence if the incitement is acted on. Under the Bill, one could be prosecuted for encouraging somebody to do something that he or she did not ultimately do. That is the level of vagueness we are providing for in law. Italy and Hungary similarly restrict offences to incitement rather than encouragement. Even countries which include encouragement as an offence are much more careful in their definitions because of human rights concerns. It is telling that the only country with laws as vague and loose as ours and which provides a similarly flabby definition of public provocation is the United Kingdom. This provision appears to have been transposed from the UK Terrorism Act 2006 which is the only law in Europe to introduce an offence of encouraging terrorism, including the publication of statements that are likely to be understood as direct or indirect encouragement or other inducements for the commission, preparation or instigation of acts of terrorism. This provision is out of kilter with what is in place in the rest of Europe and has been the subject of complaints by human rights bodies not only because it uses the word “encourage” rather than “incite” but also because it does not provide for an imminent threat or danger. This is a poor law. Ironically, the European Parliament had the same concerns because in September 2008 it voted to amend the definition of public provocation in the framework decision such that it read:

Public incitement to commit a terrorist offence means the distribution or otherwise making available of a message to the public clearly and intentionally advocating the commission

of one of the offences listed, where such conduct manifestly causes a danger that one or more such offences may be committed.

That is not what we are doing; we are going way beyond it. Some elements of the amendment were dropped in the end, but the wording, as it now stands, is “public provocation to commit a terrorist offence”. It repeats the words “incite” and “causes a danger” that an offence may be committed. It is important that we take these points on board. There is a lot of evidence internationally on the issue of the restriction of human rights. There are a lot of warnings about the need not to enshrine in law loose, flabby and broad definitions. It is not good policy and leaves it open to interpretation. The International Commission of Jurists was asked by the Council of Europe to review the framework we are putting into law and it repeatedly warned that in enshrining in legislation vague wording such as “encouragement” or “glorification” one would run up against a host of human rights issues. It suggested the word “incite” be used. It is important that we look this suggestion. The Berlin Declaration stated we should steer clear of this type of thing, which is why we are tabling this amendment. Creating an offence of indirect encouragement of a terrorist activity, without explicitly mentioning the need for a direct and immediate connection between speech and the act that follows, is really dangerous. It put us out of kilter with everybody else. Apart from that specific point, the general implications for free speech are quite serious because, undoubtedly, the measure will succeed in having a chilling effect and result in self-censorship. It will be counterproductive in alienating communities which will perceive that the legislation is against them. We are all talking about inclusion and equality, but this gives the wrong signal. Therefore, we have to be much more specific.

Sadly, the reality is that we are living in a much more dangerous world than in 2001. Its root cause was the illegal invasion of Iraq and the subsequent destabilisation of the Middle East. Unless we discuss and tackle the conditions that lead people to engage in terrorist acts out of utter desperation at the devastation visited on their country, we will have this legislation standing decades of battles for civil liberties on their head, yet the world will be a much less safe place than it is now.

**Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin):** I am pleased to take Report Stage of this important Bill on behalf of the Minister for Justice and Equality who regrets that she cannot be here because she has to attend the Cabinet meeting which is currently taking place.

I propose to deal with the amendments tabled by Deputies Clare Daly and Mick Wallace together as they all relate to the offence of “public provocation to commit a terrorist offence”. The amendments seek to either remove the offence of “public provocation” or revise the wording of the definition of the offence. I will deal first with the proposal to completely remove the offence of “public provocation” from the Bill which would be the effect of amendments Nos. 1 to 3, inclusive, and 7 which propose to delete references to the offence where it occurs in sections 3, 4 and 7.

The offence of “public provocation” is one of three new offences that the Bill is required to provide for to allow Ireland to transpose EU Council Framework Decision 2008/919/JHA on combating terrorism and facilitate ratification of the Council of Europe Convention on the Prevention of Terrorism which has already been signed by Ireland. The offence of “public provocation” is a central element of the framework decision and the convention, both of which were agreed to by member states of the European Union and member countries of the Council of Europe, including Ireland. To exclude this offence, as proposed by the Deputies, would mean

that we would not be in a position to fulfil our obligation to transpose the Council framework decision or ratify the Council of Europe convention which is, after all, the main purpose of the legislation.

The Minister for Justice and Equality considers it appropriate that the offence of “public provocation” be covered in Irish law as it is, undoubtedly, an offence to incite a person to commit terrorist activity. Public provocation or incitement is clearly a preparatory terrorist activity and should be strongly discouraged and suitably punished. Specifically and in relation to amendment No. 7, it is not certain that the Deputies’ amendments would achieve the desired result. Section 7 of the Bill amends section 6 of the principal Act, the Terrorist Offences Act 2005, and provides that it will be an offence to attempt to commit the offence of “recruitment for terrorism” and to commit the offence of “training for terrorism” but that it will not be an offence to attempt to commit the offence of “public provocation to commit terrorism”. This is in accordance with the provisions of both the Council framework decision and the Council of Europe convention and reflects the fact that the offence of “public provocation”, as defined, or elements of it, is more conceptually difficult to “attempt”. Furthermore, the notion of intent is already covered in the “public provocation” offence as framed in that the definition of “public provocation” set out in section 4 of the Bill refers to “the intentional distribution, or otherwise making available, by whatever means of communication by a person of a message to the public, with the intent of encouraging, directly or indirectly, the commission by a person of a terrorist activity”. The effect of the proposed amendment to section 7 would be to also make it an offence to “attempt” to commit the offence of “public provocation”. It is unsure that this is what the Deputies intended, as it is clear from a number of the other amendments put forward that the overall intention is to remove the offence of “public provocation” from the Bill. Therefore, for the reasons outlined, it is not proposed to accept the Deputies’ amendments to delete references to the offence of “public provocation” from the Bill.

I now turn to amendments Nos. 4 to 6, inclusive, which seek to revise the wording of the definition of “public provocation to commit a terrorist offence” in section 4 of the Bill. The amendments put forward by both Deputies are similar in nature and would essentially have the effect of narrowing the scope of the definition of “public provocation”. It would do this in amendments Nos. 4 and 6 by removing the notion of indirectly encouraging the commission of a terrorist activity and replacing the word “encouraging” with the word “inciting” instead. It should, first, be pointed out that the wording of the definition of the “public provocation” offence, as with the two other offences, is based on advice received from the Office of the Attorney General and drafted by the Office of the Parliamentary Counsel. The wording, as drafted, broadly reflects the definition of “public provocation to commit a terrorist offence” as set out in the amending Council framework decision on combating terrorism and the Council of Europe Convention on the Prevention of Terrorism, the international instruments to which the Bill seeks to give effect. In order to enable Ireland to correctly transpose and ratify these instruments, the wording of our definition must capture the various elements of the offences as framed in these international instruments which are included in Schedules to the Bill. It is clear from the definitions provided in both instruments which are broadly similar that the indirect, as well as the direct, advocacy of terrorist offences is intended to be covered by the offence of “public provocation”. The definition, as provided for in the Bill and the international legal instruments, contains the word “intent”, which implies that intention should be present, whether the commission of a terrorist offence is advocated directly or indirectly.

I turn briefly to the proposal to replace the word “encouraging” with “inciting” in amend-

ments Nos. 4 to 6, inclusive. This is a common element in each of the amendments. While the definitions in the amending framework decision and the Council of Europe convention contain the word “incite”, the Office of the Attorney General advised against using the term “incitement”, a common law offence, when defining the offence of “public provocation to commit a terrorist offence”. Concern was expressed by the office that the word “incitement”, as understood in Irish law, might not capture circumstances where there had been no direct advocacy and could, therefore, lead to difficulties in the prosecution of such cases. As I mentioned, the definition of “public provocation”, as framed in both the amending framework decision and the Council of Europe convention, requires that indirect advocacy of the commission of a terrorist offence must be covered. The wording of the definition of “public provocation” in the Bill should, therefore, remain as drafted by the Office of the Parliamentary Counsel on the basis of the legal advice received on the matter. This is also in line with the recommendations of the Law Reform Commission in its report on inchoate offences, 2010, as to the terminology to be used when defining an act of incitement in statute in order to properly reflect the expansiveness of the meaning of the term “incitement” in common law. Again, for the reasons outlined, it is not proposed to accept the Deputies’ amendments in this regard.

*7 o’clock*

**Deputy Mick Wallace:** I thank the Minister of State. To reiterate, we could argue until the cows come home about the technicalities. Advice from the Attorney General can be perfect and sometimes maybe it is not perfect. I am not sure a Government would be acting within its remit to ignore such advice but maybe it is so. I imagined it could have some flexibility in the issue. The problem remains that despite whatever new legislation we or others bring in on the next occasion of an atrocious attack somewhere, people will wonder why it could not have been stopped. Further legislation may be introduced, with more laws infringing freedom, but that will not stop terrorism. These sorts of attacks will not stop until we address the root cause of the problem. The imperial war of aggression that does not stop - it has expanded and got so much worse in the past number of years - is part of the problem.

The major military power in the world is now America and it is difficult for anybody to get elected as US President without the support of the arms industry. So much of the decision-making around who gets bombed and shot is centred around promoting the arms industry. Until Ireland has the courage to behave like a neutral country and call a stop to this absolute nonsense, we will continue to have problems in the area.

**Deputy Clare Daly:** The Minister of State seemed to suggest there is no way out of this and we are required to legislate for this provision in this way. That is not correct. We have given examples from France, Germany, Italy, Hungary and Bulgaria, all of which have chosen to incorporate this provision in an entirely different and restrictive way than the Minister of State and his Government have proposed. None of these countries is to include what we are including, the idea of indirect provocation. It is such a loose description, it is almost beyond comprehension what this could cover. It could cover absolutely everything, and the countries I mention left this out altogether.

I have a real problem with the Minister of State again coming here and quoting the advice of the Attorney General. The Attorney General did not think the words in the framework directive were loose enough, in effect, and she thought there might be a problem with prosecutions later if the term was used. This is the term recommended in the EU and in the framework because “inciting” is something that is clearly defined and utilised much more clearly before our

courts. Our civil liberties and our human rights are worth protecting. We are not necessarily talking about concrete acts but somebody interpreting that somebody else has not necessarily done something but possibly encouraged somebody else to do or think something. Big Brother has really lost the plot here, and 1984 in 2015 is beyond the bizarre when we see the repressive legislation that is being attempted.

The language is disproportionate and unnecessary. The Minister of State's response in saying we are required to do this is just not true. It is absolutely the case that we could put in the alternative wording that we use to replace "encourage" with "incite" because we know many of our European peers have done that. Instead, the Government is taking its old reliable option of copying what is done in Britain, even after it has been found not to work there and open to abuse or scrutiny. I have no doubt that if there are prosecutions under this provision, we as a State will find ourselves open to challenges under human rights legislation as a result.

**Minister of State at the Department of Justice and Equality (Deputy Dara Murphy):** The Minister for Justice and Equality is at Cabinet, as Deputies are aware. I conclude by thanking the House for giving time to this important matter, and I thank Deputies for their contributions, comments and general support of the Bill. When the Minister introduced the Bill to the House and initiated it in the Seanad, she said it was very significant and timely legislation, particularly in view of the thoroughly reprehensible acts of terrorism that we have witnessed in Europe and beyond in recent months. The broadly positive response to the Bill across all political parties recognises the importance of enhancing and modernising our laws against terrorism, and it demonstrates a shared determination to combat such extremist activity in all its forms.

This Bill builds on existing counter-terrorism legislation, particularly the Criminal Justice Act 2005, which it amends, by focusing on the more subtle and indirect aspects of modern terrorism, public provocation, recruitment and training. The Bill makes it an offence to engage in any of these preparatory terrorist activities and it provides strong penalties for those who are found guilty of them, including up to ten years imprisonment if the crime is sufficiently serious.

Full implementation of the EU legal framework on counter-terrorism, which this legislation will facilitate, will ensure that Ireland can stand resolutely along with our fellow EU member states in combatting the threat of terrorism, which has evolved with the use of modern technology, particularly in the context of preparatory activities such as incitement, recruitment and training. This legislation also paves the way for ratification by Ireland of the Council of Europe convention on the prevention of terrorism, a treaty that can be implemented not only by the European Union member states but also by countries across all of continental Europe.

**Deputy Mick Wallace:** I thank the Minister of State for his contribution. I would like Ireland to call for a peace conference. We should have it in Dublin. It would bring in a bit of tourism as well. Deputy Niall Collins might like it to be in Limerick but Deputy Mac Lochlainn would probably want it in Donegal.

**Deputy Dara Murphy:** The obvious place to have it is in beautiful Cork.

**Deputy Mick Wallace:** Cork is a grand spot.

**Deputy Niall Collins:** What about Shannon?

**Deputy Mick Wallace:** It would be symbolic to have it in Shannon, given that we have allowed the airport to be used and abused to develop the war effort. Ireland is a very well re-

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spected country and there was a time we were perceived as being neutral. Given that we are a small island, there is much sense in us being neutral and not taking sides in any of these wars. Sadly, that perception has long ended.

It probably would not happen before the next election but it would be wonderful if the next Government put it in the programme for Government that it would go the extra mile to promote peace. It should refuse to allow anybody to use our island or any facilities to participate in a war effort of any sort, and it should stop supporting anybody who wants to settle their dispute, expand or promote financial interests or the arms industry. It should stop anybody who wants to use our island as a prop in doing that. It would be wonderful to have an Irish Government that would take a position on the issue and stand up at last. It is doable.

The notion of a peace conference must be healthy. One would never hear people saying they are not in favour of peace. Yet, when we do things that facilitate war, we are being hypocritical when we say we want peace. Under no circumstances will I take sides in any of the disputes that go on as all participants in war have their own ends, which are not positive. They lead to untold hardship, agony and destruction. With more than 33 million people now displaced because of war, it is surely time for us to shout “Stop”. Ireland could play a small role in that regard by calling a peace conference and refusing to support anyone who engages in war.

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 2:

In page 4, to delete lines 32 and 33.

Amendment put and declared lost.

**Deputy Clare Daly:** I move amendment No. 3:

In page 5, to delete lines 8 to 14.

Amendment put and declared lost.

**Deputy Clare Daly:** I move amendment No. 4:

In page 5, lines 13 and 14, to delete “with the intent of encouraging, directly or indirectly, the commission by a person of a terrorist activity” and substitute “with the intent of directly inciting the commission by a person of a terrorist activity”.

Amendment put: The Dáil divided: Tá, 28; Níl, 46. Tá Níl Adams, Gerry.

<i>The Dáil divided: Tá, 28; Níl, 46.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Bannon, James.</i>
<i>Aylward, Bobby.</i>	<i>Breen, Pat.</i>
<i>Broughan, Thomas P.</i>	<i>Butler, Ray.</i>
<i>Calleary, Dara.</i>	<i>Buttimer, Jerry.</i>
<i>Collins, Niall.</i>	<i>Byrne, Catherine.</i>
<i>Cowen, Barry.</i>	<i>Carey, Joe.</i>
<i>Crowe, Seán.</i>	<i>Conlan, Seán.</i>

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<i>Daly, Clare.</i>	<i>Connaughton, Paul J.</i>
<i>Doherty, Pearse.</i>	<i>Conway, Ciara.</i>
<i>Dooley, Timmy.</i>	<i>Costello, Joe.</i>
<i>Fitzmaurice, Michael.</i>	<i>Creed, Michael.</i>
<i>Fleming, Sean.</i>	<i>Deasy, John.</i>
<i>Fleming, Tom.</i>	<i>Deenihan, Jimmy.</i>
<i>Halligan, John.</i>	<i>Deering, Pat.</i>
<i>Healy, Seamus.</i>	<i>Doherty, Regina.</i>
<i>Kelleher, Billy.</i>	<i>Dowds, Robert.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Durkan, Bernard J.</i>
<i>Martin, Micheál.</i>	<i>Farrell, Alan.</i>
<i>McGrath, Finian.</i>	<i>Feighan, Frank.</i>
<i>McGrath, Mattie.</i>	<i>Fitzpatrick, Peter.</i>
<i>McLellan, Sandra.</i>	<i>Griffin, Brendan.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Hannigan, Dominic.</i>
<i>Ó Cuív, Éamon.</i>	<i>Harrington, Noel.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Harris, Simon.</i>
<i>Pringle, Thomas.</i>	<i>Hayes, Tom.</i>
<i>Smith, Brendan.</i>	<i>Heydon, Martin.</i>
<i>Stanley, Brian.</i>	<i>Humphreys, Heather.</i>
	<i>Humphreys, Kevin.</i>
	<i>Keating, Derek.</i>
	<i>Kehoe, Paul.</i>
	<i>Kenny, Seán.</i>
	<i>Lowry, Michael.</i>
	<i>Lynch, Ciarán.</i>
	<i>Lynch, Kathleen.</i>
	<i>Lyons, John.</i>
	<i>McLoughlin, Tony.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Dara.</i>
	<i>Nolan, Derek.</i>
	<i>O'Donovan, Patrick.</i>
	<i>Phelan, Ann.</i>
	<i>Phelan, John Paul.</i>
	<i>Ryan, Brendan.</i>
	<i>Stagg, Emmet.</i>
	<i>Tuffy, Joanna.</i>

Tellers: Tá, Deputies Clare Daly and Mick Wallace; Níl, Deputies Emmet Stagg and Paul Kehoe.

Amendment declared lost.

**Deputy Mick Wallace:** I move amendment No. 5:

In page 5, line 13, to delete “encouraging, directly or indirectly” and substitute “directly or indirectly inciting”.

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 6:

In page 5, line 13, to delete “encouraging, directly or indirectly” and substitute “directly or indirectly inciting”.

Amendment put and declared lost.

**Deputy Clare Daly:** I move amendment No. 7:

In page 7, to delete lines 8 to 10.

Amendment put and declared lost.

Bill received for final consideration.

**An Ceann Comhairle:** When is it proposed to take Fifth Stage?

**Minister of State at the Department of Justice and Equality (Deputy Dara Murphy):**  
Now.

Question put: “That Fifth Stage be taken now.”

<i>The Dáil divided: Tá, 59; Níl, 16.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>
<i>Bannon, James.</i>	<i>Broughan, Thomas P.</i>
<i>Breen, Pat.</i>	<i>Crowe, Seán.</i>
<i>Butler, Ray.</i>	<i>Daly, Clare.</i>
<i>Buttimer, Jerry.</i>	<i>Fitzmaurice, Michael.</i>
<i>Byrne, Catherine.</i>	<i>Fleming, Tom.</i>
<i>Calleary, Dara.</i>	<i>Halligan, John.</i>
<i>Carey, Joe.</i>	<i>Healy, Seamus.</i>
<i>Coffey, Paudie.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Collins, Niall.</i>	<i>McGrath, Finian.</i>
<i>Conlan, Seán.</i>	<i>McGrath, Mattie.</i>
<i>Connaughton, Paul J.</i>	<i>McLellan, Sandra.</i>
<i>Conway, Ciara.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Costello, Joe.</i>	<i>Pringle, Thomas.</i>

<i>Cowen, Barry.</i>	<i>Stanley, Brian.</i>
<i>Creed, Michael.</i>	<i>Wallace, Mick.</i>
<i>Deasy, John.</i>	
<i>Deenihan, Jimmy.</i>	
<i>Deering, Pat.</i>	
<i>Doherty, Regina.</i>	
<i>Dooley, Timmy.</i>	
<i>Dowds, Robert.</i>	
<i>Durkan, Bernard J.</i>	
<i>Farrell, Alan.</i>	
<i>Feighan, Frank.</i>	
<i>Fitzgerald, Frances.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Fleming, Sean.</i>	
<i>Griffin, Brendan.</i>	
<i>Hannigan, Dominic.</i>	
<i>Harrington, Noel.</i>	
<i>Harris, Simon.</i>	
<i>Hayes, Tom.</i>	
<i>Heydon, Martin.</i>	
<i>Keating, Derek.</i>	
<i>Kehoe, Paul.</i>	
<i>Kelleher, Billy.</i>	
<i>Kenny, Seán.</i>	
<i>Lowry, Michael.</i>	
<i>Lynch, Ciarán.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>McCarthy, Michael.</i>	
<i>McConalogue, Charlie.</i>	
<i>McLoughlin, Tony.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Ó Cuív, Éamon.</i>	
<i>O'Donovan, Patrick.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Ryan, Brendan.</i>	
<i>Smith, Brendan.</i>	
<i>Stagg, Emmet.</i>	
<i>Tuffy, Joanna.</i>	

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<i>Twomey, Liam.</i>	
<i>Walsh, Brian.</i>	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Clare Daly and Mick Wallace.

Question declared carried.

Question, “That the Bill do now pass”, put and declared carried.

**An Leas-Cheann Comhairle:** A message will be sent to Seanad Éireann accordingly.

### **Midland Regional Hospital: Motion [Private Members]**

**Deputy Billy Kelleher:** I move:

“That Dáil Éireann:

extends its deepest sympathies to the parents and families of babies that died at the Midland Regional Hospital, Portlaoise;

deplores the manner in which they were treated by the Health Service Executive (HSE) in the aftermath of their loss;

notes:

- the publication of the recent *Report of the investigation into the safety, quality and standards of services provided by the Health Service Executive to patients in the Midland Regional Hospital, Portlaoise* by the Health Information and Quality Authority, HIQA; and

- the findings in the Report which point to consistent failures by the HSE at a national, regional and local level to decisively address numerous clinical governance and management issues;

acknowledges that the Government agreed and confirmed that the Midland Regional Hospital, Portlaoise be a model-3 hospital in 2011;

condemns:

- the withholding and concealment of information from parents and patients; and

- the decisions by the Minister for Health and the Department of Health not to allocate funding allowing the Midland Regional Hospital, Portlaoise to be funded as a model-3 hospital;

further notes the HIQA finding that services at the Midland Regional Hospital, Portlaoise were neither governed, resourced nor equipped to provide the level of care expected of a model-3 hospital; and

calls for:

- patient safety to be put first and for the Midland Regional Hospital, Portlaoise to be resourced in a manner commensurate with its status as a model-3 hospital;

- further improvements in the governance structure of the hospital to ensure patient safety in all areas of the hospital; and

- the recommendations of the HIQA report to be immediately implemented to ensure that risks and deficiencies identified are addressed at both local and national level to ensure the delivery of safe and consistent patient care.”

**Acting Chairman (Deputy Bernard J. Durkan):** Are you sharing time, Deputy?

**Deputy Billy Kelleher:** I am sharing time with Deputy Fleming and Deputy Keaveney, with 15 minutes, ten minutes and 15 minutes, respectively.

The motion condemns the withholding and concealment of information from the families. The Minister referred publicly to these families being lied to, a very serious charge and something that needs to be addressed. At the end of the day behind all of our debates, statistics, reports, data and statements as well as press statements from the HSE, the Department of Health, the Minister and others are families who have had bereavements and who were treated in an appalling fashion locally, regionally and nationally by the HSE.

We heard the testimony of Róisín and Mark Molloy last week as well as from Ollie Kelly and Amy Delahunt whose babies died in the maternity unit in Portlaoise hospital. The Minister heard first-hand from many families and individuals who had terrible experiences in Portlaoise. What I found having listened to the families was that they do not want people simply to issue statements saying that action will be taken. They want accountability and they want to ensure that this does not happen again. They want commitments to the effect that everything will be done to ensure safe practice for maternity services in Portlaoise hospital and broadly across all maternity services in the country. There was a noble statement from the families who came before the health committee as well as many of the other families affected.

That is why we have tabled this motion. Over many years, many people sitting on the other side of the House from all sides and none have said they would act now and that enough was enough. Watersheds have often been mentioned. We have crossed the Rubicon on many occasions. The problem is that we are still in the Po Valley and we are still waiting for the implementation of many of the recommendations made by HIQA in previous reports. These have been outlined in the report itself. We have had investigations on many occasions, for example, in the context of Ennis and Savita Halappanavar in Galway. We had reports into the misreading of mammograms. The one common thread in all of them is that the implementation of the recommendations has been very poor.

In many cases, there have been appalling efforts by policy makers, those who provide the resources and those who implement the policy of the Government. That is not good enough. We have to keep this matter to the fore to ensure we strive for greater standards than currently

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exist. Our maternity services are reasonably good but they are not excellent. There are still shortcomings, including in terms of resourcing and the attitude of the HSE when something goes wrong. We talk of open disclosure, accountability and many such things, yet when something goes wrong families are very often left dealing not only with the associated bereavement and trauma but also with the bureaucracy and callousness of the system when they try to gain access to information and find out the truth. Very often, an adversarial approach is taken until the families go to the steps of the court, where a settlement is made. There is never any admission of liability on the part of the HSE so the facts cannot ever come out.

We still do not have proper perinatal pathology services. That is wholly inadequate in this day and age. If a baby dies immediately post partum or pre partum, or just before or after labour, we do not have proper perinatal pathology services in place to carry out an investigation into what happened and share the information with other maternity services throughout the country. We must examine this also. I do not believe this is a recommendation in the report but it must be considered.

I have tried in this debate to focus on the problems. There is one problem that we must accept and address. Very often politicians play politics with health and health care. For many years, including before the last election, there was no doubt that people ran around the countryside making outlandish promises, pretending they could deliver on things although knowing full well they could not or, perhaps even worse, having no notion of implementing their promises. That is very distasteful when we discuss health services. In the context of the Ennis report, for example, posters were put up in counties stating people would die if the recommendations were implemented. The problem in the context of Portlaoise hospital itself was that it was recommended that it not be a level 3 hospital anymore. This was in the Ennis report and the Mallow hospital report but there was political interference at some level. To this day, I do not know who made the final decision.

Last week at the meeting of the health committee, Mr. O'Brien was quite clear. I asked him about this twice and twice he was concise and pointed in his approach. I learned a policy decision was made at political level and that the HSE was obligated to implement it but there were no resources made available. Somebody somewhere decided, against the best recommendations available in the context of the Ennis hospital report, that Portlaoise hospital would be maintained as a level 3 hospital. Great emphasis was put on this political decision by the previous Minister, Deputy James Reilly, who said he would retain the hospital as a level 3 hospital and that HIQA could be dismissed to a certain extent. However, the problem was that there were no resources to follow the political decision, and the HSE was consequently left trying to pick up the pieces and pretending to the people of the midlands that they had a level 3 hospital. That is very serious.

Dr. Chris Fitzpatrick, who was Master of the Coombe Women and Infants University Hospital for a number of years, spoke last week. In 2011, he presented a report to the Department of Health. As far as I can ascertain, he presented it to the Minister and later to the CEO of the HSE. The report pointed out the inadequacies of the service in both Portlaoise and Mullingar hospitals. Dr. Fitzpatrick was highlighting safety issues in 2011. He presented the report to the Minister himself, from what I can gather, and subsequently met the then CEO the HSE to outline his genuine fears for patients. Nothing was acted upon. Despite this, there is a consistent pretence from those in charge in the Department of Health, at political level, and the HSE that they were not aware of this. The bottom line is that they were; everybody was aware and alarm bells were ringing loudly from Portlaoise. Nobody in the Department of Health or HSE

headquarters was willing to listen and act on those alarm bells. When we hear of systems failures and red flags being raised that were not acted on, we should note the bottom line is that people failed to do their jobs, act and address the inadequacies and deficiencies in the maternity services in Portlaoise.

I have to agree with the Minister's statement that a lack of resources can never be blamed for the lack of compassion and basic humanity. That is true. There is no doubt that the manner in which some of the families were treated was disgusting. They were ignored in their time of bereavement and tragedy, and their treatment was cold and callous in many ways. They made an effort to try to extract information week in, week out, including by repeated e-mails and telephone calls. Telephone calls were ignored for many months. The bottom line is that the system was hoping the families would go away, or meekly go somewhere else and stop annoying HSE management. However, the families' tenacity and bravery ensured we are now discussing this issue in this forum. Last week, the families were adamant about what occurred. I asked them whether, if they had not pursued the matter to the level they did, we would be any wiser, and the pretence would still be continuing. I refer to the pretence that there is a level 3 hospital in Portlaoise, that it is fully safe, that management is working towards staffing it adequately and that any family that has any difficulty is being treated humanely, compassionately and with a degree of dignity and respect. The bottom line, however, is that management did not bank on Róisín Molloy saying when she went home after her baby died that enough was enough and that she could not allow this to happen to any other family. For that, we should all be grateful.

The report recommends that a steering group be set up to address and assess maternity services in the State. The Minister announced this when he saw the draft report. He has stated there are now more obstetricians, midwives and other health professionals in the maternity services, in addition to a dropping birth rate. That is a given, but we are still way off the ratios required to ensure we have the safest maternity services that possibly can be provided in this country. Therefore, we have a lot of work to do in this regard.

This motion effectively calls for patient safety to be put first and for the Midland Regional Hospital, Portlaoise, to be resourced in a manner commensurate with its status as a level 3 hospital. We must stop the pretence. We are now talking about the Coombe hospital interacting with the hospitals in Portlaoise and Mullingar, as recommended by the previous Master of the Coombe, Dr. Fitzpatrick. Dr. Fitzpatrick said there should be some level of oversight and co-operation between the Coombe, Portlaoise and Mullingar hospitals. In fact, most of the recommendations and observations he and others made at the time in question were compiled and included in the CMO's report of 2013 on foot of the Molloy's, Amy Delahunt, Oliver Kelly and others coming forward and the pressure that was put on in the context of the "Prime Time" programme. There were people who were not calling for the sun, moon and stars but who were simply begging for help to ensure that the services would be made as safe as possible.

Political accountability required. The previous Minister for Health made political decisions that need to be explained. I cannot ask him to explain so I must now ask the current Minister to explain why Portlaoise was picked out of the ten hospitals that were named in the Ennis hospital report. Why was it singled out for special treatment in terms of retention of level 3 status but no resources provided for it because it is critically important? If one allows political interference in terms of who gets health care and where health care is provided, if something goes wrong, that person should be held accountable. There is no point in the Minister or me pretending that it was done for other than political reasons because all the experts recommended that it should be included in the list of ten hospitals. I could accept if the recommendation had been different

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and if the former Minister had followed through but the fact that he single-handedly boasted he was going to retain it but did not fund it at the level at which it should have been funded is simply unacceptable.

We are calling for the recommendations to be implemented and for the resourcing to be put in place to ensure the standards and safety in the Midland Regional Hospital in Portlaoise are maintained; that when alarm bells ring, people act; and that when they do not act, we do not consistently blame systems failures because of the inability of individuals to carry out their basic duties locally, regionally and nationally. There are still many questions to be answered and many people still have an obligation to come forward and explain their role in the unfortunate and tragic circumstances that unfolded in Portlaoise over many years.

**Deputy Colm Keaveney:** It is a shocking thing to lose a child. We all hope to end our days without having to endure such an awful loss. I offer my sympathies to the parents of the babies who died in the Midland Regional Hospital in Portlaoise. I also offer my sympathies to their wider families and friends. Parents suffering such a tragedy deserve to be treated with sensitivity and respect. They also deserve to know the truth, however uncomfortable that may be to the hospital, the HSE, the Department of Health or this House.

Their treatment after the loss of their babies was deplorable, made all the worse by the Government's delay in publishing reports into the incident. The Minister engaged in foot dragging. He did not face the truth when he had it. The serious management and clinical governance failures identified in the report added insult to injury. Often in tragedies such as this, some small comfort can be got from giving an individual who is grieving the opportunity to protect somebody who may become vulnerable because of the failures of the system and to prevent another family from having to endure that kind of pain. The actions and inaction of the Minister and his Department, the Cabinet and the HSE robbed the families involved of that opportunity.

Thanks to political interference relating to the Minister for Foreign Affairs and Trade, the midland hospital was told that it would retain its level 3 status. However, this was status without the appropriate level of resources. It might have looked good in the local print media but we see that level 3 status was provided without the resources required to ensure successful delivery of services. We now know that the hospital was not governed, resourced or equipped safely to deliver the level of clinical services required of a level 3 hospital. We now know it was simply a fiction and a failure to deliver to match what the Government announced. The Government has now been found out. This House must stop playing with people's well-being and lives for the sake of political expediency. Providing level 3 status without the resources was expedient and cannot be repeated and the Government ought to apologise for it. Aside from the risks associated with political interference to protect status without providing resources, it has damaged trust and created cynicism about politics. People in that community are raising questions about the role of the HSE and politics and they have every right to be cynical.

The HSE is conducting reviews of maternity services throughout the country. It is akin to *Animal Farm* in that all reviews are equal but some are more equal than others. I wish to raise the case of one hospital that is receiving some attention, namely, Portiuncula Hospital in Ballinasloe. It was unfairly treated regarding the leaking of information. It may not be of interest to the Government electorally but it is of interest to the people of Ballinasloe because they depend on it, including the accident and emergency department. This community has experienced the closure of a psychiatric inpatient service following a review similar to the one taking place across the country. We were told we would have a better psychiatric service in the

context of the centralisation of services at University Hospital Galway, UHG. We now know that staff at UHG are taking industrial action as a consequence of serious issues at that unit. Nurses are expressing concerns about the workload. Unfortunately, their concerns, like those of front-line staff at the Midland Regional Hospital, were ignored. Management is looking at lack of resources on the front line, as happened in Portlaoise. Front-line services are not being progressed to a satisfactory and safe level. This has not been helped by staff shortages and an underspend where resources were sent back to the Exchequer. These shortages are compounding incapacity on the front line and a failure to deliver and protect the most vulnerable people. When the current Minister for Health was appointed, there was great hope that he would address that situation. The physical structure of the psychiatric unit in GUH is leaking, creaking and subsiding. The ceiling is falling in and the unit has poor toilets. This is in contrast to the unit at St. Brigid's Hospital in Ballinasloe which is the only ligature-free facility in this country but which is lying idle. It is political interference. This is what happened in Ballinasloe and Portlaoise. This is disgraceful and is indicative of this Government's failure in this area and the roll out of primary care in particular.

I fear the Minister will hesitate to intervene directly with the resources that are required. We need to ensure that women across this country can have faith and confidence in maternity services. It is little wonder those protesting against the closure of maternity services across the country such as the maternity unit in Portlaoise do not trust the HSE because their experience has been pretty awful in respect of how the HSE rolls out its reviews, given the damage that has been done and the public relations disaster presented by the midlands hospital. I am sure the Minister will agree that patient safety will be prioritised and this will be supported by this side of the House. We need to see a review of management and management practices. I am surprised that we have not ensured the greatest form of contemporary governance to address the situation at that facility. Most importantly, the HSE must be made to understand that it must take responsibility for improvements, accepting criticism and delivering a modern public service in the context of maternity services.

*8 o'clock*

Senior managers have to become accountable, report back and accept liability, blame and responsibility.

**Deputy Sean Fleming:** I welcome the opportunity to speak on this issue and thank my party colleague, Deputy Kelleher, for tabling the Private Members' motion on behalf of the Fianna Fáil Party. The main points of our motion are as follows:

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extends its deepest sympathies to the parents and families of babies that died at the Midland Regional Hospital, Portlaoise; condemns the withholding and concealment of information from parents and patients; calls for patient safety to be put first and for the Midland Regional Hospital to be resourced in a manner commensurate with its status as a model-3 hospital; and [for] the recommendations of the HIQA report to be immediately implemented.

We chose to use our three hours of Private Members' time this week to raise this issue at the highest level in our national Parliament so that we can get some clear answers as to what went on within the HSE that allowed this situation to continue for so long. There have been promises to do something but very little has happened. There has been some action but it is insufficient.

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The HSE is now involved in a dispute over who should be involved in the review of the situation. Top management in the HSE is a closed shop and it does not want the truth to come out. It has prevented the truth from emerging for years and it is the culture among those at senior level in the HSE to protect the organisation first.

Patient safety must come first in all cases and adequate management procedures must be in place to ensure this. The Minister for Health must provide adequate resources, staffing and funding to bring this about. Staff numbers in the hospital must be brought up to an adequate level to ensure patient safety at all costs. The new arrangements between Portlaoise and the Coombe hospital are very welcome. I fully support those developments because I do not think Portlaoise can be left as a standalone maternity hospital.

Portlaoise hospital is approximately 45 or 50 minutes from Dublin and we must have an honest discussion about it. I was born and reared in County Laois and am very familiar with the hospital. Indeed, everyone in Laois is familiar with the way health services are configured in the region. We all know, for example, that a person involved in a serious car accident goes straight to the hospital in Tullamore and does not go to Portlaoise and the same is true for patients with ear, nose or throat issues. If someone has a stroke, for example, an ambulance will take him or her straight to Naas hospital. Patients go to where the service can be best provided. There are some dedicated services in Portlaoise hospital and they should be run properly. We have a very large maternity unit there, with well over 2,000 births in most years and the next nearest maternity unit is quite a distance away. We have a very important and good paediatric unit in Portlaoise as well as one of the busiest accident and emergency units for a town of its size. There are well over 30,000 visits to the accident and emergency unit every year. There may be a dispute about the exact figure but it is of that range. Surgical procedures are carried out in the hospital but they are not of the most serious nature. To be honest, most people in Laois would not want to go into the hospital in Portlaoise for a serious, complex or complicated surgical procedure unless there was no other option.

We are close enough to St. James's Hospital and the other hospitals in Dublin. I regularly make representations on behalf of constituents waiting for hospital procedures to be carried out and often the replies come from St. James's Hospital. Laois is not isolated and Portlaoise hospital does not just provide a service for Laois. Some health services are provided in Laois but many are provided outside the county. I should also mention that there is a substantial psychiatric unit in the hospital in Portlaoise. There is no maternity unit in the neighbouring counties of Tipperary, Kildare, Offaly or Carlow so the unit in Portlaoise covers a wide geographic area. The facilities are not just for County Laois. All those attending the maternity unit expect proper facilities to be in place and rightly so. We are all agreed that it is not possible to provide every service in every hospital but where services are meant to be provided, they should be provided in a safe manner.

My party colleagues have already made reference to the issue of political accountability. I heard it directly from the Minister's predecessor, the former health Minister, Deputy James Reilly, that Portlaoise would be a model 3 hospital but the necessary funding was not provided. That said, I accept that it is not all about funding. It is also about patient care, a caring attitude, management systems, complaints procedures and so forth. The Ombudsman's office has undertaken a detailed study to ascertain why so many complaints in respect of the health services are brought to that office. The main finding of the research study was that people were afraid to complain directly. Families who are not happy with services or treatment do not want to complain in case it will have an adverse impact on the care their loved ones receive. Added to

that, complaints procedures are unclear even when people do want to complain. Complaints procedures may be there in theory or may be published in a manual somewhere, but they are not clearly available and accessible to the general public. These findings are based on research from the Ombudsman's office which I saw earlier today.

Why are we having this debate today? We are having it because in January 2014, RTE broadcast the "Prime Time" special investigation into the death of four babies over a six year period in the Midland Regional Hospital in Portlaoise. The babies were alive at the onset of labour but died either during labour or within seven days of birth. It should not take a television programme from RTE for us to discuss this issue today. Why was that RTE programme made?

While I am not a member of the Joint Oireachtas Committee on Health and Children, I attended the meeting last week to listen to the parents and to HIQA representatives. Róisín and Mark Molloy told the story of the death of their baby, Mark and Amy Delahunt and Ollie Kelly told the story of their child, Mary Kate. Róisín said that people in the HSE said she was a crazy woman because she just would not let it go. That is the reason we are here. She would not let it go. Most people in her situation would have let it go and accepted what they were being told, following a review and an inquiry but she would not. She said that she was described as a "crazy woman" but one could not meet a more reasonable woman, as I am sure the Minister knows, having met her in Portlaoise recently. She is a very reasonable woman and patients such as Róisín Molloy should not have to fight and be considered crazy in order to get the truth. We must thank her, on behalf of everyone who uses that facility, for ensuring that it will be safer in the future. HIQA has said that it cannot say it is safe today, the HSE says it is safe and the Minister has said that it is safer than it ever was and maybe all three viewpoints are correct.

All I want is safety because I have heard from medical personnel on the ground that expectant mothers in Laois are nervous about going to Portlaoise. Why would they not be nervous, given what has gone on there? This is affecting people's confidence in the services in Portlaoise and that must be put right. The Coombe hospital must do whatever is necessary to improve the services in Portlaoise and restore confidence. If complex cases present and patients must be transferred from Portlaoise to the Coombe, then so be it. I am not a medical person but I assume such cases can be identified and procedures put in place to deal with them properly. Complex cases should be sent to the Coombe hospital. Expectant mothers who are due to give birth in Portlaoise want to know that the system there is safe.

In some of the cases at the centre of this debate, babies were wrongly classified as still-born, even though they were actually born alive. This was concealed by the HSE, by senior and middle management and many other people for a long time. Does the Minister know whether that is a criminal offence? Is it a criminal offence to conceal a death or record it incorrectly? It could be argued that An Garda Síochána should investigate whether criminal negligence was involved here. It is fine to have HIQA investigating such matters but sometimes a visit from members of An Garda Síochána can make senior public servants sit up more than any admonishment from their superiors, including from a Minister. Deputies will remember the incident in Bray a number of years ago when two firemen lost their lives. It was only when the county manager was arrested for dereliction of his duties - I do not know the exact details of the case - that the management of local authorities sat up and ensured they had proper health and safety regimes in place regarding the fire service. Had the Garda not arrested the county manager on that occasion we would have carried on as normal. I think the fear of God - if I am allowed to use God's name in this House - needs to be put into the senior management in the HSE.

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Based on my experience as a Deputy, I do not have confidence in the HSE to resolve this issue. I have been dealing with the HSE for 20 years in my public life. The culture in the HSE back to the old health board days is first and foremost to protect the organisation. That culture is endemic in the HSE and it will take somebody from outside to shake it up and not just at political level. It would take an organisation like the Garda to follow that up.

We have had many broken promises. We have spoken about a patient safety authority and we have not seen that coming to pass. There are many unanswered questions. This is all about patient safety. Patient safety comes first, second, third and fourth, and everything else comes down the line.

In this situation people want the truth. In any cases I have dealt with when something went wrong in Portlaoise or other hospitals in recent years, all people wanted was the truth. They can move on with their lives when they get the truth. I know of expectant mothers who were taken from Portlaoise and were diverted to Naas, half way to Dublin, because their lives were in danger. However, they were never told what happened. They have told me: "I don't want to sue them. I just want the truth so that I've ease of mind." All people want is the truth and honesty. They can cope with difficulties. Life is full of tragedies, as we all know. However, people can cope with a tragedy if they know the truth. However, if there is a double injustice on top of that with people holding back the truth, it is a very serious issue.

How many members of HSE senior management, who knew of the concealment of those deaths, got promotions over the years? I am sure some of them did and we need a review of how senior people can get promoted, not just within the Department of Health and the HSE, but in the public service. I am aware of cases in other agencies where people were involved in very serious cases that resulted in major litigation. Those officials applied for a job at a higher grade in another region. None of that gets recorded on the application form and they meet all the requirements on paper, but there is no reference to their previous experience or cases they were involved in where there was serious maladministration. Those issues need to be highlighted.

One of the things that concerned me most last week was what Mr. Tony O'Brien said. I am not taking a cheap shot at Mr. Tony O'Brien. I call it lazy politics to call for his head. He is not the sole problem. One would have to go through 50 people below him to frighten the people down the line. Every time there is a problem in an organisation, if the head changes, it does not affect the people down the line. Because he is so far up, it counts for nothing. That is the lazy approach.

When he was asked about training last week, he said it would cost €13 million to send everybody on a day's training and €65 million for seven days. However, he did not say that the HSE pays out about €90 million every year to the State Claims Agency. This is one of the problems I have encountered in the Committee of Public Accounts. When we ask HSE officials about the €90 million, or whatever the figure is that is paid out on medical negligence cases annually, they say that once a case comes in it is over to the State Claims Agency to fight it. So the HSE washes its hands and is just told to send the cheque. It is disengaged from the process and does not seem to learn. Then things are issued without admission of liability. There is an endless budget at that end - to pay for negligence - but there is no budget for proper training in the HSE. Mr. Tony O'Brien should reconfigure his mentality on that issue. The HSE spending more on training will result in less spent on medical negligence down the road. That needs to happen.

I appeal to the Minister on behalf of all expectant mothers going into maternity units. Portlaoise hospital is not unique; it is no better and maybe no worse. Some people would say the statistics in terms of the outcomes are better in Portlaoise hospital than in hospitals in other counties. There was definitely serious maladministration in how people were dealt with. They were not dealt with nicely on the day and were not dealt with nicely in the follow-up. They met senior management up along the line. Everyone said: “You’re an isolated case. Go away. You’re almost a crank. Go home and just accept the fate.”

However, were it not for Ms Róisín Molloy and the other parents, we would not be here. If nothing else the death of her baby, Mark, and the deaths of the other children will not have been in vain, although that is no comfort to the parents concerned. I hope some good comes out of this, but it does not bring closure for the families who will always have to carry this legacy.

My final plea to the Minister is to ensure patient safety is first, second, third and fourth, and everything else follows.

**Acting Chairman (Deputy Bernard J. Durkan):** I call the Minister for Health, Deputy Varadkar, who is sharing time with Deputy John Paul Phelan.

**Minister for Health (Deputy Leo Varadkar):** I move amendment No. 1:

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

“extends its deepest sympathies to the parents and families of babies who died or were harmed at the Midland Regional Hospital, Portlaoise;

deeply regrets the manner in which they were treated by the health service in the aftermath of their loss;

commends the families who spoke out about their experiences for their strength and courage;

accepts fully:

- the findings and recommendations of the Report of the investigation into the safety, quality and standards of services provided by the Health Service Executive to patients in the Midland Regional Hospital, Portlaoise by the Health Information and Quality Authority (HIQA);

- that accountability within the health service must reflect patient safety and patient experience; and

- that patient safety is not just about staffing numbers, the status of institutions or levels of funding but depends much more on how services are governed, managed and delivered, and on training, risk management, audit, teamwork and quality assurance;

acknowledges that the Minister for Health has:

- visited Portlaoise and met with and listened to the families; and

- issued written direction to the Health Service Executive (HSE) seeking an urgent response to the needs of families regarding case reviews, counselling and immediate supports;

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recognises that:

- the Government is committed to securing and further developing the role of the Midland Regional Hospital, Portlaoise;
- the Midland Regional Hospital, Portlaoise is now part of the Dublin Midlands Hospital Group and its future role will be determined in that context;
- any change to services at the hospital will be undertaken in a planned and orderly manner guided by what is best in terms of patient safety and outcomes;
- since the publication of the Chief Medical Officer's report, HSE Midland Regional Hospital, Portlaoise Perinatal Deaths (2006-date), last year, much has been done to strengthen services at the hospital;
- new hospital management is in place, with significantly improved clinical governance and additional key clinical staff have been appointed;
- the HSE has agreed a Memorandum of Understanding with the Coombe Women & Infants University Hospital to provide the country's first managed clinical maternity network within the Dublin Midlands Hospital Group; and
- the clinical governance shortcomings in the Portlaoise Hospital Maternity Services identified in the report, will be addressed through the link up with the Coombe Women & Infants University Hospital; and

supports the Minister for Health's decision to:

- establish a National Women & Infants Health Programme in order to address and improve maternity services around the country;
- prioritise the publication of a new National Maternity Strategy in 2015;
- quickly establish an Oversight Group in the Department of Health, with representation from patients, to ensure the prompt implementation of the recommendations of the HIQA Report; and
- strengthen the Department of Health's monitoring and oversight role in relation to patient safety."

I thank Deputies Kelleher, Browne, Calleary, Niall Collins, Cowen, Dooley, Sean Fleming, Keaveney, Kirk, Kitt, Martin, Moynihan, McConalogue, Michael McGrath, McGuinness, Ó Cuív, O'Dea, Ó Feargháil, Smith and Troy for giving me the opportunity to address these issues.

I begin once again by recognising the fortitude and courage of families who shared their stories and have given us the opportunity to improve things for the future, by learning from the past. Two weeks ago, in a hotel room in Portlaoise, a group of over 100 people shared their experiences with my officials, the Chief Medical Officer, my advisers and me. It was a harrowing experience but an invaluable education for us all. It is important to understand that there were many different perspectives and differences of opinion in the room that night, ranging from people who never again want to set foot in Portlaoise hospital to others who had been back subsequently as patients and had many good things to say about it.

I heard for myself how difficult it can be for patients when things have gone wrong and how hard it is to get even basic information sometimes. Quite rightly, people want to know what happened and why. They want to know that all that can be done will be done to ensure it does not happen again. Often the truth was not forthcoming even when it was known and all that could have been done to learn from mistakes was not done soon enough. Trust breaks down at the very point at which patients and their families need it most and are at their most vulnerable.

I am sorry that patients, in their greatest need, did not receive what anyone in those circumstances should expect - honesty, respect, care and compassion. Families and patients were treated very badly. While inadequate staffing levels and expertise form part of the context, this was not a resource issue alone. It costs nothing to care. Families and patients needed help and needed to know that their loss mattered. They needed comfort, information and follow-up, but did not get these things. Honesty also costs nothing. If anything, it saves lives and money in the long run.

What is clear, above all else, is that what the patients and families at the centre of what happened in Portlaoise hospital wanted, and still want, is to ensure that other families do not go through what they experienced. They are giving us the chance to learn from what happened to them and to change how we do things. I hope that this brings them some consolation in the future. I should, of course, recognise that the number of patients and families who have had a bad experience in Portlaoise hospital extends beyond the families who lost newborn babies in recent years and beyond the maternity unit. We should remember that in our contributions. We should remember also that many patients speak well of Portlaoise hospital, based on their own experiences.

It should be remembered that in Ireland, every year, there are about 12 maternal deaths and about 450 perinatal deaths. These include stillbirths, newborn deaths and intrapartum deaths, which are, of course, much more rare. Each one is a human tragedy and a loss but these mortality rates are at, or below, the average for the developed world, and the vast majority occur for natural or biological reasons and not as a result of poor standards of medical or midwifery care, let alone negligence. While our maternity services have their shortcomings, there is little evidence to support the view that they are unsafe or that they compare poorly with other countries. This is unfair to front line staff and causes unnecessary worry for pregnant women and their partners and families. This is a serious issue that should be debated in this House, but not with a view to political point-scoring or grandstanding, and I ask the Opposition to give that some thought.

I welcome the publication of the HIQA report. As the House will know, it follows on from the 2014 report by the chief medical officer into perinatal deaths at Portlaoise hospital. The report is critical of the hospital and the HSE at regional and national level. I believe that the criticism is justified and I am disappointed that our health service was found to be so lacking in compassion and care, two core values of the service we strive to deliver. I accept in full the findings, and all eight recommendations, of the report. I want to ensure it is a watershed report that brings about real change and helps to drive much needed improvements in Portlaoise hospital, and by extension, all hospitals. I have written to the HSE director general indicating that a specific targeted local response must be put in place immediately, including the provision of counselling and other supports to the families and former patients. I have asked that a senior midwife or nurse from outside the hospital be assigned to act as a service liaison to enable an assessment of counselling or other requirements these families and former patients may have and to ensure the early provision of such services. I have also indicated that a local senior

community-based manager should be assigned to act as a liaison to facilitate an early and effective response to specific issues they raised regarding difficulties accessing services locally. I am mindful, too, of the need to provide some answers to the families and former patients regarding their care, where possible, so I have emphasised the importance of a speedy completion of the individual case reviews. I expect a weekly progress report from the HSE regarding its response on the ground and the first such report is due this week.

One critical issue for me to deal with at the outset is that of resources. I have heard many people rush to judgment to say that a lack of resources explains what happened in Portlaoise hospital and adverse incidents elsewhere. They often do so before knowing the full facts, or even any of the facts. The Opposition in its motion this evening, and some others, have been cynical in the speed and superficiality of their response in this regard. I can only assume that some of these comments were made by people who have not fully read or understood what HIQA had to say about Portlaoise hospital.

At the meeting with the families and former patients, I did not hear many complaints about a lack of resources. In general, I did not hear that staff were run off their feet. I did hear that there were some infrastructural deficits and staff shortages but mostly I heard of patients being treated with indifference, a lack of compassion and empathy, a cold shoulder and a deaf ear. It is a report with profound patient safety implications. I have heard its message and I understand it. This House needs to understand it, too. A service does not become safe simply because it has a certain ratio of doctors or nurses, has been given a particular designation or status or because it has a particular location or size. That is not it at all. Safe services are those in which patients are treated with clinical competence and human kindness, in which people and families are listened to, in which staff are honest and open with patients about what they can and cannot do for them, and above all, are honest and open when things go wrong. Safe services are services where staff work as a team; communicate well with each other as well as with patients; where adverse events, complaints and serious incidents are reported, analysed and responded to as opportunities to learn and improve. They are services where audits are done regularly to show up any anomalies or differences with comparable centres. They are services in which staff being adequately trained is a given. They are services in which saying that patient safety is the top priority is not rhetoric but something real. Management teams and boards of such organisations listen to and learn from the experiences, good and bad, of their patients and staff. This has to be the standard we expect of every service, regardless of how small, where it is, what type of services it provides, its budget, status or classification.

Improvements have been, and continue to be, made at Portlaoise hospital. New management and governance structures, clinical and operational, are in place. Appointments have been made to key posts of concern in maternity and general services. This includes additional consultants sanctioned in anaesthetics, surgery, emergency medicine, paediatrics and obstetrics. Sixteen additional midwives have been appointed and approval has been given for further midwifery posts, to include shift leaders, as well as posts in diabetics and ultra-sonography. There is now a risk manager on site. A director of midwifery has been seconded from the Coombe and all emergency department patients are now under the care of a named consultant. Ambulance bypass protocols are in place.

Structural change has begun. Governance of the maternity service will transfer to the Coombe following on from a memorandum of understanding agreed with that hospital. This will become the country's first managed clinical maternity network: the first of many, I expect. This is a very significant development which will address the clinical governance and oversight

shortcomings identified in the report. It will also ensure that women in Portlaoise hospital receive the same high quality maternity care experienced by women attending the Coombe. Capital investment will be required but will have to be subject to prioritisation, as in the case of all such developments around the country.

I know that questions have arisen about the future of Portlaoise hospital in light of this and previous reports. I can assure the House that the future of Portlaoise hospital is as a constituent acute hospital within the Dublin Midlands Hospital Group. The concepts of model 2, model 3 and model 4 are now largely obsolete because of the hospital groups and every hospital has a unique role within their group. I do not believe it was ever a good idea to try to classify or categorise hospitals crudely into four groups. When one considers that Bantry and Navan hospitals are in the same group and that the Mater and Cork University Hospital are in another, one can instantly see the enormous differences between those institutions, not to mention their geography. Any change to services in the hospital will be undertaken in a planned and orderly manner, guided by what is best in terms of patient safety and outcomes. This will take account of existing patient flows, demands in other hospitals and the need to develop particular services at Portlaoise hospital that are part of the overall service reorganisation in the group. We will need to ensure that any services currently provided by the hospital, which are not viable, are discontinued and we need to assure that viable services are safe and adequately resourced. Every hospital in the Dublin midlands group, large and small, will play a key role within the group. I am confident that these changes will make Portlaoise hospital a better, busier and safer hospital in the years to come.

The establishment of hospital groups is one of the most radical modernisations of acute care since the foundation of the State and is a key building block in delivering our programme for Government commitments on health reform. Hospital groups provide the optimum configuration for hospital services, for high quality, safe patient care in a cost effective manner. As hospitals move to working as part of a group, services will be reviewed and evaluated to ensure the delivery of high-quality, safe patient care which results in better outcomes for patients. In the context of the Dublin Midlands Hospital Group, relationships among Portlaoise and Tullamore, Tallaght, Naas and St. James' hospitals are being further developed, particularly in emergency medicine, critical care, ICU, surgery and bed capacity.

Maternity services in all parts of the country will be subject to review and evaluation this year, as part of the development of the national maternity strategy, which is now under way. The strategy will map the future of maternity services to ensure that women in Ireland have access to safe, high quality maternity care, in a setting most appropriate to their needs. I have established the national maternity strategy steering group to advise on the strategy. The group, which has wide representation across stakeholder groups, had its second meeting this week. It is intended to publish the new strategy later this year. Developing the strategy gives us the opportunity to take stock of current services and identify how we can improve the quality and safety of care provided to women and babies. The strategy will ensure that our maternity services are developed and improved in line with best available national and international evidence. Among those on the steering group are two of the mothers who lost babies in Portlaoise hospital, Shauna Keyes and Róisín Molloy. I want to thank them in particular this evening for agreeing to serve on the group and provide their insights.

I have also decided to establish a national women and infants health programme to address and improve maternity services across the country. The programme will span the delivery of maternity services across primary, acute and community care. Modelled on the highly success-

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ful National Cancer Programme, it will provide the leadership and have the authority to deliver the strategy and to drive reform and standardise care across all 19 maternity units.

As stated by other speakers, Ireland has a relatively low ratio of staff per birth in its maternity services. However, the number of obstetricians and midwives is increasing. In 2015, we have 123 whole-time equivalent consultant obstetricians as compared with 116 in 2011 when this Government came into office. Midwife numbers have increased significantly, from 1,189 whole-time equivalents in 2011 to 1,424 in 2015. This ongoing increase in staffing happened at a time when the country was facing a financial emergency. This is significant and shows that the Government and the HSE protected maternity services in the toughest financial environment. It is disappointing but true to form that the Opposition has chosen to ignore this. Now that the economy is growing again we can do better.

**Deputy Billy Kelleher:** On a point of information, I did not ignore it. The Minister is responding with a prepared script and should acknowledge what I have said.

**Deputy Leo Varadkar:** The Deputy is correct. He did refer to it, but a Deputy who spoke after him took a different view.

Now that the economy is growing again, we can do better. Increasing staff numbers, coupled with a falling birth rate, mean that, although there is a way to go to reach OECD or international levels of staffing, the situation is improving and will continue to improve.

Spending cuts and freezes across the health service from 2008 onwards had an inevitable effect on services. However, this year an extra €2 million has been provided in the HSE national service plan 2015 to address current pressures in maternity services. It includes provision for the recruitment of additional obstetricians this year, over and above mentioned, midwives and other front-line staff.

As I outlined, the issues in Portlaoise are not directly or solely related to resources. Recent media reports have suggested Portlaoise hospital was in some way drastically underfunded compared to similar hospitals. In fact, the funding for it is broadly on a par with similar, formerly model 3 hospitals such as Portlinculla, Wexford and south Tipperary hospitals which all serve a similar sized population. The budgets for them in 2014 were as follows: Portlaoise hospital, €53.5 million; Portlinculla hospital, €54.9 million; Clonmel hospital, €51.4 million; and Wexford hospital, €52.9 million. In response to Deputy Billy Kelleher's question earlier, the former Minister, Deputy James Reilly, explained that Portlaoise hospital was not included in the small hospitals framework because unlike the other then called "model 2 hospitals", it had maternity and paediatric services and anaesthetic services 24/7. Therefore, it was not comparable to other smaller hospitals.

There has been much commentary on accountability. As I am sure the House will agree, everyone involved in this matter has a right to a fair hearing in accordance with stated disciplinary procedures. HIQA does not name any individual and it is not in my power to effect summary dismissals or sanctions against persons who are not in my employment. I do not propose to comment further at this time, other than to say a number of staff have had complaints made to their professional regulatory bodies about their involvement in care in Portlaoise hospital. These complaints will be investigated in line with standard procedures and the law. In addition, the HSE is finalising an investigation in line with its code of governance and disciplinary procedures. This may result in disciplinary action being taken against some individuals in

management positions.

A culture of patient safety needs to be embedded in the health service. We need a health service with the patient and his or her needs at its centre. I have a clear focus on patient safety and have ensured this has been made a priority within the HSE's annual service plan. My officials meet the HSE each month to discuss the service plan and patient safety is a standing item on the agenda. There are many facets to patient safety and several initiatives have the potential to drive significant change in the coming years. Leadership of this change, through governance and management, will be a key dimension. Guaranteeing better outcomes for patients is a fundamental principle of our health reform programme. We all continue to strive to ensure patients receive the best care possible when they need to access health and social care services. Recent reports show that we still face many challenges to ensure health and social care services are truly safe and the highest quality. I am, however, confident that implementation of the HIQA and chief medical officer's reports on Portlaoise hospital will ensure patient safety is everyone's priority and reassure patients that the services they access are of the highest quality and safe.

Before I became Minister for Health, there was a plan to create a patient advocacy agency as a sub-agency of the HSE. I strongly believe any new patient advocacy service should be independent of the HSE. That is why the HSE was told to remove the proposed agency from its service plan for 2015. My view has been supported by the recommendation made in the report on Portlaoise hospital. I plan to establish a fully independent national service before May 2016. The scope, role and functions of the service need to be considered, with the structural, governance and funding arrangements needed. My Department will consult widely on the best way to get the service up and running in the shortest possible timeframe.

Informed by HIQA reports on various hospital services and based on analysis and internal discussions on patient safety priorities, I intend to strengthen the patient safety role and functions of my Department. I will develop a significantly enhanced patient safety function in the Department, with a clear mandate for leadership, direction and oversight for national improvements in patient safety, clinical effectiveness and patient experience. This new function is in addition to other patient safety policy initiatives in progress, including legislative proposals for the further regulation of health care, patient safety provisions in the Health Information Bill and the recently completed work on the code of conduct for employers which clearly sets out employers' responsibilities in achieving an optimal safety culture, the governance and performance of the organisation.

My Department continues to progress the patient safety (licensing) Bill. However, as an interim step towards licensing, I will shortly bring a memo to the Government seeking approval to draft amendments to the 2007 Health Act. The amendments will seek to extend HIQA's remit to the private health care sector in the short term. I also intend to bring forward legislation to give effect to recommendations made by the Commission on Patient Safety and Quality Assurance to facilitate open disclosure of adverse events to patients. In the meantime, the HSE has begun to implement the national policy on open disclosure across all health and social services. The policy is designed to ensure an open, consistent approach to communicating with patients and their families when things go wrong in the provision of their health care.

The HIQA report on Portlaoise hospital called for a group to oversee implementation of the recommendations contained in the report. I have approved the composition and terms of reference of this group which will be chaired by the Chief Medical Officer and include senior officials from my Department, as well as patient representation. I have also written to the HSE di-

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rector general, requesting a plan and a timetable to implement HIQA's recommendations. This plan will be used by the oversight group to monitor the HSE's progress on implementation. A named person in the HSE will have responsibility for reporting to the oversight group on behalf of the directorate on progress made on a monthly basis. The reports will be published quarterly. The House will be aware that for 2015 the Minister of State, Deputy Kathleen Lynch, and I will develop as a priority a mechanism to better monitor implementation by the HSE of the recommendations contained in previous HIQA reports. I will seek regular updates and intend to use it to drive a much improved commitment to implementation than we have seen in the past.

I want to finish by reassuring the House that I will do everything in my power to ensure the recommendations made in the report are implemented without delay. We cannot undo the loss families have suffered or the experiences patients have had, but we can ensure the lessons learned will not be ignored. I spoke about the bravery of those who had spoken out and believe there is some space for political bravery on the part of all of us here. We all have a responsibility to act as leaders, either nationally or in our constituencies, to ensure all decisions made in the health service are made on what is best in terms of patient access, safety and clinical outcomes, rather than giving in to vested, institutional or political interests. In the next few years as we implement the hospital groups we will need to consider reconfiguring and restructuring how services are delivered across them. There is a role for us all as public representatives to ensure we deliver the best health service possible, but we need to ensure that in doing so we do not approach reconfiguration through the "save our local hospital at all costs" approach; nor should it be about financial savings, rather, we need to view issues from the perspective of what is best for patients, see what services can be safely delivered in each hospital within a group and plan services accordingly.

**Deputy John Paul Phelan:** I too express my sympathy to the families affected by the events covered in the reports we are discussing. I welcome the motion brought forward by Fianna Fáil which, in fairness, seeks to address the serious issues uncovered by the reports. I am not a parent and can only imagine the pain and hurt experienced by any parent who loses a child and his or her exasperation on learning about the substandard treatment and care dealt with in the reports.

Like many others, my interest was drawn to this issue by some of the media reports, particularly those following publication of the recent HIQA report which highlighted the basic lack of humanity demonstrated in a number of specific instances. The Minister has mentioned that investigations are under way and I do not want to get into them. Everybody is entitled to fair procedure but I believe that patients in hospitals, particularly maternity hospitals, are entitled to be treated with a sense of dignity, respect and empathy, which at least in some of these cases appears to have been dramatically lacking. Perhaps it is symptomatic of a wider difficulty in Irish society that matters that do not directly affect ourselves or a failure in certain institutions, organisations and agencies of the State over the years to take responsibility where errors have occurred do not concern us. I hope that, arising from this discussion tonight, the investigations that are ongoing and the implementation of the recommendations that the Minister has outlined, these incidents will not occur again in the future.

I welcome the Minister's statement that the eight recommendations as they concern both the Department of Health and the HSE are to be implemented. Four relate specifically to the Department. The establishment of an independent patient advocacy service is something that has been spoken about previously. I welcome the fact that it will be acted upon. The development of a national maternity strategy is an issue that has been mentioned often in the past, and I

welcome that it will now happen and that the recommendations of previous HIQA reports will be implemented.

I particularly urge the Minister to act on the fourth recommendation on his Department to expedite the necessary legal framework for hospital groups. This is a new initiative introduced by his predecessor, to some degree of controversy at the time. We were told at the time that it would take a period of months for the new networks to bed down and become effective. I urge the Minister to act as soon as he can with regard to implementing that necessary legal framework.

I do not want to correct Deputy Fleming because I do not think he was trying to mislead the House but I understand there are maternity services in South Tipperary General Hospital in Clonmel. He said earlier that there were no maternity services in Tipperary. There is no doubt that Portlaoise General Hospital covers a much wider hinterland than just Portlaoise and its county of Laois. Deputy Fleming mentioned a lack of maternity services for many years in Carlow, and likewise in Offaly and other parts of the midlands region. That is why it is important that the final four recommendations regarding the HSE, which I will not read - the Minister read them into the record - would be implemented to ensure that parents such as those involved in this tragedy in Portlaoise would never have to face such situations again.

It is important that the Minister placed on the record of the House the fact that the primary issue in regard to Portlaoise does not appear to have been specifically one of resource but more in terms of the care given to the patients, the families, the parents and the children who died. Basic human dignity is not something that the law in general is particularly good at addressing. There might have been an old Irish belief that areas like that did not particularly need to be legislated or regulated for, but the stories that have emanated in this instance about these situations from the general hospital in Portlaoise would indicate that the contrary is the case.

I welcome the fact that the Minister has decided to establish a national women and infants health programme to address and improve maternity services. The provision of maternity services across the country is a very emotive issue, and I welcome the fact that the Minister has indicated that will happen now.

On a personal level I want to express my sympathy to the families concerned and to join with the Minister in thanking those two parents he named who are taking part in the implementation group to try to ensure that the difficulties that have been exposed in this instance never happen again. As a Deputy from a neighbouring constituency I would have to say that most of the stories I have heard about treatment and care in Portlaoise General Hospital over the years have been positive. However, to say that in this particular instance the stories that have emanated from there are unsatisfactory is an understatement. The basic lack of humanity in some of these instances was staggering, and I hope we never have to revisit it again.

**Acting Chairman (Deputy Bernard J. Durkan):** I call Deputy Caoimhghín Ó Caoláin who has ten minutes. I understand he is sharing his time with Deputy Brian Stanley.

**Deputy Caoimhghín Ó Caoláin:** The Deputy will follow me with five minutes, that is correct.

The Private Members' business before us this evening deals with the harrowing and deeply upsetting cases that we have heard of over the past number of weeks and also relates to other cases going back, in some instances, years and decades.

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Táthar tar éis go leor cainte a dhéanamh le tamall ar imeachtaí ospidéal Phort Laoise. Bun agus barr an scéil ná gur tugadh cúram nach raibh ar chaighdeán sách ard agus go bhfuair leanaí óga bás. Ní féidir leis an Rialtas é sin a athrú, ach bhí sé ar chumas an HSE a chinntiú nach dtarlódh sé. Anois caithfidh an Rialtas a chinntiú nach dtarlóidh a leithéid riamh arís - leanaí óga ag fáil bháis de bharr easpa foirne agus maoinithe agus ansin go gcaithfí go dona le tuismitheoirí na leanaí seo.

I welcome this Private Members' business and the opportunity to speak on these cases, and particularly on the response of the Health Service Executive, HSE. This is something that has been grossly inadequate and, if some of the utterances reported are true, grossly insensitive and uncaring. When I commented recently on the publication by HIQA of its report into HSE oversight of services in the Midland Regional Hospital, Portlaoise, at the outset I commended HIQA's determination to publish the report despite unprecedented pressures from senior HSE management. I was also conscious that at the heart of this report are the tragic outcomes suffered by some families, including those who lost longed-for and much-loved newborns. I again extend my deepest sympathies, and the sympathies of my colleagues in Sinn Féin, to the parents and families of all babies that have died in all hospitals across the State.

The HIQA report arises from experiences of poor care and bad outcomes highlighted by patients and families, some identified following the broadcast of the RTE "Prime Time" programme in January 2014. It is clear from the report that over a sustained period the HSE at all levels failed to adequately deal with issues relating to clinical governance and management. That this has affected negatively the quality and safety of services in Portlaoise hospital is an indictment of the HSE and of the Department of Health and Minister of the day. Most shocking were the testimonies of lies told to parents and reports that they had felt they were hated by those who were employed in oversight and caring roles.

The report tells us that there were many reasons the HSE should have maintained very close oversight of services at Portlaoise hospital, including local and national HSE inquiries into significant service failures. It is evident that while clinical reviews were carried out, findings and recommendations were not acted on or implemented. It was also found that the hospital was operating as a level 3 hospital, one which provides the full range of acute services, but that these services were not resourced nor equipped to an adequate level. It also appears that senior HSE managers were focused mainly on controlling budgets. Money won out over patient safety. That is the bottom line. During Leaders' Questions in September 2011, the Taoiseach stated, "I can confirm, on behalf of the Minister for Health, that there is absolutely no intention of reducing Portlaoise from level 3 to level 2". In reality, this happened in all but name. The funding did not allow it to function as a level 3 hospital. The spotlight has since descended onto maternity services and many areas of confusion still remain. The HSE published, in 2013, a report into the death of Savita Halappanavar mentioning the fact that many previous reports and recommendations, if implemented, might have led to a different outcome in her case. Despite this, we now see that even some of these recommendations were not implemented. The national maternity strategy recommended is still not in place and only this month was a steering group appointed. What is the timeline for the strategy and how many meetings has the steering group held?

Statistics in this area are unreliable. The National Perinatal Epidemiology Centre, NPEC, was not informed of a number of deaths of babies. Not only was it a tragedy for the parents but for all other prospective parents too, given that nothing was learned or changed following their passing. The data collection system must be improved. Regrettably, we can no longer trust the

oft repeated claim that Irish hospitals are among the safest in the world. Some have asked questions as to why HIQA has not named the individuals involved in its report. My understanding is that HIQA is not in a position to do this legally. This could be changed, however. Although such a change would bring a level of transparency to health delivery that might unnerve some who work in the upper echelons of the organisation, it should be examined. There is also the issue that HIQA does not yet have the legal authority to license hospitals.

In the NHS in Britain, up to 19 infants and mothers died at the University Hospitals of Morecambe Bay between 2004 and 2013. An independent investigation found that of these, 11 babies would have survived if they had received the right care. An inquiry into the cases was led by Dr. Bill Kirkup, a former associate chief medical officer of the NHS. He interviewed more than 100 NHS officials, regulators and health workers, including the former chief executive of the NHS. Six staff face disciplinary hearings in front of the Nursing and Midwifery Council later this year, and others were suspended. In light of this, will the HSE review incorporate senior management in its terms of address? With the HSE drawing up the terms of reference, can we be totally sure that this review will have full scope to perform a full and proper investigation?

We still have the major challenge of over reliance on locum doctors. The Minister has told us that this reliance will be reduced. Will he tell us what progress has been made? One in six posts recently advertised attracted no applicants and we know from surveying doctors who have emigrated that poor working conditions at home were critical factors in driving them from our shores. Tony O'Brien has stated that, given that the HSE is held to account, as it should be, the organisation will take a more robust approach to the budgetary requests of the Minister. We must not forget that the HSE had requested, and was refused, additional funding over recent years. The fact that funding requests will be clearly linked with risk is to be welcome and will remove the Minister's hollow excuses of being powerless and limited by funding. This will allow an appraisal of risk and solutions for the most risky areas of the health services. The Government can then decide to address these risks. Simply put, if the HSE is not given adequate funds, how can it provide an adequate and safe service?

There are also concerns relating to the HSE investigation under way after the death of yet another newborn at Cavan General Hospital. Is this investigation under way and when will it conclude and report? While we do not know the full facts of this most recent incident, I must reflect that there are real concerns across the dependent catchment of Cavan, Monaghan and the adjoining counties. I do so most especially because no report, findings or set of recommendations has been published into any of the previous three incidents, including that of the death of baby Jamie Flynn in November 2012.

Systems failures, underresourcing and, most important, the provision of adequate trained staff, are all matters raised when these tragic outcomes are discussed. But we do not yet have the full facts, the full truth. We have no findings. We have no recommendations. The Minister must ensure that these cases are addressed as a priority and that the promised reports into previous incidents are published and the recommendations implemented. The HIQA report on Portlaoise recommended that "an independent patient advocacy service" be established. A patient safety authority should be the priority. Such a body would be able to enforce the standards laid out, investigated and reported on by HIQA. It is clear that while HIQA can make sound recommendations, they often fall on deaf ears. A patient safety authority would be able to ensure the implementation of recommendations arising from HIQA reports. Evidently, things are not working, and such a body could ensure quality and standards are kept, as they must be, across

all health delivery settings throughout the State.

**Deputy Brian Stanley:** I welcome the opportunity to speak on this Private Members' motion. Portlaoise hospital is in the town in which I live and there have been major concerns. I express my disgust at the scandal of the disgraceful treatment of families who lost babies in Portlaoise and the way they were lied to and misled into believing their cases were isolated and that there were no similar incidents. The hospital has been under-resourced for years and no Government in recent years has set out a clear plan to secure the future and resource core services or to develop and maintain Portlaoise as a significant regional hospital. Were it not for the efforts of staff and pressure by people in the local community and political representatives, the services at the hospital would have been downgraded further a long time ago.

The HSE and the Department of Health cannot plead that they did not know what was happening in Portlaoise. In 2006, staff wrote to the then Minister for Health, Brian Cowen, to highlight the difficulties at the hospital including shortage of resources and inadequate facilities, and no action was taken. In 2007, the State Claims Agency brought the problems at Portlaoise to the Government's attention. Again, no action was taken. There have been many other whistleblowing incidents, including in 2012, when a midwife filed an incident report in which she described the treatment of a patient as "barbaric" and reported the doctor on call for negligence. The CEO of HIQA, Phelim Quinn, said "the hospital was allowed to struggle on despite a number of substantial governance and management issues over the quality and safety of services". Sufficient action was not taken at national, regional and local level to address this. We must put it behind us.

Following the publication of the HIQA report, it has been reported that at least six separate investigations are under way as a result of deaths of babies in the maternity unit. Among the main issues to be addressed are the lack of resources - physical, infrastructural and staffing - and unsafe practices as highlighted by staff members and HIQA. The Minister spent a long time in Portlaoise meeting people affected and staff at the hospital. The maternity services in Portlaoise serve a huge catchment area including all of Laois, south Kildare, north Tipperary and Offaly, and more than 2,000 babies were delivered there in one year. The accident and emergency unit is one of the busiest outside Dublin, as shown by the figures. This is due to the catchment area, the presence of the two prisons just across the road from the hospital and the fact that Portlaoise and County Laois have a number of busy arterial routes running through them, such as the N7, N8 and N80.

The statement during recent days by Mr. Tony O'Brien, director general of the HSE, that Portlaoise hospital is a "model two and a half" hospital and unsustainable highlights the failure of the HSE and Governments to date.

*9 o'clock*

He went on to say the hospital's 24-7 emergency department and intensive care unit were unsustainable. An emergency department that is only open between 9 a.m. and 5 p.m. will not be acceptable to the people of Portlaoise, County Laois or the surrounding catchment area. They will have to be made sustainable.

I listened carefully to the Minister and while I accept that he is introducing measures aimed at making Portlaoise hospital safer, the Government and the HSE have a responsibility to set out a clear plan to turn it into a modern and fully developed regional hospital. That work must

begin immediately. It is welcome that maternity services in Portlaoise have been grouped with those provided at the Coombe hospital. By moving between the Coombe hospital and Portlaoise, consultants will develop the caseload experience that will enable them to manage difficult cases. I am not a medical person, but I recognise that this is a sensible decision.

We will be holding the Minister to his commitment to implement in full all of the recommendations made in HIQA's report. Portlaoise hospital has to be resourced as a busy regional hospital. Adequate consultant cover must be provided for emergency, maternity, paediatric and other core services. The Minister referred to capital investment in infrastructure. HIQA was very clear in recommending that the long awaited new maternity unit be constructed. I recall raising this issue as a county councillor several years ago. Staff of the hospital have been calling for the development of the new unit for many years. I am aware that money is always an issue, but I urge the Minister to prioritise the project. In a recent visit to the hospital he stated he could not guarantee which services would be maintained. I ask him to guarantee the core services in the hospital, including the maternity unit and the 24-7 emergency department. The people of County Laois will tolerate nothing less. As a Deputy for the area, I want the hospital to be developed and improved in order that the safety of patients can be ensured.

**Deputy Seamus Healy:** I welcome the opportunity to speak to the motion. I offer my sympathy to the parents and families of the babies who died at Portlaoise hospital and commend the courage and tenacity of the families who brought this sad episode to the public's attention. I pay tribute, in particular, to Mark and Róisín Molloy and Amy Delahunt and Ollie Kelly who presented their case to the Joint Committee on Health and Children last Thursday.

Although I support the motion, it does not go far enough. While addressing the committee last Thursday, representatives of the families involved called on the Minister for Health to commence an independent investigation into the affair. Ms Delahunt stated:

Given this presentation, the Minister must initiate an investigation into all levels of HSE management relating to this scandal. This HSE management team is clearly incapable and cannot be trusted to implement the recommendations made in this or previous HIQA reports.

Such an investigation should go right to the top of the HSE. It must not be confined to front-line services which are understaffed, under-resourced and under-equipped. HIQA's report confirms the experiences of the families and describes the nightmares they faced. It is a damning indictment of the HSE right up to its most senior management. It notes that families were left believing there was a cover-up. They were encouraged to go down the legal route to ensure investigations would not take place. They were misled and perhaps even lied to by being informed that the incidents they had experienced had never happened previously, only to find out subsequently that a number of other families had had similar experiences. The report describes failures at local, regional and national level and a system that is dysfunctional. The system produced the opposite of the open disclosure we might have expected.

I read the report with a mixture of sadness, disappointment, frustration and anger. The lack of compassion and humanity identified in the report was particularly disturbing. It described a HSE which was not fit for purpose and which should be disbanded. The HSE should never have been established in the first place and I voted against its establishment when it was first proposed. The fact that it is not fit for purpose is made clear by the disastrous reconfiguration of services in the north east and the mid-west, as well as the huge problems in emergency departments, the 400,000 people awaiting outpatient appointments, the medical card debacle

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and the reconfiguration of mental health services in the south east. The Government and its predecessor cannot wash their hands of blame, Pontius Pilate-like, because one cannot cut the health budget by €4 billion and 11,000 staff and expect it to continue as heretofore. HIQA found that the hospital was not governed, resourced or equipped to provide the level of service expected from it. The chief executive of HIQA has stated the increasing pressure on maternity services at the hospital was highlighted as long ago as 2004 and that additional deficiencies in midwifery staffing levels were identified in a review carried out by the hospital in 2006. These issues were not substantively addressed until 2014, following publication of the Chief Medical Officer's report and after the damage had been done. The reductions in staffing and resources must be taken into account.

I commend Patient Focus for the help it gave to the families in Portlaoise. An independent patient advocacy authority must be established on a statutory basis because that is the only way patients will be properly advised and represented.

Debate adjourned.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Wednesday, 27 May 2015.

