



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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Dé Céadaoin, 19 Meitheamh 2013

Wednesday, 19 June 2013

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Leaders' Questions

Deputy Micheál Martin: I wish to raise the significant step change in the technology and development of wind farms throughout the country that is causing considerable anxiety and concern among communities. While we are supportive of the development of wind energy, what has happened recently has scared communities and caused large divisions in many areas for which major proposals are being prepared.

The size and extent of the new proposed wind farms are causing major anxiety in communities throughout the country. Whereas wind turbines were originally 50-60 m high, the current proposals are for wind turbines of up to 180 m in height. In the midlands, there are proposals to build up to 700 such turbines. In Ardglass between Lisgoold and Castleyons in east County Cork, another major wind farm has been proposed, covering approximately 18,000 acres. In the Glenties, a recent application covering 475 hectares was turned down by An Bord Pleanála because of the scale of its impact on the locality.

Such large-scale wind farms are being developed in Ireland because of significant public opposition in Britain. Many of them are close to large clusters of housing. In east Cork, for example, more than 300 houses are in the midst of industrial wind turbines. To give people a sense of the scale, the proposed turbines would be twice the size of the Elysian. That is an enormous height, but people do not have a proper appreciation of what is being proposed.

There is a fundamental absence of transparency governing these developments. There is an absence of consultation with local residents and communities. Above all, there is an absence of a legislative framework to deal with the step change in technology and scale of development. Since the wind farms are being located close to residential areas, the health implications are causing concern to residents in terms of noise, shadow flicker, the destruction of amenities, particularly residential amenities, the negative visual impact, etc.

An Leas-Cheann Comhairle: Could I have a question please, Deputy?

Deputy Micheál Martin: To illustrate the level of concern, Professor Alun Evans, who has written in the *British Medical Journal*, wrote to the residents of each Cork, stating: "I greatly sympathise with you in your plight. Quite simply your life will be ruined if this goes ahead."

A Government intervention is required. The 2006 planning guidelines are outdated and were never framed in the context of the technology that is emerging. Will the Government introduce legislation to govern the development of large-scale industrial wind farms? As a matter of urgency, will the Government accelerate the updating of the guidelines to deal with this new technology?

The Taoiseach: Deputy Martin has raised a very interesting point. This is a serious matter. Our country imports between €6 billion and €7 billion worth of energy in fossil fuels every year. Clearly, the Government has set targets to be reached by 2020 in terms of the reduction of carbon emissions. This is an enormous bill that our people must pay.

When I came into this House in the beginning, the Minister for Lands - the Minister for the environment at the time - had full and absolute authority in respect of planning permissions for any kind of development. Clearly, the path that that followed led to serious problems and serious issues, tribunals and all of that. We have got a very robust, very independent and very analytical planning process now.

Deputy Martin made the point that the guidelines did not deal with the extent of the change in technology and its sophistication these days. I would argue differently. The environmental impact analyses that are now required for almost every kind of planning application are exhaustively extensive, I have to say. Clear consultation and discussion with communities is very important.

I know there are two major applications for wind farms in the country. I remind the Deputy that, because of our relationship with Great Britain and because of the energy requirements of Great Britain between now and 2020 in particular, with more than £50 billion to be spent, we signed a memorandum of understanding with Britain whereby if through the planning process here approval is given for wind development or renewable energy development in general, we can export energy directly to the British market, subsidised by the British taxpayer as part of that memorandum of understanding.

I visited the wind farm between Charleroi and Brussels two years ago. It is one of the highest turbine masts in Europe. Farmers get paid approximately €100,000 per year for the location of the mast. These are turbines without gearboxes, so there is none of the traditional noise that used to emanate from them.

Where I live in the west, there are 40 or 50 turbines on the hill. Some of them are ten or 15 years old and they are not as large as the ones the Deputy is talking about.

Consultation is critical. To be honest about this, I understand that the companies involved have had extensive and ongoing consultations with local communities. Deputy Martin might disagree with that; I am informed differently. That is a point of argument again.

Deputy Robert Troy: Hot air.

The Taoiseach: I recall 30 years ago-----

Deputy Finian McGrath: Like Deputy Durkan, it is hot air.

Deputy Mattie McGrath: Best wind turbine in the House.

(Interruptions).

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The Taoiseach: -----when we had the provision of telecom masts around the country, all of the public meetings that used to take place-----

(Interruptions).

An Leas-Cheann Comhairle: Order, please.

The Taoiseach: -----about how these were going to be obstructionist on the landscape and how they were going to create all kinds of difficulty. They were a very important part of the development of our economy in terms of communications.

Deputy Martin asked me to intervene and update the guidelines. I will see that the Minister for the Environment, Community and Local Government is cognisant of the guidelines. The Deputy's Government did some good work in terms of wind farm and renewable energy development and we want to build on that.

Deputy Patrick O'Donovan: There is a first time for everyone.

The Taoiseach: However, we cannot interfere with the very extensive and analytical planning process whereby environmental impact analysis is up to date with every aspect of intrusion on landscape or other interference.

Deputy Mattie McGrath: Call in Big Phil.

The Taoiseach: Of course, when one looks at the spread of population in the country, there are very few places where there can be extensive masts that are not in sight of houses. I once had an engagement with a fisherman in respect of lake development and I asked him what he wanted. He said he did not want to have any house within sight of the waters of the lake in question. Some things are impossible. I have applications in my hand that concern part of our capacity to produce renewable energy to sell into the British market, as subsidised by the British taxpayer, but they are subject to a very strict environmental analysis and planning process. I cannot interfere with that. I will ask the Minister to reflect on the guidelines which, as the Deputy stated, have not been updated.

Deputy Mattie McGrath: Big Phil again.

The Taoiseach: My understanding is that the environmental impact analysis process is exhaustive in dealing with all of the modern issues raised these days.

Deputy Micheál Martin: I am alarmed by the Taoiseach's response. Who represents the citizen in this? Is this House meant to represent and protect the citizen?

Deputy Mattie McGrath: That has gone long ago.

Deputy Micheál Martin: I am not asking the Taoiseach to interfere in individual planning applications. I do not know if he is aware that his own Government commenced a review of the 2006 guidelines but, unfortunately, allowed only two weeks for submissions from the public. The point is that the 2006 guidelines are hopelessly out of date given the new technology. We are not talking about a couple of turbines on the side of a hill. We are talking about 700 wind turbines proposed for the midlands that will produce exclusively for export under guidelines that, by any professional evidence basis and according to professionals in the field, are hopelessly out of date and inappropriate for what is being proposed. The health implications are

real for residents who are close to such large-scale industrial wind turbines. I am simply asking the Taoiseach to create and bring in a legislative framework to govern the development of such large industrial wind farms. It is as simple as that. The planning authorities need guidelines. Even the county development plans are ambiguous in terms of their provision in this area. I have looked at the plan for Cork, for example, and could not understand how wind turbines that were so high could be placed so close - 500 metres - to houses.

We had this situation before with afforestation for which, understandably, there was great momentum. I am for afforestation but it went overboard at the time. Houses were completely enclosed by massive forests, which is wrong. What happened to citizens on that occasion was wrong. The same will happen here. Citizens are concerned and anxious, and we must ask why. It is because there is no consultation. The Taoiseach stated there was extensive consultation but there is no consultation going on. Let him talk to his own Deputies from the midlands. That is why a Government Deputy has tabled his own legislation in this area, seeking to have it dealt with. That is why a Senator in the Government ranks tabled legislation in the Seanad almost six months ago to deal with this issue. When there is an absence of consultation and transparency and a lack of acknowledgement of the genuine concerns of moderate people, the Taoiseach is looking for trouble. He is out of touch on this issue and quickly needs to get in touch with it and provide a framework that at least protects the health of residents, their residential amenities and the visual impact on them. That is the least residents and citizens can expect from their Government.

The Taoiseach: I do not know whether the Deputy is for or against renewable energy, given his contribution, but I reject his assertion that we are being in any way alarmist. People have every right to live where they choose and in accordance with proper planning conditions. Any application that comes in for industrial or private needs is subject to the planning process. I do not know whether the major applications here relate to the critical infrastructure process and therefore go directly to An Bord Pleanála, but let Deputy Martin not tell me that he has all the answers. I am informed there is extensive consultation with communities, people and personnel.

Deputy Willie O’Dea: Then the Taoiseach is misinformed.

The Taoiseach: In the same way, when gas lines were installed throughout the country or when the major motorways were being built, there was extensive consultation, with everybody consulted on an individual basis.

Deputy Micheál Martin: People have had to convene their own meetings.

The Taoiseach: There is a process for arbitration or appeasement and, ultimately, for decision. I cannot say whether the applications for wind turbines will be successful. I cannot speak for An Bord Pleanála. All I can tell the Deputy is that the process of updating the guidelines is one element, but we have no function in determining the outcome of this, given the independence of An Bord Pleanála. I am quite sure the Deputy accepts that.

Deputy Micheál Martin: I never mentioned that. I spoke about legislation and guidelines.

An Leas-Cheann Comhairle: The Taoiseach to conclude, please.

The Taoiseach: The Deputy mentioned that the planning process does not take account of current changes in technology.

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Deputy Micheál Martin: It does not. The guidelines are out of date.

The Taoiseach: From the very extensive environmental impact analyses that are required to be submitted and which reach many thousands of pages of detailed analysis, my understanding is that they are taken into account. Given the legacy left behind in regard to agriculture, the expertise was never there to deal with the detail of environmental impact analysis in different parts of the country. I have had contact from communities about this.

I share everyone's view that consultation and information are necessary. Had we had those in respect of other major applications throughout the country, things might have been much smoother. These proposals are not yet a reality and I cannot say whether they will become a reality in the context of their applications. There is a process which is independent and robust and which takes account of all these aspects. It is a matter for the promoters and local authorities involved to have extensive consultation with communities, which I support, in order that they are fully informed as to what is involved.

An Leas-Cheann Comhairle: I call An Teachta Gerry Adams.

Deputy Micheál Martin: I asked whether the Taoiseach intends to bring in a legislative framework - yes or no.

An Leas-Cheann Comhairle: I have called Deputy Adams.

Deputy Micheál Martin: Does the Taoiseach plan to legislate? Will the Minister bring in a legislative framework? That is all I ask.

Deputy Gerry Adams: An bhfuil sibh críochnaithe?

The Taoiseach: Deputy Martin claimed we were being alarmist in this regard.

Deputy Micheál Martin: I never said the Taoiseach was alarmist.

The Taoiseach: There is an independent and robust planning-----

Deputy Micheál Martin: I made the opposite claim. The Taoiseach is not being alarmist at all.

(Interruptions).

Deputy Micheál Martin: I asked him to answer "yes" or "no".

An Leas-Cheann Comhairle: I have called Deputy Adams. Can we please have order?

Deputy Emmet Stagg: Scaremongering.

Deputy Gerry Adams: Tá a fhios agam. Níor mhaith liom cur isteach ar an díospóireacht idir an Taoiseach agus ceannaire Fhianna Fáil. Ba mhaith liom ceist a chur ar an Taoiseach faoi féinmharú. Last weekend a suicidal man was turned away from the acute mental hospital unit in Roscommon. According to the Psychiatric Nurses Association, PNA, that unit does not have the required level of staff to deal with patients. This crisis has been exacerbated by the Government's cuts agenda, specifically the closure of St. Luke's ward in Ballinasloe. We have talked about this before. As many as 1,000 citizens are reported to have taken their own lives - that is three people every day throughout this island. That figure does not deal with self-harm or

with those whose deaths are not reported as suicides. In spite of this suicide tsunami, suicide prevention and mental health services are seriously under-resourced.

Tá sé an-soiléir ó na figiúirí atá foilsithe gurb é féinmharú fadhb mhór na linne seo. Cuireann an easpa acmhainní leis an bhfulaingt. Yesterday, An Teachta Ó Snodaigh raised the case of a young girl who spent four days in an accident and emergency department in Cork because there is a shortage of beds in the child and adolescent mental health services unit. She was eventually transferred to the adult unit. Surely it is not acceptable that children should be admitted to adult mental health units, yet 106 children have been thus admitted. A quarter of all children who presented with mental health issues - 106 children - were admitted to adult mental health units last year. Does the Taoiseach accept this is a crisis? Has he heard what Mr. Paul Gilligan, the clinical psychologist and CEO at St. Patrick's University Hospital, stated? He said the State was failing these young people. Does the Taoiseach accept that our mental health services are seriously under-resourced and will he ensure that the Minister of State, Deputy Kathleen Lynch, intervenes immediately to tackle the crisis in Roscommon? Does he agree that a wider response across the island is required?

The Taoiseach: I assure Deputy Adams that the Minister of State, Deputy Kathleen Lynch, is closely involved in this. She met with the two senior officials from the Department and the HSE in regard to the situation that arose in Roscommon. I understand that HSE west has adequate nursing staff. This has been confirmed by senior personnel. However, they are inequitably distributed throughout the region, which is why the issue has to be addressed by redeployment. This is why the Minister of State was involved in the issue before it was ever raised in this House. I understand from the HSE that the Roscommon acute psychiatric unit has experienced a high level of sick leave among staff over the past number of weeks and, therefore, to maintain a safe environment for patients and staff, which is very important, the HSE is operating acute services across Galway and Roscommon. I heard the comments from one of the co-ordinators of the psychiatric services this morning.

The HSE reports that a robust clinical plan was in place last weekend and it remains in place for the management of acute admissions across the region. The Deputy will be aware that Galway and Roscommon mental health services are managed as a single service across the two counties. There are three acute units in the area, in Roscommon, Ballinasloe and University College Hospital, Galway. If any one of these acute units reaches its maximum operational capacity because of the number of patients with illnesses, patients will receive treatment in one of the neighbouring units. That is normal practice across mental health units in Ireland. It is what should happen and does happen. I understand that no patient is turned away, as is being alleged. Any person who presents to the acute unit in Roscommon is seen by a psychiatrist who makes a clinical decision on treatment based on individual needs. I am sure that matter was discussed in detail with the Minister of State, who is more than capable of providing a detailed response.

In regard to the Deputy's question about child and adolescent mental health services, a child should only be admitted as an inpatient to a psychiatric facility as a last resort and should in so far as possible receive the necessary treatment in the community. We are speaking about major structural change in the way mental health services are delivered. For many years, the entire area of mental health services was hived off as the Cinderella of the health service. This Government has made it a central part of the delivery of normal health services. This is why the Minister of State is focused on dealing with the adjustments that have to be made around the country.

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Where staff retired last year as part of the voluntary retirement scheme, it resulted in a reduction in psychiatric nursing capacity in many parts of the country but the replacement is not happening in strictly the same way because the institutions are moving into the community and services will be provided in communities by qualified personnel. The Minister of State met with the HSE and the Department of Health about the issue in Roscommon just last night.

Deputy Gerry Adams: I am pleased that the Minister of State has intervened. We will watch that space. It is reported that a man was turned away and the fact is that a child was put into an adult mental health unit. The figures set out in the report of the Mental Health Commission indicate that 160 of the 2,056 young people waiting for treatment for mental health issues had been waiting between nine and 12 months. One quarter of those who were admitted for treatment were admitted to adult mental health units. Surely it is unacceptable to treat a child in an adult mental health unit.

In regard to suicide prevention, every three days a citizen takes his or her own life - this is only the number reported. A Vision for Change was launched ten years ago to deliver on a mental health strategy but it has not yet been implemented. I have asked on numerous occasions for an all-island approach to this issue. We should put together an authority that would be similar to the Road Safety Authority to deal with it. Although we are currently discussing a particular problem for young people, the issue does not only affect young people. This State ranks fourth highest in suicide rates among those aged between 15 years and 24 years. I attended the funeral in west Belfast of Fr. Matt Wallace, a Wexford man in his late 60s. He was a wonderful and decent man who worked on behalf of the people of west Belfast for decades. He took his own life. I pay tribute to him. It was an awful tragedy for his parishioners in west Belfast and his fellow priests.

This is an issue that arises every day. It is a crisis that requires a proportionate national response. Irrespective of reforms that the Government is introducing, it is a fact that we do not properly fund mental health services. I ask the Government to respond in a proportionate way to the crisis that has arisen for communities and families. The Members of this Dáil know of a friend and fellow Deputy who took his own life. This issue touches everybody and we need to respond to it. We have not thus far developed a response, particularly in regard to mental health issues affecting young people. It is not acceptable to treat young people in adult mental health units.

The Taoiseach: We need a national response and we are getting a national response. The Government recognises this is a problem that from its beginning and through to its tragic end in some cases affects communities, households and families all over the country, for a variety of reasons. That is why a Minister of State was appointed, with ring-fenced moneys, to do something about it. It is why the national response is A Vision for Change. It is why the taxpayer funds the national response, which includes an additional €70 million in expenditure for 2012 and 2013.

In regard to inpatient child and adolescent services, 39 child and adolescent psychiatric inpatient beds were available nationally at the end of April 2013, comprising 12 in Dublin, 12 in Cork and 15 in Galway. A further eight beds will be commissioned in Cork, while five more beds will be open in Galway by the end of the year.

The second phase of the child and adolescent unit at St. Vincent's Hospital, Fairview, will increase capacity from 12 to 18 beds in Dublin by the end of 2013. The increase in bed capacity

is reflected in a 57% decrease in admissions of children to adult units, from 247 in 2008 to 106 in 2012. I accept that a child should only be admitted to an adult psychiatric unit as a last resource. A Vision for Change recommended the provision of 80 child and adolescent psychiatric inpatient beds. There are currently 39 nationally and the changes that are now taking place will bring that figure to 76 by the end of next year. It is envisaged that the provision of improved community based services, coupled with that increase in bed capacity, will put an end to the practice of placing children and adolescents in adult psychiatric facilities. The additional funding of €70 million between 2012 and 2013 is primarily being used to strengthen community mental health teams in adult and children mental health services.

11 o'clock

The Linn Dara child and adolescent mental health facility at Cherry Orchard in Dublin opened recently and a number of child and adolescent community mental health teams have moved into the new premises. It is expected that the day hospital will be operational by the end of this year and it is also proposed to construct a 22-bed inpatient facility on the Cherry Orchard site. The new facility is expected to be completed by the end of this year or early next year. A ten-bed child and adolescent forensic mental health unit will also be provided as part of the proposed new Central Mental Hospital campus which the Government approved some time ago.

On 4 September 2012, the HSE management team approved new access protocols for 16 and 17 year olds to mental health services, which were to come into effect from 1 January 2013. As a result, with effect from the start of this year, in all new cases involving children up to their 17th birthday who require mental health assessment and treatment, the child is seen by the child and adolescent mental health services in areas where current limits are 16 years of age. With effect from 1 January 2014, all children up to their 18th birthday who require mental health assessment and treatment will be seen by the child and adolescent mental health services.

What do these developments mean? They mean the Government has recognised the problem; is implementing the national document, A Vision for Change; has increased expenditure by €70 million over two years; has ring-fenced money specifically for this purpose; and has appointed a Minister of State who is well capable of delivering the structural changes that are important for the country as a whole and individual families.

I take the point Deputy Adams raises and note the concern he expressed. While we cannot do everything overnight, we have a clear strategy to have mental health services provided as part of normal health service delivery in the interests of everybody.

Deputy Clare Daly: It is important to take this opportunity to bring some balance into the discussion surrounding the visit of the US President and his wife, given the almost unprecedented slobbering over the Obama family to which the nation has been exposed in recent days. It is difficult to decide which is worse, the outpourings of President Obama and his wife or the sycophantic fawning over them by the political establishment and sections of the media. While we had separate and special news bulletins by the State broadcaster to tell us what Michelle Obama and her daughters had for lunch in Dublin, there was very little questioning of the fact that they were having lunch with Mr. tax exile himself. The statement that Mrs. Obama was glad to be home was barely challenged even though “home” is a country she has been in for less than one week and to which her husband has only tenuous links.

The greatest irony of the visit was the protestations of President Obama in his speech about

peace to children in Northern Ireland, in which he stated the following:

To those who choose the path of peace, I promise you, the United States of America will support you every step of the way. We will always be a wind at your back.

Is the US President seeking the hypocrite of the century award? We must call things by their right names. The reality is that by any serious examination, this man is a war criminal. He has just announced his decision to supply arms to the Syrian opposition, including jihadists, which will fuel the destabilisation of the region, continue to undermine secularism and set back conditions for women. President Obama is, in essence, stalling the Geneva peace talks by trying to broker enhanced leverage for the Syrian opposition by supplying it with arms and to hell with the thousands more Syrians who will lose their lives and the tens of thousands who will be displaced as the war continues. This is the man who facilitated a 200% increase in the use of drones which have killed thousands, including hundreds of children.

The Taoiseach has turned a blind eye to these activities. He spoke of the G8 summit being an opportunity to showcase Ireland. Is it not the case that he has showcased us a nation of pimps prostituting ourselves in return for a pat on the head? We were speculating this morning about whether the Taoiseach would deck out the Cabinet in leprechaun hats decorated with stars and stripes to mark our abject humiliation.

Deputy Tom Hayes: Bring back Mattie.

Deputy Clare Daly: What steps will the Taoiseach take to follow the correct decision made by his colleague, the Tánaiste and Minister for Foreign Affairs, Deputy Eamon Gilmore, to vote against a proposal to lift the arms embargo on Syria? What steps will he take to ensure no weapons destined for Syria will be transported through Shannon Airport in breach of our international duties as a neutral State? What steps will he take to showcase this country, not as a lapdog of US imperialism but as an independent nation with an independent foreign policy, one which takes a lead in international diplomacy to outlaw the use of drones, the favourite method of extermination of the Taoiseach's friend, President Obama?

Deputy Anthony Lawlor: Madame Putin.

The Taoiseach: Let me first confirm to Deputy Daly that President Obama did not inquire about her whereabouts or well-being. The Deputy's comments are disgraceful and do down the pride of Irish people all over the world who were more than happy to see Ireland host the G8 summit of the leaders of the most industrialised nations of the world. For the Deputy to criticise the American President for offering his continued support for the fragile peace process in Northern Ireland where more than 3,000 people lost their lives in 30 years is a disgraceful doing down. If she represents the Deputies on the back row of the benches opposite, the comments she made were beneath her. Even the comments made by her colleagues, in their brilliance, have never matched what the Deputy has said here.

I remind Deputy Daly that communities in Northern Ireland, various Irish and British Governments and politicians from Northern Ireland have put together a very fragile peace. Far be it for her to criticise somebody who wants to support this process visibly, personally and by providing the assistance of the United States. Some 35 million Irish Americans want the peace process to continue. The young student who introduced President Obama in Belfast put her finger on the matter when she stated that Northern Ireland has both a past and a future. That future is one where peace should abound in and across communities. It is beneath the Deputy to state

the American President should not be a party to keeping the peace process alive and visible.

In so far as Syria is concerned, there was a serious discussion among members of the G8 at the summit. I am not sure whether Deputy Daly favours the Russian intervention or the position put forward by the European Union. While there was division among the countries of Europe about the lifting of the arms embargo on Syria, Ireland took a very clear position on the matter, one which was articulated by the Tánaiste, namely, that the embargo should not be lifted. The conclusion of the G8 summit was that the Geneva peace talks should proceed. Nobody wants to see wanton slaughter and the exodus from Syria of hundreds of thousands of people. Far from a warmongering discussion, the question is what can be done to bring about discussions and negotiations that will restore peace and a structure to allow Syria to continue in the time ahead without the obscenities and humanitarian crisis we have witnessed in the past two years.

Deputy John Halligan: The Americans are warmongering in Afghanistan, Iraq and South America. Hezbollah is using American arms.

Deputy Clare Daly: I did not say anything about the Northern Ireland peace process. While everyone supports the peace process, that does not give one a licence to do whatever one likes anywhere else around the globe. There is not much peace in Iraq where 26 people lost their lives yesterday, Afghanistan, Pakistan or Syria. My position on Syria is one of agreement with Oxfam, which issued the following statement on the issue:

Sending arms to the Syrian opposition won't create a level playing field. Instead, it risks further fuelling an arms free-for-all where the victims are the civilians of Syria. Our experience from other conflict zones tells us that this crisis will only drag on for far longer if more and more arms are poured into the country.

This is essentially what the Americans have done in Syria. I can only assume from the Taoiseach's failure to answer my question that he will not take steps to ensure arms are not sent through Shannon Airport in breach of our neutrality.

He said here last week that no arms ever came through Shannon Airport. How does he know that given that no investigations take place? In 2012, 548 US planes landed in Shannon Airport. How does he know what was on them if they were never examined? In reply to a parliamentary question, the Minister for Transport, Tourism and Sport revealed that 239 civilian planes that landed in Shannon Airport sought permission because they were carrying munitions of war or dangerous goods on civilian aircraft. What steps will the Taoiseach take to intervene in this situation?

People in this country are very fond of our American brothers and sisters. We stand far more shoulder to shoulder with them by making valid criticisms of their President who has broken his election promises rather than just pimping this nation as a tax haven for their corporations. I am sure the Americans would far prefer their multinationals to pay their taxes at home rather than offshore here so that they could develop their health care and would not be wasting money on arms being sent to slaughter people in other countries.

The Taoiseach: As the Deputy is aware, 100,000 American people are employed by Irish-owned firms across 50 states, and it is something similar here from American invested corporates in this country. The American Government - I obviously do not speak for it - has taken a view in terms of withdrawal of its troops from Afghanistan and Iraq. There was not any intervention in terms of troops in Libya and there has not been any intervention in terms of troops

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in Syria. We have never supported rendition flights through Shannon Airport and it ill-behoves the Deputy to make comments that are not true.

(Interruptions).

The Taoiseach: Out of the middle of that rant, she seemed to support the Government position as articulated by the Tánaiste and Minister for Foreign Affairs and Trade that this country did not and does not support the lifting of the arms embargo in Syria. Clearly, with an opposition comprising very diverse factions, these are very vexed questions. The decision of the European Council not to agree in terms of the embargo means that that opportunity presents itself. Everybody at the G8 summit, as I understand it, was focused on getting the peace talks in Geneva under way which might bring about some sense of solution here.

Clearly, the Deputy has not condemned the Iranians, Hizbollah or the Russians for supplying arms to the regime of President Assad. She has not commented on the atrocities carried out under President Assad in Syria.

Deputy John Halligan: The arms Hizbollah is using are American arms.

The Taoiseach: She seems to have a very biased view of the wanton slaughter of the Syrian people. Everybody on this side, in so far as we are party to the European Union, wants to see a structure that will bring about the removal of President Assad and peace restored to that country and its troubled people, including the hundreds of thousands involved in the exodus across the border with nothing but their families and belongings with them.

Deputy Finian McGrath: The Taoiseach did not answer the drone question. He ducked it.

The Taoiseach: In that sense I hope - it is the hope of the Government - that the peace talks in Geneva can actually take place and that something comes from them. While I was not party to the discussion about Syria at the G8 summit, I understand there was a very frank disclosure about the various views here and that it is hoped something beneficial will come from that.

Order of Business

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): It is proposed to take No. 12, motion re Offences against the State (Amendment) Act 1998; No. 18, motion re Criminal Justice (Amendment) Act 2009; and No. 19 - Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill 2013 - Second Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that: (1) the Dáil shall sit later than 9 p.m. and shall adjourn not later than 10 p.m.; and (2) No. 12 and No. 18 shall be moved and debated together and shall, if not previously concluded, be brought to a conclusion after 45 minutes and the following arrangements shall apply: (i) the speech 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, and who may share their time, shall not exceed ten minutes in each case; and (ii) a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes. Private Members' business shall be No. 113 - motion re trade union movement and workers' rights (resumed) to conclude at 9 p.m., if not previously concluded.

An Leas-Cheann Comhairle: There are two proposals to be put to the House. Is the proposal that the Dáil shall sit later than 9 p.m. and adjourn not later than 10 p.m. agreed to? Agreed. Is the proposal for dealing with Nos. 12 and 18, motion re Offences against the State (Amendment) Act 1998 and motion re Criminal Justice (Amendment) Act 2009 agreed to? Agreed.

Deputy Micheál Martin: In the legislative programme, the Health (Amendment) Bill, which is before the Seanad, is listed as providing for “the extending of a publicly funded GP service without fees”. The Bill was published late last Friday and is being debated in the Seanad this week. However, there is no section to deal with free GP care and there is no explanation of that. Why is that the case? Can we expect an amendment to include the legislative commitment in the programme for Government when the Bill comes to this House or will there be a separate Bill to deal with free GP care? If the latter, when can we expect that Bill to be published?

The programme for Government also promises to introduce a new patient safety authority. I do not understand why there is a need for one given that the Health Information and Quality Authority is probably emerging and developing an excellent reputation for its work. None the less that is a clear commitment in the programme for Government. When is the legislation providing for that authority expected to come before the House?

Deputy Simon Coveney: I do not have an indication of a date on the second issue of the patient safety authority, but I will ask the Minister to revert to the Deputy on it. The Deputy is correct in what he said about the Health (Amendment) Bill. The section on the provision of free GP care was taken out of that Bill deliberately because it will be introduced in separate legislation as opposed to through amendment. I expect we should see that Bill before the end of the year.

Deputy Micheál Martin: Did the Minister say the end of the year?

Deputy Simon Coveney: That is the indication I have - before the end of the year.

Deputy Micheál Martin: The Minister of State, Deputy White, gave the commitment that he would have it by the end of this session if I am not mistaken. I refer to the commitment on the extension of GP cover for those with long-term illnesses, for example. That was resiled from, but the Minister of State promised he would have legislative proposals on that before the end of this session. Is the Minister now saying it has gone back to the next session?

Deputy Simon Coveney: I am saying we are actively working on it. I understand advice is being sought from the Office of the Attorney General because it is complex legislation. However, we will bring that forward as soon as we can. There is no intentional delay here.

Deputy Micheál Martin: It is back to the Attorney General again.

Deputy Simon Coveney: This is a question of getting it right, but I expect the Deputy will see it early in the autumn.

Deputy Gerry Adams: Ba mhaith liom ceist a chur faoi reachtaíocht atá forógraithe. The programme for Government contains a commitment to introduce consolidated and reformed domestic violence legislation to address all aspects of domestic violence, threatened violence and intimidation in a manner that provides protection to victims. I have raised this issue with the Taoiseach on a number of occasions. Given the recent number of high-profile cases of vio-

lence against women, I believe this is even more urgently required. The Minister may know that Women's Aid reported a 55% increase in the number of reports of child abuse it received last year when compared with 2011. When will the Government deliver on this commitment, publish the legislation and have it debated in the Dáil?

Deputy Simon Coveney: I understand the Minister for Justice and Equality, Deputy Shatter, wrote to Deputy Adams on this issue. Deputy Adams may not have had a chance to see the correspondence yet but there is a strong commitment in it to bring forward consolidated legislation in this area, which is necessary. He has made it quite clear that his Department wants to prioritise it. We do not have an exact date yet because consultation is required before it can be introduced, but it is a priority area in which he wants to introduce consolidated legislation and as soon as there is a date I expect he will get back to Deputy Adams directly.

Deputy Mattie McGrath: I want to ask about recent reports of last November. An investigation was set up by the HSE into information that was being disseminated by the Irish Family Planning Association.

An Leas-Cheann Comhairle: Which legislation is this, Deputy?

Deputy Mattie McGrath: It can be under two pieces of legislation, if you want: the Health Services Executive (Governance) Bill or the so-called Protection of Life During Pregnancy Bill, whichever you want. The investigation was supposed to be carried out by an official from the HSE. We were told, in answer to a parliamentary question from Deputy Terence Flanagan yesterday, that it was only an audit and that it would take six to eight weeks. I believe this is being deliberately delayed. Were the people giving this information suspended? I believe they should have been or that some action should have been taken. It is not acceptable that State-funded agencies are allowed to give out wrong information.

An Leas-Cheann Comhairle: We will ask the Minister.

Deputy Mattie McGrath: It is illegal, in fact. The investigation is being stymied. Is it being hidden until we get the so-called Protection of Life During Pregnancy Bill passed in the House?

An Leas-Cheann Comhairle: You could ask a parliamentary question on that.

Deputy Mattie McGrath: My question is for the Minister. Is there action?

An Leas-Cheann Comhairle: I call the Minister.

Deputy Mattie McGrath: Is there an investigation? Is there not going to be an audit?

An Leas-Cheann Comhairle: On the legislation.

Deputy Mattie McGrath: Is there any connection to Mr. O'Brien, the new HSE chief executive?

An Leas-Cheann Comhairle: We are on promised legislation.

Deputy Simon Coveney: The only thing I can say in response is that the legislation the Deputy referred to initially has been through this House and is in the Seanad at the moment for final consideration.

Deputy James Bannon: At the outset this morning Deputy Martin spoke about the highly controversial issue of the industrial wind turbines proposed for the midlands, but he failed to put forward solutions.

Deputy Micheál Martin: Deputy Bannon is out of order. What legislation is that?

An Leas-Cheann Comhairle: What legislation is that?

Deputy James Bannon: There is public interest.

An Leas-Cheann Comhairle: I would just like to know the legislation, please.

Deputy James Bannon: There are three Bills under which this could be accommodated. Where are they at the moment? I am referring to the common arrangements for gas Bill and the noise nuisance Bill, because there is a problem of noise associated with industrial turbines.

Deputy Micheál Martin: The Taoiseach does not believe they are controversial in any way.

Deputy James Bannon: The third Bill is the EirGrid Bill. An extensive pylon network will be installed to take away the electricity. These are three important Bills under which new guidelines could be put in place. We are still operating under the guidelines from 2006, which were put in place by the previous Fianna Fáil Government.

An Leas-Cheann Comhairle: I call on the Minister to reply.

Deputy Jerry Buttimer: Deputy Bannon is not so quiet now.

(Interruptions).

An Leas-Cheann Comhairle: Give the Minister a chance to reply.

Deputy Simon Coveney: The Taoiseach dealt with the substance of this question in some detail earlier. With regard to the legislation, there are no dates at the moment for the noise nuisance Bill or the common arrangements for gas Bill. There is a date for the EirGrid Bill, which is next year. Deputy Bannon is right in stating that the Bill needs to be introduced, and we will see it early next year. That is my understanding.

Deputy Robert Troy: Deputy Bannon should have pursued it before this morning.

Deputy Richard Boyd Barrett: I raised the issue of wind farms with the Minister yesterday, but I have one question about the legislation. The Minister said the legislation would probably be introduced later this year and that there would be guidelines for offshore wind energy farms. I asked the Minister about the guidelines and the new foreshore legislation yesterday. Can the Minister give us an assurance that licences and permissions will not be granted prior to the introduction of that legislation, in order that there is a proper legislative framework to deal with these matters?

The Minister will be aware of the widespread belief, which is justified, that Ireland is a tax haven for multinationals seeking to avoid tax. Yesterday, the G8 leaders made a declaration calling for greater transparency, regulation and so on, and, in particular, action to deal with the use of shell companies by multinationals to avoid corporate tax, which is something they are doing in this country.

An Leas-Cheann Comhairle: You could try that as a Topical Issue, Deputy.

Deputy Richard Boyd Barrett: The Taoiseach said he was happy to try to implement this declaration. On foot of his comments yesterday in Lough Erne, can we expect that legislation will be introduced to deal with corporate tax avoidance by multinationals in this country?

Deputy Simon Coveney: On the first question, there are two tranches of legislation Deputy Boyd Barrett may be interested in. The first is the legislation the Deputy mentioned, the off-shore gas storage Bill. The second is the maritime area development and foreshore (amendment) Bill. Both will be introduced before the end of the year, probably early in the autumn.

On the second issue, I am unsure what legislation Deputy Boyd Barrett is referring to. A series of actions are taking place with regard to a consistent approach to the Lough Erne declaration on tax yesterday. Ireland is at the forefront of that response and is part of the OECD response in terms of examining this issue, which it has been doing for some time. Ireland is involved in the forums that have been set up to propose international solutions within the OECD. Ireland is also involved at a European level through the leadership the Irish Presidency has given on taxation issues. We have made significant progress in several areas that are actually ahead of this declaration from a European point of view. We in this country have no issue with openness and transparency in terms of how our tax system works. We have been to the forefront in sharing tax information with the United States and other countries and therefore we are comfortable with the declaration that was made yesterday.

Deputy Robert Troy: In his judgment yesterday Mr. Justice John McMenamin referred to the issue of forced marriages, particularly of under-age girls. He cited a legal lacuna in this area. Can the Government commit to introducing legislation in this regard? I understand the Government has had the 2012 report by the independent Government rapporteur on child protection since January of this year. Can the Minister give an indication of when this report will be published?

My final question relates to the legislation brought before the Seanad by Senator John Kelly and the legislation in the lottery system for Friday morning sittings. Given that both Members are members of Government parties, will the Government commit to introducing legislation to deal with the regulation of wind energy, as discussed earlier this morning?

Deputy Simon Coveney: I have already commented on the wind energy concerns.

Deputy Robert Troy: There are two tranches of legislation in the system.

Deputy Simon Coveney: If there is legislation in the lottery system then it will come up for a Friday sitting.

Deputy Robert Troy: What about the legislation in the Seanad?

Deputy Simon Coveney: I can ask the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, or the Minister for the Environment, Community and Local Government, Deputy Hogan, to get back to Deputy Troy on that, if he wishes.

The Department of Justice and Equality will have to consider the court judgment yesterday on forced marriages and minors in forced marriages. I do not believe it is appropriate to indicate otherwise and anyway I cannot give an accurate response from the Government. We will have to wait for the Minister to come back with the recommendation, but I will certainly raise

it directly with him.

Deputy Michael Healy-Rae: Farmers are being subjected to crippling interest rates as co-operatives are re-introducing charges of 1% per month to accounts during the coming weeks. Bank sources have confirmed that almost all major dairy processors are hatching plans to impose interest on the huge mountain of debt that farmers incurred during this year's awful spring.

An Leas-Cheann Comhairle: Is there legislation in this regard?

Deputy Michael Healy-Rae: Yes, and I will tell you about it, a Leas-Cheann Comhairle. Although the weather is picking up a little, the Minister knows well that the crisis in agriculture has not gone away. I am asking the question under the strategic infrastructure Bill. What are the Minister and his Department going to do to deal with the co-ops? I commend the co-ops on the work they did in importing fodder to the country. I do not want them to spoil the excellent work they did. I compliment our own co-op in County Kerry but also all of the other co-ops the length and breadth of the country.

An Leas-Cheann Comhairle: We cannot have a debate on the matter now.

Deputy Michael Healy-Rae: Yes, I am not debating it but what I do not want is for them to spoil the good work by placing crippling interest charges on farmers who, as the Minister is aware, are in a terrible, dark and bad financial situation.

Deputy Jerry Buttimer: The Minister is doing a good job.

An Leas-Cheann Comhairle: I remind the Minister that we do not want a full debate on the issue.

Deputy Simon Coveney: You might give me a little bit of latitude, a Leas-Cheann Comhairle. If I am allowed, I commend the co-ops-----

An Leas-Cheann Comhairle: Five more Deputies wish to speak.

Deputy Simon Coveney: -----in Kerry and elsewhere, for the work they have done. We have come through a very difficult period in agriculture. The past six months has been very challenging for farmers. It has been a very expensive winter for them. As a result, many of them are in situations of debt which was not the case for them in the past. Much of the debt has been provided by co-ops, some of it interest-free to farmers in an effort to get them over a difficult period, in particular in terms of encouraging them to buy and spread fertiliser to get grass growing. Now co-ops are trying to get back to some kind of normality. One cannot expect co-ops to provide interest-free credit to farmers indefinitely. That is not a sustainable situation. I have spent a considerable amount of time speaking to both co-ops and banks to look at ways in which we can transfer some of the debt from co-ops into the banking system, which is where it belongs, under conditions with which farmers can live. The process will be ongoing through the summer, as will be the process of preparing for next winter to ensure we do not have a repeat of the situation we had last winter.

With respect to the Deputy, I am not sure the situation has much to do with the strategic infrastructure Bill but perhaps the response is somewhat helpful.

Deputy Peter Fitzpatrick: When does the Minister expect the publication of the horse racing Ireland (amendment) Bill, which is to amend and extend the Irish Horse Racing Industry

Act 1994 and the Horse and Greyhound Act 2001 and related matters?

Deputy Simon Coveney: That is something for which my Department is responsible and on which we have been working. The Bill is almost ready and will be published before the end of the session.

Deputy Dessie Ellis: There have been many tragedies off the Irish coast. The recent tragic deaths of three family members off the Waterford coast have highlighted the urgent need for the mandatory use of personal location beacons. I am told legislation is required to do that. Has the issue been discussed and has the Minister for Agriculture, Food and the Marine indicated that he is planning to examine the matter and to bring forward legislation? We do not want to be back in this House again discussing another tragedy in the future.

Deputy Simon Coveney: I am pleased the Deputy has raised the issue because it gives me an opportunity once again to express the sympathy of everyone in this House to the Bolger family. I was at the funeral, which was one of the saddest funerals I have ever attended. It was difficult to see three coffins of three healthy men, experienced fishermen, two of them farmers. It was an extraordinarily sad day and that continues to be the case for the family. They have the sympathies of everyone in the House.

I made it clear that it was too early to debate and discuss a policy response to the tragedy in the middle of the grief of the community. That is why I said very little about the policy response but it is clear that we must learn lessons from ongoing tragedies in fishing communities. There was a similar tragedy in Clare last summer when a relatively small boat was involved in moving pots before bad weather was expected, which is something similar to what happened in Waterford, where the boat capsized and sank and people lost their lives. In the case of the Bolger brothers, they all had life jackets on and emergency position indicating radio beacon, EPIRB, in the boat. My understanding is that it was in the bow of the boat which did not submerge and therefore did not trigger the emergency signal. It was an incredibly unlucky and difficult situation in a boat that was well equipped from a safety point of view and had experienced fishermen on board.

That said, I accept the point. I have said for many months that we must introduce personal location devices as part of life jackets for fishermen so that when they fall into the water that even if they do remain afloat that they do not die of hypothermia by not alerting the rescue services quickly. This is another tragic lesson along those lines.

On 8 July the Minister for Transport, Tourism and Sport, Deputy Varadkar, and I will launch a marine safety initiative in Union Hall. It is an appropriate location to do that because of what happened there last year. The answer to Deputy Ellis's question will be very clear in a couple of weeks' time.

An Leas-Cheann Comhairle: I call Deputy Robert Dowds. He should please be as brief as possible as there are six more Deputies offering.

Deputy Robert Dowds: In recent times we have seen a number of cases where powerful vested interests have tried to stand in the way of us tackling the problems related to our national drug of choice, namely, alcohol. In that regard, could I ask the Minister where stands the legislation on two items, first, the sale of alcohol Bill and, second, the public health (alcohol) Bill?

Deputy Simon Coveney: I share the Deputy's concern. I am told that proposals are being

worked on by both the Departments of Justice and Equality and Health at the moment because both Departments are involved and that we should have proposals before the end of the year on both of those pieces of legislation.

Deputy Patrick Nulty: The Minister will be aware that at the end of the month the tenant purchase scheme for long-term local authority tenants for 2011 will expire and that the other alternative scheme, the 1995 scheme, will expire at the end of the year. When will the Government bring forward legislation to provide for a new tenant purchase scheme to give clarity to local authority tenants and local authorities as there is much concern about the issue at the moment?

Will the Minister raise with the Whips the possibility of a debate in the House on the housing crisis because approximately 100,000 families are on the housing waiting list? There seems to be a myopic approach to addressing the issue. We need a debate in the House on this national crisis.

Deputy Simon Coveney: The second issue is one that needs to be raised with the Whips and if it can be accommodated I am sure the Government will have no difficulty with it.

Deputy Patrick Nulty: I have no Whip.

Deputy Simon Coveney: In terms of the tenant purchase scheme and the need for new legislation, I am told the matter will be dealt with through a housing Bill and that we should see it before the end of the year or else early next year.

Deputy Paudie Coffey: The Valuation Office is currently undertaking a revaluation of commercial and industrial properties around the country. At present Waterford city and county are undergoing revaluations. The results of the revaluation are causing real and serious concerns especially among the retail sector in Waterford city, Dungarvan and the county towns. Retail businesses are already struggling and they are seeing their rates valuation rise from between 100% and 300%. It could not happen at a worse possible time.

An Leas-Cheann Comhairle: Is legislation promised?

Deputy Paudie Coffey: Yes, the relevant legislation is the Valuation (Amendment) (No. 2) Bill 2012. When could we expect to see the Bill before the Dáil because it is important that there is an opportunity for Members to voice their concerns and address the genuine concerns facing retail businesses in Waterford and around the country?

Deputy Simon Coveney: I thank Deputy Coffey for raising the matter. I got it very much on the ground when I was coming back from Waterford last weekend when I stopped at a bike shop in Dungarvan and I was met by the owner. I was innocently buying something for my bike and he made some strong comments about a recent letter he had received on rates.

The Valuation (Amendment) (No. 2) Bill is currently on Committee Stage in the Seanad. Amendments are being worked on and it is hoped that the Bill will be completed in the Seanad by the end of this session and we will see it in this House in the autumn. The Bill must go through the Seanad process first and then it will come into the Dáil.

Deputy Willie O'Dea: When is it intended to publish the consumer and competition Bill?

Deputy Simon Coveney: In this session. The Bill is well advanced.

Deputy Bernard J. Durkan: Legislation is promised to facilitate the management of third party legal costs arising from the various tribunals that have taken place in recent years. Given the implications for the taxpayer, could I ask the Minister if it is intended to bring the relevant legislation, namely, the National Treasury Management Agency (amendment) Bill into the House at an early date in order to clarify the situation?

Similarly, the criminal justice (miscellaneous provisions) Bill is to provide a range of amendments to earlier legislation, including the possibility of minimum sentencing for specific horrific crimes. When is that legislation likely to come before the House? Have the heads been discussed in Cabinet yet and what is the likely time schedule?

Deputy Simon Coveney: The heads of both Bills have been discussed and both Bills should be seen before the end of the year.

Deputy Jerry Buttimer: Last Monday, I spoke at the Anglesea Street policing forum in Cork, at which many businesses expressed their concerns regarding the enforcement of the Charities Act. In this context, I wish to raise two items with the Minister. The first is the on-street selling of petitions and pertains to collections permits. It came to light at the meeting that some charities are flying people into Cork Airport on a particular day and then fly them out that night. The second and most pertinent point is in regard to the activities of utilities companies such as EirGrid, Eircom and so on outside post offices. In certain parts of Cork city, people are being forced to sign a change of utility company declaration. Is there an opportunity for people to be able to renege on such a pressurised signing of a declaration?

Deputy Simon Coveney: While this pertains to the enforcement of the existing Charities Act rather than to new legislation, I accept the Deputy has raised a significant issue in respect of the manner in which much street selling takes place, particularly if one is dealing with large utilities, whereby people are signing under inappropriate circumstances on the street when they are thinking of something else. I will ask the Minister to revert directly to Deputy Buttimer in this regard.

Deputy Michael McGrath: I wish to raise the betting amendment Bill, in which the Minister has an interest. It was published in draft form in July 2012, almost one year ago but Members still await the final Bill and its introduction to this House. As the Minister is aware, its purpose is to introduce a level playing field for all bookmakers and betting exchanges and it is legislation that Members must consider.

Deputy Simon Coveney: I agree with the Deputy. The Government published this last summer and my understanding is the Department of Finance has made some changes to it and essentially will republish a new Bill. This will be in this session and the Government greatly desires to have this legislation being brought forward at the same time as the horse racing legislation, which the Government also has prepared, because in some ways the two go in tandem. However, this is a new revenue stream for the Government on which there should be no further delays. It is about ensuring the Government gets a tax and a levy from online and remote betting. A great deal of betting is switching from bookies' shops to an online mode and the Government is losing and has lost a lot of revenue it wishes to get back. Consequently, this is legislation Members will see before the end of the session and I believe it will be concluded early next session.

**Central Bank and Financial Services Authority of Ireland (Amendment) (No. 2) Bill
2013: First Stage**

Deputy Michael McGrath: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Central Bank and Financial Services Authority of Ireland Act 2004 to enable the Financial Services Ombudsman to investigate complaints in relation to the sale of financial products within three years of the consumer becoming aware for the first time that the product was defective.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister for Justice and Equality (Deputy Alan Shatter): No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Michael McGrath: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

**Offences against the State (Amendment) Act 1998 and Criminal Justice (Amendment)
Act 2009: Motions**

An Leas-Cheann Comhairle: In accordance with the order of the Dáil today, the motions will be moved and discussed together but decided separately. I call on the Minister for Justice and Equality, Deputy Shatter, to move the motion.

Minister for Justice and Equality (Deputy Alan Shatter): I move:

That Dáil Éireann resolves that sections 2 to 4, 6 to 12, 14 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period beginning on 30th June, 2013 and ending on 29th June, 2014.

The House will be aware that the Offences against the State (Amendment) Act 1998 was enacted in the wake of the murder of 29 people by the Real IRA in Omagh on 15 August that year. It was a necessary response to that terrible atrocity and the loss of 29 innocent lives. That bombing and those murders represented a direct attack also on the fragile peace process and indeed on this State as a major sponsor of that peace process. It demanded a robust response from the State and a clear statement that the atavistic view of those murderers would not prevail. We had had enough of their agenda of hatred, sectarianism and contempt for the will of the majority. They, like the rest of us, had been given the opportunity to decide in a democratic way on the future of this island and on the relationship between the two jurisdictions. Their views did not prevail and like all anti-democrats, they resorted to murder and terror. However, they were never going to succeed. They have not succeeded but they continue to this day with their ideology of hatred and destruction.

At the time, 1998, the State had a responsibility to respond to the direct challenge which

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they presented. One such response was to provide strong legislative powers to ensure the Garda and the courts were in a position to meet that challenge. The Offences against the State (Amendment) Act 1998 was a necessary and proportionate response. The Act contains a series of amendments to the Offences against the State Acts 1939 to 1985 to make them more responsive to the threat from certain groups. Principally, these amendments concern changes in the rules of evidence for certain offences under the Acts, including the drawing of inferences in certain circumstances, the creation of new offences, such as directing an unlawful organisation, possession of certain articles and collecting information and extending the maximum period of detention permitted under section 30 of the 1939 Act to 72 hours. Section 18 of the 1998 Act, as amended by section 37 of the Criminal Justice Act 1999, provides that sections 2 to 4, inclusive, 6 to 12, inclusive, 14 and 17 must be renewed by the Oireachtas at specified intervals if they are to remain in force. By virtue of resolutions passed by both Houses of the Oireachtas on 13 and 20 June 2012, these sections were continued in force for a period of 12 months beginning on 30 June 2012.

Prior to moving any motion for renewal, the Act requires that I lay before the Oireachtas a report on the operation of the relevant provisions. The present report covers the period from 1 June 2012, the end date of the previous report, to 31 May this year. The report was laid before the House on 17 June 2013. It also includes, following a commitment which I gave previously, a table showing the figures for each of the years since the Act came into operation. I believe this is helpful in showing the importance of the Act in equipping the Garda to detect and prevent terrorist actions. It is my fervent wish and that of the Government that the time will come when these provisions will no longer be required. However, as Minister for Justice and Equality, I must have regard to the reality of the situation.

The Garda assessment, shared by the Police Service of Northern Ireland, PSNI, in respect of the terrorist threat level in Northern Ireland is that it is regarded as severe. While the threat level in this jurisdiction may be different, it is imperative that our laws and our police are properly equipped to deal with the threat, whether in this jurisdiction or Northern Ireland. Let no one be under the illusion that these groups do not have designs on this State, as well as on Northern Ireland. This clearly demonstrates the need for the continuance of these provisions. If Deputies needed reminding, this need is clearly and tragically evidenced by the murder of Prison Officer David Black in November last. In addition, in March this year, among numerous incidents north of the Border, the Police Service of Northern Ireland arrested three men following the interception of a number of mortars in a van in Derry. All three men are known to be members of the “new IRA”. The van contained four mortars which were ready to fire. Moreover, it is not only in Northern Ireland that the campaign of terror has continued or that these terrorist groups are active. In March, gardaí arrested five men and recovered a firearm at and near the scene of the fatal shooting of Peter Butterly, County Louth. In February, gardaí arrested two men in Newbridge, County Kildare, involved in the process of making pipe bombs, as well as seizing three mortar or rocket launcher-type tubes with associated components and arrested three men in an operation near Cahir, County Tipperary. In addition, last September witnessed the murder of Alan Ryan. In these circumstances, the Garda must have at its disposal the appropriate measures to meet this threat. The powers available under the 1998 Act are considered paramount in maintaining effective preventative action against the terrorist groups.

North-South co-operation in the area of security is vital and I can give the House the assurance that it has never been better. I keep in close contact with the Secretary of State for Northern Ireland, Theresa Villiers, and with my colleague, the Northern Ireland Minister of

Justice, David Ford. The Garda Commissioner maintains close and frequent contact with Chief Constable Baggott. This is mirrored by contacts between the two forces at every level.

While countering the threat posed by terrorist groups is very important, it is necessary not to lose sight of the threat from international terrorism. The 1998 Act grew out of our own domestic troubles. However, its provisions form an essential element of the State's response to the threat of terrorism from any source. We cannot ignore the growth in recent years of the international terrorist threat. In co-operation with our EU partners, we must continue to counteract any threat from such sources. The 1998 Act forms part of the response to that threat also.

It is the firm view of the Garda Síochána that the Act continues to be a most important tool in its ongoing efforts in the fight against terrorism. The Garda authorities have stated that the provisions of the Act are used regularly, which is evident from the report I have laid before the House. Furthermore, given the considerable threat posed by some paramilitary groups, it is essential that the Act's provisions should continue in force to support the ongoing investigation and disruption of terrorist activities.

I turn now to the provisions of the 1998 Act which are the subject of the resolution. As I mentioned, on 17 June I laid before the Houses a report on the operation of the relevant sections between 1 June 2012 and 31 May this year. The report demonstrates the value of the relevant sections to the gardaí and the necessity for their continued availability in tackling the terrorist threat.

Looking at the sections, section 2 allows a court, in proceedings for membership of an unlawful organisation, to draw appropriate inferences where an accused person fails to answer or gives false or misleading answers to questions. However, a person cannot be convicted of the offence solely on the basis of such an inference. There must be some other evidence which points towards a person's guilt. The section was used on 62 occasions in the period covered by the report.

Section 3 requires an accused, in proceedings for membership of an unlawful organisation, to give notification of an intention to call a person to give evidence on his behalf. This section was used on 19 occasions.

Section 4 provides that evidence of membership of an unlawful organisation can be inferred from certain conduct, including matters such as "movements, actions, activities, or associations on the part of the accused". This section was not used in the period covered by the report.

Section 6 creates the offence of directing the activities of an organisation in respect of which a suppression order has been made under the Offences against the State Act 1939. This section was not used in the period covered.

Section 7 makes it an offence to possess articles in circumstances giving rise to a reasonable suspicion that the article is in possession for a purpose connected with the commission, preparation or instigation of specified firearms or explosives offences. It was used on ten occasions.

Section 8 makes it an offence to collect, record or possess information which is likely to be useful to members of an unlawful organisation in the commission of serious offences. It was used on two occasions.

Section 9 makes it an offence to withhold certain information which might be of material

assistance in preventing the commission of a serious offence or securing the apprehension, prosecution or conviction of a person for such an offence. It was used on 40 occasions.

Section 10 extends the maximum period of detention permitted under section 30 of the Offences against the State Act from 48 hours to 72 hours, but only on the express authorisation of a judge of the District Court following an application by a garda of at least superintendent rank. Furthermore, the person being detained is entitled to be present in court during the application and to make, or to have made, submissions on his or her behalf. An extension was granted in ten cases.

A Leas-Cheann Comhairle, I have a concern in the context of giving the information. It was originally my understanding that I would have ten minutes in respect of each motion. Is the order ten minutes in total because if that is the case, I should put on the record of the House information in regard to the second motion and, time wise, that cannot be achieved in ten minutes?

An Leas-Cheann Comhairle: Can I have the agreement of the House to allow the Minister more time? Agreed.

Deputy Alan Shatter: And if colleagues need more time it should be agreed.

Deputy Pádraig Mac Lochlainn: I need less time and therefore the Minister can take mine.

Deputy Alan Shatter: I do not want to read this at a rate of knots that makes no sense.

An Leas-Cheann Comhairle: We do not want that.

Deputy Alan Shatter: Section 11 allows a judge of the District Court to permit the re-arrest and detention of a person in respect of an offence for which he or she was previously detained under section 30 of the Offences against the State Act but released without charge. This further period must not exceed 24 hours and can only be authorised where the judge is satisfied on information supplied on oath by a member of the Garda Síochána that further information has come to the knowledge of the gardaí about that person's suspected participation in the offence. It was used on four occasions.

Section 12 makes it an offence for a person to instruct or train another person in the making or use of firearms or explosives or to receive such training without lawful authority or reasonable excuse. It was not used in the period covered by the report.

Section 14 is, in effect, a procedural section which makes the offences created under sections 6 to 9, inclusive, and 12 of the 1998 Act scheduled offences for the purposes of Part V of the 1939 Act. This means that persons suspected of committing these offences may be arrested under section 30 of the 1939 Act. It was used on 52 occasions during the period.

Section 17 builds on the provision in the Criminal Justice Act 1994 providing for the forfeiture of property. Where a person is convicted of offences relating to the possession of firearms or explosives, and where there is property liable to forfeiture under the 1994 Act, the court is required to order the forfeiture of such property unless it is satisfied there would be a serious risk of injustice if it made such an order. The section was not used in the reporting period in question.

As the report indicates, a number of sections, namely, section 4 on the drawing of inferences from the statements of an accused person that he or she is a member of an unlawful organi-

sation, section 6 on directing an unlawful organisation, section 12 on training persons in the making or use of firearms, and section 17 on forfeiture of property, were not utilised during the reporting period. It should, however, not be inferred from this lack of use that these provisions are in some way redundant or unnecessary. For example, section 17 was only used for the first time during the 2011-12 reporting period, despite being present since 1998.

The existence of the provisions means that members of terrorist groups are aware that the State remains resolute in its determination to use every lawful means to defeat them. I might point out, incidentally, that they are far from being redundant. Section 12 will, in effect, be strengthened by a provision in the forthcoming legislation to give effect to the Council of Europe Convention on the Prevention of Terrorism.

In that regard the Government has approved the drafting of the relevant Bill. The Bill, when enacted, will amend the Criminal Justice (Terrorist Offences) Act 2005 to create the three new offences of public provocation to commit a terrorist offence, recruitment for terrorism and training for terrorism. These offences will carry sentences of up to ten years on conviction on indictment.

As I have already stated, terrorist groups remain a threat to the existence of this State. They are opposed to the benefits that have flowed from the peace process and are determined to undermine it. The State must retain, in its laws, the capacity to defeat them.

On the basis of the information set out in the report and on the advice of the Garda authorities, I consider the relevant provisions of the 1998 Act should remain in operation for a further 12 months commencing on 30 June 2013. I commend the motion to the House.

I turn now to the second motion, which states that “Dáil Éireann resolves that section 8 of the Criminal Justice (Amendment) Act 2009 (No. 32 of 2009) shall continue in operation for the period beginning on 30th June, 2013 and ending on 29th June, 2014.”

This resolution will provide for the continuation in operation of section 8 of that Act for a 12 month period beginning on 30 June 2013. In the context of that legislation I remind the House of the background to the 2009 Act, lest anyone believe it was an over-reaction to a non-existent threat. At the time there had been an increase in the level of organised crime. Organised gangs had shown a particular ruthlessness in their activities, including attacks on witnesses and intimidation of jurors. As a result the Garda was encountering difficulties in persuading people to give assistance in its investigations. The complete disregard which these gangs showed for human lives threatened to subvert the entire justice system. In the circumstances, it was imperative that the Government, and the Oireachtas, take the necessary steps to ensure that the criminal justice system was robust enough to withstand the assault launched upon it through intimidation and violence of witnesses and jurors. The measures contained in the Criminal Justice (Amendment) Act 2009 were designed to tilt the balance firmly in favour of the rule of law and justice and instil confidence that criminal gangs will not be permitted to frustrate criminal investigations or prosecutions of their activities.

In the context of the very real threat these gangs posed, the Act provides for a limited number of specific organised crime offences to be prosecuted in the Special Criminal Court. The proposal to use the court for a limited number of organised crime offences removed the possibility of jury tampering or intimidation of jurors. The purpose of section 8, therefore, is to ensure that organised criminal gangs cannot interfere with the criminal process to determine the

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outcome of cases. To this end, the section declares that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order in regard to certain offences. The offences in question are the organised crime offences under Part 7 of the Criminal Justice Act 2006.

12 o'clock

Briefly, these offences are directing the activities of a criminal organisation - section 71A of the Criminal Justice Act 2006); participating in or contributing to certain activities of a criminal organisation - section 72; committing a serious offence for a criminal organisation - section 73; and liability for offences committed by a body corporate - section 76.

Section 8 of the Criminal Justice (Amendment) Act 2009 makes these scheduled offences for the purposes of Part V of the Offences against the State Act 1939. While this means that the Special Criminal Court will hear prosecutions for the offences in question, the Director of Public Prosecutions may still exercise his power to direct that the offences should be tried in the ordinary courts. Permitting the DPP this discretion maintains the fundamental balance in deciding which cases are appropriate to be tried in the Special Criminal Court.

A further bulwark in maintaining this balance is provided in section 8(4) of the 2009 Act. It provides that the section shall cease to be in operation unless a resolution has been passed by each House of the Oireachtas resolving that it should continue in operation for a further period to be decided by the Oireachtas. As I have already said, that is the purpose of moving today's resolution

To enable the House to decide on the continuation of section 8, subsection (6) provides that before a resolution to continue section 8 in operation is passed, I must prepare a report, which shall be laid before both Houses, on the operation of the section in the period under report. The report, covering the period from 1 June 2012 to 31 May 2013, was laid before both Houses on 17 June 2013.

The reasons for which the Government and I, as Minister, are seeking the renewal of section 8 are clear. Organised crime continues to present a significant law enforcement issue with a number of criminal gangs continuing to engage in serious crimes. There is, unfortunately, plenty of evidence of the willingness of these gangs to engage in murder, armed robbery, kidnapping, drug smuggling, counterfeiting and other serious offences. Given the nature of organised crime, the investigation and prosecution process can be lengthy and difficult. This is particularly so given the insidious power that criminal gangs hold over their members and, regrettably, within the communities in which they live. The 2009 Act has been in operation for over four years and while there have been arrests under the relevant sections of the Criminal Justice Act 2006, no cases have yet come before the Special Criminal Court in accordance with section 8.

This does not, however, invalidate the reasoning for having such a provision available for use in appropriate circumstances. Let us be clear - if criminals are prepared to take human life, then they are quite prepared to subvert the system of justice. Accordingly, there is necessity for legislation that anticipates this possibility to be in place. There is a responsibility on me as Minister, on the Government and, indeed, on the House, to ensure that our criminal law contains appropriate provisions to ensure the effective administration of justice by the courts. In my view section 8 is necessary in this regard. The use of the Act to date also serves to highlight the considered approach of the DPP and vindicates the way in which the provision is constructed,

allowing her to exercise her discretion to direct that cases would be tried in the ordinary courts.

In the report to me on the operation of section 8, the Garda Commissioner is of the clear view that this provision is likely to be required for some time to come. As Minister for Justice and Equality, I must have the utmost regard for the views of the Garda authorities in matters such as this. It is essential to ensure that the Garda have at their disposal the best possible range of powers to face up to organised criminal gangs.

In the period under report, there have been a total of 41 arrests under the relevant provisions of the Criminal Justice Act 2006. One arrest was made under section 71A, directing the activities of a criminal organisation, 35 arrests were made under section 72, participating in or contributing to certain activities of a criminal organisation, and a further five arrests were made under section 73, committing an offence for a criminal organisation. Charges have resulted in 12 of these cases for a variety of criminal offences including aggravated burglary, vehicle theft, arson, handling of stolen goods and the DPP has directed further charges of extortion in two cases. Eight individuals have been charged since the commencement of the 2006 Act, two under section 71A, directing the activities of a criminal organisation, and six under section 72, participating in or contributing to certain activities of a criminal organisation. Three individuals have been convicted under section 72 and have received sentences of three years in one case and nine years in the other two cases. This includes the two individuals originally charged under section 71A.

Five other charges preferred under section 72 were subsequently withdrawn by the DPP. However four individuals were convicted of conspiracy to rob and subsequently received custodial sentences of between two and five years duration. One other individual was convicted of offences under the Misuse of Drugs Acts 1977-84 and received five years in prison.

The Garda authorities devote considerable resources, from across the Garda organisation, to their efforts to tackle organised crime and they deserve our praise for the successes they have had against a number of those involved in these criminal gangs. Furthermore, the Commissioner has made it clear time and again that there will be no let up in the action taken against these gangs. He has the Government's full support in that approach.

Let me be blunt about it - the individuals involved in organised crime are ruthless people who will stop at nothing to avoid being brought to account for their crimes. Violence and intimidation are a way of life for these people, as we have seen from some of the incidents that have taken place in recent years. We, that is, the Government and the Oireachtas, have a duty to make sure that the criminal justice system is equipped to prevent them undermining our core values. To that end, we must ensure that in the most serious of cases, where jury intimidation is a real possibility, the law has a means available to bring serious criminals to account.

On balance, I consider it is necessary to continue section 8 in operation for a further period. The period now proposed will run for a period of 12 months beginning 30 June 2013. I commend the motion to the House.

Deputy Acting Chairman (Peter Mathews): Having taken over from the Leas-Cheann Comhairle, I understand there are 20 minutes remaining in this debate to be divided between the three contributing parties, some of which are sharing. The indications are that there will be seven minutes for each third contributing.

Deputy Alan Shatter: To be fair to Members, because it was necessary to place all matters

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on the record, I took up some additional time. Members opposite agreed I would have that time. In fairness to Members of the House, if some additional time is required to facilitate Deputies to complete their contribution, they should be allowed that.

Acting Chairman (Deputy Peter Mathews): That means I am going beyond the Order of Business that was agreed this morning. I take it, like the Cabinet, we will have collective responsibility on this.

Deputy Pádraig Mac Lochlainn: We will try to keep it to seven or eight minutes each.

Acting Chairman (Deputy Peter Mathews): I would appreciate if Members would do that.

Deputy Mattie McGrath: Is this the new Minister for Justice and Equality we are seeing today? I welcome it, if it is.

Deputy Niall Collins: Although this island has been transformed since the Good Friday Agreement and the establishment of a power-sharing executive in Northern Ireland, the relative peace that we now enjoy cannot be taken for granted. There is still considerable work to be done in integrating the two communities in Northern Ireland. There is also, unfortunately, a significant threat to the peace as a result of the activities of what are referred to as “dissident republicans”. These groups do not have any real support on the ground, either north or south of the Border. They are groups that are fighting against the democratic wishes of the Irish people, as voted for in the 32 county referendum on the Good Friday Agreement. To a large extent, the actions of these dissident republicans are part of a cover for drug dealing and racketeering. We know that even though these dissident republicans do not have support, they can inflict terrible damage. It was a dissident republican group that was responsible for the worst atrocity of the Troubles in Omagh in 1998.

The amendments to the Offences against the State Act brought in by the Fianna Fáil Government after the Omagh bombing were necessary at that time. Unfortunately, they are still necessary today. We as a State cannot lower our guard or lessen our vigilance in response to this ongoing threat. I have no doubt it would be the wish of most Members of this House for our laws to be normalised and for these provisions of the Offences Against the State Act not to be necessary. However, we cannot take that chance nor do we have that comfort. The only time when we should consider lowering our guard is when the dissident republicans have abandoned their campaign of violence and crime. I ask them to recognise the democratic wishes of the Irish people and to lay down their guns and stop their violence.

It is for this reason that Fianna Fáil will support the resolutions being brought before the Houses of the Oireachtas by the Minister for Justice and Equality. We believe that the legislation should be extended for a further period of 12 months from 30 June 2013.

There is also a proposal to extend section 8 of the Criminal Justice (Amendment) Act 2009. This legislation was introduced by Fianna Fáil in government to respond to organised crime. It provides that certain organised crimes will be prosecuted before the Special Criminal Court, rather than having such trials heard by a judge and jury.

The right to a trial by jury is an important aspect of the criminal justice system. Nonetheless, we as a State cannot tolerate a situation where ordinary members of society who are asked to be jurors are exposed to intimidation and threats of violence from serious gangland figures. For

that reason, we believe it is correct that this section should be extended. Gangland criminals will do anything in order to increase their profits and make money from drugs. If they thought that intimidating a jury would prevent them from going to prison or would be an interference in their criminal activities, then they would intimidate and harass jurors. This is an event that we as a State cannot tolerate.

For that reason, Fianna Fáil will support the extension of the resolution to section 8 of the Criminal Justice (Amendment) Act 2009. We believe that the discretion should remain with the Director of Public Prosecutions to direct whether or not a person should be sent forward for trial by the Special Criminal Court. We do not believe it appropriate that serious gangland figures should be tried by a jury. Their violence and organised crime has deprived them of the right to a trial by jury and we should not be apologetic about denying them that. The safety of this country and its citizens depends upon it.

Deputy Pádraig Mac Lochlainn: We are back again. Every year we debate this, every year Sinn Féin opposes it and every year it passes.

We all know the background to the Offences against the State Act and I will not re-hash it again today. Suffice to say I have no hesitation in renewing the call on those responsible for what happened at Omagh to cease their activities and to embrace the peace process. The events of that day were a direct attack on the peace process and the Sinn Féin strategy. It is a credit to all those involved in the peace process at the time that it survived and has since flourished. While there is a while go before we, as republicans, realise our ultimate goal of a united Ireland, we must continue to defend the peace process.

Although full responsibility for the events of that day, 15 August 1998, lies with the so-called Real IRA, subsequent details have shown that less than perfect policing procedures, analysis and communication of intelligence were employed. Recently, I met the Omagh support group which continues to campaign for justice and I listened to their real concerns about that day. These people deserve to know the truth and I urge the Government to act on its pre-election promises and have a public North-South investigation into that fateful day.

The Omagh bomb was of particular importance to me. Three children from my home town of Bunrana lost their lives and two of our friends from Spain who stay in the town every year as part of their English language learning development also lost their lives. Our community was devastated by that bomb.

I and my party call on those responsible to take note of the progress made on this island since the passage of the Good Friday Agreement. They will not derail our peace process, they do not have the capacity to do so. I want to put on the record of this House that senior members of my party, the leadership, have repeatedly had their lives threatened by many of these individuals. Up until recent times, the leadership of my party was receiving warnings from the PSNI. This is a serious matter for us and we do not take it lightly. We have stood shoulder-to-shoulder in Sinn Féin, both leadership and membership, to confront these individuals to demonstrate clearly and to work day in and day out to defend the peace process.

However, they do not warrant a strong argument for the retention of these measures. We live in a society where there is space for those with varying views to put forward those arguments and if they believe in the strength of their convictions, I ask that they debate them with the rest of society. The Good Friday Agreement was overwhelmingly and democratically en-

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dorsed by the vast majority of the Irish people. If the perpetrators believe in democracy at all, I ask that they cease their activities.

The Minister has referred in the past to upholding and implementing in full the Good Friday Agreement because it is the democratic wish of the Irish people. There is an onus on us to do so and as part of this there is a responsibility to bring about as quickly as possible the normalisation of policing and justice on the island of Ireland.

Our international commitments are not the only reason for us to oppose the motion. The Government has certain obligations under the Good Friday Agreement. The Agreement places an onus on both Governments to work towards the normalisation of the security apparatus in the Twenty-six Counties and the Six Counties. As the Minister stated, the agreement was endorsed overwhelmingly by the majority of people on this island. It needs to be protected and implemented in full. Therefore, the scrapping of the legislation before us for renewal is a pressing issue for all of us in these Houses.

In the past, many Deputies have argued in favour of the provisions of the Act because they have played a role. Today, I do not think anyone can truthfully argue that these provisions have a place in the present or future of this State.

Sinn Féin believes the legislation is counter-productive in the long run. The retention of these provisions is an admission of the failure of this and previous Governments. The challenge to us is to prove that we have a normal society and that normal policing will convict those who seek to undermine it. There is no place in society for the emergency legislation that was passed in 1998. Draconian legislation can never be a substitute for sound law and good and accountable policing.

As Members in this Chamber will be aware, Sinn Féin has consistently opposed the retention of this amendment. We have argued each year that it should be repealed in its entirety. At this time, there is neither a need for such legislation nor an argument in favour of it. The continuation of it will only serve to erode further the human rights ethos in which the State's legislation should be grounded. If Deputies in this Chamber truly value the concepts of democracy and human rights, I implore them to vote accordingly and to reject the motion. We are a normal society and the existing laws are strong enough if properly resourced.

Sinn Féin has been in a minority in this House in recent years when it has rightly opposed the 1998 Act. The chances are that we will be in a minority again today. We are not in a minority internationally, however, as we analyse this measure. The UN Human Rights Committee shares our stance on it. An Garda Síochána and the courts can convict those who carry out atrocious acts in this day and age and ensure they serve a proper sentence for those actions.

We must make every attempt to convince so-called dissident groups to move away from violence and to get them to accept the will of the people as expressed in the Good Friday Agreement. We must also convince them of the opportunities that the Good Friday Agreement and the peace process give republicans to further the republican and all-island agenda, and that is where our focus for the next 12 months should be. I ask Members to vote against this measure.

On the Criminal Justice (Amendment) Act 2009, it is a sad reflection on any government or state when it has to admit that the ordinary courts are not adequate. If we are serious about dealing with organised criminal gangs, we need to put resources in place. For instance, we should not be closing rural Garda stations. This morning we discussed this. Not only did the

Government close rural Garda stations, but it cut the number of Garda vehicles and the number of Garda personnel. If any Member of these Houses really wants to know the position, he or she should speak to gardaí on the ground who tell us that they have depleted resources and capacity to combat crime. The Minister will say that is just one aspect of the matter. If we are to be serious, we should ensure financial resources are invested in front-line manpower. If the recruitment embargo must be lifted to deal with organised criminal gangs, that should be done.

I am sure those who are involved in organised criminal activity see the introduction of legislation to ensure they are tried before the Special Criminal Court as an admission of the State's failure to provide protections and safeguards to those who serve on juries. It is the wrong way to go. We will oppose this proposal for that reason. That is not to disregard flippantly the activities of these criminal gangs. We understand they cause misery and hardship and have no regard for law and order. If one examines best international practice, one will see that other countries have found more effective ways of dealing with organised criminal gangs that do not involve institutions like the Special Criminal Court.

The Minister cannot argue for the retention of draconian legislation while he is responsible for implementing considerable cutbacks to An Garda Síochána and taking away its resources to combat criminality in our communities. There is a contradiction in the argument and for that reason, we will oppose both motions.

Acting Chairman (Deputy Peter Mathews): I call Deputy Boyd Barrett. Is the Deputy sharing time with Deputies Finian McGrath and Mattie McGrath?

Deputy Richard Boyd Barrett: Yes.

Deputy Finian McGrath: How many minutes have we?

Acting Chairman (Deputy Peter Mathews): Nine minutes, three each.

Deputy Richard Boyd Barrett: I thank the Acting Chairman.

I also oppose this motion, as I did last year. The Omagh bombing was an outrageous tragedy and atrocity. It was tragic proof of the utter bankruptcy and callousness of a certain strand of unrepresentative republicanism in this country. I have no hesitation in saying that those who are nostalgic for a return to paramilitary struggle as a way to deal with problems in the North are wrong, and I call on them to adopt different tactics and perspectives in trying to address political and social problems in the North. Their tactics and actions should be unreservedly condemned. I believe in a very radical change in society and it is justified to engage in protest and sometimes even peaceful civil disobedience to try to bring about change in society. The tactics employed by these groups, as witnessed in Omagh, are utterly indefensible.

Nevertheless, I have problems with this legislation and from where the Government is coming. I must point to the double standards of the Government in condemnations of violence and the use of force for political ends; I cannot understand how on the one hand it can rightly condemn atrocities like that which occurred in Omagh while on the other hand we can see no such indignation or outrage when it comes to the use of drones to kill innocent people in Afghanistan. Those people are every bit as innocent as the people in Omagh but where is the indignation and condemnation in that respect? Far from that, we get the feting in this country of the commander-in-chief of the military forces, President Obama, without mention of what his forces are doing in Afghanistan, what they did in Iraq or the consistent abuse of human rights

in Guantanamo Bay.

What occurred with the G8 protests is also evidence that the Government cannot be trusted with draconian powers, as 80 peaceful protestors who travelled in a bus - I was on the bus - were followed by a Garda armed response unit for 30 km or 40 km until the bus reached the Border. At that stage the protestors were faced with a phalanx of police, and I believe the full security bill for the G8 was £50 million. That was to deal with 3,000 peaceful protestors, so it cannot be justified. This was part of quite a cynical attempt to deter people from engaging in peaceful protest.

Draconian legislation does not deal with political or social problems, and one must address the root cause. History has indicated that draconian legislation can be counterproductive and fuel support for organisations rather than deter them in their actions.

Deputy Finian McGrath: I thank the Ceann Comhairle for the opportunity to speak to this debate on sections 2 to 4, 6 to 12, 14 and 17 of the Offences against the State (Amendment) Act 1998 and legislation relating to the Criminal Justice Act. It is always important to reflect upon, examine and pay close attention to a motion like this as we should never take human rights or respect for human dignity of citizen for granted. This is also an opportunity to examine where the people are on this island with regard to justice after many years of violence and conflict. It is important to scrutinise laws and legislation but we must come to the process with an open mind and see if such measures are needed in the current political climate.

It is important for us to learn from the mistakes of the past so that our justice system is fair and above reproach. Do most of our citizens have faith in the justice system? Many would say they do not and many have major concerns, and there can be no running away from these hard questions, particularly when major injustice has been done to innocent people. I wonder if a short 45 minute debate is enough when things are not right in our own system. For example, is it right that a man involved in a garlic tax scam gets a six-year sentence after repaying money to the Revenue Commissioners while violent criminals and abusers get lesser sentences? People are asking such questions across broader society and they must be addressed in the justice system.

Why does the Taoiseach not meet the families and relatives of the people killed in the Omagh slaughter? Why is the British Government being ignored and let off the hook in handing over files with regard to the Dublin and Monaghan bombings? I sat on the Oireachtas justice committee that considered the Barron report so I saw the evidence. The Dáil passed an all-party motion that demanded action. We are talking about offences against our citizens and State but there is silence and a lack of action. These are important issues and the fudge must end. I call on the Minister and the Government to give a commitment to meet the Omagh relatives and do something about the Dublin and Monaghan bombings. We should see some movement and justice for the families, above all, on both sides of the conflict. With regard to the broader debate on offences against the State, we all have a duty to try to ensure this type of legislation will at some stage be no longer needed in this country.

Deputy Mattie McGrath: I am delighted to be able to speak on the extension of the sections of the Criminal Justice Act and sections 2 to 4, 6 to 12, 14 and 17 of the Offences against the State (Amendment) Act 1998. I am supportive of this provision and although we should not have to use such provisions, it is an unfortunate necessity. It is only right and proper that we have this provision.

I salute all who were involved with the G8 summit, which passed off peacefully. It is important that world leaders could come to Ireland, which is our country. Somebody referred to the location being in Great Britain but it is in Ireland by a beautiful lakeside. I am glad it passed off peacefully, although it is unfortunate that security must be provided. I was on the way to Omagh when the atrocity occurred but I am thankful I did not arrive until the morning afterwards. I met families and the late Mo Mowlam, along with Prince Charles, as I stayed for a couple of days afterwards. It was a most horrific scene. There were serious question marks about the deployment of police forces on both sides of the Border and I challenge the Minister to act on the report handed to him over a year ago. That was compiled by Mr. Martin Bridger, who was a special investigator for the PSNI and a covert intelligence officer.

The Minister and the Taoiseach have the report, and at the 2004 Ard-Fheis the Taoiseach promised he would meet the Omagh families. Since getting into government, the Taoiseach and the Minister have been silent and refused to meet those people. There are serious question marks over the circumstances surrounding the Omagh bombing. I salute Mr. Gallagher and their families for the way in which they are trying to raise the issue and have the truth outed. In opposition, the Minister promised action but has shamefully neglected to act. He has had the report for over 12 months and the Taoiseach stated that the Minister would meet those people. When will that happen and will the Minister be up-front in providing the answers these people require? These are peaceful and quiet people but they want a determination on the issue, and I am sure the report makes for very serious reading. Detective Sergeant John White from Tipperary needs to have his name cleared. He is a neighbour and when he was brought to court, the charges were thrown out. He was used as a scapegoat and his name should be cleared.

The Minister has indicated there will be more recruitment to Templemore, which is much-needed. I hope the work continues as we must support An Garda Síochána by keeping their numbers above the magic level of 13,000. I welcome the news and I look forward to seeing Templemore training centre active again.

Minister for Justice and Equality (Deputy Alan Shatter): I thank the Members who support these two motions. As I stated, a substantial threat from terrorist activity remains, particularly from paramilitary groups, and this warrants the continuance in force of these provisions. Deputy Mac Lochlainn has traditionally opposed these matters but I agree with and welcome his calling on those who are still committed to engaging in paramilitary terrorist activity to cease such activities. I join in that call. Indeed, I have made the same call with great regularity. However, there is a contradiction in his recognising that we still have groups on this island who threaten to bring about murder and mayhem while denying the Garda the powers it requires to ensure it can deal with those groups. While I welcome what Deputy Mac Lochlainn had to say about those groups and their activities, I would suggest to him that is logically utterly and completely inconsistent to recognise that they exist, to recognise that the threat in Northern Ireland remains severe, to accept that they pose a threat to life and limb and then to say we should repeal powers that facilitate the Garda Síochána in bringing them to justice. I ask the Deputy not to approach this from an ideological perspective if we have to deal with this matter again next year. This is about protecting our community. It is about empowering our gardaí to do everything that is necessary to stop the type of murder and mayhem to which these individuals are committed.

Of course, it is also important that effective action can be taken, including legislative action, to maintain confidence in the prosecution and judicial processes. Criminal groups do pose a very real threat in this regard and the provisions of the 2009 Act are necessary in that context.

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We can all recall occasions on which witnesses withdrew evidence of a very serious nature in our courts when there was alleged intimidation. One of the basic fundamental rights of citizens of this State is the right to freely walk along the street, drive in their cars and engage in normal life without their lives being under threat. That is the most fundamental right. Citizens must be free to know they can get on with their lives without being murdered or having their quality of life destroyed by individuals intent on violence and mayhem. That is the most fundamental right to which I must have regard as Minister.

In the context of the dreadful atrocity of the Omagh bombings, I have met with the Omagh families. Perhaps if Deputy Mattie McGrath could resist the temptation to give me a kick every time he stands up-----

Deputy Mattie McGrath: When?

Deputy Alan Shatter: -----he might restrain himself. I did meet with the Omagh families and I heard their case for a cross-Border inquiry. I also accepted the very detailed document that they furnished to me, which I have read and considered seriously. After we have finished our deliberations on that matter, I will be in contact with them again. The Deputy is incorrect in saying that they are being ignored. This is a very complex issue.

Deputy Mattie McGrath: The Minister met them when he was in opposition. He has not met them as a member of the Government.

Deputy Alan Shatter: This is a very complex issue and we must take care about the manner in which we deal with it. I met with the families in July last and that is the position in that regard.

One contributor - I think it was Deputy Mac Lochlainn - ran the old line and made references to the closure of Garda stations and to Garda resources. We dealt with this issue at great length at today's meeting of the Joint Committee on Justice, Defence and Equality. I thank the *Irish Examiner* for the excellent publication it produced a few days ago looking at crime in every county in Ireland and for the manner in which it approached the issue. The statistics showed clearly the truth of what I have been saying, namely, that better deployment of gardaí and effective, targeted operations-----

Deputy Richard Boyd Barrett: Operations like following peaceful protesters around?

Deputy Alan Shatter: -----and the smart policing in which they are engaged is resulting in a reduction in crime in practically every category across the country. As I said earlier, there has been a substantial reduction in the number of burglaries taking place as a result of Operation Fiacla. Perhaps at some stage it will be recognised in this House that the reforms that have been introduced are in the public interest. My aim is not the protection of vested interests. I am committed to the public interest and to using our resources as wisely as possible. If some people in individual groupings or organisations are uncomfortable with reform and change and want to denigrate me for what I am doing, so be it. That is for them, but the proof of the pudding with regard to crime is the fact that crime levels are down. I thank the *Irish Examiner* for its very detailed survey in that regard.

Acting Chairman (Deputy Peter Mathews): The Minister has already exceeded his time. I ask him to conclude as I must put the question to the House.

Deputy Alan Shatter: That does not mean that additional steps do not need to be taken because, as we know, difficulties remain in some areas. However, I have the greatest confidence in the Garda Síochána and the Garda Commissioner in addressing those.

Debate adjourned.

Visit of British Delegation

Acting Chairman (Deputy Peter Mathews): Before I put the question to the House, I wish to take this opportunity to welcome visitors from the House of Commons. I welcome the Members of the British Parliament and hope they enjoy their visit.

Offences against the State (Amendment) Act 1998 and Criminal Justice (Amendment) Act 2009: Motions (Resumed)

The following motion was moved by the Minister for Justice and Equality, Deputy Alan Shatter, today:

That Dáil Éireann resolves that sections 2 to 4, 6 to 12, 14 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period beginning on 30th June, 2013 and ending on 29th June, 2014.

Question put:

The Dáil divided: Tá, 99; Níl, 20.	
Tá	Níl
Bannon, James.	Adams, Gerry.
Barry, Tom.	Boyd Barrett, Richard.
Browne, John.	Collins, Joan.
Butler, Ray.	Colreavy, Michael.
Buttimer, Jerry.	Crowe, Seán.
Byrne, Catherine.	Daly, Clare.
Byrne, Eric.	Doherty, Pearse.
Calleary, Dara.	Ellis, Dessie.
Carey, Joe.	Healy, Seamus.
Coffey, Paudie.	Higgins, Joe.
Collins, Áine.	Mac Lochlainn, Pádraig.
Collins, Niall.	McDonald, Mary Lou.
Conaghan, Michael.	McGrath, Finian.
Conlan, Seán.	McLellan, Sandra.
Connaughton, Paul J.	Ó Caoláin, Caoimhghín.

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Conway, Ciara.	Ó Snodaigh, Aengus.
Coonan, Noel.	O'Brien, Jonathan.
Corcoran Kennedy, Marcella.	Stanley, Brian.
Coveney, Simon.	Tóibín, Peadar.
Cowen, Barry.	Wallace, Mick.
Creed, Michael.	
Daly, Jim.	
Deering, Pat.	
Donnelly, Stephen S.	
Donohoe, Paschal.	
Dooley, Timmy.	
Dowds, Robert.	
Doyle, Andrew.	
Durkan, Bernard J.	
English, Damien.	
Farrell, Alan.	
Feighan, Frank.	
Ferris, Anne.	
Fitzgerald, Frances.	
Fitzpatrick, Peter.	
Flanagan, Charles.	
Fleming, Sean.	
Grealish, Noel.	
Griffin, Brendan.	
Hannigan, Dominic.	
Harrington, Noel.	
Harris, Simon.	
Hayes, Brian.	
Hayes, Tom.	
Healy-Rae, Michael.	
Heydon, Martin.	
Hogan, Phil.	
Howlin, Brendan.	
Humphreys, Heather.	
Humphreys, Kevin.	
Keating, Derek.	
Keaveney, Colm.	
Kelleher, Billy.	
Kenny, Seán.	
Kyne, Seán.	
Lawlor, Anthony.	
Lynch, Ciarán.	

Dáil Éireann

Lyons, John.	
Maloney, Eamonn.	
Martin, Micheál.	
Mathews, Peter.	
McConalogue, Charlie.	
McEntee, Helen.	
McGrath, Mattie.	
McGrath, Michael.	
McHugh, Joe.	
McLoughlin, Tony.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Moynihan, Michael.	
Nash, Gerald.	
Nolan, Derek.	
Ó Cuív, Éamon.	
Ó Fearghaíl, Seán.	
Ó Ríordáin, Aodhán.	
O'Dea, Willie.	
O'Donnell, Kieran.	
O'Donovan, Patrick.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Jan.	
Penrose, Willie.	
Perry, John.	
Phelan, Ann.	
Phelan, John Paul.	
Quinn, Ruairí.	
Reilly, James.	
Ross, Shane.	
Ryan, Brendan.	
Shatter, Alan.	
Shortall, Róisín.	
Spring, Arthur.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Troy, Robert.	
Tuffy, Joanna.	
Twomey, Liam.	
Wall, Jack.	

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Tellers: Tá, Deputies Joe Carey and Emmet Stagg; Níl, Deputies Aengus Ó Snodaigh and Joe Higgins.

Question declared carried.

Deputy Alan Shatter: I move:

That Dáil Éireann resolves that section 8 of the Criminal Justice (Amendment) Act 2009 (No. 32 of 2009) shall continue in operation for the period beginning on 30th June, 2013 and ending on 29th June, 2014.

Question put and declared carried.

Estimates for Public Services 2013: Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Justice, Defence and Equality has completed its consideration of the following Revises Estimates for public services for the year ending 31 December 2013: Votes 20, 21, 22, 23 and 24.

Topical Issue Matters

An Leas-Cheann 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 or Members in each case: (1) Deputy Joe McHugh - the challenges facing the small farming sector and the farm assist scheme;

(2) Deputy Patrick Nulty - the need to maintain history as a compulsory subject for the junior cycle at second level;

(3) Deputy Brian Stanley - the impact of the proposed new threshold for rent supplement;

(4) Deputy Thomas P. Broughan - the need to provide additional resources to An Garda Síochána and to review legislation on the sale of alcohol in seaside resorts including Portmarnock and Howth, County Dublin;

(5) Deputies Timmy Dooley and Robert Dowds - the need to support the plight of Palestinian Arabs who hold Israeli citizenship;

(6) Deputy Thomas Pringle - the need to keep St. Agnes special needs preschool in Donegal town open;

(7) Deputy Paschal Donohoe - the effects on part-time workers of the inclusion of Sunday as a working day for persons on social protection payments;

(8) Deputy Regina Doherty - alcohol-related tweets surrounding the recent visit of Canadian

Prime Minister Stephen Harper;

(9) Deputy Joan Collins - the need for the EU to invoke a temporary protection mechanism in respect of refugees from Syria;

(10) Deputy Catherine Byrne - the need to review the funding in respect of Dublin City Council's housing adaptation grants;

(11) Deputy Eamonn Maloney - the need to ensure a balanced and just criminal justice sentencing regime;

(12) Deputy Brendan Griffin - the need to open additional beds at West Kerry Community Hospital, Dingle;

(13) Deputy Ciara Conway - rates in Waterford city and county;

(14) Deputy Mattie McGrath - conditions in the accident and emergency department of South Tipperary General Hospital;

(15) Deputy Luke 'Ming' Flanagan - psychiatric health services within County Roscommon;

(16) Deputy Aodhán Ó Ríordáin - the need to discuss a definite timetable for the ending of the practice of slopping out at Mountjoy Prison, Dublin;

(17) Deputy Derek Keating - the impact of the policy of the Minister for Education and Skills on Catholic and Church of Ireland schools;

(18) Deputy Michael McGrath - the need for a progress report on the work of the special liquidator appointed to IBRC;

(19) Deputy Richard Boyd Barrett -

G8 statement and the implications for Ireland;

(20) Deputy Dessie Ellis - funding in respect energy efficiency grants and the way in which it can be best used to alleviate fuel poverty;

(21) Deputy Charlie McConalogue - the need to ensure that allocations for special educational needs takes account of demographic changes;

(22) Deputy Michael Moynihan - the need to honour programme for Government commitments with regard to home helps;

(23) Deputies Clare Daly and Mick Wallace - the United Nations report on the international refugee crisis;

and (24) Deputy Billy Kelleher - the need to provide additional staff for the Garda vetting unit.

The matters raised by Deputies Joe McHugh, Brian Stanley, Timmy Dooley and Robert Dowds and Clare Daly and Mick Wallace have been selected for discussion.

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An Bille um an Dara Leasú is Tríocha ar an mBunreacht (Deireadh a Chur le Seanad Éireann) 2013: An Dara Céim (Atógáil)

Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill 2013: Second Stage (Resumed)

Thairg an Taoiseach an tairiscint seo ar an Déardaoin, 13 Meitheamh 2013:

Go léifear an Bille an Dara hUair anois.

The following motion was moved by the Taoiseach on Thursday, 13 June 2013:

That the Bill be now read a Second Time.

Atógadh an díospóireacht ar leasú a 1:

Debate resumed on amendment No. 1:

To delete all words after “that” and substitute “Dáil Éireann declines to give the Bill a second reading on the basis that it seeks to abolish Seanad Éireann without affording the opportunity to reform Seanad Éireann as set out in the Seanad (No. 2) Bill 2013”.

(Deputy Shane Ross)

An Leas-Cheann Comhairle: Deputy Tuffy was in possession and is sharing time with Deputy Anne Ferris.

Deputy Joanna Tuffy: Introducing the Bill, the Taoiseach stated that we had too many politicians in Ireland. To address this, he proposes to cut the number of politicians by one third - more than 700 Deputies, councillors and Senators. One of the five countries with similar populations to which he compared us was Finland. Finland has an elected politician for every 550 people whereas Ireland has one elected politician for every 2,476 people. In both cases, I am counting the total number of local and national politicians. After the Taoiseach’s cuts, Ireland will have one elected politician for every 4,144 people and rising, given the fact that our population is increasing year on year. Ireland will have one eighth of the elected politicians of Finland. It is a nonsense to suggest that Ireland has too many politicians compared with countries such as Finland.

Norway was another of the five countries mentioned by the Taoiseach. It has 169 MPs for a population that is slightly larger than ours and has 12,000 councillors, more than 400 local councils and county councils - in reality, regional assemblies - for its 19 regions. Norway has more than ten times Ireland’s number of elected politicians.

I could make similar points about the other countries that the Taoiseach mentioned - Denmark, Slovakia and Croatia. These and other countries have levels of representation at local and regional level that Ireland does not, both in terms of the number of representatives and self-governing powers. Ireland is a most centralised democracy, yet the Taoiseach is proposing with his cuts at local and national level to move even more power to the centre. With so few elected politicians in Ireland, they will be stretched to the limit in their duties to connect with voters. This will make our political system less representative and less efficient, not more.

Ireland is erroneously compared with large countries when some commentators argue that Ireland has too many politicians. This assertion is equally false. For example, the UK, France, Germany and Italy have levels of government that Ireland does not and could not have, including directly elected regional assemblies and provincial parliaments, as in the case of Italy. Neither is Ireland over-represented at national level regardless of whether we are compared with countries that have two houses of parliament or one.

At the Constitutional Convention this month, it was pointed out by political scientist Professor David Farrell that, following empirical studies comparing countries with similar population sizes, Ireland was just about right. A widely accepted formula in political science places the optimum size of a lower house as the cube root of its population. According to the 2011 census, the cube root of Ireland's population is 166. We have exactly the rightly number of Deputies. This formula has been empirically tested.

Interestingly, the convention was polled on whether the number of Deputies should be changed. The majority of its members - citizens and Oireachtas Members - believed that it should not be changed. In the event that it was changed, 48% favoured having a number of Deputies greater than 159. They wanted to keep within the existing constitutional range.

The cuts to Deputy numbers will move us in the wrong direction, as will the proposed abolition of the Seanad and the cuts to councils. After the next election, we will have one Deputy for every 29,000 plus people compared with Finland's one for every 27,180. We have the same number of Deputies as we had when we had 1.2 million fewer people. On the other hand, the number of unelected advisers, spin doctors and speech writers has grown exponentially since then. Power has not only been moved to the centre and into the hands of the Executive thanks to this Government's so-called reforms, but it has also been put further into the hands of unelected advisers and spin doctors, many of whom earn more than twice a Senator's salary with no accountability whatsoever.

It is populist nonsense for the Taoiseach to claim that Ireland has too many politicians. He is anti-politics and anti-democratic when making that assertion and is contributing to the ongoing denigration of politics, which is good for none of us and is not good at all for our democracy.

The Taoiseach also stated that of the ten reports on Seanad reform published since 1938, none had been implemented. This is untrue. I do not know where he is getting his figures. The 2004 Seanad reform report, with which the Minister of State, Deputy Brian Hayes, is familiar, given his involvement in drawing it up, referred to 11 other reports since 1928. The 2004 report would have made 12 in total.

The assertion that the reports have not been implemented is not borne out by the facts. I refer the House to a letter published in *The Irish Times* recently. It reminded me of this debate. Mr. Joe Stynes wrote:

The figure 12 is derived from the 2004 report ... which lists 11 previous reports and itself forms the twelfth. Of the 11 earlier reports, those of 1928, 1936, 1947, and 1953 were in fact largely implemented, while those of 1937 and 1959 made almost no recommendations because the committee members disagreed ... The 1967 and 1996 reports were reviews of the entire Constitution [and also made recommendations on the Dáil that were not implemented] ... The only report which is *both* specific to the Seanad *and* unimplemented was the Seanad's own 2004 report.

This factual position is borne out by a book about the Seanad written by its former Clerk, Mr. John McGowan Smith. He went through the details of a number of the implemented reports. Amendments were made to Articles 31 to 33, inclusive, of the pre-1937 Constitution in 1928 following a report of a committee of both Houses, including recommendations on the Senate. Powers to delay legislation were introduced at that time.

1 o'clock

In 1937 the new Seanad was introduced. There was a report by the joint committee on the Seanad panel elections in 1947 and its recommendations were put into effect in the Seanad Electoral (Panel Members) Act 1947, with further modifications made in the Acts of 1954 and 1972. These form the basis of the electoral system to the Seanad. Those were two key assertions made by the Taoiseach, both incorrect.

The Taoiseach continued, “No Parliament would abolish a House of Parliament simply to reduce the number of politicians”, and stated he was in favour of abolition because the Seanad “has not worked”. He made no back-up to this assertion; there was no in-depth analysis. Unlike the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, who has put some thought into the matter, the Taoiseach offered no analysis as to the benefits or otherwise of bicameralism versus unicameralism. He does not appear to have any grasp of the purpose of the Seanad in our democracy and has been very flippant about it. I have the impression he is very caught up in a presidential style of leadership which is destroying our Parliament in terms of its accountability. The media laps this up to the detriment of all the other Members of this House and of the Seanad.

The Taoiseach does not even grasp the purpose of the Seanad - where the Minister of State, Deputy Brian Hayes, served with me - namely, to slow down the passage of legislation and ensure that the more controversial aspects of legislation have time to come into the public domain. That is very important. The mere existence of the Seanad is a deterrent to Governments wishing to introduce draconian legislation. Deputy Boyd Barrett described the Offences against the State (Amendment) Bill, which we have just discussed, as “draconian” but if we did not have a Seanad it might be a lot more draconian. That Bill must be next debated in the Seanad, which means it will be discussed in both Houses and has more chance to be in the public domain. This acts as a deterrent against the Government overstepping the mark and giving too many powers to the State against the citizen.

The other purpose of the Seanad is to improve legislation and allow time for spotting flaws. Legislation has been introduced by Senators over the years - I can give some examples of good legislation passed. In 1973 Mary Robinson introduced the first Bill to make contraceptives available, a very brave move at the time. She got a lot of abuse and flak, including hate mail, for doing this. Mary Henry is another example. Her Private Members' Bill in respect of child sex tourism was incorporated into the Government's Sexual Offences (Jurisdiction) Act 1996. Many amendments made by Senators to legislation introduced by Government have been accepted throughout the years. I refer to my experience as a Senator, when I was a spokesperson on justice. I put amendments that mattered to legislation and these were accepted by Government. The Taoiseach does not seem to grasp that the nitty-gritty of working through legislation, not merely making soundbites or positioning oneself, is what actually matters. It might not be glamorous. Many Senators, both famous and less famous, have been effective in their role. I refer again to my own experience. The immigration legislation I dealt with in the Seanad, thanks to amendments put by me and my party, improved citizens' rights *vis-à-vis* the legisla-

tion so that they would have due process in the courts. That is just one example.

Bills have been rejected in the Seanad. As late as 2001, a Bill on the publication of opinion polls was stopped there. In 1959 a Bill to put a referendum to the people to abolish proportional representation through the single transferable vote, or PR-STV, and bring in single-seat, first-past-the-post constituencies was rejected by the Seanad. Its initial delay in that House has been said to have contributed to the fact the public had more time and thereby decided to reject the Government's proposal to abolish PR-STV. We can thank the Seanad for that to this day.

The Seanad has obviously contributed to the peace process. Gordon Wilson made a key speech in the Seanad about inviting the IRA to talk to him in the aftermath of three deaths that had just taken place in the Northern conflict.

We take for granted our democracy and our institutions at our peril. This matter should not be the subject of an after-dinner speech by a Taoiseach who needs a headline to grab in the run-up to a monthly opinion poll by a newspaper. It is much more important than that. We have a stable democracy. We have never had a fascist party come to power. We have had a peace process to which many people in both Houses have contributed. It is very important that we remember that.

I hope that when the electorate votes on this they look at this in the round. The Taoiseach has made brave decisions throughout his career, as do most politicians. However, brave men and women have served in the Seanad over the years. When the Senate, as it was then called, was first established it helped to bring the State out of the Civil War. People put their lives at risk to do that. I hope it is to the spirit of those people the electorate will look, not to the soundbites and the flippant way in which the abolition of the Seanad has been proposed by the Taoiseach.

Deputy Anne Ferris: I have my doubts about the need for this Bill. Although I support the passing of the enabling legislation, I have doubts about its intent. The decision to abolish a House of Parliament should not be taken lightly or rushed through, but that is exactly what is happening this week. The Seanad serves a purpose but abolishing it serves none. The need for reform, as advocated by others, is something I agree with and I believe this approach is the more favourable road to take. Having spoken to a number of colleagues in both Government parties, I am certain that when it comes to campaigning on this measure every assistance will be given - short of actual help.

I reiterate, the Seanad serves a purpose. It acts as a check and balance against the powers of the Executive. To remove one check without adequately addressing the consequences is something all of us must take care to prevent. If the circumstances are right, an over-mighty Executive can trample the inalienable rights of a person in a short space of time. As it stands, the Seanad strengthens the parliamentary process by ensuring prospective legislation receives closer examination. In addition, it has the capacity, not fully realised, to meet a broader representation of a changing Irish society.

It is clear there have been paper attempts at reform but with few tangible results. In fact there have been ten attempts at reform. For some, that in itself is enough to condemn the House. However, it is my experience that if there is enough political will behind an issue things can be accomplished that had not seemed likely. Just because something has not been done does not mean it cannot be done. The latest admirable attempt at reform is being led by Senator Kath-

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erine Zappone and the proposals offered should be given serious consideration. Past reforms have advocated a more equitable electorate than the elitist one prevalent today. These proposals include having a much broader direct base from which Senators can be elected, as well as having a gender quota that could reflect our population more accurately by giving the 50-50 percentage of men and women that is so noticeably absent in both Houses.

There should be legislation to address the seventh amendment. What is the point in putting an amendment before the people, getting it passed and then doing nothing with it? At very least, in legislating for this amendment, a more inclusive constituency of all third level graduates could be enabled to vote, as opposed to the situation now where only a handful of university graduates can elect six Senators. Proposed expansion of the Seanad's remit has included further scrutinising of both European and secondary legislation. Proposals have also been put forward for close examination of Acts to assess whether they are meeting the policy objectives envisaged for them. These are reasonable proposals.

It is also important to deal with the argument that there are cost savings to be made by abolishing the Upper House. That may well be true but there would be a cost to democracy. It is better to pay a reasonable sum than have the cause of democracy checked or wrecked. I want a reformed second Chamber that can better meet the needs of our diverse society. The rise and fall of that House will be up to the people. I wish that direct reform had been included in the options presented to the people at the voting stations but by rejecting the proposal a message can be sent to the Government that reform is wanted and needed. The other option means the end of a check and balance. Should reform not achieve what it sets out to do, abolition could then be considered. When it comes to my ballot paper, I will choose the message of reform and I hope it will be heeded.

Deputy Dara Calleary: I am not feeling a lot of love for this Bill on the Government benches. If this was Facebook, the relationship status between the Government and the Bill would be complicated at best, and divorced in some instances. Every Deputy should study Deputy Tuffy's contribution before voting on the Bill because she outlined the strengths of the current Seanad and what it can do. A large number Government Deputies are saying they want a referendum but will be voting "No". Some, like Deputy Ferris, are calling for a reform option. The only way to change the options being presented to the people is to vote against this Bill. Deputy Olivia Mitchell and other Government Deputies have stated that as the Bill is solely concerned with providing for a referendum they are happy to support it and went on to spend their remaining eight or nine minutes having a go at the Opposition and, as usual, throwing in matters that have nothing to do with the debate. It is clear that the Government lacks the support of its dressing room in regard to this Bill. The team captain and chairman of the board might be for it but the players clearly do not have confidence in the chairman. That is a serious issue.

Everyone agrees that the Seanad is in need of reform but the notion put forward by the Taoiseach that it slept through the crisis is very unfair. The Financial Regulator slept through the crisis but is anyone suggesting that we should abolish that office? The regulator was instead strengthened and given additional powers. That is what we need to do with the Seanad. I do not want to personalise my arguments but it is disingenuous of the Taoiseach to make such an accusation given that he made a deliberate decision on becoming leader of Fine Gael in 2002 that the Seanad would be used specifically as a means of getting people into this Chamber, in the process ending the Seanad careers of distinguished Senators like Maurice Manning, who might have been in a position to sound alarm bells. The Minister of State at the Department of

Finance, Deputy Brian Hayes, was a Member of the Seanad between 2002 and 2007. I am sure if he was to make a confession about the focus of his efforts during that period, he would say it was on getting back into this Chamber.

Deputy Tuffy referred to the many Senators over the years who had the capacity to hold the Government to account. As a Minister of State, I found that the contributions from Independent Senators, in particular, enhanced legislation, added to the quality of debates and made me think about the proposals I was making to the Chamber. I acknowledge that the Seanad needs reform but we should not throw it out on the basis of a populist bandwagon in the same way that we abolished town councils and direct elections to *Údarás na Gaeltachta*. Running away from democracy is not the way to reform our nation. Blaming institutions for causing the crisis or sleepwalking through it is not a justifiable reason to abolish them without first attempting reform.

Reform could and should include a Seanad that is directly elected on the same day as the general election, as opposed to afterwards, so that it does not become a holding chamber for former or future Deputies. I agree with the proposal that it should have a 50:50 gender ratio. We need to shake up our Parliament and, while admirable efforts are being made on temporary gender quotas, there is potential for the Upper House to make a significant difference in this regard.

I continue to believe that a reformed Seanad can reflect vocational panels. Vocations can still make a contribution in this country and people with specific interests can bring their experience to the challenge of legislating. It should reflect an all-island ethos. Deputy Tuffy and others have reflected on those who came from the northern part of the island to serve in the Seanad over the years. In a week when the G8 met in Enniskillen, which is the home town of former Senator Gordon Wilson, we should consider the contributions that he made to the House. Gordon Wilson, John Robb, Seamus Mallon and Bríd Rogers all used the Seanad as a constitutional institution when others were having recourse to the armalite. These were individuals with the courage to represent the views of their people in a Parliament when others were determined to use violence to get rid of them. The Seanad gave them that chance and it can become an all-island institution working with cross-Border bodies such as those prescribed under the Good Friday Agreement.

A number of Deputies noted at last week's meeting of the Committee of Public Accounts that the information which had emerged would have more appropriately been addressed prior to the appointment of the Chairman. A directly elected Seanad could have a role in scrutinising appointments to *Dáil* and joint committees in order to challenge the clubby atmosphere of this Chamber. Those who seek to be elected Chair of a committee would make him or herself available to answer questions. The appointment of an European Commissioner could also be scrutinised. The Minister for Public Expenditure and Reform was dismissive of the proposal that the Seanad would take responsibility for EU scrutiny. Let us face the fact that this House does not do EU scrutiny particularly well. Committees include it on their agendas and we receive fantastic briefings from the European service and the Library and Research Service but issues tend to be discussed at the beginning or end of committee meetings. Many issues that impact on our daily lives come through cracks that would not exist under a properly resourced Chamber. Proposals could be sent on to this House accompanied by the views of Senators with experience in the relevant areas.

We should completely abolish the university panels, although they served this country well

it he past. Over the years the TCD and NUI panels gave us excellent Senators who stood against the consensus and challenged the way things were done. I refer to people like Mary Robinson, T.K. Whitaker and others with distinguished parliamentary careers. However, they belong to a different era.

If this referendum is lost, I suspect the Government will not initiate reform. At the end of the day, Government Deputies will look to the Seanad as a lifeboat in the event of the tide going out on the coalition. If Members want a reform option to be included on the ballot paper, they need to vote this legislation down. They can support the Bill while announcing they will vote “No” in the referendum but that means they are depriving themselves of the option of reform. There is no sense in supporting the Bill if the only choice in the referendum is between killing the Seanad or keeping it alive.

Deputy John Browne: I welcome the opportunity to speak on this Bill and commend Deputy Tuffy and others on outlining their views in a frank way. It is good that Deputies are not afraid to speak their minds and are not too worried about the Whip.

All of a sudden the Seanad has become a monster of which we must rid ourselves but it has served the State well over the years. Every political party has used the Seanad to get members elected to the Dáil. In the past, Deputies who lost their seats and new candidates for political parties utilised membership of the Seanad to be elected to the Lower House. There is nothing wrong with providing for such an opportunity.

The Seanad probably needs to be reformed and many reports have been published on reform, most recently in 2004, 2002 and 1997. None of these reports recommended abolition of the Seanad or increasing the powers of the Upper House as to do so could lead to legislative gridlock. The reports, however, recommended that the Seanad assume a number of additional roles, including scrutiny of EU and other legislation, to which Deputy Calleary alluded. They also proposed changes in the composition of the House to better reflect the population of the country, for example, by having representatives from Northern Ireland, as well as representation for emigrants and various voluntary organisations. This would have resulted in a less politically motivated Seanad Chamber.

The Taoiseach has decided to go on a solo run on this matter and appears to have secured the support of the Cabinet for abolishing the Seanad. From listening to speakers from the Government parties in the past two days, it is clear that he does not enjoy the support of Government backbench Deputies.

We should be concerned about democracy. According to a Sunday newspaper published last weekend, many Cabinet members believe the country is being run by a group of four wise men consisting of the Taoiseach, Tánaiste and Ministers for Public Expenditure and Reform and Finance. It appears other Ministers have little say in the proposals that come before the Cabinet and what the four wise men say is law. We have a form of dictatorship in which four people are running the country. The Government, through its decisions to abolish town councils and the Seanad, is proposing to remove several strands of our democracy. This is not in the best interests of the country or its population.

On a lighter note, the first Senate in Ireland met in Wexford in 1798. In 1998, when we celebrated the bicentenary of the 1798 Rising, the wise men of the 1798 committee decided to re-establish the Wexford Senate. At the time, the committee came up with the fund-raising idea

of inviting people to pay £2,000 to become a senator for life. I paid the sum required, as a result of which I am now a senator for life. It is amazing that I had to buy my way into the senate, while we are now trying to defend the rights of the Seanad to ensure people will not have to buy their way into politics.

Deputy Brian Hayes: Some things never change.

Deputy John Browne: I hope there is a lesson to be learned from this. Wexford now has a large number of senators for life. Those of us who paid £2,000, which we will never get back, received a lovely medal and held a meeting to discuss the events of 1798.

It is wrong to abolish the Seanad. The House should be reformed. I and Deputy Charles Flanagan have been Members of the Oireachtas for a long time. During our time in the House, various parties and Governments have proposed reform. I do not believe we will ever have significant reform of the Dáil or Seanad. Deputies are elected to represent their constituents and Governments are elected to do what is best for the country. I am not sure the discussion about reform and what should or should not be done will make any difference because ultimately the Government will take the decision on the issue.

The current committee system is a farce because membership of committees is controlled by the Government. For example, despite being the Fianna Fáil Party spokesperson on the marine, I cannot become a member of the Joint Committee on Agriculture, Food and the Marine because only one member of my party can become a member and the position has been allocated to our spokesperson on agriculture, Deputy Ó Cuív. Moreover, given that committees are always controlled by the government of the day - this was also the case under Fianna Fáil governments - they cannot do much apart from scrutinising legislation and the Government usually gets its way. I do not envisage that we will ever have a position where the committees will overrule Government proposals.

To return to the proposal to abolish the Seanad, many great people have served in the Upper House over the years. We all know who they are and what contribution they made to democracy. I visited the Seanad on many occasions in a previous role as Minister of State and always found debate in the Upper House much different from debate in this Chamber. One had a much greater spread of views as Senators included Independents, academics and all kinds of other individuals who had their own take on how legislation should be implemented. I always found wise heads in the Upper House and it would be a pity if it were abolished.

Few Deputies believe the Seanad should be abolished, with the majority favouring reform. While the people will ultimately decide its fate, I am concerned that the proposal to abolish the Seanad follows the decision to abolish town councils. When the Taoiseach refers to the position in other countries he is not comparing like with like. Many other countries in Europe have local, regional and national governments, which is much different from the system proposed for this country. It is a pity citizens will not be given a choice between reform and abolition of the Seanad. I accept that they will make up their own minds on this issue.

Recently, a local radio station in my constituency featured a debate on abolition of the Seanad. A significant number of callers to the programme in question indicated they would vote to retain the Seanad because those making the case for abolition were Members of the Dáil. The public does not trust politicians or hold them in high regard. I hope citizens will vote to retain the Seanad and the Government will respond by agreeing on the reforms required to change the

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way in which the Upper House works. I do not have a major issue with having both Houses elected on the same day, although I am not sure how such a system would work. Moreover, I do not have a problem with people using the opportunities provided by the Seanad to get elected to the Dáil. Different political parties benefited from this approach in the past. Perhaps we are running from the media too often as we try to be whiter than white. The current democratic system has served us well and while slight changes are needed, we should not dispatch with it on the whim of a Taoiseach who wants to do something differently.

Cuireadh an díospóireacht ar athló

Debate adjourned.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Visit of Governor of Maryland

Acting Chairman (Deputy Paudie Coffey): Before we start Priority Questions, on my behalf and on behalf of the Members of the House I welcome to the Distinguished Visitors' Gallery, Governor O'Malley from Maryland. I wish him a céad míle fáilte to Ireland and thank him for his visit.

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Before answering Question No. 1, I welcome Governor O'Malley. I spent probably my most enjoyable summer ever as a student working in Maryland as a lifeguard on a beach. He brings back nice memories of good weather and much enjoyment in a great state. He is very welcome here.

Ceisteanna - Questions

Priority Questions

Common Agricultural Policy Negotiations

1. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the progress made to date in the Common Agricultural Policy negotiations; and if he will make a statement on the matter. [29488/13]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The Deputy is right to ask for an update on CAP reform. We have reached the end game in a decision-making process that we commenced in January at the start of our Presidency. I am flying to Brussels this afternoon which is one of the reasons I will need to leave questions a little earlier than normal - I also have a Cabinet meeting. I will meet the Commissioner tomorrow and the Chairman of the European Parliament Committee on Agriculture and Rural Development. Together we will try to map out a route to a decision by Wednesday or Thursday of next week, I hope. The final Agriculture and Fisheries Council meeting of Ireland's Presidency will start in Luxembourg formally on Monday morning, but it will effectively start on Sunday morning

when we will have trilateral meetings with Ministers and the Commission to try to finalise the bottom lines and negotiating priorities for individual countries and Ministers.

We have invited the European Parliament to come and be part of the Council meeting, if one likes, and part of the negotiations at that Council meeting. This is a first and has never happened before but we have never done this before. We have never had 27 - soon to be 28 - countries deciding on a Common Agricultural Policy reform process and in an equal process with the European Parliament and European Commission. We hope that on Monday and Tuesday in that Council meeting we will make substantial progress in agreeing the Council of Ministers final negotiating mandate taking account of the concerns of the Commission and the Parliament so that we will be in a position to go to Brussels to have a final trialogue next Wednesday, I hope, with the European Parliament to conclude a political deal on the Common Agricultural Policy, all going well. That could then be confirmed by the European Parliament Committee on Agriculture and Rural Development, which hopes to have a meeting in the European Parliament in Brussels on Wednesday evening. That is the scheduling and process.

The Deputy is very familiar with the key issues, including greening, internal and external convergence, young farmers, market management, crisis support, sugar, milk quotas and the other things. They are being addressed through four different regulations that are all being negotiated at the same time. We planned for 34 dialogues to get to a landing zone or a compromise on all of these issues. We have had 31 of those so far and two more will take place this week with, hopefully, the final trialogue next week.

Acting Chairman (Deputy Paudie Coffey): The Minister is well over his two minutes, but he will get further time in answering the supplementary questions.

Deputy Simon Coveney: We are on schedule for a decision next week, I hope. We cannot take that for granted as much work remains to be done. However, we are on schedule and I would be hopeful we can get the job done before the end of next week.

Deputy Éamon Ó Cuív: Is the Minister confident there will be agreement on the four regulations?

Deputy Simon Coveney: I would be hopeful.

Deputy Éamon Ó Cuív: Will a minimum payment on the single payment form part of the agreement? Will the Minister be able to achieve an option of a reference year of either 2012 or 2013 - in other words an historical reference year rather any future one?

Deputy Simon Coveney: I will not give the Deputy any certainties now in terms of the outcome, but I believe the final compromise is likely to have a minimum payment. The negotiation is on the level of that minimum payment, which obviously has an impact on the level of redistribution between farmers in terms of the internal convergence model that Ireland has essentially designed and has been accepted by the Council in principle and forms the basis of the compromise towards which we are now moving. I have spent much time with farming organisations discussing this issue. I hope the final agreed compromise is one that can allow Irish agriculture to progress in the way in which we want it to.

Ireland is probably the only country seeking a reference year in the past rather than in the future. I do not understand why other countries are not as concerned as I am on this issue. However, I will continue to press for the setting of a reference year that does not impact on

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speculation or changed behaviour anticipating a reference year in 2014 or 2015. In March we successfully made the case for the option of a 2012 or 2013 reference year and I will continue to make that case up to the end of next week.

Deputy Éamon Ó Cuív: Before I ask my second supplementary question, I welcome and congratulate the Minister of State, Deputy Tom Hayes. I know his commitment to farming and I am sure he will do an outstanding job in the new role he has been given.

Would the Minister not agree that his proposals on internal convergence and greening do not reflect productivity, if productivity of livestock farms is measured by stocking density, by natural nitrogen or organic nitrogen output per hectare and so on? Based in Department of Agriculture, Food and the Marine figures the farmers getting either more than €400 per hectare or €500 per hectare are only on average about twice as productive as all of the 50,000 farmers who get less than €250 per hectare, in other words an average of €125 per acre each. The Minister is basing his argument on productivity and active and productive farmers that we have heard perpetually from the Minister and certain farming organisations. The Department of Agriculture, Food and Marine figures do not bear out his argument and show very high levels of productivity from the farmers who are getting very low payments.

Acting Chairman (Deputy Paudie Coffey): I ask the Deputy to ask a question, please.

Deputy Éamon Ó Cuív: Would the Minister not agree that the relativities he is trying to protect have no relationship to productivity?

Deputy Simon Coveney: I would not agree with that, which is no surprise. The figures I have given to the Deputy I have also seen regarding stocking rates. There is no justification for a farmer being on €900 or from €1,000 to €1,300 per hectare. Although the stocking density increases as the payment increases, in other words, there is a correlation between the most productive farmers and the highest payments in general, the difference between those on the lowest payments and those on the highest payments in terms of the stocking rate are not in the same ratio as the difference in terms of their supports. That is why we are committed to redistribution. People on the lowest payments will gain the most and people on the highest payments will lose the most.

We are not proposing to maintain the *status quo*. That was never the Irish model that I advocated. We are proposing to have a gradual redistribution of money that will take money from farmers who have the highest payments, even if they are highly productive, to ensure that farmers on low payments, even if they are not so productive, will see a move towards the average. However, we are going to avoid the type of shock treatment that Deputy Ó Cuív would like to see, whereby we would equalise everyone onto an average payment and one would see dramatic cuts to productive farmers and, by doing so, put farmers out of business.

Acting Chairman (Deputy Paudie Coffey): Minister, we are over time on this question.

Deputy Simon Coveney: I will not allow that to happen, I have not allowed that to happen and the final result next week will not allow that to happen either.

Departmental Offices

2. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine the num-

ber of offices that his Department intends to close around the State. [29620/13]

Deputy Simon Coveney: My Department has no plans to close down any more local offices, the Deputy will be glad to hear. However, following a successful restructuring of my Department's local office network, the number of local offices was reduced from 58 to 16. This was an impressive exercise and the civil and public servants working in my Department did a fantastic job in this regard.

My Department has reviewed the business processes and procedures and, in particular, the administrative support requirements in its remaining local offices. Arising from this review, the Department introduced several significant changes earlier this year to the procedures for the implementation of controls in the context of the TB eradication programme. These changes and, in particular, the decisions not to take up passports from restricted herds and to abolish the movement permit requirement for clear cattle in restricted herds have significantly reduced the administrative staffing requirement in the local offices. In light of these changes and the falling incidence of disease in Ireland the review also recommended that further substantial efficiencies would accrue from the centralisation of administrative support in one or more centralised offices. My Department is in the process of implementing this recommendation and has already transferred the administrative functions out of several local offices. The transfer of the administrative functions out of other regional offices will be considered in light of the availability of opportunities to redeploy the staff concerned to support other critical public services. I should emphasise that these changes will not negatively impact upon local access and services for local customers. Front-line services will be fully maintained and public access for all of the Department's stakeholders will continue to be available at all 16 regional offices. The Department vets, inspectors and technical officers will remain in place at these offices to service our clients across all of the schemes that are provided from our regional offices.

I suspect what Deputy Ferris is getting at relates to Tralee and Killarney.

Acting Chairman (Deputy Paudie Coffey): Briefly Minister, because you are over time already.

Deputy Simon Coveney: Perhaps I will come back to it if Deputy Ferris asks a supplementary question.

Deputy Martin Ferris: I thank the Minister for his reply. I congratulate the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Tom Hayes, on his promotion. I suppose it will be the only medal Tipperary will get this year, but he might think differently about it.

The transfer of administrative staff will have a major impact on the people concerned. This goes back to the 45 km decision under the Croke Park agreement, which, I believe, was a disgraceful negotiation under which the leaders of the trade union movement were effectively compromising on the least well off in the public service. I have before me the payments to the public servants to which I referred. The net weekly pay for clerical staff is €487.20. Most of the people I know on that income are being redeployed. There is a round trip of 78 km per day or 400 km per week without any subsistence or any travel expenses going towards it. It is disgraceful that people on the lowest income in the public service, many of whom have mortgages, young families and houses in negative equity, to keep their jobs are compelled to travel that distance despite the losses and so forth.

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Acting Chairman (Deputy Paudie Coffey): Deputy, can I ask you to put your supplementary question, please?

Deputy Martin Ferris: Does the Minister agree? Is there any way this can be looked at again? Is there any way that those being redeployed should be given a transfer in their area? There are other Departments in Tralee where these ten clerical officers could be redeployed rather than putting them through the terrible trauma of travelling to and from Killarney on a daily basis and given the cost factor associated with it and the impact it is having on them and their families.

Deputy Simon Coveney: I probably should have come to that particular issue earlier. The decision to centralise administrative functions is already being implemented. Administrative work has already been transferred out of several regional offices successfully, notably those in Ennis, Clonakilty, Limerick and Tipperary, without any negative implications for the provision of services to farm clients.

I realise this has put several people out in terms of having to travel further distances to work. Tralee is next on the list. While there are currently no available redeployment options in Tralee for departmental staff, the establishment of a shared payroll service in Killarney has led to a request from the relevant agency to transfer our Tralee staff to the shared payroll services in Killarney. The Department is prepared to accede to this request and will do so in line with the procedures laid down in the Croke Park agreement. The staff in Tralee have exercised their right under the Croke Park agreement to have the matter referred to the Labour Relations Commission for arbitration. My understanding is that an initial hearing took place yesterday, 18 June. When we get some feedback from that process we will obviously take it into account.

I assure Deputy Ferris that one of my jobs as the head of the Department is to try to look after my staff as best I can.

Acting Chairman (Deputy Paudie Coffey): Thank you, Minister.

Deputy Simon Coveney: We are trying to do that while, at the same time, introduce the necessary changes to reduce the cost of running the Department and maintain services in order that we can spend more money on farmers, farming schemes, supporting agriculture and so on. That is what we are trying to do and in so doing we are not asking anyone to step aside and no one will lose their jobs. Their jobs are safe and are being maintained. We are asking administrative staff to move from one Department to another and, in this case, to move from Killarney to Tralee.

Acting Chairman (Deputy Paudie Coffey): Minister, we are over time on this question.

Deputy Simon Coveney: Let us wait and see what the Labour Relations Commission process brings up and we will certainly take it into account.

Acting Chairman (Deputy Paudie Coffey): Briefly, Deputy Ferris, because we are well over time.

Deputy Martin Ferris: I understand.

Acting Chairman (Deputy Paudie Coffey): I will allow you a little time.

Deputy Martin Ferris: I am entitled to ask a supplementary question.

Acting Chairman (Deputy Paudie Coffey): You are, but before we go on I wish to remind Ministers and Deputies that there are six minutes in total for each question, with two minutes for the Minister to reply and then four minutes for supplementary questions over and back.

Deputy Martin Ferris: I wish to put a supplementary question.

Acting Chairman (Deputy Paudie Coffey): We have gone way over, but I will allow you some latitude. Go ahead, Deputy.

Deputy Martin Ferris: The concern I have for these workers is that many have a problem with this. At least one is a single parent with a young daughter and is living off €478.20 per week. That person will be spending a further €60 or €70 per week on transport without any certainty about whether there will be reimbursement. That is a serious problem. One of the people involved has a mortgage and all of them are in negative equity. It is a serious problem and it needs to be addressed. I hope the Labour Relations Commission will come down and grant them their entitlements but it is up in the air at the moment. I appreciate the fact that the Minister has stated he does not want any of his staff penalised as a consequence of redeployment, but it is important that there is some certainty for them for the future.

Acting Chairman (Deputy Paudie Coffey): We are moving on to Question No. 3 but first I wish to reiterate that six minutes in total is the time allocated for each question, with two minutes for the Minister to reply and then four minutes for supplementary questions. I call on the Minister to be as brief as possible and we will get to as many questions as we can.

Deputy Simon Coveney: Point taken.

Fishing Industry Development

3. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine the role he envisages for Bord Iascaigh Mhara in developing a seafood innovation centre in Killybegs, County Donegal; the way he sees the Killybegs Campus of LYIT complementing that role; and if he will make a statement on the matter. [29487/13]

Deputy Simon Coveney: I am committed to continuing the path set out in the report of the high-level group on the Killybegs jobs initiative, which reported in October 2011. The report identified the potential for establishing Killybegs as a centre for research and innovation. Recommending an integrated approach, the report seeks to position Killybegs as the premier fisheries port of the north-west Atlantic. During 2012, Ireland secured a high share of boarfish quota, approximately 56,000 tonnes, and the development project linked to that has now become very much part of the broader development plan for seafood in Killybegs.

With regard to the development of a seafood innovation hub at Letterkenny Institute of Technology, LYIT, School of Tourism, Bord Iascaigh Mhara, BIM, and LYIT have been engaged in a range of activities incorporating knowledge and technology transfer between the seafood development centre and the Killybegs campus, including joint meetings and a visit by the LYIT management to Clonakilty to assist in the development of seafood innovation on the campus. As part of the BIM-Donegal Enterprise Board seafood business programme, a number of workshops with industry participants have been held successfully in LYIT.

Currently BIM and LYIT are engaged in a series of practical partnerships aimed at sup-

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porting and developing local seafood processing companies. The initiatives of this partnership include market research through the deployment of master's students, industry workshops and, in particular, new product development projects focused on the crab and pelagic sector. The LYIT Killybegs campus offers excellent culinary facilities and opportunities to develop and test new seafood products at the pre-commercialisation stage. A particular focus is on developing new opportunities for boarfish products.

Additional information not given on the floor of the House

In 2012, the pelagic sector generated approximately €64 million in additional export revenues. As pelagic exports are located primarily around Killybegs, BIM actively supports the development of a seafood innovation centre at the LYIT School of Tourism in Killybegs. It is anticipated that this approach will support the shift from commodity to value-added pelagic, salmon and crab exports. I expect that the concerted and ongoing marketing of Killybegs as a premier port will position Killybegs as a port of choice for international fishing fleets, capable of facilitating port logistics, local expertise and services.

Deputy Thomas Pringle: I congratulate the Minister of State, Deputy Tom Hayes, on his appointment.

The Minister might not be aware that LYIT is in the process of preparing a three-year business plan to help it deal with its deficit. Active consideration is being given to relocating the Killybegs branch to the Letterkenny campus. That would have a detrimental effect on the seafood industry and would reduce the potential for developing links with BIM and the further development of the seafood business innovation centre on the Killybegs campus. It was for that reason that I raised the matter today. It is vital that a campus be maintained in Killybegs. The work of BIM, supported and encouraged by the Department, would ensure that the campus would continue to grow and develop. It is important that we send a signal to impress on the management of LYIT the need to develop and sustain the campus in Killybegs and to support the local seafood industry and its development. BIM has a representative on the board of governors and I urge the Minister to use his office to impress on them the importance of maintaining the facility in Killybegs.

Deputy Simon Coveney: I did not know that, and I am pleased the Deputy informed me of it. I will inquire about the matter. It does make sense to have a presence in Killybegs, as that is where the fish are landed. Killybegs is by far Ireland's largest fishing port, certainly for the pelagic industry. I must be careful not to get into the decision-making process LYIT must make in terms of where it develops and spends money. That is not my role. My role is a supportive one - to try to bring the various stakeholders together to ensure that we maximise the potential of Killybegs as a port and the potential of the seafood industry both through Killybegs and through the broader infrastructure within Donegal. I will make inquiries into the concerns expressed by Deputy Pringle, but in the meantime we will continue to provide the supports to BIM and other stakeholders that have been given for the past two years. This has been a joint effort. Deputy Pringle might remember that I was somewhat frustrated at the initial cynical response to the jobs initiative. The cynicism is now gone and people realise that we are serious about it and we are investing in it. We will continue to do that. I will follow up on the specific concern raised by the Deputy.

Deputy Thomas Pringle: I thank the Minister for his response. I understand his difficulty in terms of the decision-making process but for the development of the region and of the sea-

food sector it is important that we have a third level campus in Killybegs that can be accessed by the industry and the community as a whole. The decision is due to be made in the next couple of days so I urge the Minister to make contact fairly quickly.

Common Fisheries Policy Reform

4. **Deputy John Browne** asked the Minister for Agriculture, Food and the Marine the up to date position regarding the Common Fisheries Policy negotiations; the reason he did not have the Hague Preference enshrined in the report; and if he will make one last effort to have the Hague included. [29490/13]

Deputy Simon Coveney: I thank Deputy Browne, a former Minister of State in the Department, for raising the matter. It gives me an opportunity to update the House on the result the Irish Presidency has achieved, along with the European Parliament and the Commission, on finalising a Common Fisheries Policy, CFP, reform process that is radical, hugely progressive and will ensure that we still have a fishing industry in ten, 20 or 50 years' time. We now have a very ambitious reform plan that is implementable, but we will need to work closely with the sector and we will need to support it both financially and from a policy point of view in order for it to be able to implement the change.

The level of support for the reform is significant. Yesterday in the European Parliament the Committee on Fisheries, PECH, voted 20 to one in favour of CFP reform. At the Council representative body, essentially of ambassadors, in COREPER, 27 countries voted in favour of CFP reform. When one sees the largest commercial fishing fleet in the European Union, represented by the Spanish Government, and the Green Party in the European Parliament both voting in favour of reform, one begins to realise that the policy is very broad and ambitious and that is implementable and realistic for the industry.

With regard to Ireland's concerns, we had some specifics that we needed to get out of the reform in terms of protecting certain things. First, we needed to prevent the privatisation of quotas, and we did that. We had that debate a year ago and that was off the agenda because of our stance a long time ago. We have introduced what fishermen want and what the public want, namely, a way to phase out the discarding of fish, which is very much needed. We have protected the Irish Box in no uncertain terms as per the text of CFP reform. We have introduced a regional decision-making process that will allow fishermen to have a say directly in how their fisheries are run locally. Again, for the first time there is agreement on that.

We have added to the wording of the Hague preferences, albeit in a recital, because it was not possible to enshrine the Hague preferences in the CFP reform text itself, as that would have resulted in a vote. As there are only two countries that benefit from the preferences - namely, Ireland and the UK - any politician would know that we could not have won that vote. The next best option was to support and enhance what is currently the case with the Hague preferences, whereby we invoke them in December each year and make the political case for them. We will continue to do that in the future and we will continue to be successful in benefitting from the Hague preferences.

Deputy John Browne: I join in the good wishes to the Minister of State, Deputy Tom Hayes, and hope he will ensure the productive farmers of the south east are protected in the CAP negotiations.

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Deputy Simon Coveney: It is a very consistent approach.

Deputy John Browne: I am sure the Minister is aware of the importance of the fishing industry to coastal communities, involving more than 12,000 jobs and more than 2,000 fishing vessels. The Minister referred to support for the CFP in the European Parliament but there does not seem to be the same level of support among the Irish fisheries organisations. I have had representations from Kilmore Quay to Castletownbere to Killybegs, all outlining the serious concerns of fishermen. Fishermen also feel they were excluded from many of the negotiations before they were finalised at European level. Will the Minister comment on that?

Does the Minister accept that the discard compromise is unworkable from an Irish whitefish point of view given the mixed nature of the fisheries in which the vast majority of whitefish vessels operate? Fishermen have expressed serious concern to me in this regard. They also feel that the Minister should seek to have the Hague preferences included because they believe that at some stage in the future - I know the situation as I attended negotiations on previous occasions and we always managed to get them included - the present arrangement might not be sufficient and we might not always win the war. They believe it is important that the Hague preferences be included in the new CFP.

3 o'clock

Deputy Simon Coveney: First, in respect of discards, I do not accept this is not implementable. One reason this took so long to negotiate was we were obliged to figure out a way to end discards and to introduce an obligation to land, with some exceptions, while at the same time doing so in a way that could allow fishermen on the deck of a trawler to deliver that change and reform. Management tools have been introduced to allow them to do this. For example, the proposal allows for interspecies flexibility in terms of quota management and for inter-annual flexibility for fishermen in respect of quota management. Moreover, allowances will be made for fishermen to make the case that if they cannot avoid the catching of adult fish in a mixed fishery after they have used technical conservation measures such as mesh size, escape hatches or whatever and they have used the other flexibilities that allow them to have quota flexibility between species and between years, they will have what is called a *de minimis* rate of discarding allowed, of up to 5% for the fleet. Consequently, there are practical measures that the fishing industry was very much involved in influencing, talking about, designing and so on. I do not accept that point and would not have signed up to the Common Fisheries Policy, CFP, reform if I thought this was not implementable. The other point is this proposal does not begin until 2016. There is plenty of time to prepare for that and to design an implementation plan to ensure it works.

Deputy John Browne: What negotiations has the Minister had with the fishing organisations since the conclusion of the talks? What plans does he have to have discussions with them in the future?

Deputy Simon Coveney: I speak with representatives of the fishing organisations all the time. After every significant decision at Council level, I meet the fishing organisations first, even before speaking to a journalist or anyone else, and I did this immediately after the final negotiating mandate for the Council was agreed. Essentially, that now is more or less what is in the CFP reform. We met representatives of all the fishing organisations that were present at that Council meeting and gave them a debriefing, as I always do. However, the leaders of all the key fishing organisations have my mobile telephone number. They ring me when they have

concerns on a regular basis and the idea there is no consultation or no access to me from the fishing industry is simply untrue.

Acting Chairman (Deputy Paudie Coffey): I thank the Minister. He has answered the question.

Deputy Simon Coveney: What is true is that I have not been able to spend as much time as I would like to spend in fishing ports and among fishing communities. I will try to address this over the summer.

Departmental Investigations

5. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Agriculture, Food and the Marine the actions he is taking in view of the report on alleged fraud in Coillte which was delivered to him by this Deputy and members of the timber saw milling industry some weeks ago; and if he will make a statement on the matter. [29587/13]

Deputy Simon Coveney: I thank the Deputy and note he was tweeting earlier today that I would be answering this question. In the first instance, I wish to clarify that this matter relates to alleged irregularities, which are not specifically about Coillte, but which also have a wider perspective. This is an issue the Deputy has mentioned on a number of occasions, both in the Dáil and in the Oireachtas Joint Committee on Agriculture, Food and the Marine. At the time, I asked the Deputy, if he had evidence on which I could act, to give it to me and I would act on it. I also advised that if there were questions which needed to be asked of the Coillte board about any type of fraudulent activity, I also would ask those questions. I have followed up as a result of the evidence the Deputy has provided.

As the Deputy is aware, due to other commitments I was not in a position to meet him personally to obtain the background information but I arranged for relevant senior officials of my Department to meet the Deputy and the members of the sawmilling industry to hear their concerns. That meeting was held on Wednesday, 29 May last and since then, it has been arranged that two officials from the forestry service of my Department would investigate the issue raised. I understand they have thoroughly reviewed the material received and will revert directly to the other attendees at the original meeting, as well as to Deputy Luke ‘Ming’ Flanagan. I understand they also will be in contact with An Garda Síochána to ascertain the status of a complaint which was previously lodged with it.

Having noted the subject at issue, I am reluctant to discuss this matter without further investigation but I wish to reassure the Deputy, as previously advised by a senior official in my Department, that this issue will be investigated thoroughly and that the Deputy and representatives of the sawmilling industry will be given an update on progress shortly. I understand it was made clear to Deputy Flanagan that the Department would not be in a position to give him a detailed outcome of that investigation by today’s Question Time. However, as soon as we credibly can do that, we will give information to the Deputy without delay. I cannot be more helpful than that on this issue.

Deputy Luke ‘Ming’ Flanagan: At the time the aforementioned meeting took place, for some reason I was under the impression that the Minister would be in the House for Question Time on 12 June. We were given a promise at the meeting by the departmental official that the

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Department would be carrying out an investigation and would revert to us within three to four weeks. As it only has been three weeks since 10 a.m. today, another week will not break our hearts as this issue has been ongoing for more than a decade. It initially was brought up on 13 February with my friend, the Minister for Justice and Equality, Deputy Shatter, and was brought up in the Private Members' motion on forestry tabled by another great friend, Deputy Boyd Barrett - that sounds ominous - as well as at this meeting. If we are obliged to wait for another week, then so be it. I hope something finally is being done about it because unless this is the case, according to my information it has massive implications for the viability of the sawmilling industry. While I am not very savvy in the business world, were the Government still thinking of selling Coillte, it also would have implications there. Were I personally to buy something, I would like to ascertain whether all the books were correct in respect of what I was buying and so on.

Acting Chairman (Deputy Paudie Coffey): I ask the Deputy to conclude.

Deputy Luke 'Ming' Flanagan: I can wait another week but I hope those involved get fair treatment, because it takes some bravery to come forward with the information with which they came forward.

Deputy Simon Coveney: I spoke at some length to the departmental official the Deputy met and to whom he spoke. He is the Department's knowledge leader in respect of the forestry sector and he stated he is anxious to get to the bottom of this and to bring it to a conclusion before the end of the month. That is only another week or ten days.

Since the Deputy has mentioned the Coillte decision, I will be leaving the Chamber in approximately five minutes to attend a Cabinet meeting. Unusually, a Cabinet meeting is being held on a Wednesday rather than a Tuesday and I am bringing a recommendation on Coillte to the Cabinet today. Consequently, the Deputy will get an answer to his questions on the future of Coillte's harvesting rights and the Government's attitude to that, as well as to other issues regarding Coillte such as the potential of restructuring the company and so on. This is a decision I hope the Government will be able to take in an hour or so. This is just to inform the House.

Deputy Richard Boyd Barrett: Give Members a clue.

Deputy Luke 'Ming' Flanagan: I presume the Minister will not tell Members in advance. Obviously, everyone will be waiting with bated breath for that decision. Regardless of the decision the Government will take, I hope it takes into account everything that has been said on the subject, as well as the impact it will have on the sawmilling industry etc. This House is at times rightfully criticised because of an absence of good debate on subjects but on this issue, there has been excellent debate. The question now is whether, after an excellent debate on the subject, it will be listened to because otherwise it was pointless.

Other Questions

Equine Industry Issues

6. **Deputy Michael P. Kitt** asked the Minister for Agriculture, Food and the Marine the steps he will take to encourage the slaughter of surplus horses; the way he intends to encourage

the slaughter of surplus young horses; and if he will make a statement on the matter. [29376/13]

Deputy Simon Coveney: First, I am glad this issue was raised because, as the Deputy is aware, we have had a challenging year in terms of horsemeat entering the food chain. I believe we have got through that successfully and have been Europe's leaders in exposing the problem and in putting in place policy initiatives to ensure it does not happen again. However, one consequence has been a dramatic reduction in the number of horses slaughtered in Irish slaughtering facilities this year. Thus far, the figure is approximately 5,500 whereas last year, the figure would have been nearly four times that.

Deputy Éamon Ó Cuív: What was the figure for last year?

Deputy Simon Coveney: Last year the figure was four times that at approximately 24,000. There are a number of reasons for that, and people should not necessarily draw the conclusion that the number of horses slaughtered last year, which is different from the number for this year, are horses that should not have been slaughtered. That is not the case. The main reason the number of horses slaughtered this year is dramatically decreased is that we shut down facilities. For a number of months this year there were no facilities to slaughter horses. As a result of that we have a problem because there are many low-value horses for which there is no market that would have found their way, through various different systems in terms of transporting horses or slaughtering of horses, out of the system last year. Now, because we are strictly imposing the rules, as we must, to guarantee we can stand over everything that goes into the food chain we must deal with a by-product of that, which is that there are many unwanted horses, and there is animal welfare concern around that population of horses.

There is also a problem in that EU regulations do not allow horsemeat into the pet food chain, in other words, rendering. We are examining that with the Commission to see whether that may be an outlet for horses. Horse owners who do not have identification for their animals would not have the full costs of getting their horse slaughtered and disposed of through a knackery and so on.

We have an open mind on this issue but I want to state clearly that we should not and will not simply look for a derogation to allow all these horses into the food chain because we have a problem with them. That would send out all sorts of negative messages in terms of Ireland's attitude towards food safety, and we cannot allow that given where we have been this year, but we will examine other solutions that are practical and make sense.

Deputy Éamon Ó Cuív: I thank the Minister for the reply. He has outlined the problem very well. He has not given much indication in regard to solutions. I wonder what the Minister intends to do to deal with this problem because we have a real problem. I agree with him that we must be sure about standards but has he any proposals, for example, to introduce a scrap-page scheme through which money would be made available to take the surplus horses out of the system? Surplus horses, some owned and some not owned, are a major problem around the country.

Deputy Andrew Doyle: On a related matter, there are a number of reasons the numbers have dropped significantly. A major problem arose post the boom in that there were a huge number of horses in the system that became surplus to requirement. With the passing of the animal health and welfare legislation, before they are released horses that are impounded should be micro-chipped and anybody who reclaims them must have a name and address to ensure that

in the event they are re-impounded, we can take decisions on whether they should be released or taken out of the system.

Deputy Martin Ferris: This is a serious problem across the country. In the area I come from there is a large number of horses with which nothing can be done, and many of them are going hungry on the side of the road. Some type of scheme must be put in place, perhaps a scrappage scheme as suggested by Deputy Ó Cuív, or a grant aid scheme to ensure something can be done about the problem.

Deputy Joe McHugh: I take the opportunity to welcome the new Minister of State, Deputy Tom Hayes, to the House. Comhghairdeas. Regarding a potential registration waiver, which I have raised with the Minister previously, I understand where Deputy Ó Cuív is coming from on that but the difficulty is that the registration sometimes costs more than the cost of the horse. A prohibitive cost issue arises in that horses are being dumped because the owners do not want to register them. I do not seek a response today but I ask that consideration be given to some form of waiver for registration because of the prohibitive cost of registering.

Deputy Simon Coveney: I want to be clear on a number of points. Even if one registers one's horse it does not solve the problem. The Deputy's point is a fair one. We are trying to find a solution that will encourage people to abide by that solution and ensure it does not cost them a fortune. Otherwise, we will have concerns about animal welfare, and I have seen photographs of horses that have been dumped, abused and so on.

It might be helpful if I were to come into committee on this issue where we could discuss in detail some of the options rather than giving a short soundbite here. This is a difficult problem. We have outlets for unwanted horses. We pay local authorities a good deal of money, and they are disposing of very large numbers of horses but that is probably not enough to deal with the current significant problem that has arisen as a by-product of the horsemeat crisis and the fact that many of the factories were closed to horsemeat. Two factories are now open again and they are slaughtering quite large numbers of horses but we still have a glut of horses to deal with, and many of them will not be allowed past the door of a factory.

We have to find a solution for that but it is also important in a debate like this one to remind people who own horses of their obligations. The idea that it is somehow the Government's problem to deal with the disposal of an animal that they own and have responsibility for because it now appears it is more expensive to dispose of that animal is wrong. It is important in that context to remind people of their obligations when they own an animal, but we need a detailed discussion on this issue.

Acting Chairman (Deputy Paudie Coffey): There is a lot of interest in this particular question. I call Deputy Ó Cuív and Deputy Mulherin and ask them to be brief.

Deputy Éamon Ó Cuív: I welcome the indication from the Minister that he will come into the committee. The Chairman is sitting behind him and I am sure he will be amenable to that proposal. We look forward to that debate.

When the Minister comes into the committee there is one issue that deserves serious consideration, and it is an EU issue. Why is it that the standards that apply within the European Union regarding horsemeat for human consumption are higher than the standards the European Union applies to imports of horsemeat from the United States of America for the same purpose?

Deputy Michelle Mulherin: To add to that, a resources issue does arise here. I welcome the Minister's indication that he will attend the committee. Whether it is horses or other animals that are abandoned, the problem is finding the owners. There is a major problem with finding resources for voluntary animal welfare and rescue organisations that are inundated and carrying the heavy load for local authorities. Notwithstanding the moneys the Minister is giving to those local authorities, it is not enough and I ask him to address that issue.

Deputy Simon Coveney: On that, we have also increased the funding available to animal welfare organisations. Despite the fact that we have had to reduce expenditure on practically every heading for the reasons with which everybody is familiar, animal welfare organisations have seen a significant increase in the amount of financial supports they get, and it is because they need it. In the middle of a recession animals often get abused, and welfare organisations are busier now than they have ever been in the past.

On the standards issue, there are no horses slaughtered in the US. They are either taken up to Canada or down to Mexico. Large numbers of horses are imported from the US into Europe for the human food chain. My understanding is that they have to pass a series of tests before they enter that human food chain but we can only control the slaughtering facilities we have in the European Union through EU regulations. The inter-trade negotiations we have with the US are a different matter, but I agree with the Deputy that we should insist on a common standard.

Deputy Éamon Ó Cuív: It is a human health issue.

Deputy Simon Coveney: It is, yes.

EU Regulations

7. **Deputy Richard Boyd Barrett** asked the Minister for Agriculture, Food and the Marine when the legislation to implement the EU Timber Regulation will be published; and if he will make a statement on the matter. [29378/13]

Minister of State at the Department of Agriculture, Food and the Marine(Deputy Tom Hayes): The new EU timber regulation is now in effect. It does not require any further national legislation to become law in this country. It is part of a package of measures aimed at ensuring all products containing wood placed on the market in the EU are from legally harvested timber. It applies to wood and wood products being placed for the first time on the EU market. It counters the trade in illegally harvested timber and timber products by imposing three key obligations on the sector: placing illegally harvested timber and products derived from such timber on the EU market, for the first time, is prohibited; those EU operators who place timber products on the EU market for the first time are required to exercise due diligence; and those traders who buy or sell timber and timber products already on the market are required to keep information about their suppliers and customers to make timber easily traceable.

Each member state is, however, obliged to introduce national legislation that will lay down the rules on penalties applicable to infringements of the provisions of the regulation. This process is at an advanced stage in my Department and I can assure the Deputy that I will lay out effective, proportionate and dissuasive penalties, where appropriate, to ensure compliance.

I have charged my officials with carrying out a number of functions over the coming period

to ensure compliance with these new rules. They will provide information and guidance to the industry through use of the web and seminars or talks. They will gather technical data to provide a knowledge database to take informed decisions and to advise on compliance. They will plan for enforcement through various actions such as site visits and information sampling. They will co-operate effectively with both the European Commission and other member states to combat cross-border infringements.

As the Deputy can appreciate, the process is at an early stage with only four countries now with the national penalties specified. My officials have been in close contact with key players across Europe already with a view to establishing best practice in a number of areas. Department officials have established strong links regarding information sharing with two key trading member states and are committed to adding to this number shortly. Ireland, like all member states, will be asked by the Commission to account for its implementation of the process by a formal reporting and review procedure laid down in the regulation.

I should point out that it is expected that for the majority of those affected, this regulation will simply involve the reaffirmation of their current business practice. It will primarily require them to ensure their paper trail is in a format which can be checked to verify compliance. The key change this regulation will bring about is to impose a greater responsibility on those placing timber on the market to ensure their products have been legally harvested.

Deputy Richard Boyd Barrett: I wish the Minister of State good luck in his new position. I hope the senior Minister, Deputy Coveney, makes the right decision on the proposed sale of the harvesting rights of Coillte. The Government is aware of the huge opposition to the plan to sell off the harvesting rights and I hope the Government has listened to the views of the public that have been clearly stated on that.

The Minister of State is aware the EU timber regulation came into force across Europe on 3 March to deal with the problem of illegal logging, with all the subsequent problems it causes in deforestation and climate change, not to mention tax revenue being lost to states, which has further implications in these difficult financial times. This regulation is important and Ireland must implement it as a matter of urgency. Oddly, given this is a country that can grow trees very quickly and that should have a higher level of afforestation, we import about €500 million worth of timber annually. There is significant potential, therefore, for this country to import illegally logged timber, with all the consequences that can have for us economically.

Why has there been such a delay in fully implementing this timber regulation? When asked in March about it, the Minister said legislation was being prepared but the Minister of State's reply seems to suggest there will not be legislation, so perhaps he might clarify that. When can we expect the introduction of a penalties regime to be brought in so operators who are not scrupulous in ensuring they use legally felled trees will be penalised for doing so? Can the Minister of State give an assurance that the competent authority that was supposed to be set up, but which has not been set up, will be adequately resourced to ensure the proper implementation of the timber regulations and the proper supervision of the industry?

Deputy Tom Hayes: The Deputy remarked that the Minister will make the decision but the Cabinet will make the decision shortly on the future of the harvesting rights of Coillte. Every consideration has been given in the past while to the decision the Cabinet is about to make.

Deputy Éamon Ó Cuív: Let us hope it is the right decision.

Deputy Tom Hayes: I am sure people will be happy. I came into the job in the past two weeks and I do not know what answers were given, I did not go through the file to see what answers were given to the Deputy's questions in the past week. New regulation is not needed. We must implement what is in place now. The officials have been tasked with that job and told to do it as a matter of urgency. They are to provide guidance to the industry though the use of the Internet, seminars and talks, and to gather technical data to provide a knowledge database to take informed decisions on compliance. The plan is for enforcement through actions such as site visits and information.

Last Friday, I toured three counties that have sites where a lot of forestry work is being done, and I saw there is huge potential for the industry. I was in Fermoy, where a private company employs 100 people in a very modern factory producing timber and boards at high speed for the market, replacing imported products and even exporting, which the company hopes to do because it sees a gap in the market. I toured the hills where the timber is growing and saw the efficiency with which the work is being done. The whole industry has a great future. We did not pay the necessary attention in recent years but I believe there is a growing commitment on the part of all those involved to ensure this project is safeguarded.

Deputy Richard Boyd Barrett: I welcome the commitment to the development of Irish forestry but we are a long way from where we should be. Afforestation levels are the lowest in Europe. We are importing €500 million worth of timber that we should not have to import. That makes us vulnerable to illegally logged timber, which is bad for our economy, for the developing world and for climate change. I hope the Minister of State will commit to stringent implementation of the EU regulations and ensure the necessary resources are provided to do so.

Deputy Tom Hayes: I am giving the commitment. The officials have been asked to do that and everyone involved in the industry is genuinely committed to making the industry more effective. I have no doubt we will achieve that.

Common Agricultural Policy Reform

8. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he has studied the submissions received from the Irish Farmers' Association and other farm organisations setting out the various preferred options in the context of the Common Agricultural Policy reform; the extent to which he expects to be in a position to achieve the objectives set out; the degree to which he expects to be in a position to ensure that the Irish and European food producing sector is adequately safeguarded and promoted in view of the pivotal nature of the industry and its major economic significance and if he expects the CAP reform provisions to remain constant in the course of any subsequent World Trade Organisation negotiations; and if he will make a statement on the matter. [29339/13]

Deputy Tom Hayes: The Minister, Deputy Coveney, has taken careful note of the submissions received from all the farming organisations and, indeed, from all stakeholders. They have been useful in highlighting the main concerns and preferred options of the farming and wider agri-food sector. Of course, there are variations between the positions taken by different stakeholders and it is the job of the Minister to steer a course that will deliver a policy that will be fit for purpose and that will underpin the future of Irish and European farming.

Let me remind Deputies that Ireland's priorities at the outset of these negotiations were to

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ensure, in so far as possible, sufficient Common Agricultural Policy financial resources to support sustainable food production in the EU and in Ireland; flexibility for member states on farm payment models and transition arrangements; and a rural development policy that effectively supports competitiveness and sustainability. I am pleased to state that substantial progress has been made in delivering on all these priorities. Although the budget agreement has yet to be endorsed by the European Parliament, there is no question but that a substantial budget has been secured for the CAP, including in excess of €11 billion for Ireland over the coming period.

As to the other elements, next week in Luxembourg and Brussels, the Minister will seek to achieve political agreement between the three EU institutions on the Common Agricultural Policy reform package in order to deliver a rural development regulation that will provide the scope for Ireland to implement a rural development programme which targets support to Irish farmers to assist them in increasing their competitiveness and improving their sustainability and deliver a payment model that is fair to Irish farmers and supports sustainable intensification and active farming by ensuring a fairer distribution of direct payments while avoiding abrupt, large losses to higher paid farmers.

As to the effects of future WTO negotiations, with the current round of negotiations stalled, it is difficult at this point to imagine a situation in which a WTO outcome will have a major impact on the current CAP reform package.

Deputy Bernard J. Durkan: I thank the Minister for his comprehensive reply. Can the Minister of State give any indication to the House at this stage as to the extent to which the submissions received from the Irish farm organisations have been considered in the context of the CAP reform, the extent to which other farm organisations throughout Europe have also been considered in the context of the Irish Presidency and the extent to which it is expected that those who continue to make a contribution to agriculture, those living in rural areas and those farm families involved in agriculture can be assured as to their future prospects?

Deputy Tom Hayes: As to an assurance that everybody has been consulted, never before has there been so much consultation. The rural organisations, such as the Irish Farmers Association, the ICMSA, Macra na Feirme, the Irish cattle and livestock producers, all have been consulted. This House has been consulted on the ongoing negotiations.

On the fact that we held the Presidency and made such an impact, I was in Brussels only last week - I will be glad to be over there next week when these negotiations are being finalised - and due to the respect in which Ireland is now held because we have brought the matter from what was a difficult position some months ago to where we have it now, many of the worries and important issues for many throughout the country will be taken into account, particularly in regard to family farms and younger people. The Minister has emphasised always during the negotiations his commitment to bring about a position where increasing numbers of young people will take to the land. Only 9% of those involved in agriculture are under 35 years of age. That percentage must be increased and, hopefully, after next week it will be.

The Minister hopes people will be satisfied. Clearly everybody cannot be fully satisfied but we will be close to it.

Deputy Éamon Ó Cuív: Contrary to what the Minister stated here, I am on the record of the House, back at the beginning of these negotiations, in saying that any change had to take place over time and I was shocked and surprised at the Minister trying to infer that I ever stated

anything else. Does the Minister of State believe that the single payment in the long term should relate to the amount of land one has, to average productivity as it could not be individual productivity or to something that happened in the historic years of 2000, 2001 and 2002?

Deputy Tom Hayes: When discussing this and making a case for the retention or, as Deputy Ó Cuív has done, for a complete change in it, it is important to remember that there is a historic element to this. Over the past number of years, people have borrowed substantial sums. They have put in many buildings and done a great deal of farm programming and they must be treated the same as everybody else. It is important that there be fairness across the sectors. These are the issues: first, the historic commitment and, second, fairness for the individual farmers and producers across the country.

We have gained substantially from the Common Agricultural Policy. As a country, we have reacted to it. We are unique by comparison to other countries in that we have also increased our production. The response of the farming community to the agricultural programme we have in place with aims and objectives for 2020 has been unique by comparison to other European countries.

I am happy that the Common Agricultural Policy needs to remain in place. I am happy that our farmers are responding to it. They will understand that the changes, when they come, will be to the benefit of the agricultural community.

Acting Chairman (Deputy Paudie Coffey): I call Deputy Durkan on a quick supplementary. We are over time and I would ask him to be brief.

Deputy Éamon Ó Cuív: We should keep going on this question. It is a good question.

Deputy Bernard J. Durkan: Further to the Minister of State's already comprehensive reply, to what extent has there been unanimity or general agreement achieved among the Council of Ministers on the validity of the case for the future insurance of the agri-food producing sector and to what extent has this been recognised within the European Commission, with particular reference to ensuring that the Commissioner for Agriculture and Rural Development is cognisant of the magnitude of the employment creation prospects and potential for the future of the agri-food sector?

Acting Chairman (Deputy Paudie Coffey): I am cognisant of the time and I would ask the Minister to be brief.

Deputy Bernard J. Durkan: I am sorry about the time. I tried to stop the clock but it would not stop.

Deputy Tom Hayes: I want to give an assurance that significant effort has been put into negotiation of this Common Agricultural Policy. There has also been considerable interest shown by many member states to make this deal happen but no member state has as much to benefit out of it as we have. Leaving aside uncertainty after next week, if we have not finalised this deal next week it may be politically opportunistic for some to state that we failed in negotiations but it is important for the future direction of this country.

On Deputy Durkan's question as to what efforts have been made with the Commission and the other member states, there has been a great deal of work done by the Minister, Deputy Coveney, and much negotiation. A great deal of time has been spent outside of the formal

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meetings. Informal meetings have been held and he has put great effort into trying to find a negotiated solution.

Deputy Éamon Ó Cuív: May I ask another question?

Acting Chairman (Deputy Paudie Coffey): We are moving on. We have given the question more than adequate time.

Deputy Éamon Ó Cuív: There is nobody here except ourselves.

Acting Chairman (Deputy Paudie Coffey): There are a number of questions from other Deputies to be heard.

Deputy Éamon Ó Cuív: There is nobody else here.

Acting Chairman (Deputy Paudie Coffey): The questions are from the Deputy's party.

Deputy Éamon Ó Cuív: They are my questions.

Agri-Environment Options Scheme Eligibility

9. **Deputy Robert Troy** asked the Minister for Agriculture, Food and the Marine the number of applications received for the agri-environment option scheme 3 programme and the number approved, broken down on a county basis; and if he will make a statement on the matter. [29362/13]

Deputy Tom Hayes: I take the opportunity, at the outset, to again emphasise both my own and the Government's commitment to the agri-environment schemes as operated by my Department. These schemes put environmentally friendly farming at the forefront and recognise the vital role farmers play in delivering public goods and in protecting the environment and the natural heritage for the benefit of society as a whole. This commitment is evident in the fact that more than €750 million was spent by my Department on agri-environment schemes in 2010, 2011 and 2012 alone and also in the fact that, despite the financial pressures facing my Department, I provided for a further €200 million in funding in 2013 for expenditure under the rural environment protection scheme, REPS, and the agri-environment options scheme, which is commonly known as AEOS. I also decided to make €20 million available annually to reopen AEOS to new entrants in 2012. A total of 9,703 applications were received by my Department under the reopened scheme and 6,000 have now been approved to participate in the scheme.

The approval of applicants was determined by the level of funding available and on the basis of certain priority selection criteria as set out in the published scheme documentation. Applicants within a targeted area of the Boora region of County Offaly who select wild bird cover option B - grey partridge - will get first access; applicants with eligible Natura land are the next to get access; applicants with at least 0.5 ha. of utilisable agricultural non-Natura commonage land are next; and these are followed by farm partnerships, those with previous participation in REPS, those with farms of a particular size based on the utilisable agricultural area, favouring smaller holdings, and farms located in less favoured areas.

Additional information not given on the floor of the House

All approved applicants have been accepted with a commencement date of 1 May 2013.

The new contracts will run for a period of five years and eight months, which will extend their duration beyond the expiry of the current programme period of 31 December 2013. Participants in the scheme will be offered the opportunity to adjust their commitments for the remainder of the period of their contract to the legal framework of the new programme period. The policy framework that will apply in the next period is under discussion at EU level. If such an adjustment is not acceptable to the participant, he or she may withdraw from the schemes without any requirement for reimbursement of aid already received.

A total of 4,483 applicants selecting grey partridge, Natura and commonage actions were approved for the scheme and the remaining 1,517 applicants selected had all previously participated in REPS and had a reference area of 22.06 ha. or less on their 2012 single payment scheme application. The table sets out the number of persons in each county who were recently approved to participate in the agri-environment options scheme.

Approvals to participate in AEOS, May 2013

County	Total
Carlow	25
Cavan	139
Clare	357
Cork	317
Donegal	1061
Dublin	5
Galway	1007
Kerry	619
Kildare	16
Kilkenny	31
Laois	26
Leitrim	279
Limerick	116
Longford	42
Louth	23
Mayo	997
Meath	32
Monaghan	68
Offaly	68
Roscommon	275
Sligo	220
Tipperary	92
Waterford	54
Westmeath	58
Wexford	27
Wicklow	46
Total	6000

Deputy Éamon Ó Cuív: Considering the expenditure on the agri-environment options

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scheme, AEOS, and the rural environment protection scheme, REPS, one can see that the expenditure for 2010 - the last full year we were in Government - was €321 million, and it fell to €275 million in 2011, €253 million in 2012 and an estimated €200 million this year. Based on the Minister of State's estimates, it will only be €171 million next year.

My question is quite simple. It would cost approximately €10 million to approve the remaining valid applications under the AEOS. This year saw an unprecedented crisis in farming, so farmers need every bit of support they can get, particularly in maintaining good environmental practice. As there would be no cost implications this year because payment would not be made until next year, will the Minister of State consider allowing the remaining 3,000 farmers into the AEOS?

Deputy Tom Hayes: I accept this has been a very difficult year, with farmers encountering many difficulties, particularly in March, April and well into May. Problems arose because the weather did not improve and dealing with the consequences was difficult for many people, which I accept and understand. The Deputy referred to the funding of AEOS. My understanding is that when this Government came to power, despite the fact that the previous Government had made commitments, there was no funding for the AEOS and the incoming Government could not implement it. Through negotiations within the budget, the Minister, Deputy Coveney, found the money for the scheme. I am amazed that the Deputy is asking for more funding in that respect. It is difficult to get funding at any stage so I wonder where the Deputy would get it.

Deputy Éamon Ó Cuív: Will the Minister of State confirm that in 2011 there was an underspend of €200 million in the Estimate of the Department?

Deputy Tom Hayes: I would have to check that as I have just come to the Department. I remind the Deputy that the funding was not available for the AEOS. I do not know how the Deputy is able to perform addition when he is not in Government but could not do so when he was part of the Government. Where would the Deputy get the funding?

Deputy Éamon Ó Cuív: I will explain. In its first year, the Government underspent by €200 million. If it had made the AEOS payments in 2011, there would have been a knock-on effect in every other year. The previous Government is irrelevant to the process, as this Government had the money but gave it back to the Exchequer. Even if the Government allowed the remaining 3,000 applicants into the scheme, the total cost would be approximately €10 million and the budget for AEOS next year would be €20 million less than this year and more than €100 million less than in 2010. Will the Government allow the remaining 3,000 applicants into the AEOS?

Deputy Tom Hayes: I assure the Deputy that if money can be made available for schemes, it will be made available. We must verify that funding is available, and I will check it out for the Deputy.

Deputy Éamon Ó Cuív: That would be very welcome.

Written Answers follow Adjournment.

Topical Issue Debate

Farm Assist Scheme Payments

Deputy Joe McHugh: I welcome the Minister of State to the House. I have been in contact with numerous farmers in recent weeks regarding the farm assist scheme, which is becoming quite a problem for many farmers. The measures in the last budget relating to the farm assist scheme, which is effectively and technically farmers' dole, have resulted in quite a substantial cut to the earning capacity of many smaller farmers. I know of one case where the payment has been reduced from €280 per week to €80 per week, which is a completely unsustainable cut, especially in the context of the unviable nature of many smaller holdings.

The farming industry in general has become a victim of its own success in public discourse. The general assumption is that farming is going well, and indeed it is in some respects. The price of cattle has increased quite substantially in recent years, but the reality for many farmers, as the Minister of State will appreciate, is that costs have risen greatly. That part of the story has not been factored into the public discourse in terms of the viability of many small farm holdings. The cost of fertiliser, meal and fodder has increased dramatically, placing a massive burden on smaller farm holdings and farmers. Farmers are having a very serious conversation among themselves about quitting farming because it is actually costing them money to stay in farming. While that is happening, we also have the situation where the farm assist scheme is being cut back, as in the case of the drop from €280 to €80 per week I just mentioned. That particular farmer has two young children and a partner who is not working and is in a very difficult financial situation.

In the overall context of the farming model in Ireland, which has been the subject of much discussion in the context of the ongoing Common Agricultural Policy, CAP, negotiations, attempts are being made to define productive farming and non-productive farming. The question has arisen as to whether productive farms are small or larger, but the whole thing is interrelated. Agriculture in Ireland is connected together, whereby there are multiple small holdings supporting small suckler herds from Donegal to Kerry. These west of Ireland farms are very small but they feed into the bigger model. Smaller farmers are producing small numbers of cattle, which are then moved on to the bigger farms to be finished off.

My main point is that the cuts to farm assist payments to small farmers must be reviewed in light of the recent fodder crisis, escalating costs and the severe difficulties being faced by many farmers. If multiple small farmers decide that small farm holdings are not viable anymore, they are faced with the stark choice of going on the dole and receiving €200 per week or staying on farm assist and losing money by staying in farming. We are at a dangerous juncture for farming in this country and face the prospect of numerous small farmers along the west coast deciding to get out of farming. That will damage our industry at a national level.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I thank Deputy McHugh for raising this important matter, which I am taking on behalf of my colleague, the Minister for Social Protection, Deputy Burton, who cannot be here today.

The farm assist scheme is based on jobseeker's allowance. It was introduced in 1999 to replace the smallholders unemployment assistance for low-income farmers, without the requirement to be available for and genuinely seeking work. Farm assist recipients retain all the advantages of the jobseeker's allowance scheme such as the retention of secondary benefits and access to activation programmes.

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The budgetary changes in 2013, which took effect from April 2013, end the more beneficial treatment of farm assist claimants relative to the treatment of other self-employed persons who would be claiming jobseeker's allowance, thereby ensuring greater consistency in the treatment of self-employed persons on both farm assist and jobseeker's allowance. The budget changes increased the amount of means from self-employment which is assessed against the claim from 85% to 100% and discontinued a means-testing disregard for child dependants of claimants.

The headline rates of farm assist are being maintained so farm families with the lowest income will be least affected by these changes. Farm assist remains a flexible payment and farmers experiencing lower levels of income or cashflow problems can ask their local welfare office to review the level of means applying to their claim. The assessment of means for the purpose of qualifying for farm assist is designed to reflect the actual net income and takes into account gross income less any expenses necessarily incurred from farming. Income and expenditure figures for the preceding year are generally used as an indicator of the expected position in the following year. However, account is taken of any exceptional circumstances to ensure the assessment accurately reflects the current situation.

It should be noted that the farm assist means test continues to offer distinct advantages to farmers. For example, payments received under the agri-environment options scheme, AEOS or the special area of conservation, SAC, scheme are assessed separately from other farm income. The first €2,540 of such income is disregarded, 50% of the balance and related expenses are disregarded, with the remainder being assessed as means. In addition, farm assist participants can participate in the rural social scheme which provides additional resources to maintain and improve local amenities and facilities in rural communities. Communities benefit from the skills and talents of local farmers and fisher persons, while participants experience opportunities to improve existing skills or develop new ones and perform valuable work in the community.

The Minister for Social Protection met a delegation from the Irish Farmers Association on 15 May 2013 to discuss a range of issues, including difficulties arising as a result of fodder shortages and the operation of the farm assist scheme generally. Officials from the Department of Social Protection are in ongoing contact with the IFA regarding these issues. The Minister reiterates the statement she made at the meeting with the IFA that farmers currently experiencing financial difficulties as a result of the fodder shortages should apply for farm assist from their local social welfare office. The purpose of the scheme is to provide an income support to farmers who are facing significant difficulties and who may need a helping hand through these difficult periods. The scheme will assist farmers who are experiencing income related problems to continue to farm until their income levels rise in the future.

Deputy Joe McHugh: I thank the Minister of State for the reply. I welcome the fact that the Minister has been engaging with the IFA. I also welcome the fact that there is an acknowledgment of the financial hardship being endured by farmers as a result of the fodder crisis. However, the difficulty is that the dole was protected in the last budget but farm assist, which is effectively farmers' dole, was not protected. It fell between two stools because it is both a farming and a social protection issue. I know from private conversations with the Minister that she understands that farmers are under constraints. I would like her to discuss this matter with the Minister for Agriculture, Food and the Marine, Deputy Coveney and the Minister for Finance, Deputy Noonan, to see how we can protect unviable family farms, of which there are many. While there are many good news stories in the agrifood sector and money is being made in some sectors, it is costing many small farmers to keep going at the moment.

Another issue is the fact that there are different interpretations of what can be included as farming expenses. For example, a farmer who pays for diesel for a trip to the vet cannot include this as an allowable expense for the purposes of the means test.

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Not all farmers are in the same situation but the danger is that farmers will be tempted away from farming as a result of this measure. There is a big debate about the definition of “productive farming”. These farms are not productive, but the farmers work against massive constraints with regard to fodder, fertiliser and grain costs. They have massive financial pressures. If farmers decide to leave farming, it will be a bigger problem for our overall agriculture sector and is something on which we should focus. Will the Minister of State contact the Minister for Finance, Deputy Noonan, the Minister for Agriculture, Food and the Marine, Deputy Coveney, and the Minister for Social Protection, Deputy Burton, on this matter with regard to next year’s budget?

Deputy John Perry: The issue raised by Deputy McHugh is very important. The vibrancy of rural society is based on farming and the community. It is important for the renewal of villages and towns that farming remains viable. I will certainly forward the Deputy concerns with regard to the 2014 budget. The Minister is very conscious of social and community enterprise and regeneration within farming communities. We certainly would not like to see a reduction in the viability of any farming income. The farm assist scheme includes a huge disregard of income. Welfare officers are very receptive with regard to any exceptional case. Discussions will take place between the Ministers, Deputies Coveney and Noonan, and the IFA. The Minister, Deputy Coveney, has concern, understanding and respect for the viability of small farming families. Based on my experience in Sligo, Deputy McHugh has raised a very important issue and I will certainly forward his concerns to the Ministers, Deputies Noonan and Burton. I have no doubt he will speak directly to the Minister, Deputy Coveney, on this very important issue.

Rent Supplement Scheme Payments

Deputy Brian Stanley: I raise this issue because the second change to the rent supplement ceiling in less than six months is having a huge effect. The cuts in January caused problems and the most recent cuts have created further problems and made the situation much worse. In my constituency of Laoighis-Offaly the rent limits have been reduced to well below the rental rates in the private market. Many tenants are going short of food two or three days a week to pay rent, and I am sure it is the same in the Minister of State’s constituency. They do not turn on the heating in the winter months.

The Minister for Social Protection, Deputy Burton, must know what is going on. Landlords simply will not rent accommodation to tenants at less than the limit set by the Government, and experience shows this. Tenants on the lowest income in the State, namely, supplementary welfare allowance, jobseeker’s allowance and disability benefit, not only pay the tenant’s minimum contribution of €35 to €50 from their income, which is sometimes less than €188 per week, but they also pay the difference between the Department limit and the actual rent charged. There are many examples of this in the constituency of Laoighis-Offaly and throughout the country.

The new maximum rent limits in Laois and Offaly have no connection with what is being charged in the marketplace. According to the new rates, a single person is supposed to be able

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to rent for just over €70 per week or €340 per month, a couple is supposed to be able to rent for €350, and a family of four is supposed to be able to rent for €480. I cannot find one property in the area in which I live for a family of four for €480 or for a single person for €340. In Offaly the limit is €360 for a single person, €450 for a couple with one child and €475 for a family of four. The figure of €475 is €5 less than in Laois and has been reduced by €65. I checked with local estate agents before coming to the Chamber to ensure I know what I am talking about. If the Minister is able to find such properties, I ask her to come to the Chamber and tell me. This is unrealistic and is causing hardship.

Rent allowance is supposed to be a temporary short-term measure to tide people over until they either buy their own house, which they cannot do because they cannot obtain mortgages, or get local authority housing, which they cannot do either because local authority housing is not available. It has become a long-term measure and people are trapped in awful poverty. As the Citizen Information Centres and any Deputy or local authority member will tell the Minister of State, the tenants are making up the difference. Along with the minimum contribution, they also pay the excess between the limits the Government has set and what is charged in the marketplace. This needs to be addressed and I appeal to the Minister of State not to give me a Civil Service answer. I want him to address this issue in order that those on the lowest incomes in the State have some hope of having a basic standard of living.

Deputy John Perry: On behalf of the Minister for Social Protection, Deputy Burton, I thank Deputy Stanley for raising this issue. She is unable to be in the Chamber this afternoon.

The purpose of the rent supplement scheme is to provide short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The overall aim is to provide short-term assistance, and not to act as an alternative to the other social housing schemes operated by the Exchequer. Approximately 85,000 people receive rent supplement for whom the Government has provided more than €403 million in 2013.

Revised rent limits under the rent supplement scheme came into force with effect from Monday, 17 June 2013 and will be in place until 31 December 2014. The new rent limits have been determined following an extensive review of the private rental market based on the most up-to-date data available. This review continues the emphasis of previous rent limit reviews to ensure value for money is achieved while at the same time ensuring people on rent supplement are not priced out of the market for private rented accommodation. The Department funds approximately 30% of the private rented sector so it is essential that rent limits are kept under review. The new rent limits have been set using the 35th percentile ensuring sufficient housing is available for recipients of the scheme.

The Department has completed a full review of rental costs throughout the country using data received from the Private Residential Tenancies Board of actual rental tenancies registered with it. The Department also used publicly available data sources, including the Central Statistics Office rental indices, the *www.daft.ie* rental report and leading websites advertising rental properties to ascertain the market trends and the current asking prices for rental of one, two and three bedroom properties. The overall findings of the review are in line with market trends. There have been increases in the maximum rent limits in Dublin and Galway while there have been some reductions in a number of rural counties, reflecting the conditions in the rental markets there. The overall cost of this measure for 2013 is approximately €7 million which can be met from within the existing provision for the scheme.

The Department is satisfied the new rent limits provide access to accommodation for persons claiming rent supplement. Departmental officials will continue to monitor the impact of the revised rates and those administering the scheme will continue to ensure the accommodation needs of rent supplement recipients are met.

Deputy Brian Stanley: I thank the Minister of State for his reply, but he did not answer my question. Where in Portlaoise or Tullamore can he or the Minister, Deputy Burton, show me an apartment for €340 per month? Where can they show me a family home in Portlaoise or Tullamore that can be rented for €450 per month?

Four categories have been cut in the Kildare constituency of the Acting Chairman, Deputy Wall, five in Laois and three in County Offaly. Indeed, one category in Offaly was reduced by €75 for a family of three. While Sinn Féin wants value for money, the only way to achieve this measure is to introduce rent controls, something that no Government in recent years has been prepared to do. The Government cannot impose a limit that bears no relation to the market.

The Minister of State mentioned that the Department got information from the Private Residential Tenancies Board, PRTB. Instead of €400 per month, landlords could be charging €460, €480 or €500. They will register with the PRTB at the limits set by the Department, but those are not the amounts charged when people rent from them.

I draw the Minister of State's attention to a report by the Citizens Information Centre, CIC, on the centralised rent supplement unit, CRSU. I will mention the CIC's survey briefly, as I was brief the first time I spoke. Some 92% of people who e-mailed the CRSU were not e-mailed back, 94% of calls to the CRSU were not answered and 100% of those who called were not called back. The CIC is a fairly reliable body that does great work. Will the Minister of State bring this report and the issue of thresholds to the Minister's attention? I am not trying to be smart.

Deputy John Perry: I know.

Deputy Brian Stanley: I appeal to the Minister of State to raise this issue with the Department and to ask it to examine the limits. If any civil servant can show me where properties in Tullamore, Portlaoise or any other town can be rented for the amounts in question, I will give him or her €20 out of my own pocket. Is that all right?

Deputy John Perry: I certainly will not be cross about the €20. Recently, the Department completed a full review of each county's rental market. It is important that each county was considered separately. Deputy Stanley mentioned figures, but I can speak about Sligo. Given the number of estates available, properties can be rented for €340, €450 and €475. Many landlords would be delighted to have guaranteed payments.

There is no offset relationship between the increase in rental limits in urban and city areas and the decrease in some rural counties. The review reflects the market conditions, namely, increasing rental prices in urban areas with reductions in rural locations. During the review, the Department analysed data received from the private rental sector. I would be amazed if people were putting one figure on a contract and paying another.

Deputy Brian Stanley: The Minister of State would know it from his constituency office.

Deputy John Perry: I would not, to be honest. When entering into rental agreements,

people are legally obliged to supply the details of their rents to the PRTB.

Officers also used publicly available data sources, including the Central Statistics Office, CSO, figures on the rental sector, the *www.daft.ie* rental report, which was up to date, and websites advertising rental properties, to ascertain market trends and current asking prices. Views were also sought from a number of stakeholders to inform the review process, including the staff administering the scheme, the Department of the Environment, Community and Local Government, the HSE, Threshold and Focus Ireland. This raft of people agreed with what I have stated. The rent limits established were based on the market conditions and characteristics of each county.

The principal purpose of the review was to set rents so that a rent supplement recipient could access suitable and appropriate housing. Where it was found that rents had reduced, the respective maximum limits were lowered, thereby ensuring limits remained in line with their respective rental markets. Similarly, as rents have increased in some counties, maximum limits have been adjusted upwards to reflect local market conditions.

If this is a major issue in County Offaly, I suggest that the Deputy speak directly to the Minister. A separate review was conducted of each county. If the Deputy brought information about Portlaoise to the Minister, she might consider a rent review of that area. I see no issue with the rents that are being paid in Sligo.

Deputy Brian Stanley: I had cases yesterday in which application forms-----

Deputy John Perry: The Deputy should bring them to the Minister's attention.

Middle East Peace Process

Deputy Timmy Dooley: I welcome the opportunity to raise this matter alongside my colleague, Deputy Dowds. Recently, we visited Israel with a group of European parliamentarians on the invitation of the Council for European Palestinian Relations, CEPR, which is working within the EU to further the aims and ambitions of the Arab community in the context of Israel. Our visit was meant to show us at first hand the experience of the minority Arab Israeli population living in Israel. It is actually wrong to call it a minority, as its members represent approximately 20% of Israel's population. As an indigenous people, they were there before the establishment of the state of Israel and would claim pre-establishment rights.

Often, these people are overlooked in the debate on Israel, its nearest neighbours and the conflict in the Gaza strip and the West Bank. Life is difficult for this large cohort. We met them, their representatives and advocates, lawyers, professionals, university professors and human rights workers. From the information provided to us and the direct information we gathered ourselves, it is clear that this cohort of Israel's population is treated differently from the country's Jewish population. There is a higher level of unemployment, poor rural transport and a lack of education. We saw at least one school that was in an appalling condition by anyone's estimation. Its students were educated in a way that differed greatly from the way the Jewish population was educated. Their housing is of a poorer quality and they are prevented from living normally.

The Irish Government must take cognisance of the information that has been provided. In

its role within the EU, it must raise the issue of Israel's indigenous Arab population. As the Minister of State, Deputy McGinley, knows, the EU has a neighbourhood agreement with Israel. This is the route through which the EU can exercise its muscles and force the Israeli Administration to give due recognition and equal treatment to its Arab citizens within its borders.

Deputy Robert Dowds: I agree with Deputy Dooley's remarks. Apart from us, the delegation included two parliamentarians from Britain - a Scottish Labour MEP and a Liberal Democrat Member of the House of Lords - as well as a Belgian senator and a Lithuanian Liberal Democratic MEP, the son of a Holocaust survivor.

I wish to focus on the second day of our trip when we visited the Bedouin community south of Beersheba in the Negev Desert. Even though its members are citizens, they are only second class citizens. Despite the fact that many Bedouins serve in the Israeli army, we encountered the imposition of awful conditions. For example, villages appeared to be unrecognised by their local authorities, meaning that they were not connected to electricity supplies and other public utilities and needed to provide their own energy via solar panels outside their tents or shacks. There was evidence of Bedouin villages being repeatedly knocked down. We were told of one example of a village being knocked down more than 20 times. We were presented with evidence of Israeli authorities restricting Bedouins to living in certain limited parts of the Negev Desert. There were serious allegations that Bedouin olive groves were being destroyed and replaced by eucalyptus trees. This was presented by the Israeli authorities as a way of preventing desertification but in reality it removes the Bedouins' olive groves and grazing land.

As Deputy Dooley noted, this is a small aspect of the whole problem that exists between the Israelis and the Arab population, but the Israeli authorities should be reminded that they need to address it. There are potentially very serious consequences for the region. I ask the Minister of State to make representations to the Israeli Government to ensure its citizens are treated equally, even those of an Arab or Palestinian background.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): I thank both Deputies for raising this matter. In 2010 the population of Israel was recorded as 7.78 million, of whom 75% were Jewish. These figures are inclusive of areas of East Jerusalem and the Golan, whose annexation is not accepted internationally. Some 1.6 million were Arabs, amounting to 20.4% of population, the great majority of whom are full Israeli citizens. A total of 44% of the Israeli Arab population live in the Northern District, including Nazareth and adjoining areas, where they form a slight majority of the population. Another 190,000 Arabs are Bedouin living in the Negev Desert in the south. Only about 120,000 live in the major Israeli cities in the central belt. Arab Israelis are mostly Muslim, with about 10% Christians. I do not include in this analysis the 200,000 or more Arabs in East Jerusalem, who are not for the most part Israeli citizens and who are not considered by us to be living in Israel. They are, one might say, part of a different problem, one which we address frequently in this House. I am not addressing here Ireland's strong criticisms of Israel's policies in the occupied Palestinian territories.

Arab Israelis are full citizens of Israel and are accorded full equality by the basic laws of the state, which form the constitution. In their ability to vote for their government in a genuine democracy, in personal security, freedom of expression and assembly, and protection under the law, especially for women, their situation compares favourably with ordinary citizens, even those in majority populations in other countries in the region, and especially so with members of ethnic and religious minorities. Israeli Arabs are more prosperous and enjoy better access

to education, health care and other state services than populations of most neighbouring Arab states. This is not the full story, of course. Arab Israelis judge their circumstances not against those of people in other countries but against the standards enjoyed by the majority community in Israel. By those criteria Arab Israelis are more clearly seen as a minority that has remained disadvantaged and marginalised for a variety of reasons.

For much of Israel's history, for reasons to do with the wider conflict, many Israelis regarded Arab citizens in their midst with considerable suspicion. Arab Israelis have also encountered measures which discriminate in favour of Jewish citizens in areas such as access to land or in employment, where having served in the armed forces will often constitute an advantage which Arab Israelis, who are exempted from compulsory military service, will not enjoy. In addition, as all governments have found, poverty, marginalisation and disadvantage reinforce each other in a vicious circle which is difficult to break. It is exacerbated in this case, as in many states, by the concentration of economic activity and opportunity in the major cities where few Arab Israelis live.

The results of these factors are that Arab Israelis are markedly worse off than Jewish Israelis in terms of incomes, employment, education, housing, and access to land. There are specific additional problems for the Bedouins, some 60,000 of whom live in unrecognised villages in the Negev Desert, subject in many cases to eviction and displacement, in some cases with the intention of favouring incoming Jewish Israelis.

Many Jewish Israelis, particularly in recent years, have recognised this as a serious imbalance to be addressed as a priority. There have been a number of government reports and initiatives, such as the recommendations of the Or Commission in 2003, and the establishment in 2008 of an Equal Employment Opportunities Commission, which has been mentored to an extent by the Equality Commission of Northern Ireland. President Peres has personally led efforts to address issues of access to employment for Arab Israelis. Regrettably, some more extreme nationalist Israeli leaders continue to regard Arab Israelis with suspicion or hostility and actively promote discriminatory measures.

These are all real problems and human rights issues, familiar in many states, including in Europe. They are raised by Ireland and our EU partners in our relationship with the Israeli authorities, using the guidelines in the EU human rights strategy, in the same way as the EU addresses similar problems in its relations with other states, especially those with which we have association agreements. The EU sees this as a critical and consistent element of our dialogue with Israel and with all states.

There is a real danger, implicit in the terms of the debate we are having here today, that we will be accused of focusing on these issues only because the state involved is Israel. If we were to focus on populations under threat in the Middle East, even leaving aside the massive violence in Syria, we would not start with Arab Israelis. Our major concern with the Israeli authorities cannot be this issue. Rather, it is the position and freedom of the Palestinian population under occupation beyond the Green Line.

Acting Chairman (Deputy Jack Wall): We have gone over time on this matter. Is Deputy Dowds satisfied?

Deputy Robert Dowds: I have one brief comment. I agree with the Minister of State that this is not the major issue in the Middle East, but because it was brought to the attention of

Deputy Dooley and myself, we felt obliged to raise it. There is a very important message for the Israeli authorities here. If they treated their own citizens well, that would flag Israel as a vastly superior state compared with, say, the dysfunctional nature of a country like Syria. It is really important in Israel's interest, never mind that of the Arab community, that it treat the minorities within its borders properly.

Acting Chairman (Deputy Jack Wall): Does the Minister of State wish to reply?

Deputy Dinny McGinley: Very briefly. The problems of Arabs and Israelis raised by the Deputies are real and are being addressed by the EU. As a member of the EU, Ireland has dialogue with the Israeli authorities, just as we do with other states in the region. The Irish Embassy in Tel Aviv has been particularly active in focusing attention on these issues within the EU group there. Again, I thank the Deputies for raising the matter.

United Nations Report on Refugees

Deputy Mick Wallace: The UN High Commission for Refugees report was published today. It shows that in 2012, an estimated 7.6 million people were newly displaced because of conflict or persecution, the highest number in 24 years. More than 45 million people have been forcibly displaced throughout the world. These are frightening figures. In the Middle East alone in 2012, Afghanistan saw a displacement of 2.5 million, Iraq had in the region of 750,000 and Syria had 750,000.

There is little doubt that war is the main cause of displacement worldwide. Sadly, the role played by the United States in the Middle East has been detrimental to very many people. There is not only the war going on in Afghanistan and Iraq, but of late we have seen the most modern form of war at work in the use of drones, which is terrorising people. The notion that President Obama might regularly go through a kill list of Muslims he intends to eliminate, without any judicial process and with no more identification supplied than the word of a dodgy spy on the ground, is terrifying. I do not know how anybody can see justification for this behaviour. By all accounts, the only way to measure the success of drones is in body count. Every parent can connect with what President Obama said about the murder of 20 children in Newtown, Connecticut. It must follow that what applies to the children murdered in Newtown by a deranged young man also applies to the children murdered in Pakistan by a sombre American President. The latter children are just as important and deserving of our concern. It is disappointing that the issue appears not to have been raised with the Obamas when they visited Ireland this week.

Deputy Clare Daly: This report on refugees is a devastating indictment of current international policy. One person is displaced every four seconds and men, women and children are being uprooted from their communities. The report is useful in revealing that, contrary to the myth prevailing in the West about an invasion of refugees from these war torn countries, most refugees end up in bordering countries that are also developing and impoverished, with the result that their struggles for life become even more difficult. Germany is the only EU member state in the top ten host countries. As 55% of refugees come from war torn countries, it is clear that international policies are directly linked to this displacement of people. We must examine these policies. Syria was the country which experienced the largest increase in refugee numbers. What is the international community doing about that? It has decided to arm the opposition, which means there will be even more refugees while peace talks are delayed and people refuse to sit down to find a solution.

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The Tánaiste and Minister for Foreign Affairs and Trade has stated that he is deeply concerned about the indiscriminate use of drones in contravention of international law, as well as about the number civilians they kill. However, he also stated that he sees no prospect of an agreement on banning drones. What is the Government going to do to help countries that are victims of conflict and poor international policy? Will it make a stand for diplomacy and against the types of barbaric activity that drive so many people out of their homes?

Deputy Dinny McGinley: I thank Deputies Wallace and Clare Daly for raising the United Nations report on the international refugee crisis. This year's Global Trends report, which was released today by the United Nations High Commissioner for Refugees, provides a sobering update on the status of the 42.5 million people forcibly displaced worldwide as a result of persecution, conflict, generalised violence and human rights violations. Of particular concern is the increase in the total number of displaced people across the world from 42.5 million at the end of 2011 to 45.2 million at the end of 2012. The increase in overall numbers reflects the ongoing challenge faced by the international community in preventing and resolving conflicts. Of these 45.2 million people, 15.4 million are refugees, 937,000 are asylum seekers and some 28.8 million are people forced to flee within the borders of their own countries. The report makes clear that war remains the dominant cause of displacement, with 55% all refugees listed in the report coming from just five war affected countries, namely, Afghanistan, Somalia, Iraq, Syria and Sudan. The report also charts major new displacements from Mali, from the Democratic Republic of the Congo and from Sudan into South Sudan and Ethiopia.

As stated by the High Commissioner, Mr. Antonio Guterres, these are alarming numbers and they reflect individual suffering on a huge scale. In 2012, an average of 23,000 people were forced to leave their homes every day to seek protection elsewhere. The number of new refugees and internally displaced persons are among the highest we have seen in the last ten years. Women and girls made up 48% of the refugee population in 2012, while children under the age of 18 years represented 46%. The report records a worrying increase in the number of children who are unaccompanied by or separated from their parents and, therefore, particularly vulnerable to child trafficking or sexual abuse.

Also evident is a continuing gap between richer and poorer countries in hosting refugees. In all, developing countries host 81% of the world's refugees, compared to 70% a decade ago. While the media often focuses on the numbers of refugees hosted by Ireland, there is very little awareness that countries such as Pakistan host over 1.6 million refugees or that Kenya and Ethiopia host 564,000 and 376,000, respectively.

As the principal UN entity dealing with refugees, the UNHCR is one of Irish Aid's key multilateral partners. In 2012 we provided €6.1 million in core contributions to the UNHCR, with an additional €2.3 million specifically for individual appeals in Chad, Jordan, the Sahel, Somalia, Syria and Western Sahara. In 2013 we have also provided €6.1 million in core contributions to the UNHCR. In addition this year, we have already provided €2.5 million towards the UNHCR's appeals for the Syrian region and for Turkey, as well as for the UNHCR global appeal. We also provide ongoing support to UNRWA, which is the UN agency responsible for Palestinian refugees, with €6.34 million provided last year. However, our partnership extends beyond financial support to ongoing co-operation at all levels.

The Tánaiste and Minister for Foreign Affairs, having witnessed at first hand the UNHCR's work in Somalia, met the High Commissioner during his visit to Ireland in October 2012. The High Commissioner particularly commended Ireland's financial support in the face of difficult

economic circumstances. The report captures many of the key issues arising from their discussions, including the huge refugee burden associated with the Syrian crisis and the so-called forgotten crises in Chad, Democratic Republic of Congo, Somalia and elsewhere. The Minister of State at the Department of Foreign Affairs and Trade, Deputy Costello, also made it a priority to visit the UNHCR's work in the Za'atari refugee camp in north Jordan. Ireland has also used our Presidency of the EU Council to call consistently for a stronger international response in Syria and elsewhere to protect the rights of refugees.

Deputy Mick Wallace: The number of people who are suffering and dying on a worldwide basis because of war is beyond comprehension. Ireland needs to be more vociferous in our condemnation of all sides, be that Russia, Iran and Hezbollah supporting Assad in Syria or the Americans, British and French arming the rebels and backing Saudi Arabia's intervention. We recently watched France enter Mali and Libya has been devastated. A small country like Ireland can be a significant player on the world stage by speaking out and emphasising its abhorrence of this type of behaviour. The world does not value the lives of the women and children of these regions the same as those at home or in America. This country needs to speak out as an independent nation.

Deputy Clare Daly: The Minister of State acknowledged that war is the primary reason for the huge number of refugees but we have to draw lessons from that observation. The UN report notes that the country with the largest number of refugees is Afghanistan and the country with the biggest increase in the number of refugees is Syria. The lesson is that interference by foreign imperialist powers causes dislocation and gives rise to these problems.

I agree that it is not enough for us to stand idly by but we can channel an independent foreign policy far beyond anything that we have done thus far. It is welcome that Ireland spoke out against the lifting of the embargo on Syria and I acknowledge the Tánaiste's role in that regard but it is not enough. He needs to do more and, in the same way that Ireland was at the forefront in the campaign to eliminate landmines, we can lead in respect of drones and other reprehensible areas of foreign policy. With that in mind, I ask the Minister to ensure that no arms destined for Syria are transported through Shannon Airport on their way to kill Syrian civilians.

Deputy Dinny McGinley: I agree with Deputies Daly and Wallace that the situation is becoming more serious. The figures showing an increase of 3 million in the number of refugees in less than two years speak for themselves. While Ireland is a small country, we have a voice that is listened to and carries some authority internationally. The Tánaiste and Minister for Foreign Affairs, Deputy Eamon Gilmore, and his Minister of State, Deputy Joe Costello, actively highlight unacceptable circumstances that arise in various countries.

The United Nations report on the international refugee crisis states that most refugees have been displaced as a result of wars in different parts of the world. Most people will agree that Ireland makes a significant contribution by sending troops overseas to places of conflict as part of peacekeeping operations. Despite our economic difficulties, we also make a significant financial contribution, as I outlined. Our efforts were acknowledged and recognised by the UN High Commissioner for Refugees, António Guterres, during his visit in October 2012. I assure the Deputies that the Tánaiste and his Ministers of State will continue their efforts to highlight problems. The Government is committed to doing everything possible in this regard.

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Éireann) 2013: An Dara Céim (Atógáil)

Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill 2013: Second Stage (Resumed)

Thairg an Taoiseach an tairiscint seo ar an Déardaoin, 13 Meitheamh 2013:

Go léifear an Bille an Dara hUair anois.

The following motion was moved by the Taoiseach on Thursday, 13 June 2013:

That the Bill be now read a Second Time.

Atógadh an díospóireacht ar leasú a 1:

Debate resumed on amendment No. 1:

To delete all words after “that” and substitute “Dáil Éireann declines to give the Bill a second reading on the basis that it seeks to abolish Seanad Éireann without affording the opportunity to reform Seanad Éireann as set out in the Seanad (No. 2) Bill 2013”.

(Deputy Shane Ross)

Deputy Charles Flanagan: I propose to share time with Deputy Pat Deering, although I will gladly take the five minutes allocated to him if he does not come to the House.

I support this Bill to abolish the Seanad. It is significant legislation which will be put to the people for their ultimate ratification in the form of a direct democratic choice. Abolition of the Seanad is a difficult but necessary step. Of the world’s sovereign states, 50% operate under a single chamber legislature. The Seanad is largely unknown to the vast majority of the population and has had few remarkable achievements in its history. Its role and function in practice have been greatly exaggerated.

I question the motives of some of those who have been most vociferous in campaigning to retain the Seanad. Time will not allow me to quote extensively from a letter to *The Irish Times* of 6 March 1987 written by the then Deputy from the Progressive Democrats Party, Mr. Michael McDowell.

The Seanad has failed to fulfil its constitutional role and function because it has been strangled by the political parties. It has been a feeding ground for Dáil Deputies, a limbo between elections and a place of debate for persons who have retired from, or failed to be elected to, this House.

As Deputies have noted, various reports have been produced on Seanad reform. At this stage, however, the Seanad is incapable of reform. Even when one listens to the arguments of the advocates of reform one finds that they do not agree. Much of the reform promoted by those in favour of retaining the Upper House would result in either a mini-Dáil elected by universal suffrage or some form of parallel assembly which would compete and be in conflict with this House.

It is fundamental to the manner in which the House does its business that we consider a seri-

ous programme of Dáil reform before and in parallel with the referendum on the abolition of the Seanad. In this regard, we have a very poor record. The record of the current Government is exemplified by a statement made by the Government Chief Whip only last week in which he indicated he would be the first to admit that the record is deplorable in terms of reforming Ministers and Ministers being held responsible to the House. When I inquired about the current status of Dáil reform in recent weeks, I learned that there is no working group on the issue and no one is measuring the outcomes of our political deliberations. A meaningful programme of Dáil reform is akin to a snowstorm in the desert.

The adversarial system in place in the Oireachtas removes any Opposition input in decision-making. With respect to Deputy McDonald and her party, as well as Fianna Fáil and the Technical Group, the Opposition has no role in or influence on policy-making. The real Opposition in this Dáil consists of Government Deputies who do not hold office, of which I am one. With 51 members, this backbench group is the largest voting bloc in the House. In my experience, the Fine Gael Parliamentary Party exerts more influence on the Government than Deputies in the Chamber. This is neither appropriate nor adequate in terms of the working of the democratic process.

The Government controls the entire agenda of the House. Even in Private Members' time, it introduces an amendment to motions. In Westminster, from which we adopted our rules, regulations and Standing Orders, 20 full sitting days per annum are given over to the Opposition and free votes are common. The Dáil, on the other hand, is subject to a three-line whip every week. There is no two-line or one-line Whip, which means everything is under the heavy hand of a three-line whip and backbench Deputies must vote according to the bidding of their party Whip. I was disappointed recently to hear colleagues on both sides state the Whip is very convenient because they can hide behind it. This is a remarkable statement for any elected Member to make. The legislative programme is under the stranglehold of the Whip system.

Proposals on Dáil reform include a recommendation to elect committee chairs under the D'Hondt rules. The problem with committees is not their chairs but their composition. In many respects, committee chairmen are mere puppets of the Government Minister to whom their committee is aligned. The composition of the committees, in other words, the in-built Government majority not only in legislative committees but all committees, ensures they will continue to do the bidding of the Government of the day.

There is also a difficulty in respect of the resources available to the Parliamentary Counsel. To take the current legislative programme, only a handful of Bills is proceeding through the House simultaneously. As Government Whips will regular inform the House, we are waiting for legislation. Why do we not address the resourcing of the Parliamentary Counsel?

The programme of new politics, as flagged by my party, is not yet in evidence. We were told that guillotine motions would become a thing of the past. I recently undertook a survey of the number of guillotine motions put to the House since the change of Government. In 2011, the figure was 50. This had increased to 52 in 2012 and this year alone, 16 guillotine motions have been put to the House. Since the change of Government, we have had 118 guillotine motions, which is a poor record. As we head towards the end of this session, the rush to enact legislation under a guillotine motion will be all the more remarkable.

Ministers are not answering questions in a manner that reflects the requirement that they be held accountable to Parliament. Major public policy announcements continue to be made by

way of television set pieces outside the House and anybody will say Oireachtas television is boring because it is too stage-managed.

The introduction of the Topical Issue debate was a major plank of Dáil reform. However, Cabinet Ministers fail to appear for the Topical Issue debate - as we have just experienced. Since the change of Government, of 650 Topical Issue debate matters, 250 were answered by Cabinet Ministers and 400 by Ministers of State. I did not make reference to the number of days upon which one Minister of State is handed scripts to deal with the entire Topical Issue debate - and we wonder why people are not interested in the proceedings of the Parliament.

We need a radical programme of Dáil reform. When there are reports from a committee, the committee Chairman should be submitted to questions from other Members who may not be members of that committee. A committee week was suggested but has not happened. The set piece of the day should be Question Time where Deputies flock in to represent the views of their constituents and their work on committees. Question Time has become a bore and is a set-piece. People do not even bother attending. The lottery for questions should be undertaken by the Ceann Comhairle in this House every morning and let the 50 or 60 people who have tabled questions come in and be ready to have their questions answered. That would introduce an element of debate and less stage management.

What are the role and function of our committees? Are they legislative? Are they investigative? Are they evidence taking? We are severely constrained by the Abbeylara judgment, which must be revisited. We have been talking about a banking inquiry for more than a year and we are squabbling over what committee might do it. The Acting Chairman knows as well as I do that no committee has the capacity and no Deputy has the expertise or the back-up to engage in the type of investigation we would like to see happening here. So it will not happen.

The one committee that is an essential component of our Parliament having regard to the influence of Europe is the EU scrutiny committee, which was abolished and is now some sub-committee of another committee. Examination of statutory instruments by committees does not happen at all. Time spent on Bills here once the Minister and the Opposition spokespeople have completed their contributions is meaningless because it is controlled from start to finish by Government. Amendments are rarely accepted. There is no difference between Committee and Report Stages, and Fifth Stage has become a meaningless exercise. There was a commitment to pre-legislative debates on the heads of Bills to be circulated to the committee before drafting by the Parliamentary Counsel. However, that cannot have happened more than three or four times in the past ten years.

The Constitutional Convention, of which I am proud to be a member, is an innovative and exciting development but its scope and agenda are too narrow. However, it is a good start and I would like to see it made more permanent or at least given an extension of time.

Do we want to continue with the adversarial Punch and Judy Parliament which potentially shuts out up to 49% of the Members, or will we consider a more consensus-based committee model for how we do our business? The inquisitorial or investigative model was rejected by the people in a pretty shoddy and poor campaign. We need to decide if we want to revisit that and if so, let us prepare.

It is out of a certain frustration that I rise here this evening. It is proposed to abolish the Seanad and we are talking about Dáil reform, but unless we change how we do our business

here, cynicism will continue to grow and we will become irrelevant. There is talk of Parliament sitting five days a week, which may well happen. However, Parliament sitting five days a week will ensure that very few people - particularly those from outside Dublin - will serve more than one term. Whom does it suit? It suits the permanent government, which is virtually in charge of the manner in which we run our affairs in any event.

I support the Bill because I believe the Seanad has outlived its usefulness. However, we have a great opportunity to introduce a programme of Dáil reform that gives a meaningful role and function to every Member of the House and not just the 14 or 15 Cabinet members who are chosen to serve at that level.

Deputy Pat Deering: As a member of the class of 2011, I like several of my colleagues campaigned on a reform platform during the general election campaign that year. Since I have been honoured and privileged to be given the opportunity of representing the constituency of Carlow-Kilkenny, I have discovered that reform of the Dáil and the institutions around here is more than essential. One could argue that significant reform has already taken place, including the banning of corporate donations, meaning the Galway tent will be no more. Linking State funding to ensuring greater participation of women in politics is also important. The number of Deputies has been reduced by eight and the number of Dáil sitting days has been increased by a third. One could argue it is now much easier for Opposition Deputies and backbenchers to introduce legislation, especially on Fridays.

The Topical Issue debate started off with great fanfare. This initiative needs to be reformed and given an extra bit of jizz. Deputy Charles Flanagan has already mentioned some figures and it is disappointing when the relevant Minister fails to attend to answer a question. Earlier today a question on an agricultural matter was answered by the Minister of State at the Department of Jobs, Enterprise and Innovation who had no responsibility for that matter. That is an area that needs to be addressed.

We are also considering a different local government structure which will be very important in the near future. We will have bigger and better local government. Our local authority members, the grassroots of our organisations, will be given more power to deal with matters at that level. Their numbers will be reduced from 1,600 to 950 and the number of local authorities will reduce from 114 to 31. All these are very important first steps in giving what most people want - fewer politicians and more democracy. I believe that now is the time to tackle the issue of the Seanad as an institution which has seen little reform since 1937 even though more than ten reports have been commissioned and are now gathering dust on a shelf in some Department.

It is almost impossible to reform the Seanad because of the number of diverse views that seem to exist as we have seen in recent weeks. Ireland, as we know, is a very small country and one House should be sufficient to look after our affairs. This would bring us into line with most European countries of a similar size. The question must be asked as to why we are where we are with the Seanad and I believe the reason is simple. To Mary and Joe Public the Seanad is undemocratic and an ineffective legacy of empire and 1930s social theory. Its type of vocational representation is not found in any other national parliament and has basically been hijacked by political parties over many years.

In recent weeks a number of proposals, including the Bill sponsored by Senators Quinn and Zappone to reform the Seanad, have been launched with great fanfare. Ironically these were launched by people who have served in the Seanad for many years. During that time some

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served in government and did very little on the reform issue. Senators Quinn and Zappone are again proposing a vocational system, a university system and yet again 11 Senators to be nominated by the Taoiseach of the day. There is nothing very earth-shattering or democratic about this. I believe we will end up with the same old system with the same types of people in the Seanad - I say that with no disrespect to anybody involved. I now feel the people should be given the opportunity to have their say on the future of the Seanad. A proper debate on what will replace it is very important.

A radical reform of how we do business in this House is essential. In my short time here I have discovered that the committees are greatly underused. I have seen the amount of very valuable work that has taken place at the Joint Committee on Agriculture, Food and Marine, of which I am a member, and I feel this must be the way forward. Recently Deputy Eoghan Murphy published a document about reforming the Dáil system and it deserves close scrutiny. I wish to deal with a number of sections with regard to committees.

5 o'clock

The removal of the whip within the committee system is essential. Much valuable work is done on a cross-party basis in committees. For example, the Joint Committee on Agriculture, Food and the Marine has done much work with Coillte. This has resulted in the decision today not to sell the forestry rights of Coillte. Much valuable work was done in preparation for that decision today. We did a lot of work on the relationship between our supermarkets and primary producers and this will end up in a report being published in the coming period. However, if we had more powers at committee level we could have been empowered to bring in the only supermarket that had the audacity not to come in to us, that is, Dunnes Stores. Representatives from every other supermarket were prepared to come in to us but no one from Dunnes Stores came in. If we had more power we could have been in a position to get them in to get more information from them. Committees can act as one of the measures of checks and balances. It is also important that committees are in a position to report back to the Dáil in future and a particular day should be set aside for that.

Another matter of reform relates to the Order of Business in the Dáil on a daily basis. It is farcical that we spend half an hour asking the Taoiseach or the Tánaiste, whoever is in the House on a given day, about a particular matter of legislation when all we need do is look at the book, read the list or make a telephone call to get that information. I believe it is a waste of half an hour of Dáil business and we could be doing something more valuable.

Parties have different views on this matter. The Fianna Fáil manifesto of 2011 was very much in favour of the abolition of the Seanad. Now, for whatever reason the party has changed its view completely and one wonders why. As regards the main proponent of the Seanad in its present form, the former Deputy, Mr. McDowell, referred to the Seanad as a cross between a crèche and a convalescent home not long ago. One wonders what has changed his mind since.

I support the Bill. It is an important first step but I look forward in particular to the reforms of the Dáil that will take place to make it a more valuable place for the future.

Deputy Mary Lou McDonald: The Fine Gael and Labour Party programme for Government contains 69 separate references to reform. Yet when the Minister for Transport, Tourism and Sport spoke last night to this legislation he could only reference three true reforms which, by the way, have yet to be fully delivered on, namely, the whistleblowers Bill, the lobbying

regulation Bill and the restoration of the freedom of information legislation. All three are welcome reforming initiatives.

Let us consider the term “reform” in the dictionary. It is defined as making changes in something, particularly an institution or a practice, in order to improve it. That is the purpose of reform. However, the truth is that throughout the 28 months of this Government’s tenure the Executive has done little to improve our political institutions. The Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, told us last night that the political system over which he and his Government colleagues preside is no longer fit for purpose. I agree with him. He said that we need a new politics and a new agenda with a new and reformed Dáil. I agree with all of that as well. I suggest that the Minister share these thoughts with his Cabinet colleagues when they next meet, because it is the Cabinet which is failing to deliver on even some of the meagre reforms to which it has committed.

As recently as last week, the Government Chief Whip told the media that Cabinet’s performance on Dáil reform measures has been “deplorable”. Deputy Kehoe also conceded that a promise not to rush through legislation without proper discussion has not been honoured. Analysis carried widely in *The Irish Times* tells us that Ministers have failed to appear in the Dáil three times out of four, on average, to respond to the four Topical Issues debates on Dáil sitting days. I was about to say “tropical”, which might be a more apt description. The same analysis showed that some 40% of issues were dealt with by a Minister of State from a non-relevant Department who read from a script. Deputy Kehoe said “it is deplorable that some Ministers are calling for Dáil reform and at the same time do not co-operate with reform”. It is indeed deplorable, and moreso when we consider what the Government promised us with regard to Topical Issues. The programme for Government promised “an end to the practice of one junior Minister reading out scripts on behalf of a number of Departments about a range of issues of which he or she knows nothing”. Despite this, 360 issues have been raised in the past 90 sitting days or since last September. Ministers have appeared to answer questions for just one quarter of all issues raised. In addition, Ministers of State from the relevant Department have responded to only 25% of issues and almost half of the replies have been delivered by non-relevant Ministers or Ministers of State reading from a script and they have been unable to deal with some of the issues raised by the Opposition or questioning Deputies in any meaningful way. *Plus ça change, plus c’est la même chose*.

The same article also quoted research that highlighted the now accepted practice by Government of guillotining the majority of Bills going through the Dáil. During the first two years of this Government’s stewardship, a total of 52 out of 90 Bills were guillotined, amounting to 57% of all Bills passed. The use of guillotines is at its highest in run-up to the Dáil going into the winter or summer recess. Deputy Kehoe was altogether correct when he said that it was deplorable that Ministers are prepared to talk the talk of reform yet refuse to co-operate with even meagre changes in the way we do our business. Worse, the same Ministers concocted a programme for Government committing to “restrict the use of guillotine motions and other procedural devices that prevent Bills from being fully debated, so that guillotining is not a matter of routine as it has become at present, particularly at the end of a session.” That is what the Government had to say at the time. The reality is that guillotining is still a matter of routine and it remains the norm rather than the exception.

There is little point in the Minister, Deputy Varadkar, coming to the House and promising a new dawn if he and his Cabinet colleagues cannot deliver on even the most modest of reform measures. It has become clear day by day that reform for this Government is not the dictionary

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definition but rather a code word for cuts. Reforming social welfare means cutting hard-fought protections for vulnerable citizens. Reform includes cutting mobility allowances and supports for carers and lone parents. Reform, according to the Government, means spending less on our children and reducing services and educational supports at the very time when demand is increasing. For this Government, reform is about the bottom line and cutting away at public services, cutting modest standards of living and vital social supports. For this Government, reform has nothing to do with improving practices or institutions. Rather, it is a strategy or cover for an austerity agenda, penny pinching and hurting vulnerable citizens. Last night, the Minister, Deputy Varadkar, reduced his reforming agenda and that of the Government to a mere reduction in numbers. After failing to deliver on virtually all the Dáil reforms in the programme for Government the only trophy the Administration can hold up is its decision to get rid of 600 councillors, eight Deputies and an attempt to get rid of 60 Senators. For those responsible, it is a crude numbers game. Whatever one's view, I suggest that it hardly amounts to the democratic revolution that we were promised in the heady days of 2011.

Many people who support the legislation for the abolition of the Seanad point out that there are many democracies that do not have an upper house. That is true, but when one looks closer, one finds that those same countries have in-built checks and balances to ensure proper accountability, transparency and representation for all citizens. Very often that is contained in comprehensive, rooted and effective systems of local government. We do not have that in this State. The Government offers us no such checks and balances. In fact, it is moving to centralise power in a way not seen since the foundation of the State.

It is not unusual for Ministers outside of the inner sanctum of the Economic Management Council, which the four lads occupy, to periodically run to journalists to tell them how frustrated they are and how disempowered they feel because of their exclusion from critical executive decisions. The further move towards centralisation of decision making is coming from the top down. It is a measure that does not have universal support, even among the ranks of the Government backbenches but, more importantly, such centralisation of decision making is bad news, not just for frustrated Ministers on the outside but for all of us and for the democratic system.

The Seanad is not fit for purpose. That is a blindingly obvious statement. No one, not least me or Sinn Féin could possibly stand over a system that is elitist and out of step with the times. However, I still believe the Seanad could provide a vital check and balance to the Executive if reformed or if transformed into, for instance, a citizens' assembly. The proposition before us today is base and crude and it tells us that the Government is not such a fan of democracy or democratic representation. If the Taoiseach were serious about democracy or reform, he would have extended the Constitutional Convention's remit to include Seanad reform before coming forward with a referendum to abolish the Seanad. However, he chose not to do that. The question that Members of the Oireachtas and citizens must ask is why that was the case.

The Minister for Transport, Tourism and Sport, Deputy Varadkar, might have shed some light on the issue last night. On the proposition of a citizens' assembly the Minister said: "It would be wrong for a parliament to include people just because of their demographic group or background rather than abilities or character." I thought that was a very revealing statement. In the mind of the Minister, and perhaps in the minds of members of the Fine Gael and Labour parties, power is not alone to be centralised but it is to be run on a survival of the fittest approach. That is the kind of strategy that has delivered white, middle aged, male and stale politicians since social democracy first opened its doors to citizens.

For democracy to work, for us to build a just and equal society, we must have the inclusion of citizens, precisely because of their demographic group or background. That is a prerequisite to social solidarity and progress. Citizens have rights and as legislators it is our responsibility to ensure that every child born in this State is guaranteed equality of opportunity. We have certainly not achieved that goal. Children from the Traveller community in many cases are unlikely to reach their full potential. The same is true of children with disabilities or those with special needs. Children from disadvantaged areas are faced with what are sometimes insurmountable challenges. The list goes on. Their families cannot access the supports they need and for many, maintaining basic standards of housing and health care can be a lifetime of struggle. It is the proposition of Sinn Féin that we need to hear from those people. We need to afford them and the organisations that represent them, at a minimum, a seat at the table. The Minister, Deputy Varadkar, is not and will not be in a position to deliver equality of opportunity if he sets his face against those for whom he legislates. It is only by including the very people the Minister would wish to exclude from our democratic structures and processes that we will drag our practices and institutions into the 21st century.

I commend my colleague, Deputy Ó Snodaigh, on tabling a comprehensive set of amendments to the legislation. In doing so, he has shown that one can in fact make a silk purse out of a sow's ear. The Sinn Féin amendments offer people a real proposition, an opportunity to truly influence reform of our political institutions. It is beyond my comprehension why a Minister or Deputy would vote against the inclusion of an option to reform the Seanad when putting the proposition to the people in October, or for that matter why Labour Deputies would vote against an amendment that seeks to refer the question of the future existence, functioning and reform of the Seanad to the Constitutional Convention in advance of the referendum.

Unlike our Fianna Fáil colleagues, Sinn Féin has constructively engaged with the legislation. We have set out comprehensive amendments that provide for a real debate and choice for citizens. To be blunt, Labour and Fine Gael would have a brass neck to keep banging the drum of reform if they vote against the proposals we have tabled in the amendments.

In his contribution, Deputy Charles Flanagan managed the not inconsiderable achievement of being in opposition while on the Government benches. Perhaps that is not entirely a unique achievement. He claimed that abolition of the Seanad is difficult but necessary. He is wrong on that matter because straight abolition of the Seanad is not difficult; it is actually very easy. It amounts to the lazy way out. Reform, transformation or empowerment of the Seanad would be challenging and difficult for Government, too difficult it seems for a Government that is not serious about reform, full-blooded representative democracy or the democratic checks and balances essential to good governance.

It is not good enough for the Government or anyone else to put to the people a bald proposition in such a stark fashion to abolish an institution that has been crying out for reform for decades when it is those very same parties in government, some of them now in opposition, that left the Seanad impotent and unreformed. It would be a different proposition if we had effective local government structures, but we do not and they are not in sight. The Sinn Féin amendments seek to change the legislation to take account of the need for full-blooded representative democracy, for essential checks and balances within the Oireachtas, and the need to hold the Executive to account. Above all, our amendments seek that the Government, rather than putting a stark "Yes" or "No" question on whether to keep the Seanad, would give the people their proper position and allow them the option of reform for a truly democratic, effective and empowered Seanad.

Deputy James Bannon: I thank the Acting Chairman. While considering the top-heavy composition of State administration, I strongly believe that quality and not quantity is the way forward to create an effective, well functioning and economically viable political system. This Bill on a referendum proposing the abolition of the Seanad follows on from a number of other reforms already introduced by the Government. As soon as it took office, the Government reduced the pay of the Taoiseach, Ministers and Deputies, increased the number of Dáil sitting days and removed the automatic entitlements to State cars and drivers. Before taking office, Members on this side had witnessed the ridiculous situation in which the previous Fianna Fáil-led Government put off the holding of the Donegal South-West by-election by almost 18 months. The present Government guaranteed that by-elections would take place within six months and an example of this was the recent Meath East by-election. The days of a government playing political football by deliberately delaying by-elections has become a thing of the past. Moreover, spending limits on presidential elections have been reduced by more than half a million euro and reform measures for local government recently have been announced.

The Bill before Members demonstrates the Government is continuing to demonstrate it means business in respect of real political reform. The 32nd amendment of the Constitution, as promised under the programme for Government and if passed by the people of Ireland, will totally overhaul the political system. These measures are radical, wide-reaching and further evidence the present Administration is determined to lead from the top by delivering real change for the benefit of all citizens. The reforms contained in this Bill, if passed by the people, will result in a leaner, more efficient political system. At a time when the Government is calling for reform, cutbacks and staff reductions in the public sector, what better way to set a good example than to reduce the number of Oireachtas Members and get its own house in order? The Oireachtas is top-heavy for a small country and the cost to taxpayers is not justified. The abolition of the Seanad will result in savings of €45 million annually and expecting redundancies in other areas of public service without setting its own house in order is the height of hypocrisy, which is something one would get only from Fianna Fáil. During the Ahern and Cowen years in government - in which Deputy Micheál Martin participated fully for 13 or 14 years at senior ministerial level - which were not terribly long ago - one should consider the number of high-flying junior Ministers who were given office as a sop to ambitious backbenchers, as well as to quell unrest in a wilting Government that had been in office for too long. This useless move cost Irish taxpayers a staggering €160,000 per annum per Minister in salaries alone, which does not count the additional costs such as staff, refurbishment of offices at huge expense to the State, administration and drivers, not to mention foreign travel. Had such surplus-to-need Ministers and administration costs been axed at that time, this Bill proposing the abolition of the Seanad might not be before Members today.

The Taoiseach by this action hopes to make Government smaller, while at the same time strengthening good governance at national level. He hopes it will bring trust and integrity into the political system after all the scandals, which is badly needed. The old saying that there is nothing permanent except for change is true in this case. Members must create new ways and must adjust their political habits in such a way that citizens and young people in particular, feel attracted to political participation after all the scandals and fiascos that took place under Fianna Fáil. Even with the abolition of the Seanad, my biggest concern is whether politics can ever regain its place in society as a respectable body. Members should consider what is happening in the Middle East and the Mediterranean countries with riots and revolutions. Our political environment must be changed to show people we represent a new faith in government and a force of real change. While the present Administration has been implementing its policies of

reform from the outset, from the manner in which Fianna Fáil is carrying on in opposition, it is evident that its members are not prepared to change from their old, corrupt ways of waste. No matter how Fianna Fáil tries to spin the matter, it has done a U-turn on this issue, although it is difficult to see what they have to lose at this stage. Every man, woman and child in the country knows what went on under Fianna Fáil and what still is going on. Their cover has been well and truly blown by the greed of those who were and still are milking the system. Whether one likes it or not, Fianna Fáil has been bailing out its cronies. It put a noose around the necks of Irish people which will tighten daily until the political system is reformed fully and the country is put back on the rails fully.

At the last Constitutional Convention meeting held on 8 and 9 June in baking hot sunshine, participants were debating options for the reform of the Dáil electoral system, the size of constituencies, the numbers of Deputies, the possibility of non-parliamentary Ministers and the case for an electoral commission to oversee the preparation and maintenance of electoral registers to foster integrity in the electoral system. While this was fine, in my opinion the topic of radical plans such as the proposal to abolish or reform the Seanad also should have been included, as we live in a parliamentary democracy. Most parliaments have a second chamber and such second chambers take many forms. The United Kingdom still has its hereditary House of Lords, while other European countries have chambers elected by representatives of local bodies. In some countries, the chamber is selected by the members of parliament and in others, it is elected by the same electorate as is the parliament, albeit with different kinds of constituencies. It may be stated that the success of the second chamber is closely related to the logic of the principle on which it is selected. The respective powers of the two chambers also differ greatly, with many second chambers having certain functions of their own. For example, the American Senate must ratify all treaties and all appointments to certain important posts by a two-thirds majority. In some countries, the second chamber tries cases of treason and serious dereliction of public duty by Ministers and senior officials on the accusation by the parliament, in a practice termed impeachment.

I am sorry to note, however, that in Ireland, it has lost nearly all its powers. All it can do is hold up a measure for a limited period or demand its reconsideration. As far as I can recall, during my term in the Seanad a section of a Bill was partially redrafted in one case. The Seanad has no power in enforcing a change of Cabinet and the fact that the second Chamber's powers are now limited causes problems for the public looking in. I regret that over the years, there was such an unwillingness on the part of the political establishment to bring about a reform of the Seanad. I suppose one could state it was a lack of responsibility by successive Governments and the failure to modernise or to find new tasks for the Seanad, particularly after joining the European Union, probably resulted in this Bill before Members this evening.

Senator Marc MacSharry's irresponsible behaviour and performance last week, particularly his attack on the Taoiseach, has created much public controversy and jibed remarks about its role. One remark I heard at the weekend was that the Senator behaved like a dying wasp or a hive of bees when their cosy nest has been poked and that he went out of control in an attempt to protect his own cosy little arrangement. In any event, the 1937 Constitution outlines its role as the second Chamber and its political structure. Its intent was good and was designed to create a role for sections of society including agriculture, education, industry, arts, commerce and culture. A platform was provided for graduates and intellectuals from third level institutions.

If the citizens of Ireland decide to abolish the Seanad, will the future be better? Will there be genuine reform of the Dáil? The Seanad had a very poor record in the 21st century. We saw

the arrival of the troika to force us to get our national finances under control after the reckless Ahern and Cowen years brought our little country to a dysfunctional state until this Government took office. I hope we will see real reform as promised by the Taoiseach and this Government once the people take the decision, and that is up to the people. It is not our decision. We will put the question to the people in a referendum and it is for them to decide.

Deputy Brendan Griffin: I welcome this Bill, which is a step in the right direction. I welcome that the people will have an opportunity to make their views known on this matter in the autumn. In fairness to the Taoiseach, he made this commitment in 2009 and he is now following through on it. That is to be commended.

We have 226 national parliamentarians in a country of 4.5 million people. That is far too many, and we need to trim the numbers because if we are trying to reform our country and achieve a more efficient public service, it must start with the national Parliament.

This Bill is not the first Thirty-second Amendment of the Constitution Bill to be introduced in this House. I introduced a Bill last year with the same title but it was on Dáil reform. Abolishing the Seanad will be a decision of the people but if that happens, it is crucial that we have significant and meaningful reform of this House in place by then. We can run the country effectively with one Chamber but it must be a proper working and effective Chamber. Having been a Member for just over two years, my belief is that this House is not working as it should be working.

We need fundamental reform of the way we do our business here. I do not believe the Dáil is able to hold Ministers and the Government to account in the current format. We must seriously examine what we are doing here because we did not get to where we are since 2008 by chance. Something was fundamentally wrong in this country and, ultimately, the buck must stop with the national Parliament. Our parliamentary system has failed because the IMF is here, effectively running the country, and that means that something went wrong along the way. The problem is not just the Seanad. There are many questions to be answered in terms of this House.

My Bill proposed 101 Members here elected from single-seat constituencies maintaining the transferable vote system. In response to some of the issues raised by Deputy McDonald earlier, minorities are represented in this country by our voting system but that is the system I proposed and I believe it would work well. It would allow parliamentarians get on with the work of Parliament and not be concerned about what their party colleague in their constituency is doing, the leaflets they are dropping, the roads they are tarring or the potholes they are getting filled when they should be scrutinising and contributing to legislation.

In terms of what we can do immediately in this House, we need to reform the Topical Issue debate. One can wait up to a month to have one's issue selected for that debate. When one is selected one might get a Minister of State responding, if one is lucky, but sometimes a Minister of State from another Department is sent to the House to reply. My colleague, Deputy Flanagan, gave the statistics earlier. I have gone through them also and they are appalling.

We need to reform Leaders' Questions. As a back bench Deputy I cannot raise a matter of urgent importance with the leader of our country on Leaders' Questions. I do not have an opportunity to do that. That opportunity exists in other parliaments.

The Order of Business remit is farcical. We can only ask about promised legislation. The remit is far too narrow. We must reform it and give Members on all sides of the House an op-

portunity to raise relevant matters.

We need to have meaningful debate in this House, and we must seriously examine the Whip system. That became an issue recently regarding the Protection of Life During Pregnancy Bill that is due to come before the House but in the overall scheme of things, the Whip system restricts the working of Parliament. I accept the Whip is necessary in terms of overall budgetary issues but on the micro issues of the day, a way to get good law passed is to give each Member an opportunity to make their contribution, and make up their own mind. That will bring out the best in Governments and Ministers bringing forward legislation.

While I welcome that we are moving towards the abolition of the Seanad, it is only a step in what must be a huge reform process. We should not be under any illusion that the abolition of the Seanad alone will not improve matters in this country. Hand in hand with that we need to see fundamental reform of this House because unless that happens, we will not achieve the type of change we really want.

Deputy Anthony Lawlor: I support this Bill, which is welcome, but with mixed feelings. My mother was elected to the Seanad for a short period in 1981. She spent six or seven months in that House. Over several elections I watched her traverse the country looking for votes to get elected back to the Seanad and I thought it was a perverse way of trying to get oneself elected to represent one's people in this Oireachtas. Since then I have always felt that because the Seanad was set up in the way it was it needed to be reformed. Ten reports have been issued on reforming the Seanad and not one of them have been acted on. The sad part about that is if they had been acted on and Seanad reform had taken place, we would not be here debating this Bill.

I hold in my hand the Constitution, which is the book of the people. The Seanad is mentioned frequently throughout the Constitution. It is almost as if I was a councillor again. One can see the powers one has as a Senator and the powers betrothed upon one by the people in this book. How many times have the powers that have been betrothed on them been used? The Seanad can hold up a money Bill for 21 days. At any stage during the period of the economic boom, the Celtic tiger years, were any of the money Bills that were brought before the Seanad held up? The Senators could have highlighted the faults and the problems that might be associated with them but not once were those Bills held up. If they had done that the media and the public would have come to recognise that what was going on in this country was wrong. The Senators, in their own way, have been part and parcel of the downfall of this country. They had the power to hold up money Bills for 21 days. They can hold up other Bills for 90 days but they have the power within this blue book, the book of the people, to hold up money Bills coming from the Dáil. If they did not do that when they should have done it, we should get rid of them because they had no function as far as I am concerned. The money Bill reference in the Constitution is Article 21.2.1o.

During the debate on this Bill I hope we will have a serious debate on reform of the Dáil. I hope also that when the debate widens into public discussions we do not simply focus on what the Seanad did or could do if it was reformed but deal with the question of Dáil reform also.

The people have a lack of trust in politicians. They have already proven that by their failure to accept the referendum question on Oireachtas inquiries which would have given us, as Dáil Members, more power to inquire into various topical and serious issues that arise. However, because they did not accept that question I am fearful that the question in this case, when it is put to the people, will be passed. The sad thing is that Deputy Griffin and I are new Depu-

ties. We had no hand, act or part in the past or in what happened. We are in here to reform and change our country for the better. We must earn the trust of the people but the sad thing about the people out there is that they remember only the bad things from the poor, weak politicians who were lap dogs walking through the “Tá” lobby to create the bubble.

I want to see real Dáil reform. I agree with Deputy Griffin, the the Topical Issues debate is an excellent idea but the Minister responsible for each issue must come before the Dáil. I do not want to see a Minister of State from another Department coming in here without a clue as to what we are talking about and then reading a script. I also want to see the Taoiseach being accountable to Members of the Dáil and not just to leaders of the Opposition. I want more Bills to be introduced on Fridays. I took part in an excellent debate last Friday but why were two or three Bills not debated and why were they not voted on later in the day?

While I support this Bill and want to see the abolition of the Seanad, I fear the people will not give us as Dáil Members the trust that is needed to have a really functioning Dáil Éireann. I will support the Bill and during the discussion on the Seanad would like to see a real debate on reform of Dáil Éireann.

Deputy Michael P. Kitt: I welcome this opportunity to speak. I do not agree that the Seanad cannot be reformed; it is realistic and achievable. I got the impression listening to some Ministers that if we abolish the Seanad and could make a good case for a second House, it would be one way to go. Listening to the debate, I do not think there will be any great heart to have a second Chamber if the Seanad is abolished. I sincerely believe there should be two Chambers in the Oireachtas.

I can deal with the difficulties in the Seanad. I agree with the Taoiseach’s comments that the Seanad is an elitist body and the major difficulty is the way it is elected. There are 43 Members elected by a small electorate, six more elected by a restricted third level electorate, and 11 nominated by the Taoiseach of the day. I would like everyone to vote for a second Chamber.

I was elected to the Seanad as long ago as 1977 and was nominated by the Taoiseach in 2002. It would be hypocritical for me to call for the abolition of the Seanad when I know the good work that is done there. The Seanad operates in a very practical way, even today, and there are good debates there. The present Seanad is led by the Cathaoirleach, Senator Paddy Burke, and Leas-Chathaoirleach, Senator Denis O’Donovan, and the Leader of the House, Senator Maurice Cummins, along with the leaders of all parties and groupings. There is good debate there and one of the reasons for that is that there is more flexibility in the Seanad than in the Dáil. The Order of Business in the Seanad is not confined to questions on promised legislation. A Senator can seek a debate and raise current and local issues. These are allowed in the Seanad. It has everything except Question Time. There are Adjournment debates, like Topical Issues debates here, and local and topical issues can be raised then.

Of course, there is a need for reform, no more than the Dáil needs reform. There is, however, a need for a second Chamber when the Government has a large majority in the Dáil. I note the points made by the Minister for Public Expenditure and Reform, where the Government will listen to any case that is made, but I have my doubts about whether that will happen.

Even with 166 Deputies, there have been difficulties with the representation of some counties. On two occasions, County Leitrim was divided in two and many people felt the county would never elect another Deputy when part of the constituency was in Sligo and part in

Roscommon. Deputy Colreavy has managed to get elected but if the number of Deputies is reduced further, because we are told we have too many politicians in this country, the situation could arise where people in the counties with low populations would lose out. People in Leitrim were very annoyed at their county being divided in two because it made it difficult to have a representative living in the county. I agree with gender balance and the representation of immigrants and minorities, but if we could agree to a reformed Seanad, the people might reject it. I would suggest considering at least one Senator per county. In the United States, there are two Senators per state, regardless of the size of that state.

As well as making the point that the Seanad has been impressive in the amount of legislation with which it has dealt, I agree with those speakers who raised the issue of Dáil reform and the priority that should be attached to that. We are now abolishing town councils and have cancelled elections to *Údarás na Gaeltachta*. I do not know if local government is strong enough to say we should introduce a single Chamber *Oireachtas*. When we are having the vote in October, why are we not putting the question of reducing the number of Deputies to the people, as the Government promised? The promise was to reduce the number of Deputies by 20 but because of the Constitution, the Government simply reduced the number of Deputies by eight.

In some contributions, concern has been expressed about accountability and the fact there will be less democracy. Deputy Olivia Mitchell raised the point yesterday that we want scrutiny of legislation by two Chambers. When we look at the reduction in the number of councillors after the next local elections, there will be a high ratio of electorate per councillor. The countries that have single chamber legislatures have reformed their local government and have a stronger local system.

Fianna Fáil has published proposals that included a Seanad of 65 Members, with some being directly elected, some indirectly elected and some nominated by the Taoiseach. I am not saying that I totally agree with this but if there were direct elections in 26 constituencies under a proportional representation system, that would be one way there would be accountability. One could also hold elections by all the graduates of the higher education constituency for six Senators. As was suggested, the direct elections could be held the same day as the local and European elections and the indirect elections could take place 90 days after a general election - something similar to what happens now. The question of the members of the Irish diaspora, immigrant communities and any under-represented groups in Irish society, and the question of the two traditions in Northern Ireland, are areas that could be looked at as possibilities for other Senators to be elected.

There is criticism of those campaigning to retain the Seanad. Suggestions were made that some are either persons who are trying to form new political parties or, perhaps, trying to resurrect a party that has gone down in the polls, but that is a little unfair because people genuinely feel that they should make a case for a second chamber. It is not merely a question of anyone in Dublin 4 stating that we need a second chamber. I note the following headline in the *Tuam Herald* in Galway, "Government needs to use common sense". This editorial states:

The other issue on which the Government may trip itself up is the abolition of the Seanad. While many cogent arguments have been made in favour of so doing, there is a substantial body of opinion that doubts the wisdom of having a single chamber *Oireachtas*. Ironically, the huge majority enjoyed by the present Government only adds to those doubts. There would be very little such a majority could not do in the line of legislation, were there not some kind of check and balance.

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That is one of the issues that has come up in regard to scrutiny and checks and balances. It further states:

The cynical will point out that as the Seanad is currently set up, with an almost automatic majority for the parties in power, there is no balance.

On the other hand, an idealist might well suggest a reformed Seanad, with a completely different system of representation, divorced from party politics, or at least not as entangled in them.

Why not have a multiple choice referendum, and give us options: to retain, to abolish and to reform.

Or is that too much like a common sense solution?

Deputy Charlie McConalogue: My overall view of the Bill and the proposals which the Government is putting forward is that it is an immense disappointment and a terrible missed opportunity by the Government to bring about serious political reform.

The Minister for Public Expenditure and Reform, Deputy Howlin, at the outset, in May 2011, stated boldly, “The programme for Government agreed by the two parties contains the most ambitious and far-reaching agenda for political reform ever put before the House”. If this is the boldest, most ambitious and far-reaching agenda for reform ever put before this House, if this is the best we can do, I pity us and the country.

There has never been a bigger appetite among the public for real reform and change in the political system. The party of the Minister of State, Deputy Jan O’Sullivan, committed to that at the last election. Fine Gael committed to it. It was part of their platform for getting elected. One could not listen to one of their candidates without hearing how the system, as well as the parties which were in power let us down and how they would bring about a breathe of fresh air and all would be different. The public voted for them to put that in place. What, instead, do we get as reform except a straightforward proposition for abolition of the Seanad? It is a stunt.

Deputy Jan O’Sullivan: There is much more to it than that.

Deputy Charlie McConalogue: It boils down to little more than a stunt by the Government to give the impression to the public that it is doing something big in terms of reform when it is doing nothing. The Government is going backwards. Instead of opening things up, it is shutting them down. The Dáil will be no different. The only difference is the Seanad will not be there.

I hold no candle for the Seanad and neither does the public. Few care about the Seanad the way it is, and why should they? It is very ineffective. It does not do what it could, but what it offers - there is potential to reform it - is a real chance to change the political system and the way the Houses of the Oireachtas operate so that there can be a democratic functioning government and Parliament in this country.

Instead, what we have seen from the outset is the Government playing politics with it. The initial proposal to abolish the Seanad emanated from the week when the Tánaiste, then an Opposition Deputy, stated he had no confidence in the then Ceann Comhairle and in the process stealing thunder from the then Opposition leader, now the Taoiseach. It led to the resignation of the then Ceann Comhairle. In response, feeling the pressure, the Taoiseach introduced, at a

party gathering that weekend to the shock of all his party members around him - not only his own Senators but his Dáil Deputies - the proposal that if he was elected he would abolish the Seanad. That is where it comes from.

In the last election, there was much talk of reform. It became a little more subtle than that. At the outset, the Taoiseach stated he would abolish the Seanad. What we see here is a crude Bill to abolish the Seanad with little else to accompany it.

Undoubtedly, there are serious issues in terms of the way the political system operates and we could change and address them. Often we talk about changing the electoral system but that is not something the public will buy or, indeed, wants. Last week's recommendation from the Constitutional Convention was to keep the system of election to the Dáil. Yet undoubtedly, the way the Dáil is elected puts real pressures on all of its Deputies to focus on matters which are not directly related to this Chamber, to legislation or to committee work. The focus of the majority of Members tends to be the constituency because it is constituents who elect them and that is what the public expects. It is our the electoral system gives us.

In these circumstances the existence of the Seanad offered an opportunity to really reform the electoral system. We did not have to change the way we elected Members to the Dáil. What we could have done is look at the weaknesses in the electoral system and try to reform and bring in place a separate House which would improve the situation and which would have a totally different way of electing Members.

The system that is there at present, where councillors and university graduates elect the Seanad, makes no sense to anyone. Few among the public have any regard for it. Equally, few among the public will resist the Government changing the way that the other House is elected and that offers a major opportunity to bring a very different dynamic to the Houses of the Oireachtas. The Government could have reduced the number of Deputies further and put in place a Seanad Chamber which brings in Members with a different type of focus to that which we in the Dáil would have. The Dáil should retain its primary power. The Dáil, ultimately, is directly elected by the people and should have the ultimate vote but what one could have in the other chamber is Senators who have a different approach and who are elected at national level. My party proposed a list system based on different panels which represent different strands in society. That was a type of opportunity available, and which the Government has not looked at.

Deputy Bannon spoke about a political football in reference to something else. The issues of reform and abolition of the Seanad have been used as little more than a political football by the Taoiseach and Government. The Taoiseach has a number of attributes. He is one of the shrewdest and politically canniest politicians in the Dáil and he has demonstrated that through his use of this issue. The Government brought forward the children's referendum and the referendum to bring in committees of inquiry.

6 o'clock

Unlike with those referendums, this Bill is being introduced months before the referendum is to take place. With every other referendum, the Bill has been introduced five or six weeks before polling day and rushed through with little debate, but cutely and shrewdly, the Bill to provide for the abolition of the Seanad is to be thrown into the Dáil five or six months in advance of the referendum. It will be a bone for every politician to run after for the next few months so as not to concentrate on the real issues and difficulties being experienced by the people. What

better way is there to get the media and Oireachtas Members focused on something that is not important than to say that one half of the Houses of the Oireachtas is to be abolished? That creates a scenario in which people will spend the next five or six months navel gazing.

We will witness Senators from various parties, and particularly Government parties, making noises about how they will not vote for this. That will suck up media attention and the media will gleefully make its reports. The public will find it great fun to watch Senators trying to save their political skin. This is a bit of a game and we will see it for the next five months. It is no accident that the Bill is being introduced five months in advance as it serves the Government's purpose well in creating a distraction and keeping the focus from other issues. As I indicated, this will have no impact in bringing about any real political reform in the way we do our business.

Although the Bill will facilitate abolishing the Seanad, we are seeing no effort from the Government to address the way in which the Dáil operates. There were many promises at the last election and since about bringing about a democratic revolution, but the most we have seen from that is the introduction of Topical Issues, with matters being moved from being heard last thing at night to earlier in the day. There are only four items per day, meaning four Deputies can raise a topic of interest and of relevance, or 12 topics per week. There are 166 Deputies in the House, and even taking away Ministers and Ministers of State, that means a Deputy would have one topic, on balance, every ten weeks. That is the extent of the opportunities available to Deputies to bring up issues of importance.

The other way of tackling a Minister on the floor of the Dáil is through Oral Questions, with a particular Minister coming to the floor once every six weeks for an hour and a quarter. There may be 100 questions to be answered orally and the Minister might get through ten of them. We should be able to have a Minister for two or three hours per week, giving Deputies from the Opposition and the Government backbenches the opportunity to raise relevant issues.

We have Friday sittings, or "farcical Friday", where once every four weeks we have an opportunity to deal with Private Members' business. The only reason this happens on a Friday is because it gives the Government an opportunity to state publicly that the House sits four days a week sometimes. The Dáil does not begin until 2 p.m. on Tuesday and it normally finishes at 5.45 p.m. on Thursday, with the proceedings beginning at 10.30 a.m. on Wednesday and Thursday. We could start on Tuesday morning and go later on Tuesday night, leaving room for additional debates or questions. We could consider issues that would not lead to votes while at the same time holding the Government to account. None of this has been attempted, however, and instead there is tokenism in the form of including a Friday sitting. Using the time for Private Members' business is useful and we need more of these opportunities, but putting this sitting on a Friday smacks of tokenism that we have become used to seeing from the Government.

I and any one of our citizens would be very disappointed by this, and I predict this referendum will not pass. That is not because anybody outside these Houses has any regard for the Seanad as it stands, and I will not be telling them that they should have, but because this initiative represents a massive lost opportunity to bring about real change in the political system in this country. The Government is asking the public to be complicit in selling this as reform and a real big deal by voting as the Government wishes in the referendum. If it does so, the public will have to listen to the Government for the next two and half years reminding them of how it has changed things and how the public endorsed the effort to reform politics. The Government will be continuing a deception that it is doing something to change politics in the country. That

is a fraud, and the public will see that throughout this campaign. When the public refuses to endorse this, we will have to turn around and try to address the real reform which the Government was mandated to introduce through the vote it received at the previous general election.

Deputy Eamonn Maloney: I will be voting for the abolition of the Seanad. I have held the view that the Seanad should be abolished not just in the two short years I have been here but for almost all my adult life. Those of us elected to the House are doing ourselves a disservice as there seems to be some soul searching about what we really need and the idea that we must reform the Seanad urgently. That is one of the twin arguments, with the other being that somehow democracy in the Republic will be weakened if the Seanad is closed. Both of these ideas are nothing but utter rubbish.

The Seanad has never been democratic and it was never meant to be, as it was meant to have the primary function of being elitist. From inception, when the British were about to leave us, the idea was that it would be elitist and use an awful term, the Upper House, which is nothing short of offensive to the plain man and woman of Ireland. The plain people of Ireland elect this Parliament, and that choice is one of the great gifts of democracy, with the ordinary people deciding the nature of how this country is governed. The plain people decide who comes here to govern, which is wonderful.

With the inception of the original British model of the Seanad, the elitist Upper House came about because as an independent Ireland would elect its first Parliament, there had to be a body or institution that would be an Upper House to the ordinary men and women elected to this House. These were people who were not elected, and the list of Members had Sir This, Sir That and Sir The Other. That astonishes me.

This House is dominated by people who in one guise or another declare themselves as members of republican parties, and they are entitled to this and respect it. I am not a republican but I am a democratic socialist. I was here last Thursday night when Deputy Martin, on behalf of Fianna Fáil, and Deputy Adams, on behalf of Sinn Féin, made their contributions. They proudly claim to be republicans but they defended an Upper House which is a concept of an imperial power.

Let us be frank, it was the British who first came up with the concept of an Upper House, with the elite looking over those who were democratically elected because the political establishment did not trust the ordinary people of Ireland. They got their way and a Senate was established. When we took over the country ourselves, we created our own model in the form of the Seanad.

On the point about those who are identified as being members of republican parties, a man whom I admire, principally because of his economic views, made an interesting comment. A former leader of Deputy McConalogue's party, and former Taoiseach, Mr. Seán Lemass, during a debate in 1928 on the concept of the Seanad, pulled no punches in saying the following: "It is a body created ... not to improve the machinery of administration in this country, but to give political power to a certain class that could not get that power if they had to go before the people at a free election and get the people to vote them into office". He was right. In fairness to Mr. Lemass, he cut it down the middle and what he said is true.

There has been some discussion about the move away from the original British model of the Senate into the Seanad. I am of the view that it must be elitist by its very nature. A couple

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of thousand graduates, a couple of hundred councillors and Deputies of this House elect its Members but the plain people have no vote on the membership of a House which is supposed to oversee the conduct of members of the Dáil. I am not on for that and the quicker it is abolished, the better. It is undemocratic and I fail to see how anyone can come in here and defend it.

I lived in England for a while and used to visit Westminster occasionally. When I read Irish newspaper reports about the Seanad I used to think that the only real difference between it and the House of Lords was that Members of the latter wore wigs while members of the former did not. They are both Upper Houses for the elite. There has been much discussion of the need to reform the Seanad but how can one reform something that has never been democratic? It was never democratic so how can one reform it? That has never happened anywhere in the world. Most of the parliaments in the world do not even have a second House.

Some Deputies have taken the view that there should not be a referendum on the issue. I cannot understand how parliamentarians can be against the holding of a referendum. Is it that they are afraid of the ordinary man and woman on the street? It is they who will decide whether or not there is a Seanad, not the Deputies in this House. If we are democrats - and there is much talk in this House about believing in and cherishing democracy - let us put this to the plain people of Ireland and let them decide. On that question, as on many others, they are ahead of us because Ireland is growing up. They are way ahead of us. The public perception of the Seanad is that it is a quango, or more correctly, a political quango. It has been used and abused by every political party that has been represented in this House. I say every political party deliberately because I do not want to have double standards on the issue.

There has been a flurry of campaigning by the former leader of the Progressive Democrats and former Tánaiste, Mr. Micheal McDowell, who appears to be the ayatollah or spiritual leader of the save the Seanad campaign. He has suggested that if the Seanad is abolished, a great pillar of democracy will be lost and all of us will be under threat. He also made some silly point about a power grab. There is no power grab because the Seanad does not have any power. Other than prolonging the legislative process, that is, dragging out Bills, the Seanad has no great power. If someone can show me where that power is, I will vote "No" but as it stands, I will be voting "Yes" and will be encouraging others to do the same. I see the wagons being circled by an elitist bunch of academics. I am not against all academics. I am sure some of them are useful people. I am amazed at the great energy being put into the campaign to save the Seanad. Some have suggested that it should be reformed rather than abolished by way of a referendum. I know why they do not want a referendum - they do not trust the ordinary people to decide on this. Some of those involved in circling the wagons should reflect on the matter some more.

I have heard many references to the great people who have served in the Seanad. I am happy to acknowledge that there were great people in the Seanad, albeit small in number. Indeed, there are still good people in the current Seanad - the few who still speak to me. There have been some good people with their own views on issues, some of them quite independent views, it must be said. One such person is Ms Mary Robinson whom I wish to quote now. She did not pull many punches about the Seanad either, despite the fact that she was a Member more than once. In 1973 she said,

Let us not fool ourselves. This House is not in the mainstream of Irish life at the moment. It is not fulfilling a role which satisfies the desire for democratic control over government policy and for participation in the legislative process.

She went on to argue that “We have borrowed the Westminster model of a parliament, based on the House of Commons and the House of Lords. However, we have failed to borrow some of the better traditions of this model”. She was right. Her outlook was totally democratic and she believed there was no need for a House of Lords or a Seanad.

I will now refer to a man whom I met twice in my life and who I admired greatly, Dr. Noel Browne, another former Member of the Seanad. He had his reservations about the Seanad and made some astute observations on the issue. In 1957 he said:

We must assume a literate electorate which has considered carefully our qualifications for government, for legislation. We, to the best of our ability, have come in here, considered the points of view of the people who have elected us, and passed legislation through this House which we believe is in accordance with their will. I can see no reason why we should deliberately accept a Second House which would have a right to interfere with what is essentially the expression of the public will in relation to legislation.

This supports the point I made earlier. Why should an elite group in what is termed the Upper House have any influence over legislation drawn up by Members of this House who are elected by the people to this Parliament? It is undemocratic. The Seanad was never democratic. The House of Lords is not democratic. Whatever about the circling of the wagons and so forth, one cannot reform something that has never been democratic. It is as simple as that. The whole ethos of the Seanad, in looking down on the Lower House, as pointed out by Dr. Browne, is questionable. If we make legislation, be it good or bad, we make it to the best of our abilities. That applies to all Members of this House. We do our best but what we do should not be vetted by people who are not democratically elected.

The people who should vet what we do are the people of Ireland and they do not need a second House. I have often used the argument that the best local authority in the UK, the Greater Manchester council, governs an almost equivalent population of this Republic of 4.5 million people. It sits in a room approximately the same size as the Chamber and has financial functions. We should be careful about defending an oversight committee. The people will decide every five years on how good or how bad we are.

I have been always opposed to the Seanad. If I were a citizen of the UK I would be opposed to the House of Lords. During a dispute with a Senator on a programme, I stated that I did not predict a riot on Kildare Street or any other Irish street the day after the referendum takes place and the Seanad is abolished. Anyone waiting for a people’s revolution because of the loss of the Seanad can forget it.

An Leas-Cheann Comhairle: I call Deputy Joe Higgins who will share time with Deputies Clare Daly, Mick Wallace and Thomas Pringle.

Deputy Joe Higgins: For many decades I and the Socialist Party have called for the abolition of the Seanad, and pointed out many decades ago that it is an utterly undemocratic and elitist institution in how it is elected, or more correctly, selected. As we know, the bulk of its members are elected by a tiny electorate of councillors, Dáil Deputies and outgoing Senators with a further 11 appointed by the Taoiseach of the day. Deputies and councillors have numerous votes in Seanad elections. The system makes the Seanad an institution of loyalists from the establishment political parties of the day, and this is the reality. The only independent voices come from the university graduates vote, but here again we find intolerable elitism. What gives

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university graduates special democratic rights over people who may not have been to college but who have worked or slaved all their lives, pay their taxes and make a contribution? They are denied a vote. The Deputies and councillors with numerous votes as a result of their office have additional votes if they happen to be graduates; it is a rotten borough and totally democratic. It creates a Seanad which is a reflection of the Dáil in its political composition and is superfluous.

I acknowledge that a few people who were or are Senators have used the institution as a forum to advance progressive and important issues. I salute Senator David Norris in particular, who with great courage has campaigned for the civil rights of many people and particularly for the gay community when its members were shamefully criminalised. He used the Seanad as a forum and used the courts. No doubt Senator David Norris and, importantly, the campaigners with him in the extensive campaign, could have found many means with their campaigning abilities to achieve the same end.

The approach of the Government and the Taoiseach to the abolition of the Seanad is replete with cynicism and opportunism. I was dumbfounded to hear the Taoiseach use as an argument against the Seanad the fact it had not been reformed because of 75 years of inaction by the political establishment. He tried to suggest he, for the past 30 years, was not himself at the very heart of the political establishment, being at the very heart of the most establishment party, Fine Gael. There is a possibility the contempt in which a huge majority of ordinary people throughout the country hold the Government, and the contempt they have for its arrogance and hated austerity policies, could lead those in favour of abolition to take advantage of the referendum to deal the Government a blow. This is not ruled out.

I am inclined to abstain from voting on Second Stage of the Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill 2013 because it contains provisions, apart from the referendum, with which I strongly disagree. Candidacy for the Presidency must be nominated by 14 Dáil Deputies. I stand for the abolition of the Presidency. It is another democratic reform which should have been put in place. If there is to be a presidential election it should be open to every citizen to stand. We should not get rid of one undemocratic institution and preserve another. On the basis it contains a number of such elements it is not a reform of the Constitution in any radical way, particularly from a socialist perspective, but I agree with getting rid of one undemocratic institution.

Deputy Clare Daly: It is a real irony that such has been the mishandling of the case for the abolition of the Seanad by the Taoiseach that the spectre has been raised of this archaic, irrelevant and highly undemocratic institution potentially being rescued from annihilation. This would be totally regrettable. I do not in any way blame people for having this view. It is small wonder when we have been subjected to listening to Ministers speak about how they have a mandate for this measure. It is correct that it was part of the election programmes of the Government parties, but so too were many other promises all of which have been flagrantly broken without a second glance.

Deputy Jan O'Sullivan: That is a bit of an exaggeration.

Deputy Clare Daly: Many people have been insulted by having the example of small Scandinavian countries being lauded by the Administration for not having a second chamber, and fair play to them and I do not have a problem with it, but these countries have very good health care and child care systems and other measures which our Government chooses to blatantly

ignore.

The real irony for ordinary people looking at the deliberations of the Taoiseach on this is that he poses as the defender of democracy, which is galling when we see legislation being forced through the House which gives the power to Revenue to deduct the hated home tax from people's wages and social welfare, and the financial emergencies Bill was also rammed through. That said, a broken clock is, of course, right twice a day and I agree with the Government that the Seanad needs to be abolished. This is the correct position in my opinion. The Dáil also needs to be reformed, but the fact this is not on the table today is not a reason for continuing with the Seanad, which never had a useful purpose and certainly does not have one now. The irony of not just the Taoiseach but the likes of Michael McDowell posing as great liberators is nauseating and hard to take. The points have been well made on numerous occasions by previous speakers. The Seanad was never a democratic institution. It was always elitist and has always been a consolation prize, a present for Deputies who want to retire into oblivion and take things handy or a holding area from which someone can work up to taking a Dáil seat.

There are no direct elections to the Seanad. Like most Deputies, I could not name half the Senators. I would struggle to name ten. It is ludicrous that there are Senators who could not get elected as county councillors but whose parties organise 30 people to vote them into Seanad seats, large salaries, offices and so on because they are in political parties that, for example, want to boost the number of female politicians. They can then build their profiles to develop a Dáil base. Other Senators have repeatedly been rejected by the electorate in Dáil constituencies.

The Seanad is not a democratic institution. It was based on vocationalism in the early years, a system that was itself based on a papal document. It is a throwback to the guild system of the Middle Ages. The Seanad never had democratic accountability.

I wish to address some of the myths introduced during this debate. The idea that the likes of Mary Robinson or David Norris needed the Seanad to thrive is ludicrous. They would have thrived in any environment. They are exceptional people, particularly Senator Norris, and are not a justification for keeping the Seanad. The Seanad has not scrutinised or overthrown legislation any differently than the Dáil has.

If the Government was serious, it would empower people at local level, transform local democracy and devolve powers. It would introduce the only democratic accountability that is relevant, namely, giving power to the people. It would be a bottom-up democracy rather than a top-down elitist body. This must start with the right to recall Deputies, further opportunities for referendums and the devolution of powers to citizens.

Deputy Mick Wallace: It would be difficult to argue for the retention of the Seanad as we know it. It is not representative of the people or the workplace. If it was a low-cost second chamber that represented the different sections of society, it could be of some value. If we were to tolerate any reform, the Seanad should consist of people with no links to groupings or parties. Perhaps it could be a check on the Dáil.

This will not happen. The Government has no more of an appetite for change than the previous Government had. The changes to the Dáil and local government since I have become a Deputy have been almost irrelevant. Given the fact that we have one of the most centralised governments in the developed world, the need for strong local government is great. Unfortu-

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nately, the situation is getting worse. I would like the people to have a say in how their communities are organised. The people they elect to local government should be able to make decisions and be answerable to them. Moneys raised at a local level should be spent locally so that people might see where their money goes. However, these developments are a while away.

Given the fact the Seanad will not be reformed in any serious way, it should be abolished. If this or the next Government gets around to introducing real local government, it could also cut the number of Deputies. I would like to see it cut to 100. A drop from 166 would not impact on the manner in which the country is run negatively.

There has been much discussion of democracy and watering it down. This is rich, coming as it does from certain people. One is a former Minister for Justice, Michael McDowell, who has criticised the plans to abolish the Seanad as the destruction of our democracy. While he was Minister, he threatened the same democracy through his efforts to discredit Frank Connolly and the organisation the latter represented, the Centre for Public Inquiry, an institution founded to investigate matters of public importance in political, public and corporate life. Mr. McDowell made sure to put an end to it for being far too democratic for us.

It is a bit rich that many Deputies, including members of the Technical Group, are prepared to sacrifice any notion of democracy to ensure their re-elections. That giving Deputy Luke 'Ming' Flanagan or me speaking time is not considered a great move for democracy seems to be a reinvention of the notion. They believe that doing so would jeopardise their chances of getting re-elected. In their view, the majority ruling on who is fit to speak makes more sense than allowing everyone speaking time. This is so nauseating that I want to run out of the place.

I will conclude with a quote from Fintan O'Toole on the dilemma facing the people. He wrote: "do you want to give the most centralised government in the developed world even more unaccountable power or would you rather keep paying your scarce money to keep a bunch of failed politicians in the game? The sane answer is not yes or no – it is no and no."

I do not know whether people realise it, but Senator Norris, for whom I have great respect, is not feeling great and is in hospital. I wish him well.

Deputy Thomas Pringle: I welcome the opportunity to speak on what should be an important issue for Ireland and the future of our democracy. The debate on the abolition of the Seanad has been interesting. All that people can seem to see is the Seanad as it exists now. That is what is wrong with the Bill. We should be discussing reform. The Seanad is far from perfect, but a reformed Seanad is preferable to none at all. It should remain. If the people decide to keep it, its reform should begin immediately. It is unviable as it exists today.

I thank Senators Zappone and Quinn in particular for making a solid argument for reform of the Seanad as opposed to abolition. I also thank my Technical Group colleague, Deputy Ross, for his contribution to this debate and for the publication of his Bill on reform. I would also like to acknowledge Government Deputies and Senators who have stepped away from the party line and voiced their concerns. I hope they continue to do so on this and many other issues. It might make our democracy more relevant for people.

I am of the belief that the Seanad as it stands is little more than a talking shop for people who are not directly elected. Successive Governments, particularly Fianna Fáil Governments, have failed for decades to address that House's problems. There have been 11 reports in total, but all have been left on the shelf to gather dust. However, inaction does not justify its abolition.

Radical reform is necessary.

There is merit in much of the content of the 2004 sub-committee report on Seanad reform. It should be re-examined in the event that the Seanad referendum does not pass. That most Senators would be directly elected and given responsibility to review Government policy, scrutinise senior public appointments and assess EU legislative proposals would constitute a dramatic reform. The abolition of the Taoiseach's nominees would go a long way towards reforming the Seanad. Anything that guarantees a Government majority in the Seanad ensures it is ineffective.

The Seanad could play a key role in European affairs. As a nation, we have failed to engage fully with the EU legislative process and realise the enhanced role of the Oireachtas regarding European affairs through ratification of the Lisbon treaty, leaving much of the activity in this area unscrutinised. This is a threat to the quality of our democracy. A reformed Seanad could be of value.

What is necessary is a reformed Seanad that is more democratic and effective. To have all Senators directly elected would require another constitutional amendment. However, there is scope for a radical expansion of the Seanad electorate that would still include a universal franchise while maintaining the panel system. This is something that is dealt with in more detail in the consultation I mentioned that took place with Senators. It should be considered.

This Bill proposes to transfer duties to the Dáil in what this Government describes as "reform" of the Dáil. It does nothing, however, to reduce the powers of the Executive. Worryingly, we know very little about the small print of any of these changes. When will these so-called reforms take place, and how? There is no transparency and there has been no consultation with the Opposition. In this legislation we are given the continuing rule of the Executive over the Dáil. Independent Deputies will lose out on committee opportunities. As it stands, Technical Group Deputies cannot challenge the Order of Business in spite of the fact that this matter has been raised on numerous occasions with the Government and the Whips. There is a continuing refusal to allow that to happen. Independent Deputies have no amending or legislative support, even though we make up one third of the Opposition. Support is given to Fianna Fáil and Sinn Féin to enable them to carry out their legislative duties but this Government continues to refuse to allow this to happen for Independent Deputies.

Other countries of a similar size with a unicameral system have more accountability and transparency. Much has said about Sweden, Denmark and Finland. One could make a long list of countries. They have strong regional municipal assemblies that have considerable authority and responsibility whereas this Government, by way of reform, is reducing demographic accountability at local level by abolishing town councils and making electoral areas bigger and more difficult for county councillors. Let us not talk about Finland, Sweden or Denmark and how they have a unicameral system when this Government refuses to give powers to local government or ensure local government can develop.

If I hear another comment in this Chamber about how Ireland is only the size of Manchester I believe I may get sick on the floor. It is the most ridiculous argument I have heard any politician put forward. Unfortunately, it comes all the time from the Government side. Manchester is an area within a country of 60 million people that has a huge and powerful economy. It cannot be compared to a country such as ours. If one wishes to compare us with somewhere, why not look at Finland, Norway, Denmark or Sweden? Those are countries of a comparable size

that have far more developed economies and democracies with much more transparency and accountability than this Government would like to see in this House.

We are in an era of cutting costs, something to which in theory I do not object, but this Government continues to cut in areas where it is detrimental to society to do so. I believe the abolition of the Seanad would also be detrimental in that it would reduce transparency and democracy. I object to its abolition in the strongest terms. How our political system works affects all of us and I am concerned that some will vote in favour of abolition as a cost-saving measure without understanding the Seanad's true worth to democracy. We should make it an accountable and democratic institution and should debate its reform, not its abolition.

An Leas-Cheann Comhairle: Deputy Liam Twomey is sharing time with Deputies Joe McHugh and Paschal Donohoe.

Deputy Liam Twomey: If an overwhelming majority of people vote in favour of abolition of the Seanad, we should see that as a desire of the people for reform, not of the Seanad but of this Chamber. Many of the comments made about the accountability of the Executive to the Dáil are true. However, it is rich when comments about what needs to be done in this Chamber come from members of Fianna Fáil, whose members also object to reforms being carried out by this Government. When Fianna Fáil did not like the look of what was happening under the freedom of information legislation, it quickly changed that legislation to restrict access to information that should be freely available to citizens. Many of those restrictions have been reversed by this Government.

The Houses of the Oireachtas (Inquiries, Privileges and Procedures) Bill is about giving more powers to the Dáil to conduct inquiries without putting charges against individuals in order that we can gain information and make this Chamber work better. Many of the faults and failings of the Dáil as a Chamber are not so much about what this or previous Governments do or have done but about what we, as Members of the Chamber, actually do. Too often we do not act like parliamentarians but sit screeching and roaring at each other across the Chamber. At committee level, we run the risk on many occasions of committees having to be suspended or not even starting because we cannot even get a quorum to attend in the committee rooms. That is a disgraceful way for parliamentarians to act. When people talk about the lack of confidence they have in us and in how we act as democratic parliamentarians, it is that which concerns them.

Very little has been said during much of the course of this debate about where we see our own failings inside this Chamber. There is talk about parliamentary questions, Topical Issue debates and so on, but there is a great deal we can do to make this Chamber work better and more efficiently. Many of the contributions during the long debates that take place are very much politically driven rather than legislation-driven. They are not about people trying to take a strong legislative viewpoint to improve legislation and make it work better for people in this country. The debate is all about taking a political potshot at members of the Government, with little or no thinking put into it. What we should be doing to drive the discussion of the proposed referendum is to ask what those of us who are not Ministers or Ministers of State can do, as parliamentarians, to act as a counterbalance to what happens within the Executive. That is why I so completely support much of what the Taoiseach is doing. I believe he has a genuine commitment to make this Chamber work better, if we are prepared to work with him.

There have been some mistakes in the way committees were set up but the intention was to

have a greater number of members involved in order that we can act on the scrutiny of legislation and fulfil our role in marking the Departments of Government assigned to each committee. Unfortunately, I do not see that happening. Everybody tells us how important Europe is, for example, and how much legislation comes from there, but one would be hard-pressed to get many Members of this House to come to scrutinise the legislation for which they are responsible. We need to change that.

There is a great opportunity for us to highlight the deficiencies of both Chambers during the course of the proposed referendum campaign and we should use it so that people can demand we become more accountable to them and that we are able to act as a greater counterpoint to the Executive. That was the initial reason the Oireachtas, the Executive and the Presidency were established in the way they were - it was so that no one group would have too much power to dictate to others. I believe the Taoiseach and the Ministers involved have a genuine commitment to those types of reform and we should have that type of discussion rather than take simplistic potshots. Fianna Fáil's use of the opportunity to attack this legislation has all the markings of a political attack on the Government rather than a well-thought out, support the Seanad type of campaign. The former Minister for Justice has been referred to a few times. He was one of the very architects who sought to restrict freedom of information during the course of the previous Administration but is now campaigning like a knight in shining armour to save the Seanad. This not only smacks of hypocrisy but is almost laughable.

There is an opportunity here. As Members of this Parliament we should demand of ourselves to consider what sort of reforms we can see happening in this Chamber and in the committees. The committees can offer a great opportunity to hold a Government to account if we consider the work they do and work them properly on our own behalf. If we look at every way this Chamber works we can demand that reforms be carried out. We have to find out why our people are resistant to some of these changes. It may be because they feel the people whom they elected to this House have no great interest in seeing these reforms work. As it stands, in our political system one is elected for reasons of what is considered to be clientelism and localism and this is seen as the way one approaches one's work as a Teachta Dála. If we are to change that, we have to give real power back to this Chamber in the way Deputies make decisions about people's lives by way of legislation.

I have nothing against Members of the Seanad and I was a Member of that House, but I believe it is surplus to requirements at this time. We can afford to abolish the Seanad. That is not in any way being disparaging about current or former Members of the Seanad. People work hard in every job they do as Members of the Oireachtas, whether in the Dáil or the Seanad. However, I believe we can afford to abolish the Seanad. Perhaps we should consider putting additional resources into the committee structures in order that we can have a real resource to counterpoint the Departments with which we deal. Perhaps additional resources could be provided to Members who produce reports on legislation or examine the work of Ministers. That is the approach we should be taking instead of the simplistic potshots that seem to mar this type of debate.

Deputy Paschal Donohoe: The Constitution of 1937 served our country well in many ways and it has stood the test of time. It is useful to consider the context in which it was forged and the challenges our young country faced at the time. Europe was about to enter a war which brought terrible loss of life across the entire Continent. Ireland was emerging from a divisive and bitter Civil War. The Constitution allowed our nation to steer its way further to statehood and respond to many of the challenges that arose in the ensuing decades while remaining stable

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and intact. We were able to take the first steps to becoming the country of which we remain proud.

However, while some of the principles of that Constitution have served us well, in the context of this referendum we must ask whether all of its values are still relevant to the Ireland of 2013. I believe we should debate and remove two basic tenets of the Constitution. The first is the concept of vocationalism or the requirement for particular sectors to be represented at all times in our democratic institutions. We have institutions that are fully democratic and it is up to the people to decide who they want to elect. The concept of vocationalism, which was beginning to emerge in other states in Europe when the Constitution was being drafted, is not relevant to a modern country or a democracy in which people have the right to elect who they want to represent them.

Arising from this is the role of the institution of the Seanad. An institution whose members are largely elected by other politicians and people who attended certain universities does not have a place in modern Ireland. Like Deputy Twomey, I count it as a privilege to have served in the Seanad but that privilege does not blind me to the fact that its role and means of election is no longer fit for purpose in an Ireland that has undergone such radical and difficult change. Those who say we should reform the Seanad need to explain why reform has never been implemented, despite the number of people who have rallied to that cause over the past 70 or 80 years. The reasons reform has never been implemented are because, first, there was rarely consensus on the shape of reform and, second, whenever consensus briefly settled, it inevitably ran into obstacles. Once a vision of reform is articulated, it poses a threat to the people who will lose out and they will inevitably resist the reform agenda.

I will be campaigning and voting for the abolition of the Seanad because I do not see what functions a second House can perform that a single House directly elected by the people cannot. We must ask whether the additional powers proposed to be invested in the Dáil will be adequate to the functions required of it in the absence of the Seanad. The measures proposed on lengthier legislative processes, greater roles for committees, optional reviews of legislation 12 months after enactment and allocation of committee positions based on the composition of the Dáil as opposed to that of the Government should allow this Chamber to perform the roles required of it. There is, of course, a difference between “should allow” and “will allow”. As Deputy Twomey noted, the importance of closer scrutiny of European Union legislation by the Oireachtas has long been acknowledged but such scrutiny has been rare. One of the reasons for this is the limit faced by Oireachtas Members in the time they can invest in proper scrutiny. The challenge for Deputies is to commit the energy and time required to perform their legislative functions well. I believe more people will be willing to make that investment in a single Chamber because greater powers will be available to the Dáil.

I respectfully ask those who propose to retain our bicameral system what functions a second House can perform that the Dáil cannot. In respect of those who seek diversity in our political system, surely the people best placed to decide how much diversity they want are those who will cast their votes on whether to move to a single Chamber.

Deputy Joe McHugh: I am conscious that the Fine Gael Parliamentary Party is currently meeting and that my colleagues from the Upper House are watching Deputy Donohoe and I on their monitors as we discuss the future of the Seanad. It is a sensitive topic given that we are speaking about Members’ jobs and the contributions they make. I acknowledge the contributions made by Members of the current Seanad and its predecessors.

It is 11 years this month since I was elected to the Seanad with 53,000 first preference votes. It was, of course, a weighted system whereby one vote cast equated to 1,000 votes on the screen. I was in fact elected by 53 votes from my peers in county councils throughout the country, primarily Fine Gael councillors with a few stray Independents and second preferences by Fianna Fáil councillors. Did I give a representative voice to the administrative panel for those five years? I did not. I became a voice for County Donegal and my constituency of Donegal North-East, hence the argument that the Seanad is either a grooming ground for future Deputies or a retirement home for politicians.

7 o'clock

During the first sitting of the Seanad after my election, the then Senator Shane Ross spoke from the Chair. He stated that the biggest priority of the Seanad was reform. Everyone, including me, agreed with him because the issue had been discussed for years. Now, 11 years later and 75 years after the Seanad was established, it is too late for reform. It is up to the people to decide in a democratic vote whether they want to retain the Seanad.

The first President of the Executive Council, W.T. Cosgrave, agreed to use his appointments to grant extra representation to the State's Protestant minority. The 60 Members of the first Senate included 20 Protestants, three Quakers, one Jew, seven peers, five baronets and several knights. Some of these appointees had previously been Members of the Senate of Southern Ireland, which was a 1920 creation of British law consisting of a mixture of Irish peers and Government appointees. Senate Members from Ulster included George Sigerson from Strabane, Sir William Hutcheson Poë from County Down, Sir Horace Plunkett, Sir Joseph Henry Greer from County Tyrone as well as Unionists from the co-operative movement in County Meath. The Senate, therefore, reflected vocational and other groups which would not otherwise have been represented. This was in line with the thinking behind the establishment of the Seanad.

Since then, many people from Ulster have sat in the Seanad. They include Seamus Malon in 1982, Gordon Wilson and Maurice Hayes who was a colleague of mine in the Seanad in 2002. These individuals made good contributions to debate, especially on Northern issues when Northern Ireland was very much on the radar. Since then, much progress has been made on the North. We now have the North-South Inter-Parliamentary Association, a cross-party group which, ironically, held its inaugural meeting in the Upper House and its second meeting in the former Senate Chamber in Stormont. The Good Friday Agreement has delivered progress on the Northern question and representation on Northern issues.

On the issue of keeping the conversation going, sometimes politicians get carried away and believe they lead reform and effect change when in fact it is the people who do this. We need to make maximum use of opportunities for civic forums. We must progress the proposal for a North-South civic forum to consider the type of society we want and the constitutional challenges we will face in the coming years.

In discussing reform, we must also discuss the issue of the permanent government. Members of the public are irked that despite the major change in political representation arising from the previous general election, the same permanent government remains in control. This issue should be included in the debate.

Shortly after I became a Senator, a fellow from my parish related to me the following saying: "When all is said and done, much more is said than done." For 75 years, much more was

said than done with regard to the Seanad.

For the record, in 2005, I stated in the Seanad that the construction sector was unsustainable and would create problems that would affect thousands of people. Clearly, no one was listening.

Deputy Brendan Smith: I am sharing time with Deputy Seamus Kirk. The changes and deletions proposed to the Constitution in the Bill before the House run to 19 pages. Not since the adoption by the people of the Constitution in July 1937 have so many fundamental and basic changes been contemplated. I do not know of any Member of the Oireachtas who believes in a bicameral parliamentary system and does not share the view that Seanad Éireann needs to be reformed. Unfortunately, while the Seanad requires major reform, the many good reform proposals put forward in the past have not been acted on. Governments of all hues, including single party and coalition Administrations, have not carried out this necessary reform.

We should recognise that every Seanad has contributed in a positive way to our democracy. Many voices and particular interests, which were not represented in Dáil Éireann, have played an important role in national debate in Seanad Éireann. The Upper House initiated many important debates, especially on social matters and other issues of importance to citizens.

Over the years, taoisigh have used their appointments to the Seanad to give people of outstanding ability the opportunity to contribute to the workings of the State through the parliamentary system. Similarly, people of outstanding ability have been elected in their own right to every Seanad. One need only consider the case of Northern Ireland which did not have an assembly or legislature for many years. During those dark years for the country, Seanad Éireann had people of the calibre of Seamus Mallon, Gordon Wilson and John Robb to give an important Northern context to debates in the Oireachtas and wider discussion in society. We should also be mindful of the need to protect the interests of minority groups, which was one of the major aims in constituting the Seanad, as Deputy Donohoe noted.

When one thinks of the Seanad, the names of former Senators such as the former President, Mary Robinson, W.B. Yeats and, much later, his son, Michael, who was leader of the Fianna Fáil Party in the Seanad for many years, come to mind. The late environmentalist and Senator, Mr. Éamon de Buitléar, was ahead of his time in trying to stimulate debate and interest in the environment, heritage and cultural issues.

The Taoiseach and Tánaiste want to avoid proper debate of this issue for specific reasons. They fear such a debate could expose how little thinking, debate, research or consideration went into the proposal to abolish the Seanad. The Government intends to put before the people a major change which would damage the Constitution but has not provided any significant supporting documentation or research in advance of the legislation being brought before the Legislature. This is the first time in the history of the State that such a proposal has come before the Oireachtas without significant research or supporting documentation.

Let us return to the fateful night of a Fine Gael Party fund-raising dinner at which the then beleaguered Fine Gael leader, Deputy Enda Kenny, announced his new policy of abolishing the Seanad. What research had he and his team done to develop this new approach? Only three months before his announcement, the then Deputy made a speech at the MacGill Summer School in Glenties in which he extolled the virtues of Seanad reform. Fine Gael has been busily trying to dismiss his comments in County Donegal by arguing that his script did not specifically

refer to the Seanad. The party cannot, however, deny the content of the then Deputy Kenny's interview on "Morning Ireland" the following day, 24 July 2009, in which he specifically stated he opposed the abolition of the Seanad, adding the following:

I see a different role for the Seanad here. I would change the electoral system and give every graduate a vote here ... There is a real need for proper scrutiny of European legislation. There is a need to have a forum for MEPs. There is a need to challenge the Seanad in the work that it does. Many people feel that it has just been a cosy house for far too long ... It has got real potential but it has got to be challenged in that sense.

I do not believe any practising politician would disagree with the views the Taoiseach expressed at that time. He indicated that giving every graduate a vote in Seanad elections was one possible change. The Fianna Fáil Party Deputy for County Cavan immediately preceding my election was the late Tánaiste, Mr. John Wilson. While serving as Minister for Education, Mr. Wilson proposed in a referendum to extend the franchise for university graduates in Seanad elections beyond graduates of Trinity College Dublin and the National University of Ireland. Sadly, this proposal was never acted on or put into effect.

The then Deputy Kenny made his speech in Donegal in late July 2009. What happened in August and September 2009 that he turned from a reformer to an abolitionist? The answer is straightforward: it was down to opinion polls and, as Deputy Tuffey said earlier, being populist. He saw his popularity rating go down while that of the Labour Party leader and now Tánaiste, Deputy Gilmore, was rising. He and his advisers scurried around to find a policy that might make their leader look tough, hard and decisive. We are now having a referendum on the basis of a promise made for pure political reasons. The proposal before us is not as a result of some reforming zeal or great vision. It is the product of a leader in trouble looking for something he could do or say to dispel the attacks on his leadership. Those attacks were coming from his own front bench. This is not how to make policy and it most assuredly is not a basis for playing with the fundamental law of this land, *Bunreacht na hÉireann*.

Deputy Donohoe rightly spoke about how *Bunreacht na hÉireann* has served our people so well. Last year to mark the 75th anniversary of the adoption of the Constitution in July 1937 and its enactment by the end of December of that year, I recall hearing a report of a major conference in University College Dublin on the importance of *Bunreacht na hÉireann*. Most of the attendees were constitutional law experts from outside the country, which shows the standing of our Constitution internationally. Yet, here we are with a large section of the Constitution being carved out for sacrifice upon the altar of the Taoiseach's political intentions.

Not that the Labour Party leadership is in a much better place. The Tánaiste somehow conveniently forgets his party's 2011 manifesto which specifically stated: "We will be proposing to the Constitutional Convention that the Seanad be abolished." Perhaps Labour Members might tell us when they decided to ignore this commitment and ignore the Constitutional Convention. Was it at the same time as they chose to ignore all their other election commitments?

There are few areas of political reform in Ireland that have been more talked about than Seanad reform, but all we have done is talked, and that applies to every political party. Some 12 reports have examined and recommended Seanad reform over many decades, but successive Governments of all political hues have failed to act on their findings. The mistake has not been talking about reform; the mistake has been not doing it. This should not be a party political issue. Governments of all political hues have failed to act. Rather than looking to abolish the

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Seanad, we should be working together, both in the Oireachtas and at the Constitutional Convention, to agree a structure for a radically reformed Seanad that is truly open and accountable to the people with a franchise for the people at large and outside our jurisdiction.

Approximately 156,000 people are currently registered to vote in Seanad elections, most of these on just the university panels - but only about 35% of these ever cast their ballot. It is within our power to design a Seanad that would represent 20 times that number, a Seanad where more than 3 million people are entitled to vote, comprising people across Ireland, North and South, and those who have been forced to leave this country. As the Private Member's Bill on Seanad reform tabled by Senators Zappone and Quinn has shown, it is entirely possible for the Oireachtas to extend the franchise for the Seanad without any need for a referendum. The problem with Seanad reform is not a lack of ideas, proposals or options. On the contrary, if anything there are too many options. The issue is with the political will and commitment to decide on a new structure and run with it.

As a Deputy who represents two of the southern Ulster Border counties, I believe we should be using the opportunity now to offer people in the North an opportunity to vote in Seanad elections. We should be seeking ways of extending politics beyond the old boundaries and limitations and reaching out to those in the North, those who have been forced to emigrate over the years and to the "new Irish" who have come to live and work among us. That was a view put forward very strongly by the Acting Chairman's constituency colleague, the Minister, Deputy Howlin, when he was Minister for the Environment in 1995. What he said in the Seanad at that time was absolutely correct.

Deputy Seamus Kirk: I thank Deputy Smith for sharing time, giving me the opportunity to make a short contribution to tonight's debate. John Stuart Mill once said: "A party of order or stability, and a party of progress or reform, are both necessary elements of a healthy state of political life." We in Fianna Fáil believe the Seanad needs to be reformed, not abolished. Where is the real reform that was promised or is that being forgotten in the Government's five point plan? The Seanad needs to play a more active role in politics, with a keen focus on what really matters: getting our country back to work.

I strongly believe in the need to change how we do politics in this country, but scrapping the Seanad outright is not the answer. Such a move, in the absence of wider reform of the political system, will undermine democracy rather than enhance it. We need to make politics more transparent and accountable and ensure political decisions are subject to proper challenge. Abolishing the Seanad will do the exact opposite. It will make our system less accountable and less transparent. It will give a Government with a record majority even more control over the political process, which is the last thing people want.

It is very disappointing the Government is pressing ahead with the referendum and has refused to allow the issue to be discussed at the Constitutional Convention. It makes no sense to establish the convention to examine key issues relating to the Constitution and then bypass that body with a major constitutional referendum. Fianna Fáil will strongly campaign against what we believe would be a backward step for democracy in this country. We intend to publish detailed proposals on Seanad reform, changing how Senators are elected and changing how the Seanad does its business. Our plans will aim to bring more challenge and more transparency into our political system rather than undermining democracy as this proposal will do.

The Seanad should be used to bring in talent for ministerial appointment where there is a

perceived lack and it should be used to focus on specific skills to tackle our country's problems. In the history of the State only two people have been appointed directly from the Seanad to ministerial office. These were Seán Moylan, who was appointed by the then Taoiseach, Eamon de Valera, and Professor Jim Dooge, appointed by the then Taoiseach, Garret FitzGerald.

The Seanad should be used as a tool in the decision-making process. In our parliamentary system the Executive yields absolute power and this needs to be changed. The Seanad needs to be reformed in order that there are further decision-making voices to help aid with our country's ever-changing problems.

Fianna Fáil's upcoming proposals on Seanad reform encompass a holistic vision for change in Irish politics to make it fit for purpose. The Government's slash and burn approach to reform exposes the shallow nature of its short-sighted changes. Behind the Government's box ticking reform exercise there is a complete lack of commitment to tackling the deeper issues that need to be addressed in political life. Four major issues need to be addressed. We need to address accountability shortcomings, such as electing the Ceann Comhairle by secret ballot; allowing the Dáil to control its own agenda; the allocation of committee chairs by the D'Hondt system; and a Civil Service department for the Opposition. We need to address the lack of openness and transparency by having much more than mere reinstatement of freedom of information and the publication of audited accounts of political parties. We need to address failures in how representative politics operates through radical local government reform and the diversion of parliamentary administrative support away from Deputies and to Oireachtas research support services instead. We need to address the continued domination of the Dáil by the Executive.

Contrary to its promises of a democratic revolution the Government has used its unprecedented majority to ruthlessly guillotine Bills, abolish town councils and centralise power further into fewer hands by abolishing the Seanad. The Government with Fine Gael at the helm has decimated town councils, reduced Dáil numbers and wants to abolish the Seanad. It seems that Fine Gael is activating a top-down approach, where decisions are made with no consultation with the relevant stakeholders.

This was an opportunity for the Government to make a real difference in how politics is run, but if I were to give a mark on the Taoiseach's scorecard, it would be "F" for failure. This is not how to reform. Reform is described as making changes to improve. There has been no forward thinking by the Government to improve the running of our political system. Nor has there been any effort to change or improve it. It is a question of pure and simple abolition.

We are opposed to the abolition of the Seanad because the Government has failed to act on real political reform and is using its abolition as a smokescreen. The Seanad needs to be reformed to play a more meaningful role in providing oversight and scrutiny of the Government and to broaden the representation of life in public debate. The Government is attempting to use stunts such as abolition of the Seanad to mask the lack of joined-up thinking to focus on problems with the institutions of the State.

Any real changes to the Seanad must address the following key areas: legislation, including a formal system of public consultation to be put in place in the Seanad to allow for consultation with interested groups and individuals early in the legislative process; European Union affairs, with the Seanad being given a new role in EU affairs; public policy, with the Seanad assuming the role of principal policy reviewer in the Houses of the Oireachtas; senior public appointments, with the Seanad being assigned responsibility for the scrutiny of senior public appoint-

ments; and a right of attendance at Cabinet, with the next Leader of the Seanad having the right to attend Cabinet with the status of either a Minister or Minister of State.

The reformed Seanad should have 65 Members, of whom 32 should be directly elected, 20 indirectly elected and 12 nominated by the Taoiseach of the day. A total of 26 Members should be elected directly to a national constituency under a proportional representation list system and six should be elected from a national higher education constituency under proportional representation by single transferable vote. Indirect elections should be made from councillors, Deputies and Senators. The direct elections should be held on the same day as local and European elections, while indirect elections should occur 90 days after a general election. The Taoiseach's nominees should be drawn from the Irish diaspora, the immigrant community, under-represented groups in society and the two traditions in Northern Ireland.

If the Seanad is abolished, it would take away another level of democracy. The people need to have a voice and both the Dáil and Seanad provide this in a bicameral arrangement. The Seanad has given us great minds, voices and people who want to represent the people. Overall reform is needed but no alternatives have been put in place under this proposal. Why not give a number of options to the people? The Taoiseach should listen to his backbenchers. They are bemused and confused by the whole situation and there has been no forward thinking, planning or solutions with regard to the issue of Seanad reform.

The abolition of the Seanad will not only affect democracy, it is a direct attack against democracy. We need to offer alternatives to abolition. Potentially, the Seanad could be used as a think tank, offering solutions and ideas to various Departments.

As mentioned, the election of Senators is archaic and needs to change. With a move towards increased democracy, the people's opinions will matter and the people will have a chance to say how they want democracy to continue in Ireland. Although Fine Gael and the Labour Party have an overwhelming majority in this House, we will fight tooth and nail to reform the Seanad and to be a progressive voice for the people.

Several broken promises have emerged since Fine Gael and the Labour Party have taken power. One example relates to the appointments to State boards. During the general election, the Taoiseach, Deputy Enda Kenny, promised to end political cronyism. He said that in the previous 13 years the politics of the country had been dominated by the politics of cronyism and that for the previous 13 years the Government had been run by a small group of insiders, so-called friends of Fianna Fáil. He said that one of his ambitions was to put a sense of trust back into politics because it was a noble profession and should be seen as such. Prior to the election, Fine Gael pledged to replace the membership of all boards within six months of taking office. The Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, said in January 2011 that board members "will be asked to resign within six months by Fine Gael if we form the next government". The Labour Party pre-budget submission last year stated that any programme should include "Reform of the system of appointments to state boards to ensure that the process is transparent and that those appointed have the requisite knowledge and skills". The programme for Government committed to halving the size of the Department of the Taoiseach. However, since last year the Department appears to be the only one growing in size, with additional staff in the Department to monitor the implementation of the programme for Government, additional staff from the EU division of the Department of Foreign Affairs and Trade, while more staff are expected from Enterprise Ireland to oversee the implementation of Action Plan for Jobs.

Acting Chairman (Deputy Liam Twomey): Deputy Noel Harrington is sharing time with Deputies Regina Doherty, Seán Kyne and Áine Collins.

Deputy Noel Harrington: I welcome the opportunity to speak on the motion. Everyone is agreed across party lines and across society that the Seanad is broken. It is not democratic, it is elitist and it has problems. It has required work, decisions and reform throughout the decades. It required an overhaul almost every decade but it got none. Calls for reform got no response despite trying, speaking and publishing reports on reform *ad nauseam*. It has become an institution that has outgrown its usefulness. I say as much as a person who ran for the Seanad poorly in 2007. I did not get there but I almost got there despite the fact that I received 22 first preference votes. That is the problem. The electorate to the Seanad is made up of county councillors, new Deputies and outgoing Senators in one group, third level graduates who have registered, although only a fraction of those registered ultimately vote, and the nominations of the Taoiseach of the day. It is reasonably clear that in a republic that demands democracy, accountability and transparency, this is simply outdated. It served its purpose after the 1937 Constitution and whatever the make-up of the previous Seanad was, but the days of the vocational element that was required almost 80 years ago are simply over.

There is a modern European dynamic with newer countries coming in from the former eastern bloc, which countries are similar in size to Ireland in terms of population. They do quite well, competitively and democratically, with one House. The same applies to other countries, including New Zealand, Finland and Denmark, the latter two being Scandinavian countries which we aspire to emulate in many ways, although sometimes unreasonably, because we look to them all the time. They have succeeded with one House.

Arguments have been put forward. I listened to previous speakers. If ever there was an argument about what we should do with the Seanad, I have not heard it. We have heard about reform, changing the Seanad and the Quinn Zappone Bill before the Houses, none of which could be realised. Reform has been tried 20 times in Canada since 1979. Each of those 20 times, those involved had the will, the foresight and the decisions to take, but they could not get consensus. I have heard many speakers in recent weeks offering their version of reform, but all have come up with different versions of what the Seanad should be and most of them would require a constitutional referendum. The Quinn Zappone Bill does not require a constitutional referendum but it is so similar to the current Seanad and as undemocratic and as elitist that it is difficult to see how it could truly become a changed or more democratic House.

It has been suggested that this is a power grab by the Government. We are suggesting putting this proposal to the people in a referendum. We are putting it to every voting citizen for their consideration and so that they can view it and vote on it. If that is a power grab, then I do not know what that is. If a decision is taken, whatever the decision, it will not take effect until the next Government. It is typical thinking from people in parties who automatically assume they will be in the next Government or those who believe the current Government will evolve into the next Government. It is a shame that we must hear that again, but that is it.

I have heard people making the case of the brilliant people who have graced the floor of the Seanad. No doubt there have been excellent people from all walks of life, but the examples I have heard of have done their best work outside the Seanad. I have heard people refer to Mary Robinson and others, but I cannot recall in any part of my mind Mary Robinson in the Seanad, although I remember her as a President, as a constitutional lawyer and as a brilliant person. The fact is that the Seanad stifles such personalities. We need to engage such citizens, minds and

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intellects in a different way. If that is the kind of reform we are talking about then we need to hear that. The institution has become comfortable. It is human nature to become attached but the Seanad is not fit for purpose and the only option is to put the question of its abolition before the people. I cannot think of anything more democratic.

Cuireadh an díospóireacht ar athló.

Debate adjourned.

Hundredth Anniversary of 1913 Lock-out: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Joe Higgins on Tuesday, 18 June 2013:

That Dáil Éireann:

on the 100th anniversary of the 1913 Lock-out, salutes the titanic struggle of the working class of Dublin for workers' rights, trade union rights, and a decent and dignified life;

notes:

— the brutal methods of the employers of Dublin, led by the then owner of Independent Newspapers William Martin Murphy, as they attempted to protect their profits by smashing the Irish Transport and General Workers Union, ITGWU, through starving its members into renouncing their union membership;

— that the employers commanded the full support of the State including the Dublin Metropolitan Police and Judiciary;

— that the employers had the full support of the Catholic Church, which sought to stigmatise striking workers and used the pulpit to denounce workers' leaders like James Larkin and James Connolly and the socialist ideas that informed their struggle;

— that the capitalist and right wing press of the day was relentless in its support for the employers and rabid in its campaign of vilification and slander against the workers and their leaders; and

— that the hostility of the employers to the ITGWU members arose from the militant and effective tactics advocated by Connolly and Larkin and embraced by unskilled workers in the years preceding 1913, in particular, the sympathy strike which was a powerful expression of working class solidarity summed up by the concept that "an injury to one is an injury to all";

recognises that, irrespective of the difficult circumstances in which the Lock-out finished for workers, their sacrifices and struggle were a vital foundation stone for the development of the Irish labour and trade union movement and workers' rights in subsequent generations and up to the present day;

further notes that:

— in 2013 the ethos driving the bailout of the financial markets system and the austerity agenda is exactly the same as that driving the Dublin employers, that is, the protection of corporate profit and the profit system;

— the socialist ideas espoused by Connolly and Larkin as an alternative to the capitalism of their day are as relevant in addressing today's economic crisis;

— in enacting the Financial Emergency Measures in the Public Interest Bill 2013, the Government employs William Martin Murphy style blackmail in that, while he demanded workers sign a pledge to disavow the ITGWU, the Government demands that unless public sector workers sign up to a programme of cuts to wages and conditions, the Government will inflict even worse on them;

— the Labour Party, which came into being as a result of workers' struggles in the years preceding 1913, is guilty of abject betrayal in driving the austerity agenda at enormous cost to working people, the unemployed, pensioners and the poor;

— those trade union leaders who try to justify recommending an acceptance of more austerity to their members by claiming they are defending them from worse, are in fact guaranteeing that conditions will worsen in the years ahead and, in this collusion with the austerity agenda, dishonour the men and women who waged the 1913 struggle and its leaders like Larkin and Connolly;

— today, efforts made by the trade union movement to organise, particularly in the private sector, typically meet with employer resistance and hostility;

— employers resisting trade union recognition today enjoy the protection of current laws and the courts;

— Registered Employment Agreements and Employment Regulation Orders providing certain important legislative protection for workers have been struck down;

— employers seeking to impede effective picketing can typically with ease obtain injunctions from the courts which are then enforced by the Garda thus enabling strikebreaking operations to take place;

— employees seeking redress for unfair dismissal at the Employment Appeals Tribunal have an average wait of more than a year;

— awards made in favour of employees by the Employment Appeals Tribunal, under the Unfair Dismissals Acts 1977 to 2007, the Minimum Notice and Terms of Employment Acts 1973 to 2005 and the Organisation of Working Time Act 1997, for unfair dismissals, non-payment of wages in lieu of notice and non-payment of holiday pay respectively are often unenforceable when the offending company ceases trading or goes into liquidation; and

— similar delays and problems with enforcement of cases successfully brought to the Rights Commissioner under the Payment of Wages Act 1991 also occur; and resolves:

— that a trade union recognition bill be passed this year to make it mandatory for

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employers to recognise trade unions;

— that sections of the Industrial Relations Acts 1969 to 2001 that impede effective strike action, including solidarity or secondary action, should be repealed;

— that adequate resources are made available to the Employment Appeals Tribunal and Rights Commissioner that will allow cases to be heard within four weeks;

— that legislation be enacted to place employees owed wages, redundancy pay and Employment Appeal Tribunal awards by firms that have ceased trading or entered liquidation, first in the hierarchy of creditors;

— that a scheme of financial and other State supports be made, with immediate effect, to assist communities in Dublin and elsewhere to mark the centenary anniversary of the 1913 Lock-out with appropriate commemorative and educational events;

— that an appropriate memorial be established to commemorate the 1913 Lock-out, recognising the sacrifices made and, in particular, the five workers who lost their lives in the struggle; and

— to encourage workers and trade unionists to resist austerity in 2013 with the same solidarity and fighting spirit displayed by their predecessors during the 1913 Lock-out.

Debate resumed on amendment No. 1:

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

“at the start of a centenary of commemoration of the 100th anniversary of the 1913 Lock-out, recognises the landmark struggle for workers’ rights as a significant milestone in a decade that saw enormous convulsion in the emergence of an independent nation;

recognises the positive transformation in living and working conditions in Ireland, most recently reflected in the UN Human Development Index that, for 2012, ranks Ireland 7th out of 187 countries and territories based on measures of a long and healthy life, access to knowledge and a decent standard of living;

further recognises the legislative changes introduced by this Government to protect workers’ rights, especially the most vulnerable workers in our society, and in particular:

— to restore the cut in the national minimum wage, thereby reaffirming that a statutory minimum wage is a statement of core values, providing a threshold of decency under which society agrees that workers’ wages should not fall;

— through the enactment of the Industrial Relations (Amendment) Act 2012, to reinstate a legislative framework to support wage setting in sectors where workers are poorly organised and vulnerable; and

— to enact legislation (the Temporary Agency Workers Act 2012) to protect temporary agency workers through a legal framework in which agency workers are afforded equal treatment in respect of their basic working and employment conditions;

acknowledges the Government’s:

— commitment to providing for statutory wage setting mechanisms and, in this context, to conclude, as matter of urgency, its considerations of the implications of the recent Supreme Court decision relating to Registered Employment Agreements with a view to providing for a constitutionally robust legislative framework governing registered collective agreements;

— resolve to continue to develop the voluntarist system of industrial relations which has yielded great progress for workers over the years and, in particular, welcomes:

— the reform of the Employment Rights and Industrial Relations framework that is under way, and presented to this House, and aimed at establishing a world class workplace relations service which will promote better relations in the workplace and facilitate speedier and more effective resolution of disputes which arise and highest compliance with employment standards; and

— the completion, in May this year, of a phase of consultation with key stakeholders in the context of the Government's commitment in its Programme for Government to reform the current law on employees' right to engage in collective bargaining (the Industrial Relations (Amendment) Act 2001), so as to ensure compliance by the State with recent judgments of the European Court of Human Rights; and

— efforts to tackle unemployment and stabilise the employment rate through the twin strategies of Pathways to Work and the annual Action Plan for Jobs, which engages every Government Department in delivering on employment supporting actions and monitors their delivery on a quarterly basis; and notes that the private sector has added an additional two thousand jobs per month since the launch of the first Action Plan for Jobs in February 2012.”

- (Minister for Agriculture, Food and the Marine)

Deputy Seán Crowe: The 1913 Dublin strike and Lock-out is one of the most important and inspirational events in Irish history. Dublin in 1913 was a city of dire poverty. The rate of infant mortality was as high as Calcutta and almost a quarter of the inhabitants lived in city centre tenements and slums - 80% of families lived in just one room. Work, for those that could find it, was mostly casual, dangerous and paid starvation wages. There was no sick pay, no pay for overtime, no retirement pension, no redundancy pay, no dole, and an abundance of unskilled labourers to fill a job. It was in that environment that the Irish Transport and General Workers Union, ITGWU, recruited thousands of Dublin workers to fight for their right to a trade union and to a decent and dignified life that contained some hope of a better future.

Fearing the threat of a risen and politicised working class, and the affect that would have on their wealth and privileged lifestyle, the employers, led by William Martin Murphy, used brutal tactics to smash the ITGWU. The political establishment, the Catholic hierarchy and the State sided with the big employers. The might of the brutal British security apparatus was used against locked-out workers and their families. On the night that a warrant was issued for Big Jim Larkin's arrest, two workers, James Nolan and John Byrne, died as a result of injuries received at the hands of the Dublin Metropolitan Police, DMP, batons.

Dublin people are rightly proud of the spirit displayed in the face of starvation and State

brutality. The events also left a strong awareness of the need for social solidarity and for working class communities to stand together and have leaders who would stand up for their rights and aspirations. Workers' conditions have obviously moved on since 1913 but change has only come through struggle, hard graft and tough negotiations. The centenary of the Lock-out is about remembrance, but it must also be about action and improving the quality of life for all citizens. It would be only the most naive fool who would not see through parties who support the current politics of austerity, and who pay lip service to Larkin and what happened in this city 100 years ago. The lesson and true legacy of 1913 is the determination of workers on this island and their communities to defend themselves against attacks on hard-won working and social conditions. One hundred years ago workers were being attacked in this city and it is still happening today. Workers and their families are facing new onslaughts, evictions, the threat of poverty and increasing job insecurity.

William Martin Murphy was not against all unions, but he was definitely against the unions that fought and politically agitated on behalf of their members, such as the ITGWU. Parallels could be drawn today, with unions that employers and the Government favour and reward, and those that they attack, and side-line from areas of influence and decision making. Ireland is unusual in terms of the lack of protection it offers for collective bargaining. There is no requirement to recognise a trade union in a workplace or to engage with it. It is 2013 and that must change. The programme for Government committed to "reform the current law on employees' right to engage in collective bargaining, so as to ensure compliance by the State with recent judgements of the European Court of Human Rights." No visible action has been taken nor has an independent inquiry requested by the International Labour Organisation, ILO, been established. Legislation must be enacted which requires employers to respect the right of workers to bargain collectively through their trade union.

In recent years we have also seen workers take on unscrupulous employers and achieve substantial victories in cases such as Vita Cortex, La Senza and Lagan Brick. Working conditions have improved in the past 100 years but we still have exploitation. We still have employees who work but do not receive overtime. Some workers in the construction industry have no access to employment or pensions. Citizens who work for half of their lives are being told there is no redundancy money. Self-employed people with small businesses, who paid their taxes and created employment, have been told they were on the wrong stamp and, apologetically, that there is nothing for them. That is the situation. We have moved on but, unfortunately, for many workers things have got worse. This week I heard of a case concerning an individual who started work at 14 years of age. When he applied for his pension he was told that the only stamps he has date from 1983, even though he is now in his 60s and he started work at 14 years of age. His union has information on his employment but the Department of Social Protection does not. That is a difficulty for many workers in the construction sector. In the year that is in it, we must change all of that.

Deputy Dessie Ellis: Táim an-bhuíoch seans a bheith agam labhairt ar an tairiscint seo. Ireland is not short of heroic men and women of the working class who stood together, sacrificed and struggled for the good of their brothers and sisters; people who toiled all day for low pay so they could put a dinner on the table for their children and in the small spare time they had fought for their union, their movement and for their class so that their children's children might have the chance to live in a better Ireland. They wanted a better Ireland and a better world where no one goes hungry, or wants for the most basic needs of human beings. This aim is almost paradoxical in the sense that is so simple and basic and yet so bold and brave and it has yet to

be achieved. As Connolly stated “our demands most moderate, we only want the earth”.

The year 1913 was not simply an important event in Ireland’s industrial and social history, it was a watershed moment for the working people of Ireland. It was one year before the Howth gun running and just three years before the Easter Rising. It came at a time when resistance to imperialism was burgeoning in Ireland among ordinary people and 1913 solidified in the labourers, servants, landless farmers and others that their fight was not just against foreign imperial rule but the economic system which drove it, that kept thieves in riches and the toilers of the world in the mire.

We should not forget that William Martin Murphy was supposedly a nationalist who wanted an independent Ireland. Of course his nationalism was diametrically opposed to the nationalism of Connolly who said that Ireland meant nothing to him without its people. To Murphy, Ireland meant nothing without a bottom line and the ability to exploit people. Unfortunately, we have too many such people still in Ireland and some are in similar positions to Murphy controlling what we read and hear and how the news is spun.

Recently on a procession for International Workers’ Day in the city centre I saw a banner made by a group, Unfinished Business, which was set up to commemorate 1913 and to promote the ideals of a strong, vibrant union movement. The banner depicted William Martin Murphy alongside a number of current figures the makers felt were comparable such as Dermot Desmond, Michael O’Leary and the Taoiseach, Deputy Enda Kenny. The banner had a quote above the faces from Jim Connell, Irish republican, socialist and song writer: “Seek not for foreign foes, our bitterest enemy treads your own sod”.

William Martin Murphy’s *Irish Independent* campaign for the execution of Connolly following 1913 is similar to the way some media vilify all who speak out against the economic system which rewards bondholders and punishes pensioners. That was the lesson of 1913 which was not lost on the workers who went on to form the IRA brigades who defended workers and removed the British Army from their home towns. It was the lesson betrayed by the Free State in years to come as it turned Ireland into a little England where the only difference was the accent of the exploiter.

I make these points because it is a lesson we could do well to remember today, not just in deference to the fine people who struggled for justice 100 years ago but as a service to the future of our country. It is particularly poignant as we wrestle both with our own broken State, driven to ruin by unbridled and unchecked profits by modern day William Martin Murphys, and with the European and global forces of capitalism, which seeks to impose its rule and ensure its stability whatever the cost to the people of Ireland. Something else that is sorely missed in this era of struggle is a trade union movement that is fit for purpose and ready to fight for the working people of Ireland. The Irish Transport and General Workers Union, ITGWU, of 1913 was not the union of highly paid trade union leaders removed from their membership. It was one which did not shy away from challenging employers and their lackeys. It certainly did not break bread with its right-wing opponents, thereby allowing its structures and base to erode. Workers’ rights won by past generations are being undermined and successive Industrial Relations Acts have disarmed organised labour and forced it to be meek and grateful for the crumbs from the table. I support all the recommendations in this motion and any party that would dare to call itself a party of labour should do the same.

Acting Chairman (Deputy Liam Twomey): I call on the Minister, Deputy Deenihan, who

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is sharing time with Deputies Nash, Barry, Coffey, Moloney, Harrington and Mulherin. The Minister has five minutes.

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I thank the Acting Chairman and am pleased to have this opportunity to speak on the motion. As the Minister with responsibility for the decade of commemorations, I welcome any discussion that raises consciousness of the 1913 Lock-out and its legacy. I hope to continue working with representatives of all parties and Independent Members to ensure the memory of the 1913 Lock-out is something that unites, rather than divides us. I wish to take this opportunity to commend the 1913 committee of the Irish Congress of Trade Unions, ICTU, on its work to date. It has led the planning for the centenary in a manner that is inclusive and with a premium on historical accuracy. My Department has funded initiatives, including the tapestry project of the Services Industrial Professional and Technical Union, SIPTU, and the Century Ireland website, which will provide comprehensive historical coverage of the 1913 Lock-out. It also is working with ICTU to facilitate its plans and exhibitions have been organised by the cultural institutions, including the National Library and the National Museum, to make available to the public documentation and artefacts related to the Lock-out, some for the first time. The Irish Heritage Trust is working with partners, including ICTU and Dublin City Council, to bring forward the tenement museum on Henrietta Street, which will show the reality of conditions for ordinary people living in Dublin in 1913. This Friday, I will visit the National College of Art and Design, NCAD, to view a collection of artworks on the theme of the 1913 Lock-out produced by primary school children from Dublin 8 through the NCAD access and outreach programme.

Larkin or Connolly would scarcely be expected to believe the opportunities that are available to the children of Dublin 100 years on from their struggle for basic rights, when infant mortality in Dublin was the highest in the western world. More can always be done and I am working with my colleagues in Government to improve education and opportunities but there can be no comparison between conditions in 1913 and conditions today. I also wish to take this opportunity to put on record my thanks to the members of both the all-party working group and the advisory group on centenary commemorations. Both groups have contributed significantly to the development of the centenary commemorative programme. Education and access are at the heart of the decade of commemorations and everyone should have the opportunity to see historical sites and documents at first hand. I am supporting major digitisation projects, including that of the military service pensions archive, which will enable people anywhere in the world to access primary source documents for themselves to learn more about the heritage of their families. This has enormous tourism potential, as well as being important for a new generation of schoolchildren, who will grow up with the ability to study history by seeing how those who took part in the making of history saw events.

During the decade of commemorations, a unique opportunity exists to reach out to different communities, both within Ireland and internationally, and to contribute to the commemoration of the struggle for workers' rights in wider Europe, as well as the women's suffrage movement and the commemoration of all those who fought and died in the First World War. Ireland's contribution during those turbulent times should not be underestimated. As Members are aware, there were times when Ireland led the world. Countess Markievicz was of course the first female Member of Parliament elected to Westminster and was the first female Cabinet Minister in Europe. It is an important element in commemorative planning that a commitment is in place at the outset to approach the sensitive and troubled issues of our divided history with integrity and a genuine spirit of inquiry. In respect of both the annual commemoration of the Great Famine

and the continuing work of the centenary programme, we seek to enhance our understanding of these defining events. The exploration of our past in all its complexity and much sadness should not be approached with any view towards recrimination. Those generations have passed into history and their issue should not be carried into our age as a basis of division. Notwithstanding the economic and social challenges being faced in our time, it would be a great wrong to suggest that our condition today can be likened to the horror of the Famine or the misery of the Lock-out. We must continue to challenge ourselves to always strive to improve working conditions and access to basic services and education, as well as to protect vulnerable workers and to combat the scourge of unemployment. As the Government amendment to the motion makes clear, the Government is doing its utmost in that regard. However, the centenary of the Lock-out is a time to commemorate those who lost their lives with dignity and to unite in our respect for the men, women and children who suffered in the fight for the common good.

Deputy Gerald Nash: While there may be a sincere motive behind this motion, I have noticed over the last two evenings that much of the debate is laced with charges of political heresy against the Labour Party. When held up to scrutiny, those charges made and the charges inferred in this motion do not stand up to the slightest of scrutiny. Few of those Members opposite who moved this motion and who come into this Chamber to repeatedly make these kinds of charges against the Labour Party have ever had a direct hand, act or part in making the life or conditions of Irish workers better. Can the more vocal and excitable members of the Technical Group ever point to a single significant measure, legislative item or innovation they have developed that ever has made a real and significant difference to those who work for a living? I sincerely doubt it. If the kind of empty rhetoric and sloganeering synonymous with the populist left in Ireland could be translated into real action on jobs and genuine contributions to progressive labour reform and workplace relations, we all would be a sight better off.

The Ireland of the 1913 Lock-out is unrecognisable from the Ireland of today. The Labour Party can point to many monumental achievements in improving the conditions of working people since its foundation in 1912 and these are more real, principled and practical achievements than the far left can ever claim. Perhaps the Labour Party's most significant achievement is in ensuring that its values have, to one degree or another, become pervasive and have to one extent or another, inside or outside of government, become fundamental to society and to the economy. The trade union movement, which has become a target for, rather than a philosophical ally of the hard left, is now a fundamental part of civil society, respected, consulted and valued by administrations of all political persuasions. This position could not have been envisaged or anticipated by the founders of the labour movement more than 100 years ago. The very centrality of the progressive trade union movement, which is prepared to deal with issues as it sees them, not as it ideally would like them to be, has been of huge benefit to economic development, social progress and to the country's economic fight-back in recent years. The opportunism of those on the far left, who have made careers out of slagging off mainstream organised labour in this country, is frankly sickening when measured against the paucity of their achievements. They can make all of the narrow and base ideological charges they wish about modern day trade unionism and that is fine. However, it was labour values and labour actions that ensured that citizens like me, from working-class backgrounds nationwide, got opportunities never available to their parents and grandparents before them. It would be nigh impossible to attribute any of the gains made by Irish society since 1913 to the platitudinous politics practised by the extreme left and their acolytes, as well as some movers of and speakers on this motion over the past two nights. For the life of me, I cannot recall one single instance. Dare I say - and this is difficult for me to suggest - but it could be argued cogently that Fianna

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Fáil - between its various periodic efforts to destroy this country's economy - did more to advance opportunities for working people in this State - than some of the predecessors of some of the Members who moved this motion. While this is difficult for me to admit, that is a matter of fact and public record.

I acknowledge this country and its citizens have been through a torrid and horrible period in recent years in its short history as a nation state. However, the values that inspired the 1913 Lock-out and the formation of the labour movement are as relevant today as they were then. These challenges can only be met by a movement that is prepared to evolve and is prepared not to be the hostage of history but rather one that leads change and responds to change in a way that marries the universal principles fought for in 1913 and subsequently with the demands of a radically changing society and an increasingly globalised and complex economy.

A lazy charge is often made against the Labour Party and the trade union movement, in particular by some on the populist left and the quasi-left in this House, that Connolly and Larkin would be ashamed of the Labour Party in the 21st century. I do not know that, but neither does Deputy Higgins or any of his acolytes and erstwhile colleagues on the hard left. I would venture that Connolly and Larkin would have no difficulty whatsoever with a party that has restored the national minimum wage, resurrected joint labour committee legislation, secured basic social welfare payments in unprecedented economic circumstances and, most importantly, understands the central tenet of the left, namely, that the way to dignity and progress in society is to create the conditions for full employment and full participation by all citizens in this Republic, a job that we in the Labour Party and this Government are determined to complete.

Deputy Tom Barry: I welcome the opportunity to speak to this motion. It is disingenuous in the extreme to attack the employers of this country in the sweeping way the tone of this motion seeks to do. It sends out the wrong signals internationally from a small, open economy such as our, which has a very good track record in employer relations. Those employers include some of the 200,000 small business owners, including myself, who are keeping bread on the table by creating and maintaining jobs in a very difficult trading environment.

This Government has made considerable strides through legislation in terms of making the creation of employment more achievable and practical across a wide range of initiatives. These include the temporary partial loan guarantee scheme and the microfinance scheme, which are working, and the initial jobs initiative. While other speakers would like to focus on the bad news, there is a steady flow of positive job announcements, including the major expansion plans in Cork announced this week by EMC Ireland.

This Government has put and will continue to put job creation to the fore. Many people are benefiting from the internship scheme which allows people get back into the workforce. We will soon see the JobsPlus initiative, which will allow many people dovetail from the internship scheme into full-time financially assisted jobs in the coming months. Action Plan for Jobs also is a pivotal part of this Administration, and every year job creation will be addressed through that plan.

The motion condemns today's trade union leaders while ignoring the reality that we have not had any industrial unrest in recent decades thanks to the efforts of these very same trade union leaders. There are 1.85 million working in this country, of which 283,000 are public sector workers. Positive public relations is essential in both the private sector and the public sector for continued growth. The motion states that public sector workers have been forced to

sign up to a programme of wage cuts and conditions but the facts speak for themselves. In 2011 and 2012, the average public sector earning was approximately €46,000. In fact, it increased to €47,000. The average industrial wage went from €30,000 in 2011 to €32,000 in 2012. The average farm family income was €24,000, dropping to €21,000. That is negative benchmarking.

Registered employment agreements were struck down by the courts. They were found to be unconstitutional because they were seen to be deferred legislation. Are the proposers of the motion suggesting we should not pay any heed to the law?

Regarding the suggestion that employers are going to the courts and getting injunctions imposed by gardaí to break a strike, gardaí only do their job. They enforce the law. Are the Members who put their name to this motion advocating the cessation of law and order entirely? It seems to me they would be the first people to look for help from gardaí in other circumstances.

There is a further suggestion in the motion that the awards made in favour of employees for unfair dismissal, unpaid wages, etc. are often unenforceable when offending companies go into liquidation, but there is no mention of the rights and wrongs of paying taxes to the Government when a company goes into liquidation. There are many people here, including some who put their name to this motion, who understand what I am saying. We all pay our taxes. We cannot avoid that.

The proposal for a memorial is a good one and should be looked on positively.

Deputy Paudie Coffey: I welcome the opportunity to contribute to this debate and I thank the Members opposite for putting it on the agenda as a matter for debate to give all of us an opportunity to contribute. It is right that we should recognise the contribution of the trade unions. I listened to the Minister, Deputy Deenihan, on the way the commemorations for the centenary of the 1913 Lock-out will occur. That is to be welcomed also.

We must keep in mind at all times how we can improve workers' rights and conditions, but in the 100 years that have passed since 1913, matters have changed substantially. I come from a small industrial town in County Waterford that was literally built by capitalists. They were known as the Malcolmsons. They set up a cotton mill on the River Clodagh and they employed thousands of people in that mill. That town has a huge industrial and social history. I would not put those capitalists in the frame of the wording of this amendment with regard to employers because those very same capitalists set up the schools and provided social housing, water infrastructure and gas infrastructure. That was over 150 years ago.

To tar employers and capitalists with the one brush by saying they are totally opposed to workers and workers' rights is wrong. In the modern era, any employer would recognise that workers who are satisfied in their employment will be more productive. They will enjoy their working lives better and will enjoy a far healthier and happier life. That must be remembered. Unfortunately, the cotton mill to which I refer closed in the early 1900s and the site lay vacant until the 1930s when, under a Seán Lemass initiative, Irish Tanners was established on the site in the town from where I come. For more than 80 years good employment was held in Irish Tanners, but while there was good employment, I am not sure if the working conditions would survive in the current environment because of the new environmental demands in the modern era. Employers and nations had to adapt as regards the way working conditions improved over time.

We must remember that the Ireland joining the European Union has progressed workers'

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conditions substantially. We need only look at the EU directives on health and safety, exposure to dangerous substances and chemicals and the working time directive. All of those directives come from Europe and, as a result, the Irish Government introduced legislation which has done a great deal for the protection of workers and their working conditions and enshrines their rights in law. That should not be forgotten. Since we joined the EU, subsequent Governments must take credit for those improvements in working conditions.

The unions put on the agenda important issues with regard to workers' rights. In the 100 years about which we have spoken, they also had some fallow years. I refer in particular to the Celtic tiger years and the earlier years when I believe social partnership agreements were done in secret with the then Governments, particularly at the time of the former Taoiseach, Bertie Ahern. I believe the unions were not working in the best interests of workers and jobs in those times. Agreements were entered into at that time that were short-term, short-sighted and did not consider long-term sustainability in terms of jobs. This Government is now faced with the task of trying to correct much of what I call short-termism.

In the current climate this Government's focus remains on jobs and creating job opportunities. I was stunned to hear the contribution from the socialist Member opposite this morning when she attacked the reputation of the President of the United States of America. In his country, employers and investors contribute enormously to the Irish economy and to the welfare of Irish people who work in his country. Ireland has the potential to increase its employment opportunities as a gateway to Europe, and we need to build alliances with investments, businesses and employers to ensure we have sustainable employment into the future. If we do not have employment, we will not have unions.

8 o'clock

Deputy Eamonn Maloney: I welcome the motion on this important centenary of the 1913 Lock-out. Deputy Higgins should be thanked. Any opportunity in our own Parliament to show respect for the people who changed history in this country for the working man and woman should be taken. We should pay homage to these people because homage they deserve. This is a very different island from the island 100 years ago when, apart from the poverty in this city, people had the arse out of their trousers and no socks or shoes, so we have come some distance.

For people like me, we have not come far enough. There is a lot of unfairness in this society. We should celebrate the Lock-out in a positive way. It is often said 1916 was our national revolution, which it was, and although some may say it failed, what it led to was not a failure. Likewise, for those like myself and others who were born into the labour movement, 1913 is the year for us to celebrate. The centenary can be remembered and honoured with pride because the men and women who put up the barricades and manned the pickets changed this country. It took a long time for them to do that because when we talk about the centenary of 1913, if we go back just 50 years, we get an indication of how slowly things change in this very conservative country. There was no equal pay for women and no sick pay, both of which were rights in Britain. There was no minimum age or holiday pay because workers did not get holidays. Some of us remember a time when our parents worked five and a half days per week back in the late 1960s.

Whether we are on the side of the labour movement or opposed to it, or somewhere in the middle, it should be borne in mind that none of these changes was given freely: they were wrenched either from the hands of the State or the employer classes. No one volunteered equal

pay for women or to give holiday pay to workers. Look at what happened with the joint labour committees last year, when the whole thing was nearly scuttled. People talk about the limitations of this Parliament and the Labour Party but the committees are back in place and those in the worst industries and the lowest wages are being protected. That is a good thing.

The thrust of the motion is important, allowing us to pay homage to these people. I am proud to say the first trade union I joined was the Irish Transport and General Workers Union and, at a later stage, having been away and come back because of my job, I joined Jim Larkin's Workers' Union of Ireland, which since amalgamated with others to form one major union, which is good. It is the centenary of 1913 so let those of us who are part of that celebrate it with pride.

Deputy Noel Harrington: I welcome the opportunity to speak and thank Deputy Higgins and the other signatories for putting down this motion. The 100th anniversary of the 1913 Lock-out is an appropriate opportunity to reflect on a tumultuous period in our history, which could be tied to many historic events, culminating with the end of hostilities in the Civil War in 1922. It could be argued that we still live with the effects and divisions of that decade in Irish history. We will be subject to many debates and discussions on these significant anniversaries over the next ten years.

I hope that in remembering and reflecting on this turbulent period in our history we learn from it and that in considering these events we can make positive contributions to our future. It should be noted this Government has made contributions with trades unions, such as reversing the cut to the minimum wage and taking 330,000 from paying the universal social charge. I also recognise the positive work trades unions carry out on behalf of their workers and that they contribute greatly to an economy in a developed country such as Ireland. We have seen at first hand how the unions have engaged through the Croke Park and Haddington Road agreements to ensure industrial peace at a difficult time of transition for public sector workers.

It is a pity the motion does not recognise the equally positive contribution made by the 202,000 registered employers in this country who are struggling to maintain their enterprises and who are equally keen to maintain the incomes of their workforce of 2,350,000 registered employees. On reading and listening to the proposers of the motion, we could be forgiven for believing we live in a medieval society. The truth is we live in a nation where *per capita* income is 14th in the world, and well above the European average. The distribution of wealth within this territory, therefore, is of concern to everyone but while I believe it is best resolved through initiative, work and ultimately, reward, there are some who would take from us and provide hand outs to the rest.

On the one hundredth anniversary of the Lock-out of 1913 we again have a call for secondary strikes, which would only serve to emulate and mirror the failed Marxist ideologies of the turn of the last century. They did not work then and this call for a backdoor revolution will not work now. If we have learned anything from this period it is that there is a better way than confrontation and violence, whether in Dublin in 1913 or in the trenches of Europe. Much more can be achieved by engaging in constructive dialogue and debate and negotiating a better deal for everyone.

The Dublin workers of 1913 have, quite rightly, been celebrated in literature, theatre, song, dance and ultimately in history. That, of course, does not tell the full story. It never does. I am pleased this motion might give an opportunity to give a greater balance to the story of the 1913

Lock-out.

One of the most reviled figures of the 1913 Lock-out was the leader of the employers' group, William Martin Murphy, but his story is very different. It is a huge story, a success story in many ways. He was a true republican, not the hijacked version we hear about, he did not believe in partition, he refused an honour from the king. He was an Irish patriot who was born and reared in very humble circumstances. It was only in researching that I found out he was born in Castletownbere in west Cork, grew up in Bantry and lived in Cork and in Dublin. He built bridges, schools and churches all over Ireland and built a transport network.

In the calls for memorials, I agree with the motion that there should be a memorial to the five people who lost their lives but there is a memorial to Larkin in O'Connell Street and a memorial to Connolly outside SIPTU. I do not know how many memorials are needed, perhaps this is a Marxist thing of building statues to great people. One memorial per person is enough. Perhaps, in the interest of balance and commemoration, and although the memory might not be one we all agree with, and any true republican would support that, the Technical Group might have an idea for where they would like to see a memorial to William Martin Murphy. Perhaps Deputy Ross might know if there is one in the offices of the *Sunday Independent*.

Deputy Joe Higgins: Perhaps it should be outside Oxfam because he knew a lot about starving poor people.

Deputy Michelle Mulherin: I welcome the opportunity to speak to this motion. Of course workers should get the best from their work situation for themselves and their families. The motion brings that home. Trades unions, through their representations, particularly through collective agreement and negotiation have played a great part in achieving this over the years.

As we reflect upon the 1913 Lock-out and all that happened prior to it, is it really accurate to find resonance with the issues facing workers today with those that faced workers in 1913? We have come a long way since then. In 1921 we gained our independence and we are a self-determining democratic republic with enforceable rights for individuals and workers alike. There is a raft of laws protecting workers and their rights. In fact, these rights, when invoked, can prove to be a sea which employers, in particular small businesses in this country, must negotiate at their peril.

Modern day engagement with employees cannot simply be a case of having one's hand out, like a child would asking for a parent to give something, without regard to the situation that an employer is in. It is good that we mark this as another issue with which our nation struggled to bring us to where we are today but it is not a matter of comparing like with like. We are now a consumer society. We are also a society driven by virtue of the European Union towards rights for workers and, as my colleague also referred, rights for women, which we did not develop in our own right. That was perhaps forced on us by EU legislation, for example, when we had to grant equal pay.

In negotiating representation or negotiations with workers, the financial state of the employer must be recognised. Equally, modern and progressive employers recognise that if employees are dealt with in the right way it is good for business. That is also an aspect of the way capitalism works.

One of the dubious positions in much of the socialism I hear trotted out here is that it is contradictory. Its basic premise is that we have a capitalist society where one can shop until

one drops, where we all are consumers, etc., and where we want this open economy where there is foreign direct investment and powerful multinationals. Yet, we want all these things without also having a dialogue about responsibilities and about benefits for employers. Employers do not merely exist to have employees in place. We all know that is the truth. That is why, in many of the tough decisions we make, this debate is more concerned with those who are privileged to work in the public sector rather than with those who work in the private sector, who face the realities that their employers must face and which sometimes mean they end up not having a job.

Acting Chairman (Deputy Liam Twomey): Deputy Maureen O’Sullivan is sharing time with Deputies Richard Boyd Barrett, Shane Ross, Clare Daly, Mick Wallace and Seamus Healy. Is that correct?

Deputy Maureen O’Sullivan: Yes.

Ní bheadh aon díospóireacht nó aitheantas ann don ábhar seo gan an tairiscint Comhaltáí Príobháideacha agus an obair a rinne an Teachta Dála Joe Higgins uirthi.

It is important that we acknowledge, discuss and commemorate those defining moments in our history such as the strike and Lock-out. On 31 August there will be a community-organised re-enactment of Larkin’s speech on O’Connell Street and the baton charge by the police.

I am struck by a number of ironies. The first - I am glad the Minister of State at the Department of Education and Science, Deputy Sherlock, is present - is that we are coming into a decade of commemoration of these defining moments in our history. If the Minister for Education and Science, Deputy Quinn, and the Department get their way, history will be downgraded with their plans for the reform of the junior certificate. It will end up being a blip on the curriculum. President Michael D. Higgins stated last night that without good history teaching there is no shared idea of a public past. He was stressing the importance of learning from history. My point is how can we learn from history if we do not know what happened in history? We will end up with generations who have never heard of Larkin and Connolly and who will have no understanding of those defining moments.

I am also struck by the irony of 1913 and the casualisation of labour. I acknowledge the work of the Dublin Dockworkers’ Preservation Society. It has amassed an amazing amount of photographs and memorabilia of that time. What one sees and what we know is the casual labour aspect, with people lining up on the docks on the quays for work for a day, two or, maybe three, all at the whim of a foreman. One hundred years later, there is a return to that ethos of contract work, with little security for the workers.

There is also irony in the appalling conditions in the tenements, with the overcrowding, the lack of sanitation and the serious health issues. A few weeks ago, the intensified inspection scheme from Dublin City Council found that 90% of private rented accommodation in certain parts of the inner city were unfit for human habitation. The slum landlords of the 1900s have been replaced by the slum landlords of the 21st century.

This event began with the lock-out by employers of workers, with employers trying to deny workers their right to a fair wage and decent working conditions. Much work has been done down through that 100 years on better working conditions, pay, pensions, etc., through the unions, the Labour Court, the Labour Relations Commissions, the Ombudsman and the Employment Appeals Tribunal, but there are still employers who refuse to recognise, or work with, unions. If we broaden the spectrum to those international trade agreements with the resource-

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rich developing countries of the global south, we see that labour rights are not an integral or compulsory part of those agreements and there are workers who must work in appalling conditions. We are aware of what happened in Bangladesh recently and in the mines in South Africa where workers have little or no protection while the multinationals make obscene profits. The Dublin of 1913 was one of gross social and economic divisions and disparities with a most unequal distribution of wealth. We must look at our world today and see how much progress we have made. There is still a gross imbalance, not only in Ireland but globally.

Looking at William Martin Murphy, one could perhaps say he headed our first multinational corporation when we think of what he controlled. He controlled the media through all the papers he owned and transport through the tramway company. He also controlled retail and hotels. I visited the Centre for Cross-Border Studies in Liberty Hall on Friday last where Ms Frances O'Grady, General Secretary of the TUC, made an interesting comparison. She thought he was a mixture of Mr. Michael O'Leary and Mr. Rupert Murdoch, but made the comment that he had probably less ego and a little more charm - I do not know.

The union movement of 1913 was intrinsically linked with the Irish struggle for independence. The Irish Citizen Army was with the volunteers in the Easter Rising and the Starry Plough flew alongside the Tricolour at the GPO. I make another play to the Minister, for a proper renovation and restoration of the battlefield site, from the GPO to Moore Street. The Minister, with the local authority, the relatives and others, could work together to bring this about.

There is also the irony that Dublin was the recipient of foreign aid, with a ship that came in from Britain from the trade unions there. Some several million pounds worth of food was sent over. There will also be a re-enactment of that on the docks in Dublin in next October.

I want to acknowledge the women of 1913, such as Ms Helena Moloney and Ms Dora Montefiore. Typical women, they were into direct action and a practical solidarity. The strike was initially a failure and one can imagine the humiliation for the workers having to go back to work, but victory came eventually. It came from them because of their solidarity, their unity and their belief in change, and the way in which they stood up.

We know where Larkin and Connolly would be today. They would be with those who are suffering the cuts and those who are suffering the austerity disproportionately. They would be with the community groups, the youth groups and with the disabled.

Deputy Richard Boyd Barrett: I commend Deputy Higgins for bringing this motion into the Dáil. It is hugely important, 100 years after the great 1913 Lock-out, that we remember that event and consider how far have we achieved the demands that Connolly and Larkin and the working class of Dublin set out to achieve in 1913. We should consider some of the issues they were facing because the Government, particularly the Labour Party, seems keen to say how different it was then, the implication being that the politics and perspectives of Connolly and Larkin are not particularly relevant to today.

Connolly fought against poverty in the first instance. Today, there are 200,000 children living in poverty and a Government that in the past few weeks has been imposing cuts on children with special needs. That is something Connolly and Larkin would oppose and resist with all their might.

They fought for workers' rights and against the casualisation of labour. That battle is still

being fought as governments encourage the casualisation of labour, the outsourcing of work and the proliferation of agencies which deny secure conditions of employment and rights for workers in this country.

Most recently this has been evident in a public private partnership in my constituency between Dún Laoghaire-Rathdown County Council and Sisk, along with a number of Spanish multinationals. They sacked a shop steward as soon as he joined a union and got others to do so as well. Those people only won their rights because they went out on strike, just as was the case in 1913. This Government has still failed to vindicate the basic right to trade union recognition and actively encourages the casualisation and outsourcing of labour.

Connolly fought against empire and particularly emphasised the need for this State to control its natural resources. He stated “A free nation is one which possesses absolute control over its internal resources and powers” so how would Connolly stand with the outrageous and disgraceful plans to sell natural resources and State enterprises in order to pay off the gambling debts of bankers and bondholders? He believed in people power and struggle as the means to achieve goals and in the rights of trade unionists to take industrial action, including sympathetic industrial action. I note a Member opposite who denounced sympathetic strikes, and it is worth remembering what Connolly stated in that regard:

We hold that the sympathetic strike is the affirmation of the Christian principle that we are all members of one another, while those who oppose the sympathetic strike and uphold sectionalism in trade union struggles are repeating the question of Cain, who when questioned about his brother - the brother he had murdered - asked “Am I my brother’s keeper?” We say “Yes”, we are all the keepers of our brothers and sisters and responsible for them.

That basic principle of solidarity and the right of working people to stick up for one another and take industrial action in order to defend each other’s rights is a right denied under the current labour legislation.

Crucially, Connolly believed in real democracy, and that is very pertinent to what is happening with this Government in this country. He stated:

If Parliament, elected to carry out the wishes of the electors on one question, chooses to act in a manner contrary to the wishes of the electors in a dozen other questions, the electors have no redress except to wait for another general election to give them the opportunity to return other gentlemen under similar conditions and with similar opportunities of evil doing. The democracy of Parliament is, in short, the democracy of capitalism.

That had the implication that it is not real democracy at all, so how true is that of this Government? There were promises about burning bondholders and protecting the vulnerable, as well as getting the country working. There has been a betrayal of all those promises, with a sacrifice of jobs, conditions, rights, incomes and livelihoods of ordinary people who elected the Government Members, and people have no recourse to do anything. In that context, the message of Connolly that struggle on the streets and industrial struggle is the way to gain redress is as relevant as ever.

Deputy Shane Ross: When I read the motion for the first time I was somewhat bemused and I realised I had not read anything like it for many years; nevertheless I feel I have an authority to speak to the motion because my guess is that I am one of the few paid-up members of a trade union in this group. I share some of the sentiments - although certainly not the rhetoric

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- of my colleague, Deputy Higgins. I share his disillusionment with the trade union movement as a paid-up member of a union, and I pay approximately €40 per month into the union. I cannot say it has done me any great favours or service in the time and any pension I am getting as a result of employment is diminishing by the day and my union certainly does not seem to be doing very much about it or serving me well.

I congratulate Deputy Higgins as he seems to have done something which has been difficult for our group recently by uniting the left in the Technical Group behind a motion-----

Deputy Sean Sherlock: The Deputy is like a cuckoo in the nest.

Deputy Shane Ross: -----in their eagerness to claim the mantle of Connolly and Larkin. Karl Marx died 130 years ago.

Deputy Richard Boyd Barrett: Adam Smith died even before then.

Deputy Shane Ross: The rhetoric being employed is old-fashioned and irrelevant and would not be related to by young people who are not particularly interested in the trades union movement and would not respond particularly favourably to the kind of buttons being pressed by this motion. It is the politics of confrontation and the past, and it is the politics of class warfare which I hoped was long forgotten.

It is not particularly helpful in Ireland to constantly evoke the ghosts of the past in politics on any side. If we did that in the Northern Ireland context, we would never have had a working peace process. If we always evoked the names of Carson and others, as well as the taboos of Northern Ireland, we would invite the resurrection of sectarianism which is just below the surface. I acknowledge that this motion has been moved sincerely and the disappointment of the left in that those aspirations for which men of the past apparently strived have not been achieved. Nevertheless, we should look forward rather than back all the time.

There is a good point to be made here but the rhetoric is so divisive that the point is lost. Trades union and their leaders in particular have been a disappointment in recent times. Although I would not put it in the same words as Deputies Higgins or Boyd Barrett, they have certainly let down their members because they are the most conservative people in Irish society. They have their noses in the trough and the last thing they want is radical change of any sort, as they are beneficiaries of the existing system. One need only consider the guys who are champions of the quangos to see how much they have benefited. In the recent years during the Celtic tiger, trades union leaders were rewarded for their complicity in what was going on in social partnership and elsewhere, in what was a cosy nest. They had quangos specifically created to provide themselves with jobs and income, and all of them bought into that process. Some of those quangos still exist.

Such people are not doing me, as a member of the National Union of Journalists, any favours. I do not need them but the people who the unions purport to represent at a different level and on different wages have been betrayed because trades union leaders have benefited so much from a system which was so rotten.

Deputy Clare Daly: I find myself agreeing with my fellow trade unionist, Deputy Ross, in his analysis of the role of some of the trade union leaders. My union has a fee half of what Deputy Ross is being charged but we probably still get comparably little service.

It is a great irony to have to witness and listen to the comments of some of the Labour Deputies who have tried to pose themselves as the great defenders and protectors of workers under attack. The reality belies such an idea. We are living in a time where the idea of a secure, permanent and pensionable job is becoming a thing of the past. People are looking back not with nostalgia or with any rhetoric but to a reality that is the casualisation of labour and insecure employment, which has not been seen for decades.

This Government stands over poverty figures indicating that 16% of people have an income of less than €210 per week, with almost 800,000 people in the State living at risk of poverty. We can talk about legislation protecting workers' and women's rights, as other Deputies have in mentioning equal pay. That is fine on paper but the reality is that the lives of working women are way behind in terms of their male counterparts because of the lack of a social wage, adequate child care and other supports. This means that many women have to leave the workforce and end up in insecure, part-time and vulnerable situations. That is not a fitting legacy to the heroes of Jacobs and the women workers who led the struggle there in 1913.

It is a terrible irony and a poor reflection on the current situation that the rights commissioner service went on a reduced working week in recent times. One of the reasons for this was a reduced workload. Is that reduced workload because workers are being better served at the moment than they were previously? No. It is because most of the cases being brought before rights commissioners were related to people losing their jobs. They involved people seeking to get their last week's wages, holiday pay, references and so forth. The reality is that rights commissioners are not hearing many of the cases that need to be fought because workers are afraid. The idea of people being lucky to have a job is the ideology that is promoted and stood over by this Government.

We must take a step back. On a global scale, our society is wealthier than it has ever been, yet we have millions of young people lying idle when millions of older people have to work longer because they have an inadequate pension. There is much necessary work to be done that could improve the lot of people throughout society. We can look at the situation and say that in many ways, everything is different but it is also the same because poverty is relative. It is the case that we have seen the return of soup kitchens. It is the case that tenements are gone, but are they really? What about the people of Priory Hall who purchased a home which is a noose around their necks, which they have had to move out of and so on?

Workers' share of the national wealth has reduced over recent years because the trade union movement has lost its way. It is precisely because the gains that workers and ordinary people enjoyed in this society were not simply granted but were fought for. Those at the helm of the trade union movement today are very different from the likes of Connolly and Larkin. We now have the prospect of this generation being poorer than their parents, which is an absolute disgrace. James Connolly and Jim Larkin were imprisoned. They led, they were visionaries and they had a view of a new society. We have people today at the helm of the union movement for the banking sector on salaries of almost €200,000. They are in defined benefit schemes while the defined benefit schemes of their members are being shafted. The president of the Teachers Union of Ireland, TUI, who stood over a new starting rate for teachers of less than €30,000, is on a salary of more than €150,000. How can these people represent the interests of ordinary workers? They simply cannot do it. The Labour Party in Government is simply a mouthpiece for the *status quo* and for these individuals. Many trade union members have bankrolled that party's participation in this Parliament through their union fees which were used to subsidise the election, but they have been betrayed disastrously.

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Deputy Mick Wallace: I was a member of the Building and Allied Trades' Union, BATU, for many years until there were no more bricks to lay. In 1913, Dublin was a tough place for many people. Taking on the power of the State and big business was never easy, and that fact remains true today. It is interesting to see the role played by the *Irish Independent* and the *Evening Herald* back then, both of which were owned by William Martin Murphy, who also owned the Dublin United Tramways Company. It is difficult to believe that the Lock-out is all of 100 years ago. How similar things seem today. The people were railroaded back in 1913 and today we have the ordinary people being made to suffer in the name of austerity and the financial institutions. In 1913, the print media stood firm behind the *status quo* and the powers that be, vilifying Jim Larkin and anyone who dared to speak up for the workers. Larkin was well aware of the role of the print media in colouring opinion and setting the agenda, so much so that he launched his own newspaper, *The Irish Worker and People's Advocate*, in 1908. One of the first groups of workers organised by Larkin's union was the newspaper boys, who were largely exploited as a group. This was a move which ensured a large circulation for Larkin's newspaper, which he knew would be helpful to represent the workers' side.

One hundred years on, we do not have an alternative to the mainstream media which, too often, is still allowed to set the agenda. The media and the *status quo* were on the same side in 1913. Today we see much of the same media act as cheerleaders for the neoliberal agenda imposed on the people at the behest of the EU, ECB and IMF. They all take care of each other. Independent News and Media, INM, whose major shareholder is valued in billions, has just been bailed out by the banks to the tune of €160 million, with €60 million of that likely to fall on the taxpayer. We think our nurses should work for just over €20,000 but it is okay for the taxpayer to part with €60 million for INM. Likewise, our national television and radio broadcaster does not always show a great appetite for challenging the powers that be. In return, the Government is careful not to tamper too much with some of the more inflated salaries in that organisation. "You scratch mine and I'll scratch yours", said the pig to the horse.

Deputy Paudie Coffey: What about the workers' pensions?

Deputy Mick Wallace: I paid 100% of them.

Deputy Seamus Healy: I commend Deputy Higgins on tabling this motion and confirm my support for it. In 1913, Dublin employers locked out workers to force them to leave Larkin's union. Dublin workers fought an heroic battle but were not immediately successful. They lost the battle but Irish workers, inspired by the strikers, won the war to join a union of their choice, that is, the right to free association. However, 100 years later, the Irish Labour Party in Government, through the Minister for Public Expenditure and Reform, Deputy Howlin, passed an Act to pressurise workers to leave unions opposed to pay cuts and to join compliant unions. The Labour Party has rolled back Larkin's achievements by reducing and limiting the right to be in a trade union of one's choice. If workers do not transfer to compliant unions, they will suffer heavier pay cuts. The Labour Party is attacking freedom of association.

William Martin Murphy demanded that workers sign a document undertaking that they leave or refuse to join Larkin's union. Today, in 2013, Deputy Howlin is demanding that trade unionists sign a different piece of paper, this time registering an agreement with the Labour Relations Commission, LRC, that will guarantee cuts in pay and conditions. The Labour Party might say that the trade union leadership has agreed to this or, indeed, has colluded in it, and it is correct about that - it has. In 1913, Larkin had to lead workers out of a compliant union, the National Union of Dock Labourers and set up the Irish Transport and General Workers Union,

ITGWU, the forerunner of SIPTU. It is deeply regrettable that the current leadership of SIPTU, the former ITGWU, has refused to oppose the Financial Emergency Measures in the Public Interest, FEMPI, legislation. However, I am confident that members of both compliant and non-compliant unions will find a way, as Larkin and his colleagues did, to stand up to employers, including the State, despite the treachery of the Labour Party in going over to the side of the employers.

To commemorate 1913 appropriately, members of Labour Party affiliated trade unions, many of whom do not even know they are paying a subscription to the Labour Party, can and should withdraw their subscriptions. They can do so legally and I call on them to do it. If they are members of a union that is affiliated to the Labour Party, they should write to that union to say they no longer want to pay any part of their subscription to the Labour Party. We also need a trade union recognition Bill that makes it mandatory for employers to recognise trade unions. A key element of the 1913 Lock-out was the belief that an injury to one was an injury to all. Certainly, the industrial relations legislation which outlaws supports and secondary striking should be repealed immediately. There is no doubt that the events of 1913 were a very important part of Irish history. Support should be provided to communities in Dublin and elsewhere to commemorate the centenary of the 1913 Lock-out.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I am in the invidious position of having only five minutes to respond to all of the speakers, so I do not propose to embark on any oratorical flourishes or rhetoric but will merely respond to the points raised.

Ireland's corpus of employment rights legislation provides a comprehensive and strong set of rights. The Government has overseen the introduction of further significant reforms in the labour affairs area, including the restoration of the minimum wage to protect vulnerable workers. The historians who will read these transcripts, perhaps in 100 years' time, for the purposes of history should also look at the voting record of some of the Members opposite who have contributed to this evening's debate with regard to their position on the restoration of the minimum wage.

We have levelled the playing field for agency workers by bringing their wages into line with their full-time counterparts. We enacted the Industrial Relations (Amendment) Act 2012 after the High Court found employment regulation orders to be unconstitutional. We concluded the first round of consultations with stakeholders in line with the programme for Government commitment in the area of collective bargaining. Yesterday Deputy Nulty suggested that Ireland's laws on collective bargaining are not in conformity with International Labour Organization, ILO, conventions. It is important to reiterate in the context of the complaint made by ICTU and Impact that the ILO's committee on freedom of association did not find that Ireland is in breach of its obligations under ILO conventions in respect of collective bargaining rights. Neither did the ILO find that a resolution of the difficulties arising over the Ryanair Supreme Court judgment would require the introduction of a legal regime of mandatory trade union recognition. No such requirements are a feature of the international conventions to which Ireland is a party and which uphold the principles of voluntary negotiation between employers and workers' organisations. The programme for Government contains a commitment to reform the current law on employees' rights to engage in collective bargaining. We expect to be in a position to conclude the consultations on this commitment shortly and will report to Government in the autumn on the outcome of this process and on what proposals to improve the voluntary system of industrial relations might be introduced in 2013.

Reference was made by a number of Deputies to the recent Supreme Court ruling which struck down certain provisions of the Industrial Relations Act 1946 governing the registration of collective agreements. Deputy Calleary in particular drew attention to the implications of the absence of legally binding sectoral agreements. The existence of such legally backed agreements is recognised under European Union law and ensures, in accordance with the posted workers directive, that contractors from outside the jurisdiction who may be using employees from lower wage economies do not obtain an advantage over local contractors in terms of wage costs. This is a significant judgment which has raised a number of important questions, including possible implications for the 2012 Act. The Government intends to conclude its considerations of the implications of the Supreme Court decision as matter of urgency with a view to providing a constitutionally robust legislative framework in this area.

Deputy Nulty asked when Ireland will ratify the ILO convention on domestic workers. During its Presidency the Irish Government has worked in close co-operation with the European Commission to promote the ratification of this important convention in the EU. We have steered through a decision of the European Council which authorises member states to ratify the domestic workers convention. This decision is in keeping with Ireland's efforts to promote decent work for all inside and outside the Union, of which protecting the working conditions of workers is a key aspect, as well as being in line with Ireland's national priority of ratifying this convention. The Irish presidency will deliver the Council decision authorising member states of the European Union to ratify convention No. 189 on domestic workers. Ireland will be among the early ratifiers of this important convention. The forward momentum under the Irish Presidency in respect of the ratification process in the European Union needs to be built upon and there is a need for the European Union to provide leadership in the global effort to promote decent work for domestic workers and develop this sector.

Let nobody say the Government is regressive on the rights of workers. I will point to a robust body of EU legislation, with 66 European Union directives in which Ireland is a partner, on improvements in the workplace in terms of safety and conditions. There is an august and robust body of legislation on the rights of workers. If we are considering history it is important that we do not try to revise it in short five-minute bursts of rhetoric. Perhaps we should structure a debate during Private Members' time on the historical narrative and legacy of the Lock-out of 1913 to also look at the fact that in this country we now have wonderful opportunities for younger people in new areas of technology, nanotechnology, immunology and medical devices. We probably have the best research scientists and the best-educated workforce in Europe. We are being provided with new opportunities. Let this be the legacy of 1913. Let this be part of the debate. Let us make space for a proper debate on this legacy, but not in five-minute segments.

An Leas-Cheann Comhairle: I must make space now for Deputies Pringle and Higgins.

Deputy Sean Sherlock: I appreciate that.

Deputy Joe Higgins: It is a pity so many of those young people are exercising their talents in the United States and Australia.

Deputy Sean Sherlock: That must delight Deputy Higgins because it forms part of his misery didactic.

Deputy Paudie Coffey: Deputy Higgins trades on misery.

Deputy Thomas Pringle: I thank Deputy Higgins for tabling this Private Members' motion. I take on board what the Minister of State, Deputy Sherlock, said about having a proper debate. He is on the Government side and it is in his hands to control the debate. Perhaps he will schedule such an open debate in the House. It would be an ideal way to commemorate the Lock-out of 1913 and the historic event it was.

As Deputy Higgins stated, we have a very well trained and highly skilled workforce, but unfortunately many of them ply their trades in Australia, Canada, the United States, England and throughout the world. I hope it will not be the legacy of the Government, but I fear it probably will be, that our young people will continue to have to ply their trades throughout the world rather than here building our society.

The Lock-out of 1913 was a huge struggle, as outlined by many Deputies, when the workers of Dublin stood against the establishment and employers and looked to defend their rights. Many of them were starved, attacked and murdered for standing up for these rights. The Lock-out lasted for more than six months. While it is true that it ended in what would have been seen at the time as a defeat for the union, in the years afterwards the legacy of the union activism shown by Jim Larkin and James Connolly in 1913 was built on and developed by unions throughout the country. Workers learned the lessons of the Lock-out and built and fought for their rights and gained many rights along the way. Now, 100 years on, we are debating it in the House, and while the Government, corporations and the European Union have refined their methods over the years, they are still the same in terms of undermining workers' rights. They make workers into individual contractors who work for corporations rather than members of a union or a body of employees who work together for the benefit of everybody involved in the contract and arrangement.

In recent times the European Commission has been flexing its muscles to undermine workers' rights and wages throughout the European Union. Two countries in Europe, the Netherlands and Belgium, entered the excessive deficit procedure in 2009 and were given terms for reducing the deficit. In 2012 both had the same deficit but the Commissioner, Olli Rehn, has decided to attack the Belgian people for what they are doing and is demanding that they fundamentally reform their wage mechanisms because the way in which they are closing the deficit is not to the liking of the European Commission. He is totally silent on the Netherlands, where it has been made easier to make workers redundant, cut wages and attack workers' rights.

In recent years, Ireland saw a much lauded social partnership that emasculated the unions. They willingly entered the tent, sat down with the Government and employers and lost the will to support workers' rights and to fight on their behalf. We have seen the outworkings of partnership, with the Government, including the Labour Party, passing the Financial Emergency Measures in the Public Interest Act 2013, a modern day ultimatum to workers along the William Martin Murphy lines that tells them they must be in the right unions to protect their wages.

Last night, the Minister, in outlining the reforms to the labour market, referred to workplace relations reforms. He outlined how the Employment Appeals Tribunal and other bodies were dragging their heels, as he would have us believe, in resolving issues. He outlined plans for replacing the five bodies with two. However, resources are the problem, as resources allow the bodies to process claims in reasonable times. It is a worthwhile aspiration that cases should be concluded within four weeks, but the only way to realise this is to provide resources.

The Employment Appeals Tribunal is a vital tool for workers in asserting their rights. I have

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experience on both tides of the tribunal. It is an important institution in which workers can have their rights respected in a cost effective, reasonable and quick way, but only if the necessary reforms are resourced. It is in everyone's interests, employers and workers alike, to have issues resolved quickly and properly.

I support the calls in the motion, particularly the call for union recognition. It is vital that workers have this demand legally guaranteed. Recently, the Joint Committee on Agriculture, Food and the Marine held hearings with large retail multiples about their code of practice. I put questions to them regarding union recognition. They refuse to deal with unions regarding their workers' rights. I am referring to low-paid, precarious workers who are at the will of the companies and must fight for their rights on their own without the support of their colleagues or unions. The relevant legislation should be introduced without delay.

Deputy Joe Higgins: I thank the Deputies who supported my motion and contributed to the debate. The great Dublin Lock-out of 1913 is an event that today embarrasses the political establishment and discomfits in particular the Labour Party and the leadership of the Irish Congress of Trade Unions, ICTU.

The ruthlessness of that section of the Home Rulers and capitalist nationalists that was involved with the Dublin employers and its oppression of the working class to defend its profits was shocking, but the people involved were the progenitors of the capitalist parties of today, Fine Gael and Labour. It is uncomfortable to be reminded of the brutality of one's antecedents.

The herculean struggle for justice, dignity and humanity of the Dublin working class in 1913 is humbling and inspiring for succeeding generations. The courage and audacity of the leadership of that movement, including Connolly and Larkin, was unparalleled. They were radical socialists. They did not just denounce the evils of the capitalism of their day, but they worked tirelessly to break that system and to replace it with a socialist commonwealth. By contrast, one or two Labour Party contributors to this debate expressed all of the coruscating cynicism that has reduced Labour to a tool of the establishment of this day and age. They flung insults at left-wing socialists in the Dáil, using the language of the right and the capitalist media of the 1960s that was directed at the Labour Party itself when it had some claim to being a party for working people.

Labour today plays a central role in the rescue of the financial markets' dictatorship - the speculator and the bondholder - from the consequences of their crazed profit-driven system when it crashed. They demanded that the system be rescued on the backs of working people, young people, pensioners and the poor. Deputy Ross stated that class warfare was in the past and that speaking of it was no longer appropriate. Not so. Class war is when the machinery of, for example, the capitalist State, including the political establishment, is deployed to transfer €64 billion from the majority of people in the State - working people, the poor, pensioners and middle and lower income workers, namely, the working class - to a tiny minority of financiers, big bankers and big bondholders, namely, the financial capitalists. So far, it has been unfortunately a one-sided class war, but that will change and should change.

Deputy Sean Sherlock: How?

Deputy Joe Higgins: Working class people should mobilise to stop this austerity juggernaut of destruction of society, living standards, jobs, etc. and fight for an alternative way of organising our society.

Deputy Sean Sherlock: They use the ballot box.

Deputy Joe Higgins: Some in the Labour Party have the audacity to suggest that Connolly and Larkin would comfortably sit on the Labour benches were they present today. One year after the Lock-out, as the capitalists of Europe lined up to slaughter millions in a struggle for their markets and profits, James Connolly called for “the final dethronement of the vulture classes that rule and rob the world” and definitive labour movement action to obstruct the war effort. He stated, “Starting thus, Ireland may yet set the torch to a European conflagration that will not burn out until the last throne and the last capitalist bond and debenture will be shrivelled on the funeral pyre of the last War lord.” This is what the man who founded the Labour Party with the men and women socialists of his day thought in regard to the system that still dominates our world. How could anyone believe for a second that, if James Connolly could leave that pedestal behind me and walk down this aisle, he would for one minute associate himself with the Labour Party that rescues the very vultures that he spent his life fighting to destroy? Does anyone believe that Connolly and Larkin would tolerate a Government that introduced legislation to the Dáil that held a sword of Damocles over the heads of public sector workers unless they balloted and accepted cuts to their wages and conditions that would be slightly less onerous? Sadly, some trade union leaders today - the leaders of congress - suggest that Larkin and Connolly would act as they have acted. Does anyone really believe that James Connolly and Jim Larkin would connive with this coalition Government in forcing through the troika’s austerity agenda by consciously, consistently and persistently undermining the confidence of working people - members of unions - that they could resist the deleterious affects of austerity and fight back? To ask the question is to give the answer.

Conditions have changed since 1913, but there are astonishing resonances in today’s society. The financial capitalists and their political representatives who subject hundreds of millions of Europeans to savage austerity to secure their profits are the exact equivalents of William Martin Murphy, the employers and the capitalists of Dublin 1913.

9 o’clock

The *Irish Independent* and the *Evening Herald*, Murphy’s mouthpieces, that never lost an opportunity to blackguard, abuse and slander the huge struggle of the working class people of Dublin to raise themselves out of degradation and poverty, or to slander their leaders, are still with us today, sadly, playing a similar role, propagating austerity, vilifying the left, socialist ideas and any idea that working people can or should stand up and fight. They denounce working people or communities when they go into struggle and denounce as tax dodgers those who stood up and continue to stand up to fight against the new home taxes of this Government.

Working class people, workers in general and communities should commemorate the men and women of Dublin in 1913 who stood and fought against some of the most horrific conditions in any part of Europe of that time, those who fought for an alternative. The greatest monument we could build to them would be a movement to mobilise the enormous power working people have, socially and politically, in this society to break the austerity agenda. It would be to build a new mass party for working class people that would implement the vision of Connolly and Larkin, because the party they founded has left the stage as far as that purpose is concerned. It would be to build a democratic and socialist future which would not only challenge the austerity agenda and the horrors it inflicts on our society but which would also challenge, for example, the system represented by the G8 leaders who met a few hundred kilometres from here during the past week. This is a system that keeps hundreds of people in starvation while its

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leaders build weapons of mass destruction and waste countless resources on military spending. That is the type of monument we should build to the enormous struggle of 1913. That would be a fitting tribute to those who fought and left us a great tradition that has helped our society and workers to achieve many of the gains they have achieved throughout the years to the present day.

Amendment put:

The Dáil divided: Tá, 76; Níl, 40.	
Tá	Níl
Bannon, James.	Adams, Gerry.
Barry, Tom.	Boyd Barrett, Richard.
Buttimer, Jerry.	Broughan, Thomas P.
Byrne, Catherine.	Calleary, Dara.
Byrne, Eric.	Collins, Joan.
Carey, Joe.	Colreavy, Michael.
Coffey, Paudie.	Crowe, Seán.
Collins, Áine.	Daly, Clare.
Conaghan, Michael.	Doherty, Pearse.
Conlan, Seán.	Donnelly, Stephen S.
Connaughton, Paul J.	Ellis, Dessie.
Conway, Ciara.	Ferris, Martin.
Coonan, Noel.	Flanagan, Luke 'Ming'.
Corcoran Kennedy, Marcella.	Grealish, Noel.
Creed, Michael.	Halligan, John.
Daly, Jim.	Healy, Seamus.
Deenihan, Jimmy.	Healy-Rae, Michael.
Deering, Pat.	Higgins, Joe.
Doherty, Regina.	Kirk, Seamus.
Donohoe, Paschal.	Mac Lochlainn, Pádraig.
Dowds, Robert.	McConalogue, Charlie.
Durkan, Bernard J.	McDonald, Mary Lou.
Farrell, Alan.	McGrath, Finian.
Feighan, Frank.	McGrath, Mattie.
Ferris, Anne.	McGrath, Michael.
Fitzgerald, Frances.	McLellan, Sandra.
Fitzpatrick, Peter.	Moynihan, Michael.
Flanagan, Charles.	Nulty, Patrick.
Flanagan, Terence.	Ó Caoláin, Caoimhghín.
Griffin, Brendan.	Ó Cuív, Éamon.
Hannigan, Dominic.	Ó Fearghaíl, Seán.
Harrington, Noel.	Ó Snodaigh, Aengus.
Harris, Simon.	O'Brien, Jonathan.
Hayes, Tom.	O'Sullivan, Maureen.

Dáil Éireann

Howlin, Brendan.	Pringle, Thomas.
Humphreys, Heather.	Ross, Shane.
Humphreys, Kevin.	Stanley, Brian.
Keating, Derek.	Tóibín, Peadar.
Kenny, Seán.	Troy, Robert.
Kyne, Seán.	Wallace, Mick.
Lawlor, Anthony.	
Lynch, Ciarán.	
Lynch, Kathleen.	
Lyons, John.	
McEntee, Helen.	
McGinley, Dinny.	
McHugh, Joe.	
McLoughlin, Tony.	
Maloney, Eamonn.	
Mathews, Peter.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Mulherin, Michelle.	
Murphy, Dara.	
Nash, Gerald.	
Nolan, Derek.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donovan, Patrick.	
O'Mahony, John.	
O'Sullivan, Jan.	
Perry, John.	
Phelan, John Paul.	
Reilly, James.	
Ring, Michael.	
Ryan, Brendan.	
Shatter, Alan.	
Sherlock, Sean.	
Spring, Arthur.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Tuffy, Joanna.	
Twomey, Liam.	
Wall, Jack.	
Walsh, Brian.	

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Tellers: Tá, Deputies Emmet Stagg and Joe Carey; Níl, Deputies Aengus Ó Snodaigh and Joe Higgins.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 75; Níl, 40.	
Tá	Níl
Bannon, James.	Adams, Gerry.
Barry, Tom.	Boyd Barrett, Richard.
Buttimer, Jerry.	Broughan, Thomas P.
Byrne, Catherine.	Calleary, Dara.
Byrne, Eric.	Collins, Joan.
Carey, Joe.	Colreavy, Michael.
Coffey, Paudie.	Crowe, Seán.
Collins, Áine.	Daly, Clare.
Conaghan, Michael.	Doherty, Pearse.
Conlan, Seán.	Donnelly, Stephen S.
Connaughton, Paul J.	Ellis, Dessie.
Conway, Ciara.	Ferris, Martin.
Coonan, Noel.	Flanagan, Luke 'Ming'.
Corcoran Kennedy, Marcella.	Grealish, Noel.
Creed, Michael.	Halligan, John.
Daly, Jim.	Healy, Seamus.
Deenihan, Jimmy.	Healy-Rae, Michael.
Deering, Pat.	Higgins, Joe.
Doherty, Regina.	Kirk, Seamus.
Donohoe, Paschal.	Mac Lochlainn, Pádraig.
Dowds, Robert.	McConalogue, Charlie.
Durkan, Bernard J.	McDonald, Mary Lou.
Farrell, Alan.	McGrath, Finian.
Feighan, Frank.	McGrath, Mattie.
Ferris, Anne.	McGrath, Michael.
Fitzgerald, Frances.	McLellan, Sandra.
Fitzpatrick, Peter.	Moynihan, Michael.
Flanagan, Charles.	Nulty, Patrick.
Flanagan, Terence.	Ó Caoláin, Caoimhghín.
Griffin, Brendan.	Ó Cuív, Éamon.

Dáil Éireann

Hannigan, Dominic.	Ó Fearghaíl, Seán.
Harrington, Noel.	Ó Snodaigh, Aengus.
Harris, Simon.	O'Brien, Jonathan.
Hayes, Tom.	O'Sullivan, Maureen.
Howlin, Brendan.	Pringle, Thomas.
Humphreys, Heather.	Ross, Shane.
Keating, Derek.	Stanley, Brian.
Kenny, Seán.	Tóibín, Peadar.
Kyne, Seán.	Troy, Robert.
Lawlor, Anthony.	Wallace, Mick.
Lynch, Ciarán.	
Lynch, Kathleen.	
Lyons, John.	
McEntee, Helen.	
McGinley, Dinny.	
McHugh, Joe.	
McLoughlin, Tony.	
Maloney, Eamonn.	
Mathews, Peter.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Mulherin, Michelle.	
Murphy, Dara.	
Nash, Gerald.	
Nolan, Derek.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donovan, Patrick.	
O'Mahony, John.	
O'Sullivan, Jan.	
Perry, John.	
Phelan, John Paul.	
Reilly, James.	
Ring, Michael.	
Ryan, Brendan.	
Shatter, Alan.	
Sherlock, Sean.	
Spring, Arthur.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Tuffy, Joanna.	

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Twomey, Liam.	
Wall, Jack.	
Walsh, Brian.	

Tellers: Tá, Deputies Emmet Stagg and Joe Carey; Níl, Deputies Aengus Ó Snodaigh and Joe Higgins.

Question declared carried.

An Bille um an Dara Leasú is Tríocha ar an mBunreacht (Deireadh a Chur le Seanad Éireann) 2013: Second Stage (Resumed)

Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill 2013: Second Stage (Resumed)

Thairg an Taoiseach an tairiscint seo ar an Déardaoin, 13 Meitheamh 2013:

Go léifear an Bille an Dara hUair anois.

The following motion was moved by the Taoiseach on Thursday, 13 June 2013:

That the Bill be now read a Second Time.

Atógadh an díospóireacht ar leasú a 1:

Debate resumed on amendment No. 1:

To delete all words after “that” and substitute “Dáil Éireann declines to give the Bill a second reading on the basis that it seeks to abolish Seanad Éireann without affording the opportunity to reform Seanad Éireann as set out in the Seanad (No. 2) Bill 2013”.

(Deputy Shane Ross)

Deputy Regina Doherty: The Government is on the cusp of introducing the biggest package of political reform since the passing of the Constitution in 1937. It has already introduced changes in parliamentary procedures, gender quota legislation and political funding. Previous Governments promised for years to reform the way in which we conduct our business. I genuinely hope that the difference this time is that the Government will deliver.

The Seanad was created in its current form in the 1937 Constitution. It was inspired by the

idea of corporatism, which is the belief that voters should not be organised in groups according to geography, as in the Dáil but on the basis of occupation. Much of the rationale for the inclusion of the Seanad in Bunreacht na hÉireann has ceased to be relevant over time. Serious questions must be asked about the continued role of an entity which is still struggling to justify its existence after three quarters of a century. For 75 years, political insiders have discussed and debated Seanad reform, with ten reports published, not one of which was implemented in any way, shape or form.

In the context of the Government proposal to abolish the Seanad and deliberations of the Constitutional Convention, there has been much discussion on Dáil reform. Countries across the world have, at one time or another, wrestled with the question of how to design political institutions that best support an open, stable and prosperous society governed by the rule of law. In 1987, the Progressive Democrats Party promised it would “terminate” the Seanad. The former Minister, Michael McDowell, who has since experienced a lightbulb moment and become a supporter of the Seanad, stated in the past that the Seanad had been “largely used as an ante room to Dáil Éireann, to house would-be newcomers, temporary absentees, and as a consolation prize for those who had lost their seats”. These are Mr. McDowell’s words, not mine.

Ireland is one of a small and declining band of small non-federal states to have a second chamber. The Seanad, as currently constituted, has little role in or influence over politics or the legislative process. While there have been great Senators, debates and speeches, individuals such as Mary Robinson and Jim Dooge and many others who graced the Seanad over the years did not need the platform of the Upper House.

Let us consider the most crucial issue, the essential difference between the Dáil and Seanad, namely, the former is elected by the people whereas the Seanad is not. Under the current model, almost 20% of Senators are appointed rather than elected - hardly a model of representative democracy. While there are ostensibly a number of outside nominating bodies to ensure vocational interests are represented, no candidate put forward by any of those bodies has a snowball’s chance in hell of being elected unless he or she has acceptable party political credentials.

While everyone may be different in their economic or individual lives, when citizens stand before the political institutions of this State and vote they must be treated equally. The Seanad fails that test completely. Most citizens have only one vote in a general election. Thanks to the Seanad system, it is possible for some individuals to have eight votes. For example, in addition to voting in elections to the Dáil, a person who is an NUI and Trinity College graduate will have two votes. If he or she happens to be a Deputy or county councillor, he or she will also have five votes for the vocational panels. This is hardly democratic. The notion of a separate panel for university graduates, which is written into the Constitution, is an accident of history which has no place in a modern democracy. There is agreement on one issue, namely, the need for reform, and the Government, under the Taoiseach, is ensuring we get reform.

Throughout its history, the Seanad has rarely added democratic value. The healthiest development in respect of this debate would be if it were to focus attention on the need to give meaning and life to the Dáil. A major element in the argument of the “No” campaign is that we need the Seanad to provide a system of checks and balances. While there is no doubt that we desperately need checks and balances in our system, the Seanad has never acted as a check or balance in the system because it was not designed to do so. On the contrary, it was designed to mirror party support in the Dáil. This was made possible by the provision for the Taoiseach to make 11 appointees to the Upper House. Every Seanad has reflected the composition of the

Dáil, which has meant that all legislation introduced by the Government in the Dáil received support in the Seanad.

Other systems, such as those in place in Denmark, Finland and New Zealand, the three longest established democracies, have shown it is possible to introduce checks and balances in a single chamber parliament. However, the issue of whether a parliament should have a second chamber is only one aspect of parliamentary design. The presence or absence of a second chamber cannot determine whether a parliament will be an effective democratic institution. A parliament's procedural arrangements can remove the need for a second chamber.

Dáil reform is crucial and not merely an added extra. A radical overhaul of the committee system will be required to make it more independent. A new legislative system must allow for greater and closer scrutiny of key legislation. A comprehensive committee system can take care of the second Chamber review function. Last week, the Taoiseach said measures will to be introduced to improve the working of the Dáil to ensure proper accountability and oversight, and I have every faith that will happen.

The Bill is part of real political change. Parliaments need to be designed to ensure they are a constant, credible and legitimate check on Government. The Government is giving us the opportunity for this. The recent past has shown us all too painfully the dangers of bad Government. We deserve more so let us get it.

Deputy Seán Kyne: This is a very important Bill and part of the programme for Government between our two parties. The difference between the election to Seanad Éireann and the referendum on abolishing it as the 32nd amendment to the Constitution is striking. Unlike the election to the Seanad, a referendum allows every Irish citizen over the age of 18 to have a vote and a say.

The Seanad, as is, is obsolete. It was originally designed as a body to allow non-Catholics and non-republicans to have a role, which was appropriate at that time. Nowadays the Dáil is much more pluralist. Indeed, the composition of the Dáil since 2011 reflects much more equally society in terms of gender, sexual orientation and religion, much more so than would have been the case in the past.

The Bill deals with two topics: the democratic deficit of the Seanad and whether we need a second Chamber. Regarding the democratic deficit, to have an Upper House in the 21st century where the majority of people do not have a say in the election of the Members cannot be defended. Even the people who want to retain the Seanad have not actually defended the *status quo*. A House of Parliament that is neither directly nor democratically elected has no place in a modern parliamentary democracy. While I support the Bill, I do not intend to belittle any existing Senator who wants to see the Seanad retained. Nor should my views be seen as a reflection on present or past Members of the Seanad. I do not want to be dismissive of or be seen to undermine in any way the many fine parliamentarians who have spent a period of time in the Seanad. However, Deputies are democratically elected and have a democratic mandate, whereas Senators in most cases do not. It is indefensible that small sections of the population have a vote or votes to one House of Parliament. Why would local authority members, Deputies and graduates of certain universities have preferential treatment in terms of having an electoral mandate over other sections of the population?

If it is accepted that there is a democratic deficit, the question then arises as to whether the

franchise should be extended. Should we have two democratically elected Houses of Parliament, in many ways competing with each other? In other countries, this has led to political stalemate and legislative paralysis. Many campaigners to save the Seanad also bemoan the slow pace of legislative enactment. Having two directly elected Chambers as well as being a waste of money could lead to legislative gridlock, particularly if different parties have control of each House. As Deputy Regina Doherty said, I note the conversion of many commentators who in a previous incarnation stood on a pro-abolition platform and now are anti-abolition.

There have been the contention - inaccurate in my mind - that this is a power grab and that future governments will use this to push through draconian legislation, representing a threat to democracy or a step towards dictatorship. Of course, this is preposterous and ludicrous. It is nothing short of hysterics and has a certain hollowness to it. As a small country, if we were starting out with no Parliament and deciding how to run our affairs, would we really consider establishing a second Chamber? Other similarly sized countries manage perfectly fine without it and we have seen a successful transition from bicameral to unicameral parliaments in other countries without descent into anarchy or dictatorship.

Having said that, as many other Deputies have said, we need real Dáil reform to change how Dáil Éireann works and to strengthen the Oireachtas committees. The formal pre-legislative scrutiny of the heads of Bills, a pre-enactment stage by an Oireachtas committee and 12-monthly reviews are all part of the plans. If the people decide to abolish the Seanad, we need real and immediate Dáil reform. If the people decide not to abolish it, we still need reform of the Seanad and this should be done by public consultation as soon as possible. One strengthened and reformed House would be more effective than the current arrangement, and the Bill paves the way for that.

Deputy Áine Collins: I am delighted to speak on this Bill because it addresses one of the promises we made in our programme for Government. We have been criticised by the people for not dealing with this earlier, but we have had a very busy referendum schedule so far, including referenda on the stability treaty and children's rights. This will also be a very important referendum because it will form a key part of the political reform we promised the people.

Part of the agenda for reform is to have a smaller and more effective government. We have already agreed to reduce the number of Deputies by eight. Reducing by more would not have been possible without a referendum. The Minister, Deputy Hogan, has arranged to reduce the number of councillors by 60. He has amalgamated local authorities and continues to streamline organisations to provide a more effective government. This will be the first change in the local authority structure since 1937. The Minister, Deputy Hogan, has been very brave in his reform agenda and I commend him on this.

The Bill is about whether we allow the people to have a referendum on the future of the Seanad. Ultimately, it is up to the people to decide whether they believe a second Chamber is a necessary part of our democratic system. When this Bill passes, we will have to await the decision of the people by way of referendum. This will change the Constitution if passed. The Government is trying to achieve a smaller, more streamlined and effective government.

Our political system was inherited from the UK and we are a much smaller nation. A country such as Denmark, which is similar in size, has a unicameral system of government. The important thing here is that the people will decide. Arguing about the past is a waste of our good time. Deciding on the future is something that everyone can be a part of with the people

deciding in a referendum.

Some statistics are worth noting. In January 2012, the Secretary General of the Houses of the Oireachtas Commission informed the Committee of Public Accounts that if the Seanad was abolished, there would be an immediate cost saving of €9.2 million per year. He also estimated that there would be €13.3 million in indirect savings which relate to support costs to the State. Therefore, a total saving of €22.5 million would be made per year.

When estimating costs, we must compare those with the power and effectiveness of the Seanad. The Seanad has rejected two Bills since 1939, and in both cases the Dáil subsequently overturned the Senators' decision. The Seanad has produced some good amendments to various Bills which have been accepted by Governments over the years. However, most amendments introduced in the Seanad have been Government amendments. This situation could be dealt with by a more robust committee system.

Deputy Eoghan Murphy recently published proposals to reform the Dáil. His proposals focused on changes to the committee system, including the establishment of a new committee for budgeting oversight and scrutiny of legislation. This approach, together with the Government proposals, shows how a unicameral system would work.

The Taoiseach has described the abolition of the Seanad in terms of a sacrifice by the political system, one that politicians should make when so many other people are making huge sacrifices. He specifically pointed to New Zealand, Denmark, Norway and Finland as successful countries with similar populations. They all have only one House. Ireland simply is too small and we need reform at all levels. The passage of this Bill will give power to the democratic process and, ultimately, the people will decide the future. I commend the Bill to the House.

An Leas-Cheann Comhairle: I call Deputy Stanley, who is sharing time with Deputy Colreavy.

Deputy Brian Stanley: I am glad to have the opportunity to make a contribution. The previous speaker mentioned statistics and I want to mention other statistics. She mentioned Denmark. Following the local government reforms here, Denmark will have five times the number of local authority members per head of population that we will have in this State. It also has strong local government with real powers devolved to local level and not centralised in the bunker in the Custom House. We are debating an amendment to the Constitution relating to the Seanad but, in parallel, the Constitutional Convention is debating issues including the future of the Seanad. We believe that is the rightful place for this debate. There should be reform - we agree with the Government on that. One cannot defend what is in place and I will not even try to, but for the Government to introduce this proposed amendment to the Constitution smacks of desperation and arrogance. Why is it fearful? Why not let the convention debate, discuss and make these proposals? It is sitting at the moment.

The Government was elected a little over two years ago and one of its promises was reform, but what have we had to date? It has been piecemeal, with Friday morning sittings, proposals to centralise power and evidence of more power being centralised at the Cabinet table. What we have before us is not reform but abolition. Reform is defined as making changes to something, typically a social, political or economic institution or practice, in order to improve it. Certainly, the proposal before us will not make changes to improve the Seanad; it will simply shut it down. It is a lazy headline-grabbing option that was trotted out in the middle of an election campaign.

Not for one moment will I defend the Seanad as it currently stands. As a republican I simply could not do so. Since 1928 there have been 12 separate official reports published on the reform of the Seanad. There is plenty of evidence and information on how best to reform the Upper House of the Oireachtas. In its current form it is elitist and undemocratic. The last speaker is correct in that it does not reflect modern Ireland. It is a throwback to an Ireland of long ago. As a county councillor I had the equivalent of 1,000 votes five times over. There was one vote for each of the panels and that was worth 1,000 votes in a general election. That is a totally undemocratic system.

Given all the headlines about the Seanad, one would be forgiven for thinking that it was the cause of every ill that has befallen this State of ours. The Taoiseach would have us believe that it is the cause of the economic recession and the banking crisis and everything else from dole queues and emigration to overpriced property. He would have us believe that to shut it down and throw away the key would somehow be like waving a magic wand and that all our problems would go away. Rather, our problems are the fault of light-touch regulation in banking and construction and developers, crooked politicians, councillors and Ministers. However, to examine all of those areas would be painful because it would mean previous Governments would have to take responsibility for the crisis in which we find ourselves.

I maintain the Government is cynically using the current economic crisis to force through many of its proposals, including the shutting down of the Seanad. Let us look behind the smokescreen and the screaming headlines. We can see a Government attempting to centralise power more and more around the Cabinet table.

Last October, the Minister for the Environment, Community and Local Government, Deputy Hogan, launched Putting People First, claiming it would be “the most fundamental set of reforms in local government in the history of the State”. However, nowhere in the 198 pages of the document does the Government outline what powers will be devolved. It refers to devolving functions rather than powers. Since the launch of Putting People First, the Government has shut several tiers of local government. We support reform because the structures in place are not fit for purpose. However, town and borough councils are gone, reducing the number of council seats from 1,627 to 949. In my county, Laois, the number of councillors has gone from 43 to 19. The system needs reform but as things stand we will end up with local electoral areas that are 50 or 60 miles in length and breadth in some cases. I understand there is one in the Minister’s county of Kerry that is closer to a stretch of 100 miles. One of the Minister’s party colleagues told me about it.

The void left behind will not be filled by stronger local government. Instead, there will be fewer councillors covering huge wards with less funding to meet the needs of the public they serve. I believe the Government is not interested in real reform; it is interested in centralising power around the men in grey suits. I gather there are four of them.

I will outline what we should be doing. We are keen to see the maximum possible reform, but reform must be real rather than some populist headline-grabbing statements. Sinn Féin believes the reform programme should be guided by the key principles of democracy, accountability, devolution to local government and stronger public services. These principles must be the cornerstone on top of which we can build a national all-Ireland democracy. That is what we should be building. The democracy we have in mind is participative and would be rooted in our communities. Certainly, the Seanad does not represent that. Our democracy would reflect a new Ireland. The reformed structures should be fit for purpose and should be accountable to

those they serve. They should have the confidence of the public. At the moment the Seanad does none of that. If we were to have a reformed Seanad, it should be elected by universal suffrage, by every resident on the island, North and South, over 16 years of age. Suffrage should not stop at Dundalk or Lifford. Everyone in the Thirty-two Counties should have the opportunity to vote for a new reformed Seanad once they are over 16 years of age. The debate on how we should reform the structures must be informed and balanced and alternatives must be explored. What we have before us is ill-informed and stunted. That is why the Constitutional Convention should be used.

Reference was made to other jurisdictions where there is a single chamber, but they have strong regional and local government and accountability. In those states there tends to be a greater division between the executive, the cabinet and the legislature, the equivalent of the Dáil in this country. However, in this State we have seen time and again how the Government has railroaded Bills through and guillotined Bills. We have seen how the gang of four calls the shots.

The debate on the future of the Seanad must be part of an overall debate and a national conversation about reforming the democratic structures of the State. I notice that some people on the Government benches have referred to that as well and I welcome that. Anyway, we must reform this Chamber as well. This is about putting proper accountable democratic structures in place in the Dáil and in any new Seanad. I would go as far as to say that we should have a national conversation about the structures we want to have in a new united Ireland. As a republican I am keen to see a united Ireland with a national democracy delivering for all the people. This is why I believe a first step should be to give people in the Six Counties a vote in any new reformed Seanad.

To abolish the Seanad, town councils and borough councils, to reduce the number of councillors and Deputies, to take away further powers from local government - for example, water will be dealt with by the new water body - amounts to disenfranchising the public and taking local and national government further away from people. It is alienating people. I am flagging it for the Government. We have seen it before our eyes over the past ten or 15 years. I passionately believe that these changes are alienating people from politics and decision-making. It is undemocratic and I do not believe it is healthy. This debate is in the wrong place. It should be taking place at the Constitutional Convention first. We should allow a more full and robust debate about democratic structures in the State and throughout the island.

It is very unfair to present the case this way. One must vote either to abolish it or to retain it. I am keen to see it reformed and I am keen to see a proper accountable Seanad elected by universal suffrage. This is an unfortunate development and what we are doing may actually be seen as a wasted opportunity. The members of Fine Gael did not even know that the Taoiseach, Deputy Enda Kenny, was going to say what he said that night. They were taken by surprise. Deputies and councillors who are members of the main Government party said as much to me at the time. This is not well thought out. A commitment was given and the Government may wish to stick to it, but the Government should have another look at this and at the least put forward a third option of serious reform.

Deputy Michael Colreavy: Up to ten years ago I would have been one of the people calling for the abolition of the Seanad, for many of the reasons that the speakers in the debate have already addressed. However, since then, during this past ten years and particularly since I came to the House two years ago - it is certainly not that I have gone native - I have seen how

governance works and I have come to the view that the Seanad in its current form should be abolished, but that any abolition or reform must be done only as an integral and agreed aspect of reform of governance generally in the State. It is beyond question that we need substantial reform of governance in this State. If we take that as being true, then the key question as we debate the Bill is whether the abolition rather than reform of the Seanad would bring about the much-needed reform of governance. It would not. If we are serious about reform of government we must start with Dáil Éireann.

We have had a number of upper chambers in Irish parliamentary history. The current Seanad Éireann has been the longest-serving institution. It arose from the 1937 Constitution, *Bunreacht na hÉireann*, which was written by the then Taoiseach, Éamon de Valera. The system of elections via vocational panels was a sop by the then Taoiseach, Mr. de Valera, to those who wished to see corporatism introduced to Ireland as a means of government organisation. Historians reckon that de Valera had very little interest in granting corporatism any real power, but the formation of the Seanad under such a system satisfied those who wished to see it introduced in this country. Corporatism was a political system that had found much favour in Mussolini's fascist Italy, and was promoted by the Catholic Church as an alternative to the class interpretation of society. The idea behind corporatism was that various panels that represented different sectoral interests in society would come together to arrive at a political consensus. That was in contrast to the parliamentary system with which we are most familiar, which in the early 20th century was seen as being divided too much along left and right lines. The problem then and now with the corporatist system was that it always came out in favour of the side of the establishment and the voice of the working class in particular was silenced.

Is it any wonder that we have a Seanad that is not up to scratch? The Seanad is not fit for purpose. It is undemocratic, elitist and has no clear and distinct function. It is a small mirror image of the Dáil. There is no universal franchise and there is elitism in terms of how people are elected. Some citizens have several votes, while many others have none. The Seanad as it exists today is an unrepresentative body. While the aim of corporatism was to reflect different views in society, the Seanad is an example of how theory does not necessarily work in practice. Instead of representing minority views, it represents the elite and the powerful. As an undemocratic, elitist body it has revealed itself as being largely irrelevant to Irish society. People have not viewed the Seanad as a repository of the views of ordinary people, instead it reflects a debating society in a third level institution.

Sinn Féin believes that we should be able to have a parliament that is fair, equal and representative of the people. One could ask whether today's Parliament reflects Irish society as a whole. If one were to stand on O'Connell Street today and pick 226 people to form an assembly, one could ask whether it would look like the current Dáil or the Seanad. I very much doubt it would. The truth of the matter is that most of the Members elected to both Houses - I include myself - are white, middle class, middle-aged men. We are the representatives of the people, yet we only reflect a small proportion of modern Irish society. One could ask how we could expect to produce legislation or debate issues of national importance if most of the Members come from the same social strata. Have we really progressed all that far from the time when parliaments were composed of large land owners?

A reformed Seanad could have the opportunity to right some of the wrongs. We must hear the views of ethnic minorities, gay, lesbian and transgender people, Travellers, people with disabilities, the young, the old and families. It is debatable whether we would have cut funding to youth services or the mobility allowance if we had greater diversity in these Houses. Likewise,

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one could ask whether we would be as slow to legalise same-sex marriage or recognise the rights of ethnic groups if those who really understood the impact of such measures had a voice in Parliament.

Were it reformed, the Seanad could also scrutinise legislation and instigate Bills to give it actual rather than fictional power. We must not forget the importance of checks and balances when legislation comes before these Chambers. The more people scrutinise legislation, the greater the chance that errors will be picked up, unintended consequences identified and improvements proposed for consideration. The Government's entire approach to political reform has at best been haphazard. It appears that the real motive behind many of the so-called reforms are in fact power grabs, grabbing democratic control into the Cabinet or within the cabinet into the Economic Management Council. A reduction in the number of Deputies and the further removal of power from local government is only a pretence of political reform. What is masqueraded as political reform at local government level is simply a different way for local government to collect ever-greater revenues for central government. It is not political reform. Something far more fundamental is required.

Sinn Féin aims to create a new republic. We are in favour of real political reform, opening up the whole political system, and making it answerable to the people, not the kind of cosmetic and illusionary political reform we have seen from the Government. That includes constitutional reform, for which we have argued at the Constitutional Convention. We have argued for more than that. We want reform of the Oireachtas as a whole. Let nobody pretend that the Dáil does not need reform.

The Government is using the Seanad debate as a smokescreen to cover up for a lack of real political reform. If the Seanad were to be abolished, we would still be left with a deeply dysfunctional Dáil, a weak system of local government and a Legislature dominated by the Executive. That is not democracy. I look forward to real political reform in Ireland but I do not believe it will come from the Government. What is desperately needed is a Parliament that is representative of all the people of the island, not just the elite. Reform of the Dáil and of the Seanad is needed and the current *modus operandi* of the Government will not lead to any real or substantial change in people's lives. We all agree reform of governance in this country is badly needed. It must start with Dáil Éireann. Even at this stage I urge the Government to refer the issue to the Constitutional Convention.

Deputy Seán Kenny: I was about to leave the Chamber as I presumed the time was up. I welcome the legislation which will start the process for a referendum on the future of Seanad Éireann. Much has already been said on the issue and I have no doubt that much more will be said on the Seanad before the referendum is concluded. I am pleased that the process is now formally under way. The Government is providing the ultimate public debate in the form of a long public referendum campaign between now and early October when we can have a national discussion on the future of the Seanad. Those in favour of retaining the Seanad would have to agree that the present Seanad is simply not up to the job of acting as the Upper House.

Cuireadh an díospóireacht ar athló.

Debate adjourned.

The Dáil adjourned at 10 p.m. until 10.30 a.m. on Thursday, 20 June 2013.