

SEANAD ÉIREANN

Dé Céadaoin, 4 Iúil 2012.
Wednesday, 4 July 2012.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.

Reflection and Prayer.

Business of Seanad

An Leas-Cathaoirleach: I have received notice from Senator David Cullinane that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for the Environment, Community and Local Government to discuss the need for a full and thorough investigation into planning matters at Waterford County Council.

I have also received notice from Senator Deirdre Clune of the following matter:

The need for the Minister for the Environment, Community and Local Government to ensure that a comprehensive report is prepared outlining the background to the recent flooding in the Douglas and Kinsale Road area of Cork and to ensure that alleviating measures to prevent a repeat of such floods are identified.

I have also received notice from Senator Trevor Ó Clochartaigh of the following matter:

Go ndéanfaidh an tAire Oideachas agus Scileanna ráiteas maidir le scoil náisiúnta Naomh Caitríona, Eachroim, Contae na Gaillimhe, maidir le staid foirgneamh na scoile agus an dóigh leis go bhfuil sí feiliúnach chun freastal ar riachtanais reatha oideachais na daltaí agus fóirne atá ag feidhmiú inti.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for Agriculture, Food and the Marine to increase the resources dedicated to farm safety training and safety awareness promotion.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and they will be taken at the conclusion of business.

Order of Business

Senator Maurice Cummins: The Order of Business is No.1, motion of the Seanad Select Committee on Members' Interests noting a report to the Standards in Public Office Commission, to be taken on the conclusion of the Order of Business, without debate, No. 2 Credit Guarantee Bill 2012 — Report and Final Stages, to be taken on the conclusion of No. 1, to conclude no later than 1 p.m., No. 3 Wildlife (Amendment) Bill 2012 — all Stages, to be taken

[Senator Maurice Cummins.]

at 1 p.m. and to conclude no later than 2.30 p.m., with the contribution of group spokespersons at the debate stage not to exceed eight minutes and all other Senators not to exceed five minutes and the Minister to be given 10 minutes to reply to the debate with Committee and Remaining Stages taken immediately thereafter, No. 4, the Gaeltacht Bill 2012 — Committee Stage resumed to be taken at 3 p.m. and to be adjourned at 5 p.m., if not previously concluded, and No. 22, motion No. 10, Private Members' business to be taken at 5 p.m. and to conclude no later than 7 p.m.

I wish to give advance notice to the House that we will sit on Friday, 13 July and Friday, 20 July to deal with legislation before we rise for the summer recess.

Senator Darragh O'Brien: I thank the Leader for the advance notice regarding the Friday sittings.

Fourteen times in the last two months I have raised the issue of pyrite and the lack of action from the Government on the matter. I remind Members that there are potentially over 70,000 houses affected by pyrite. They are predominantly in Dublin and on the east coast in the greater Dublin area. I have visited many houses affected by pyrite and many of them are unsafe and uninhabitable. The houses are valueless but their owners must pay their mortgages. HomeBond has washed its hands of the issue and insurance companies and local authorities do not want to know. The Government has put together an expert group that was supposed to report in February, then it was March, then April and then May. I know that the Leader has done his best and I am not criticising him. All I ask is that people, including the Minister for the Environment, Community and Local Government, visit a family or home where people have been affected by pyrite, where their house is unsafe, where there are cracks in the walls the size of a fist, where they cannot use the bathroom, where they are paying mortgages of €1,500 and €2,000 per month yet they have no recourse to anyone. I have reminded the House repeatedly that the longer the delay the more people will become statute barred and they will not have recourse to the courts. The average remediation cost for a standard three bedroom house is €30,000. Of the 72,500 houses estimated to be affected only 700 houses, or 1%, have been remediated which was due to a court case taken by a builder against the quarries.

I give the Leader advance notice that Fianna Fáil has prepared a Bill called the home remediation Bill 2012 that I intend to publish before the summer recess in order to give real support to people affected by pyrite. I have held off publishing my Bill because I want to see the Government's report by the pyrite expert group. I hope that its report is published before my Bill. I sincerely ask the Leader to return next week with a date on when the report will be issued. If not, I will publish my legislation and we will proceed with it.

Last February the Minister for Health attended the House for a debate on the HSE's service plans. We need an urgent debate on the HSE and its financial situation. I raised the matter two weeks ago. I estimate that we will have an overspend of close to €1 billion by the end of the year. A few months ago seven directors were announced but they have not been appointed. It is the Minister's board but he made it stand down. The Minister for Public Expenditure and Reform, Deputy Howlin, is exceptionally concerned about how the HSE operates but the Minister for Health is clueless about it. I would like the Minister for Health to come the House before the recess for a proper debate on the Government's plans for the rest of this year and how we will arrest the overspend and ensure that front-line services are protected. I want him to explain why the one group of people that have not been affected by public sector cuts are the consultants, his colleagues. He used to represent them at the Irish Medical Organisation. I would like him to come here and explain the logic of that when normal nurses, orderlies and hospital staff have all suffered cuts. The Minister's friends have not. I want him to explain why

a public consultant is paid €200,000 from the State before he or she deals with private practice. We need the debate and I ask for it to take place urgently.

Senator Ivana Bacik: Yesterday, we had a useful session in the House when we discussed the finance statements with the Minister for Finance. Today's newspaper headlines show some more room for cautious positivity with the tax take for the first half of the year €500 million ahead of target. The Minister fairly set out the position yesterday and spoke, in particular, about the recent positive announcement on the decoupling of bank and sovereign debts, which we all welcome. It would be useful to have him back in the autumn. Yesterday other Senators called for debates on finance in the lead up to the budget or even earlier in September or October. It would be good to hold a debate at that point on finance and on the outcome of the negotiations that are taking place at EU level about decoupling and breaking the vicious circle of state and bank debts. We all recognise that the talks taking place in Rome today between Chancellor Merkel and Prime Minister Monti of Italy are very important, particularly as the Finnish Government has expressed strong opposition to decoupling. We must watch that debate with great interest.

I also ask the Leader for a debate on the proposed merger of the Irish Human Rights Commission and the Equality Authority. I have just come from a meeting of the Oireachtas Joint Committee on Justice, Defence and Equality where we heard submissions from various interest groups on the heads of a Bill. The committee will publish a report on the heads of the Bill that the Minister for Justice and Equality has published. It would be useful for the Seanad to have a debate on the committee's report prior to the Bill being published and I hope that the legislation will commence in this House, as a lot of justice Bills are. It would be good to have a debate on the issues involved. There are some particular issues that groups like the Irish Human Rights Commission and the Equality Rights Alliance have raised about the heads of the Bill. They raised issues that they would like to see addressed in the drafting of the Bill. We might usefully debate it in the Seanad early in the autumn.

Senator Rónán Mullen: I have come from the same meeting as the Senator and echo her call for a debate. She raised an important issue. One of the central issues emerging on the workings of the new body is the question of what constitutes appropriate independence. There is an understandable fear of excessive Government interference in the appointment and workings of such a body. In some quarters there is a suspicion about the appropriateness of the Oireachtas having to oversee appointments. Perhaps if people had a better understanding of the precise balance of power between the Oireachtas, the Executive and the Legislature then they might not be so worried. They might see the Oireachtas as a suitable ally to ensure independence.

It is also clear that independence from politicians is not the only type of independence that is important. Our colleague, Senator Zappone, served with great distinction with the Irish Human Rights Commission and I know people are grateful for her good service. Another person that I would single out is Professor William Binchy who has provided a unique and irreplaceable voice in articulating what I would regard as an authentic human rights vision. He was a Government appointee. Whatever mode of appointment there will be for the new body, it is possible for watchdogs of human rights to lose perspective and they do not always guarantee a full independence of mind or a full diversity and inclusiveness of vision. I will examine the legislation from that point of view. I hope that whatever we establish takes a broad and inclusive view of human rights considerations and that it does not become the preserve of particular visions that might be in the ascendent within the current establishment.

I shall comment briefly on the concern expressed this morning by my former boss, Dr. Seán McDonagh, on the particular importance of mathematics in education. It is an issue that we

[Senator Rónán Mullen.]

need to continue to debate. I heard the Minister for Education and Skills discuss it and we need to engage with him further. Yesterday, I spoke to a member of the United States Senate and it is concerned about how Europe is addressing its economic challenges, how we will guarantee our competitiveness in the long term and whether we are ready to make the sacrifices necessary in order to ensure competitiveness. It is critical that we produce students that will attain a high standard in subjects like mathematics and we need to continue to debate the matter in the House.

Senator Deirdre Clune: I wish to raise the same issue as Senator Mullen and to discuss and call for a debate on mathematics. I wish to discuss the uptake of higher level mathematics and standards attained. It was the subject of a report from the National Competitiveness Council that was announced on radio this morning and I heard the Minister being interviewed on the subject. This year there is 25 bonus points for students taking honours maths exams but he said that it was not enough. He was not given an opportunity to expand on his comment. We should focus on the matter. Last week we discussed the Gaeltacht Bill and will do so again today and tomorrow because it is important but mathematics is extremely important too. The subject has not been discussed openly enough when we debated it here and in the Lower House. It is essential for the future competitiveness of the economy, as the National Competitiveness Council has said. If the IDA and Enterprise Ireland are focusing on jobs that require a level of mathematical attainment, the education system needs to respond to that. Legislators also need to respond to that demand.

Senator Marc MacSharry: I propose an amendment to the Order of Business, that No. 11, first stage of the Access to Cancer Treatment Bill 2012, be taken before No. 1.

The time between now and the end of the session is limited and the House will be sitting on Fridays. Could the Minister for Health be brought to the House? As Senator Darragh O'Brien has said, some of the commentary at the recent meeting of the Committee on Public Accounts is worrying. The chief executive of the HSE, Mr. Cathal Magee, has indicated that the HSE may have a deficit of as much as €500 million. Like Senator O'Brien, I fear it may be worse than that. Mr. Magee said assumptions on which the HSE 2012 service plan was made are no longer valid. In an alleged aside to Deputy Deasy, it is claimed he said that if the HSE were to operate to the plan it would have to close beds, wards and possibly even hospitals. We are concerned on this side of the House, as I am sure all Members are, about the protection of front-line services, which are critical to people, between now and the end of the year. I ask the Leader to raise this matter with the Minister, with a view to bringing him to the House.

Senator Michael Mullins: As today is 4 July, it is appropriate to send our good wishes to all our American friends and to welcome the many visitors from the United States who are in our country at present. I hope they have an enjoyable visit and spread the good news that our country is open for business and available for investment.

Earlier this morning, I attended an interesting briefing given by the library and research service in partnership with the Central Statistics Office. As a result of that, I ask the Leader to organise, in the next Seanad session, a full and comprehensive debate on the 2011 census results. They give interesting information that should be of interest to policy makers and politicians like ourselves who are shaping policy for the future.

Our population has risen by 8.2%, 348,000 people, since 2006 and by 30% since 1991, and the average age of our population has increased to 36.1 years. We have 136,000 elderly people living alone and 475,000 people living in rented accommodation, up 57% since 2006. Surprisingly, two thirds of households use public sewerage schemes, which seems a high number given

the recent brouhaha about the septic tank charge. The labour force is growing at the rate of 1.1% per annum and unemployment in the 15 to 24 age bracket is 38%. There is some significant information there which we need to tease out to help us make important decisions for the future. I ask the Leader to consider having a debate on this matter in the next session of the Seanad.

Senator Kathryn Reilly: All Senators will have seen yesterday's newspaper report of a woman in County Donegal who had to transport gardaí to her burgled home because no Garda car was available. When she reported the burglary, she was told by a garda that he did not have access to a patrol car. Could the Minister for Justice and Equality be brought to the House to discuss this issue? The Garda press office has not released a comment on the matter. There has been a growth in crime in rural areas. In Manorcunningham, where this occurred, a blind pensioner was recently robbed and there have also been robberies at a local chip shop and car dealership. It is alarming that there is no Garda patrol car in the area. We need to consider the lack of resources available to gardaí. We must not encourage criminals by slow Garda response time. Lack of resources allows criminals to get away with their crimes.

I welcome the Being Young and Irish event hosted by President Higgins in Áras an Uachtaráin yesterday. The President has sought submissions on this issue. Senator Mullins mentioned youth unemployment. I renew my call to the Leader for a discussion on youth unemployment, emigration and the wider area of youth policy. Yesterday's *Financial Times* reports, "In the hour it takes students at Trinity College to sit through a lecture, eight people leave Ireland in search of work." I renew my call for a discussion on youth unemployment and emigration.

Senator Colm Burke: I raise an issue mentioned by a colleague yesterday and in a national newspaper this morning. I refer to absenteeism in the health service. The health service appears to be unable to respond to the issues that cause absenteeism. For example, nurses who are pregnant are not assigned to lighter duties. One report said more than 50% of nurses who were pregnant were on sick leave for more than four weeks prior to taking maternity leave.

We need to respond to the demands of employees in order to reduce absenteeism. The HSE does not appear to have adopted a structured approach. The matter needs to be brought to the attention of the Minister and it would be appropriate to have a debate on it. How do we reduce absenteeism, particularly in the HSE and among nursing and administrative staff? It is easy to blame employees but employers need to anticipate why the problem is arising.

In one hospital, absenteeism among nurses between January and March of this year was 15%. That level of absenteeism cannot have been caused by employees alone. There must have been a total lack of response to issues by management. At a time when the health budget is overrunning and absenteeism is a huge cost, it is time this problem was tackled in a structured and proactive way.

Senator David Norris: I support Senator Bacik. It would be a very good idea to discuss the report of the Joint Committee on Justice, Defence and Equality. There are serious concerns about a possible breach of the Paris principles. Earlier, we heard about the arms length principle. The Minister is purporting to appoint someone directly, virtually by name, to this post. I objected to this when Fianna Fáil tried to do it. The appointment to a board by a committee appointed by the Minister violates every notion of independence and is an appalling example of creeping bureaucracy.

What is the status of the proposal to introduce gay marriage? The Minister for Justice and Defence, Deputy Alan Shatter, made it clear at the meeting of the European Gay Police Association that he would, urgently, bring the matter to Cabinet. The Tánaiste, Deputy Gilmore, indicated strong support for it recently. The Taoiseach has suggested tossing it into

[Senator David Norris.]

the constitutional review committee which seems to be a kind of dustbin for everything, except Seanad Éireann.

Questions have been raised about the constitutionality of this measure. In the Irish language version of the Constitution, Bunreacht na hÉireann which takes precedence over the English language one, the word used for family is teaghlach which comes from tigh, meaning house. What is meant, intended and specified in the superior version of the Constitution, which has force in law, is a word that means household community. A gay couple living together constitutes a household community. The question is not whether or not it would be unconstitutional to introduce gay marriage but whether or not it is a violation of the Constitution to deny gay marriage. The Irish language version of the Constitution would seem to support this.

I would be grateful if the Leader could answer the serious question I raised about Mrs. Nurit Modai, the Israeli deputy ambassador. I raised this matter some weeks ago and have yet to receive a reply.

I would like it on the official record, if possible. Due to other circumstances I may not be able to wait for the reply. The Leader may decide not to grant me the courtesy of replying on the record but if he sends me a note I shall put on the record.

Senator John Kelly: I support the call by Senator Reilly for a debate on youth unemployment. The Joint Committee on Jobs, Social Protection and Education, of which I am a member, is taking this issue very seriously. We are concerned about emigration among the youth of this country. I have previously suggested that we should give half of social welfare payments to employers in order to employ people but if we are serious about keeping those younger than 25 years old in this country we need to think about more than subsidising employers. I suggest that employers should receive the full payment for any individual under the age of 25 who is on social welfare. At the end of the day there would be a net gain for the country from such an initiative. If we paid a full social welfare payment to an employer in order to employ somebody, he or she would still be paying tax, PRSI and the Universal Social Charge. The issue of self-esteem also arises. In order to retain the qualities we have in this country we need to think seriously. If we are already paying to keep people in bed, we should be doing the same to keep people in work. This House needs to arrange a serious debate on the issue, alongside the debate that is taking place in the Joint Committee on Jobs, Social Protection and Education.

Senator Terry Leyden: I join Senator Mullins in congratulating the American people on their Independence Day and I offer my best wishes to the US ambassador, Dan Rooney, and his wife. It was great that the ambassador attended yesterday's discussion in the House along with the British ambassador. I ask the Leader to correspond with the US ambassador on behalf of the Seanad. All of us would agree that it is an important day and there are so many connections between our countries that the fact that the Seanad is thinking of them today would be appreciated.

I ask the Leader to arrange an early debate on job creation. I am particularly interested in a statement made over the weekend by Eddie O'Connor, who is the CEO of Mainstream Renewable Power and former chief executive of Bord na Móna. Mr. O'Connor proposes to create 40,000 jobs with a €12.5 billion plan to export electricity from Ireland to Britain. Ireland will meet its mandatory targets for renewable energy by 2020. This proposal should be supported by the Government and Mr. O'Connor should be invited to work with it on job creation because he has a good track record in this regard. We could cut imports of oil by €3 billion per annum. There is no doubt about the number of jobs this plan could create. We have one

of the best opportunities for developing wind energy and Mr. O'Connor proposes to construct wind turbines in Ireland. Wind turbines do not need to be located in tourism areas and can be sited where they do not affect the environment. I look forward to debating the Bill prepared by Senator Kelly, if it ever sees the light of day again.

Senator Denis Landy: I am confident that it will.

Senator Terry Leyden: I am delighted that the Bill will be regenerated and renewed in this House. In some countries, wind turbines are located along major highways or in industrial estates and, as such, do not affect local residents. I am losing confidence in the Government because it is not really achieving much.

Senator Colm Burke: No, really.

Senator Terry Leyden: We had a great record when it came to job creation.

Senator Ivana Bacik: That is a joke.

Senator Terry Leyden: I second the proposal by Senator MacSharry.

An Leas-Chathaoirleach: Senator Leyden should have done that at the outset but he lost the run of himself.

Senator Terry Leyden: I was too involved in job creation.

Senator Denis Landy: I acknowledge the presence in the Visitors' Gallery of Councillor Seanie Lonergan from Cahir, County Tipperary, and his colleague. It is nice to see local government members visiting the Chamber to see how we operate. If Senator Leyden wants to be updated on the Bill to which he referred, Senator Kelly and I would be glad to facilitate him.

I refer to the difficulties affecting the non-principal private residence charge. Senator Mooney raised this issue in the context of a debate with the Minister of State at the Department of the Environment, Community and Local Government, Deputy Jan O'Sullivan. I ask that the Minister of State examine the issue further. A group of people in this country are unable to live in their own houses because their financial circumstances prevent them from meeting their mortgage payments. They are living in rented accommodation while trying to rent out their houses. They only own one house but they are none the less required to pay the non-principal private residence charge. These individuals have been badly affected by the Celtic tiger and are in grave financial difficulty. They have been forgotten in all the efforts this Government has made to assist those who face mortgage difficulties. I might add that the Government has been working very well in this regard. This charge has been left out of the loop and I ask the Leader to communicate with the Minister of State on the need to investigate the effect of the charge on those who can no longer afford to live in their own houses.

Senator Brian Ó Domhnaill: I wish to address a matter that has been raised by other Members, namely, the cost of sick pay to the public sector and the taxpayer. This issue was highlighted on several radio stations this morning on foot of the response to a parliamentary question raised by a Deputy in the other House. On last night's Adjournment Debate I spoke about the proposed transfer of sick pay costs from the Department of Social Protection to employers. If the Government agrees this proposal, employers who are already under pressure to sustain employment, provide services and play their part in economic growth and recovery will face an unjustifiable, unfair and discriminatory cost. The response I received on the Adjournment Debate was very poor and it was unfair to employers.

[Senator Brian Ó Domhnaill.]

I do not refer to multinationals; I refer to the shopkeeper or barber who may employ two or three people and to the country's chambers of commerce. I call for the Minister for Social Protection to come to the House to discuss her proposals for targeting employers and those who are employed in small businesses. We need an urgent debate on this issue because it is unfair at a time when absenteeism is not being addressed in the public sector that absenteeism in the private sector is going to be passed onto employers. It is time the Minister woke up to the reality that faces a private sector which employs almost 1 million people in this country. It is justifiable to ask the Minister to come before the House prior to the summer recess.

Senator Terry Brennan: I support the calls for a debate on sick leave in the public service. An urgent debate is required on the astronomical costs involved and I call on the relevant Ministers to participate. The demand for sports capital funding this year — which is seven and a half times every €1 available — is unprecedented. Members will be aware that applications for funding under the 2012 sports capital programme closed on 4 June 2012.

Senator Darragh O'Brien: That only applies in Mayo.

An Leas-Chathaoirleach: Senator Brennan without interruption, please.

Senator Terry Brennan: I hope not. Some 2,150 sports clubs and organisations have applied for funding, totalling €224 million. However, there is only €30 million in funding available. This means the Minister will be only able to grant a fraction of the funding being sought. The task of assessing of applications will be difficult. There is no doubt but that there will be many disappointed clubs around the country. However, that is the luck of the draw. Some 60 applications, totalling €4.8 million, which is less than one sixth of the total amount of funding available, have been submitted by organisations in County Louth. I am sure there will be many disappointed clubs in my county too.

I take this opportunity to congratulate Mr. Paul Beecher from Tallow County Wexford who was the first Irish winner since 2003 of the famous Hickstead Derby last Sunday evening. Mr. Beecher took the lead in a two horse jump off with a home bred horse. He came thirteenth place last year in the same derby. It is great to see Irish riders feature strongly in the top ten finishers. While, unfortunately, we do not have an equestrian team at the London Olympics——

An Leas-Chathaoirleach: Is the Senator seeking a debate on equestrian matters?

Senator Terry Brennan: ——Mr. Beecher's win augurs well for the upcoming Olympics in Rio in 2016.

Senator Feargal Quinn: My daughter graduated from Trinity College Dublin in 1987. Similar to what is happening these days, 37 of the 38 people in her group emigrated the following day. It was interesting to hear the Prime Minister of Portugal yesterday encouraging young people there to emigrate, which brings to mind what happened here in 1987, namely, the response of the then Government, under the late Charles J. Haughey, to Dermot Desmond's proposal for the Financial Services Centre which proved successful and the steps taken to encourage businesses to gain confidence. Senator Ó Domhnaill referred earlier to barber shops and other small shops. The success we need in our economy is not likely to come from one big enterprise. Senator Leyden also drew our attention earlier to the proposal from Mr. Eddie O'Connor in regard to electricity and wind power. The Government needs to ensure that every step taken encourages job creation and does not place barriers in the way of employment. One such barrier is the proposal that small businesses will bear the cost of sick pay which up to now was

met by the State. We must find a way of ensuring small businesses are encouraged to start up and create jobs.

I heard yesterday that the British Government is investigating if it can put in place a barrier to Greek people entering the United Kingdom. The fear is that if Greece leaves the eurozone there will be huge emigration from Greece to Britain. If Britain is to put in place such a barrier, will we be able to protect ourselves given our open relationship with Britain? Following the collapse of the Argentinian economy in 2001, huge difficulties arose in terms of emigration. The concern is that if something similar happens in Greece, the same problems will arise again. We need to ensure we are not threatened by such difficulties, in particular if Britain is to put in place barriers in respect of the migration into Britain of people from other parts of the European Union.

An Leas-Chathaoirleach: I was over-indulgent during the Order of Business yesterday in terms of the number of speakers I allowed, resulting in a Minister having to wait 20 minutes to come into the Chamber. I do not want a similar situation to arise today because the time allocated for the Order of Business by the Whip has been exceeded. I call Senator Moran.

Senator Mary Moran: I wish to raise again the issue of symphysiotomy, in respect of which the Walsh report has been published. I remind those women subjected to this procedure that meetings on this issue are ongoing throughout the country, including in Cork today, Drogheda tomorrow and Dublin on 19 July. Professor Walsh is eager to speak with the surviving women of this procedure. It is important all victims and survivors of symphysiotomy have their voices heard. As such, they should attend meetings and discuss their issues with Professor Walsh so that they can bring closure to this dreadful situation.

The National Competitiveness Council's report highlights Ireland's under-achievement in mathematics. According to that report, Ireland is ranked 32nd among the 65 OECD countries, which is a huge decline since 2003. I welcome the comment by the Minister for Education and Skills, Deputy Quinn, on "Morning Ireland" this morning that he is currently consulting with universities on changes to the points system. However, he also reiterated that any reform will take five to ten years to implement. I call on the Leader to ensure that everybody is fully briefed on this issue and that people have the opportunity to consult with the Minister. It is important that the teaching profession in particular, who are the people at the coalface, is allowed to have its say. I welcome the Government's commitment to literacy and numeracy education in primary schools, in respect of which teaching training colleges now provide four years teacher training, which will go a long way towards ensuring improved literacy and numeracy skills training for young trainee teachers and, it is hoped, our pupils.

Senator Labhrás Ó Murchú: I support the sentiments expressed by Senator Brennan this morning in regard to sports capital funding. During the good years, excellent infrastructure for amateur sports in particular was put in place in communities throughout the country. The question is often asked if this is a luxury that should be sidelined at a time when the country is economically challenged. However, it must be acknowledged that the availability of such facilities ensures we do not have anti-social behaviour from young people who have nothing else to do in our communities. It is also a nursery for the champions who will eventually emerge. We all know what this means to Ireland in terms of recognition and acknowledgement. It is also a morale boost for people when these champions are successful. In this regard, two people come to mind, Senator Eamonn Coghlan, a Member of this House, and Ronnie Delaney. Therefore, if we are measuring the importance in an economic sense of the grants Senator Terry Brennan mentioned, we must put it in context. I am aware of quite a number of projects which started in better days with these bodies raising money to develop them and

[Senator Labhrás Ó Murchú.]

eventually applying for a capital grant, but now they are in a cul-de-sac. Ireland is very appreciative of sports, and I mean “sports” in a sense of diversity also. Will the Leader, in so far as is possible, indicate the House believes that the idea of sports as a luxury or a hobby must be re-examined? If possible we must ensure we can get a greater *pro rata* base of grant. As has already been mentioned, what is available is €1 to €7.50 which is quite a big gap. Perhaps there is still an opportunity prior to the budget to revisit this issue.

Senator Eamonn Coghlan: Like my colleagues I also wish our US friends a happy 4 July. Having spent 20 years in the United States, I remember this day very well with wonderful barbecues with a few soft drinks to go along with them and wonderful sunshine. I wonder whether the Minister for the Environment, Community and Local Government can do something about our 4 July here in Ireland, put a cover over the country and give us a little heat.

This morning, we heard about 38% youth unemployment and a €1 billion overspend in the health budget. We also heard about sick pay issues, which means sick people are out there. We also heard the maths level in Ireland has reduced dramatically, but the Minister for Education and Skills has indicated the possibility of a 25% bonus for those pursuing higher level maths to try to boost the overall ability of students here. Yesterday, I heard on the radio the chief executive officer of the Gaelic Players Association speak about his and sports people’s frustrations with regard to sport, and I would rather say physical education, being taken seriously in schools, particularly secondary schools. I hope in the coming months an announcement will be made on the points for life initiative I brought to the Seanad and something will begin at primary school level. I wish to identify the frustrations expressed. In Northern Ireland, physical education is taken very seriously and physical education A level grades can go towards pursuing a career in sports management, sports marketing and physical education. When we consider health and unemployment in Ireland, I have no doubt if the Government and the people of Ireland are serious about the pride and morale sport gives to the country, we must nip in the bud physical education not being taken seriously and I call on the Minister for Transport, Tourism and Sport and the Minister for Education and Skills, who I understand has been working on making it a points programme in secondary school, to take action now and not merely speak about it. Will the Leader identify the status of the negotiations on this? If we are waiting for five or ten years for reform to take place in the Department of Education and Skills it will be too late. If we can implement this immediately, our health budget will decrease and the physical fitness level of the youth of Ireland will increase.

Senator John Gilroy: I have in my hand a pre-qualification questionnaire, which is part of a tendering process sent out by UCD to provide third level online educational programmes. It is a standard document as part of a tendering process. However, what amazes and alarms me is that on page 6 one of the criteria for successful applicants is that the relevant turnover must be a minimum of €1 million. The tendering process is not decided on a graduated points scoring system; it is a pass or fail. If one has a turnover of €1 million, one is still in the running, but if one does not, one is not. This strikes me as being particularly strange because this is public money coming from the Department of Education and Skills. The Minister of State, Deputy Sherlock, is doing great work on developing a smart economy in the country but this eliminates potential developers of these IT services due to their scale and not their ability. It is very strange. Will the Leader facilitate a debate on this element of the smart economy and the tendering process in general with the relevant Minister to inform us on his latest thinking?

Senator Tom Sheahan: I wish all our US colleagues and cousins a happy 4 July. I also wish to raise an issue mentioned by others with regard to sick leave in Departments. Last year, 185,000 sick days were taken at a cost of €27 million. The biggest culprit was the Department

of Social Protection with 71,000 days. If we are to get the country back on track we must consider the excess in certain areas, such as, with regard to the Department of Foreign Affairs and Trade, the €1 million spent annually on school allowances for staff posted overseas, the €800,000 spent on top-up health insurance for overseas staff and the €280,000 spent on disturbance allowances to allow diplomats to return from postings. Yesterday, I begged the Minister for Education and Skills to cover the €350 required for school transport in an extreme case. Last week, I begged the Minister for Health to intervene in the case of a 14-year-old girl with autism who has fallen through the cracks and has been on waiting lists for years, yet we have excess and waste in the public sector. A small number of staff in the protocol section and press office of the Department of the Taoiseach have a clothing allowance of €444 per year. If we are serious about getting this country back on its feet and out of the quagmire it is in and about change, we must get tough on allowances. We must get tough on the waste in public spending and we must do it now — not next month or the following month but now. I call on the Leader to bring the Minister for Public Expenditure and Reform before the House to discuss these matters.

An Leas-Chathaoirleach: I am up against the clock but I will allow Senators Jim D’Arcy and Keane to speak briefly before I call on the Leader.

Senator Jim D’Arcy: Like Senator Moran and others I note the report from the National Competitiveness Council which has raised serious concerns about maths in our schools. According to the report, Irish students lag well behind students in other developed nations highlighting concerns about the country’s future competitiveness. The National Competitiveness Council blames uninspiring teachers — I may have been one of them myself — a lack of application and the CEO points system. The report makes a number of recommendations, including new targets for the number of students sitting higher level maths in the leaving certificate. Speaking on RTE’s “Morning Ireland” Dr. Seán McDonagh stated maths is important and is key to Ireland’s future competitiveness. I would like to raise another issue in this matter, and that is parents. While parents can help their children with English, history and other subjects, they do not seem to have the same facility with maths, particularly as the teaching of maths has changed. The Leader has stated the Minister for Education and Skills will come to the House shortly. I suggest to the Leader that the Minister considers a series of programmes on RTE, similar to “Buntús Cainte” years ago but geared towards parents and children on the teaching and learning of maths. We must use the new media to communicate to parents so we can involve and commit them to joining their children and teachers in a renaissance of maths in schools.

An Leas-Chathaoirleach: I am sure the Senator’s students found him interesting and inspiring.

Senator Jim D’Arcy: I thank the Leas-Chathaoirleach. It is nice of him to say so.

Senator Cáit Keane: Like other speakers, I would like to comment briefly on the waste of money that is associated with our sick leave and expenses regimes, as reported in the public media today, yesterday and the day before. We need to reflect on where all of this has come from. I compliment the Minister for Public Expenditure and Reform, Deputy Howlin, and the Minister for Finance, Deputy Noonan, on what they have done in this regard. When they had been in office for approximately a week, they asked for moneys and expenses to be reviewed in every Department. Some of these allowances, including overseas allowances, have been there since the year dot. Some of them are used and some of them are not. Some very good public servants do not get a penny extra in allowances. In the cases of those who do, all of that has to be rooted out. The Minister, Deputy Howlin, appreciates that everybody should get a good

[Senator Cáit Keane.]

salary for doing a good day's work. The itemised lists of public expenses and expenditures were published after a question on the matter was tabled. That information was available because of the ongoing work that was started in each Department a couple of months ago. The Government has said it wants a 5% reduction this year. The reduction next year might be 10% or something like that. Work is ongoing. Those who have spoken on the matter seem to think that this issue came into the public domain yesterday or today and that nothing is being done about it. I assure them that something is beginning to be done about it on foot of the work that has been done since the Government came into office. People get sick, but we cannot have abuse of the sick pay regime. Such abuse has to be rooted out. That work is ongoing.

I call for a debate on a bond system for educational establishments that have connections with universities in other countries. I refer specifically to a flight school that has gone into receivership. It is connected to a school in Florida. Dozens of trainee pilots from the flight school in Waterford are now out of pocket to the tune of €80,000. What will they do? I presume the Minister for Education and Skills is responsible for ensuring that when schools like this are established, they have a bond or insurance to ensure that students who sign up to these courses, in order to get accreditation or training abroad, do not lose €80,000 if the thing goes belly-up. I ask the Leader for a debate on this matter.

Senator Maurice Cummins: Senator Darragh O'Brien has rightly raised the issue of pyrite again. I understand his frustration. He has raised the matter on several occasions on the Order of Business. I understand the frustration of those who are affected by this problem. The latest information I have on the matter is that the pyrite report will be brought to the Government shortly and will be published before the summer recess. I hope it will be published before the summer recess. It would not be before time. It has been delayed for a number of months. I hope it will be published before the recess, which will begin in a couple of weeks.

Senator O'Brien and others spoke about the overruns in the HSE. The HSE has outlined several possible means of addressing its financial situation, including a reduction in the use of agency staff and the implementation of reforms under the Croke Park agreement to achieve more cost-effective use of human resources. The HSE has also submitted its mid-year cost containment proposals, which are being assessed by the Department at present. The Department of Health has indicated that approximately 70% of the HSE's €13 billion budget is spent on pay. Some 18% of this is classified as non-core pay, including overtime, premium payments and allowances paid to staff. Given that the health service operates 24 hours a day, seven days a week, it is imperative that we find ways of addressing the growing deficit through looking at non-core expenditure and working hours. That is the position. It will not be easy. It is a difficult situation. Plans are in place to address the matter.

Senator Bacik said that Senators should be allowed to make pre-budget statements. I have given an undertaking that we will have such statements. I hope they can start when we return for our next session.

Senators Bacik and Mullen raised the question of the proposed merger of the Irish Human Rights Commission and the Equality Authority in the context of a report that has been drawn up by the Joint Committee on Justice, Defence and Equality. I will try to arrange a debate on the committee's report about this important matter.

A number of Senators, including Senators Mullen, Jim D'Arcy, Moran and Clune, spoke about the National Competitiveness Council's report on mathematics in education. It is right and proper that we debate the report in the presence of the Minister. I will try to arrange such a discussion because the matter has been raised by five or six Members on the Order of Business this morning.

Senator MacSharry proposed an amendment to the Order of Business to allow a Bill, No. 11 on the Order Paper, to be published. I will accede to his request. I have no objection to it. I will accept the amendment to the Order of Business on that basis.

Senator Mullins called for a debate on the results of the census. Perhaps we will discuss this broad area in the autumn. I have noted some of the statistics that were quoted by Senator Mullins this morning.

Senators Reilly and Kelly raised the question of youth unemployment. I am endeavouring to bring the Minister to the House to discuss that matter and the issue of emigration. I have made a request to that effect.

Senator Reilly also expressed concern about the ability of gardaí to access patrol cars in the context of recent events in County Donegal. I am aware that the condition of the Garda fleet needs to be addressed by the Government. A number of cars are approaching the 300,000 km limit. For insurance purposes, that is the maximum number of kilometres they can have travelled. Some money will have to be found to address the problems in this regard, including the lack of patrol cars throughout the country.

Senator Colm Burke spoke about absenteeism in the HSE. It is obvious that we have a problem with absenteeism in the public service. I will endeavour to bring the Minister, Deputy Howlin, to the House to discuss the issue of sick pay costs, which has been raised by a number of Members. The Croke Park agreement will have to be honoured and pushed on if problems like sick pay and sickness costs are to be addressed. I hope the Minister, Deputy Howlin, will come here to speak about such matters.

I suggest that the question raised by Senator Landy with regard to housing was addressed and answered by the Minister for Finance, Deputy Noonan, when he was in this House yesterday afternoon.

Senator Ó Domhnaill raised the question of sick pay and mentioned the proposed increases in PRSI and tax, etc. These matters will be discussed by the Cabinet in the context of the forthcoming budget. They certainly will not be addressed anywhere else.

Senators Brennan and Eamonn Coghlan spoke about the sports capital grants. Approximately €250 million in grants is being sought, but we can offer just €30 million. It is good that we are in a position to award some grants to sporting organisations. They have not been made available for the last year or two. It is good that some grants will be made available to sporting organisations. Senator Coghlan also referred to the importance of physical education in primary and secondary schools. I will take that matter up on behalf of the Senator.

Senator Quinn spoke about small businesses. The Government has taken a number of initiatives to assist small business. However, I agree with Senator Quinn that anything that adds to the cost of small businesses and affects their competitiveness must be addressed by Government.

Senator Moran referred to public meetings on the subject of symphysiotomy, a matter she has raised on many occasions.

Senator Gilroy spoke about the smart economy, the tendering processes for services and the amount of money required by businesses to qualify. We will invite the Minister of State, Deputy Sherlock, to address the House on that matter.

Senators Sheahan, Jim D'Arcy and Keane referred to the need to eliminate waste and excess in the public service.

I referred Senator Norris's correspondence about Mrs. Nurit Modai to the Tánaiste. I have not received a response on the matter.

An Leas-Chathaoirleach: Senator MacSharry has moved an amendment to the Order of Business, “That No. 11 be taken before No. 1”. The Leader has indicated that he is prepared to accept the amendment. Is the amendment agreed to? Agreed.

Order of Business, as amended, agreed to.

Access to Cancer Treatment Bill 2012: First Stage

Senator Darragh O’Brien: I move:

That leave be granted to introduce a Bill entitled an Act to ensure the provision by the Health Service Executive of all prescribed medicinal products necessary for the treatment of cancer in line with best practice and upon approval of the European Medicines Agency.

An Leas-Chathaoirleach: Is the Bill opposed?

Senator Maurice Cummins: No.

Question put and agreed to.

An Leas-Chathaoirleach: When is it proposed to take Second Stage?

Senator Darragh O’Brien: On Tuesday next.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Standards in Public Office Commission: Motion

Senator Deirdre Clune: I move:

That Seanad Éireann, takes note of the report of the investigation by the Standards in Public Office Commission into contraventions of section 21(1) of the Standards in Public Office Act by Senator Pat O’Neill which was laid before Seanad Éireann on 23 May, 2012;

considers, that the requirements of the Standards in Public Office Act 2001 that members must provide evidence of compliance with their obligations in regard to taxation matters are intended to ensure confidence in the probity of persons elected to political office;

is of the opinion that any contravention of the legislation is a serious matter;

notes, however that this is the first occasion such a contravention has been reported to Seanad Éireann by the Commission and that Senator O’Neill is now in compliance with section 21(1) of the Act and has apologised for failing to comply with the legislation as of the required date,

and accordingly considers that no further action is required.

Question put and agreed to.

Credit Guarantee Bill 2012: Report and Final Stages

Acting Chairman (Senator Diarmuid Wilson): I welcome the Minister of State, Deputy John Perry, to the House.

Before we commence, I remind Senators that a Senator may speak only once on Report Stage, except for the proposer of an amendment, who may reply to the discussion on the amendment. On Report Stage each amendment must be seconded.

Government amendment No. 1:

In page 8, to delete lines 10 to 12.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):

I thank Senators for their contributions on this important Bill. Amendment No. 1 is a technical amendment to section 5. It seeks the removal of the provision in relation to the powers of the Minister to amend or revoke a scheme under section 5 of the Bill. There is an inherent power to amend or revoke a statutory instrument under section 22(3) of the Interpretation Act 2005. Accordingly, there is no need for the current revocation provision included in the Bill and the removal has been suggested by the Attorney General's office and the parliamentary draftsman.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: "That the Bill do now pass."

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy John Perry): The debate on the Bill in the Seanad was very good and the Minister for Jobs, Enterprise and Innovation will consider the points raised. Confidence in the business world, the creation and retention of jobs and the effective recapitalisation of the banks are important. The State will provide €7 billion this year and €8 billion next year for areas where the banks may have a concern. It will help the critical sector of the Irish economy that employs 700,000 people.

I welcome the debate. The most important effect of the Bill will be in the area of job creation. Where a bank might have had a concern about lending, the State will give a guarantee. The Bill will complement the banking sector and make lending viable.

I thank all Senators for their contribution to the debate. As a Minister of State with responsibility for small business, it is important for me to listen to the views of Senators and to take them on board. The Bill will make a considerable difference.

The Microfinance Loan Fund Bill will also be a very welcome piece of legislation. It will allow people who have been refused loans by banks to borrow up to €25,000. The measures in that Bill will be separate from the credit guarantee scheme but the two together will add considerably to the suite of opportunities for people who are hoping to develop their businesses.

I compliment the officials in my Department who have done trojan work on the Bill. They worked late at night and during weekends. People assume legislation is simply done. This is a skilled piece of legislation. It had to be fine tuned and various approvals sought. We are fortunate to have such officials. Since my appointment as Minister of State dealing with the SME sector, I have worked with the Minister and the Minister of State, Deputy Sherlock. The commitment of the Taoiseach has been wonderful. Our team is complemented by the extraordinary civil servants. By 2016, we will make Ireland one of the best economies in which to establish, grow and develop a business. Since my appointment, I have seen what one will not see on the front pages of the newspapers, namely, the extraordinary determination of Irish business people to succeed.

The Enterprise Ireland report that was launched last week should be discussed in the Seanad. It is an extraordinary document. I will go to Donegal on Thursday next for the regional launch of the document. There is extraordinary determination among Irish business people. Irish exports are valued at €18 billion per annum.

[Deputy John Perry.]

The Bill, when enacted fully and operated by Capita Asset Services, will complement the banks and the Credit Review Office. I appeal to people who have been refused loans by the banks to appeal the refusal externally to Mr. John Trethowan. The Credit Guarantee Bill will complement the banking sector which has been recapitalised by the Government.

Thank you, Acting Chairman. I am delighted the Bill has passed all Stages.

Senator Deirdre Clune: I thank the Minister of State for his contribution today and last week on Committee Stage. I also thank the Minister for his contribution on Second Stage. This is an important Bill and will help companies that have been refused credit by banks. It will also serve to educate banks on the new types of businesses that are out there and give them the confidence to move forward and engage with businesses, particularly those that fall outside their remit and have not been able to find funding. This is an important step. I thank the Minister of State. Last week's debate on Committee Stage of the Bill was very informative and I thank the officials for their support.

Senator Feargal Quinn: It is good to have a Minister of State who focuses his attention on small businesses. We will succeed through our small businesses and this Bill is a very important step in that direction. There is a great need to build confidence in small businesses. The Minister of State has shown a commitment to ensuring that objective is achieved. I commend him and his officials on their commitment.

Senator Jimmy Harte: I thank the Minister of State for the support he has shown to the small business environment. It is important for those who want to start businesses that credit is made available. Businesses that wish to expand also require credit. We must help the small business sector to maintain the 700,000 jobs it provides at present if it is to generate further employment. This Government is giving small businesses a foot up.

At present a business that comes up with a good idea for expansion it hits a brick wall when it seeks credit from its bank. The bank manager may know the company is viable but lending policies are tied up with red tape. This Bill will give businesses an opportunity to expand, which will result in more people paying taxes and fewer on the live register. That is a win-win situation for everyone in social and economic terms.

Question put and agreed to.

Sitting suspended at 11.50 a.m. until 1 p.m.

Wildlife (Amendment) Bill 2012: Order for Second Stage

Bill entitled an Act to amend the Wildlife Act 1976 and to provide for related matters.

Senator Paul Bradford: I move: "That Second Stage be taken now."

Question put and agreed to.

Wildlife (Amendment) Bill 2012: Second Stage

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

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I am pleased to bring the Wildlife (Amendment) Bill 2012 before the House. The Wildlife (Amendment) Act 2010 includes provisions allowing all holders of valid firearm certificates issued for shotguns between 1 August 2009 and 31 July 2012 to be deemed to be the holders of a hunting licence

under the Wildlife Acts for the purposes of hunting game bird and hare species. This provision was introduced at the time to address an issue which arose following the introduction of a new computerised firearm licensing system by An Garda Síochána.

Prior to the enactment of the Wildlife (Amendment) Act 2010, the Wildlife Acts required a hunter to have a licence to hunt certain game birds, such as pheasant and partridge, and hares. The Acts provide that this would be obtained as an endorsement on the hunter's firearm certificate. The hunting licence and firearm certificate were issued by An Garda Síochána in the form of a shotgun licence with the appropriate endorsement for hunting. However, new Garda Síochána computerised procedures introduced in 2009 for issuing three-year firearm certificates omitted the facility to issue the endorsement as a wildlife hunting licence. At the time, it was not practicable to recall the new firearm certificates issued or to change the licensing process that was in train. Accordingly, provisions were included in the Wildlife (Amendment) Act 2010 to allow a hunter in possession of a firearm certificate to shoot game birds and hare species during the open seasons. These provisions will lapse on 31 July 2012.

Since the enactment of these provisions, discussions have taken place between the Department of Arts, Heritage and the Gaeltacht, the Department of Justice and Equality and An Garda Síochána. These discussions have considered the question of amending the firearm certificate application form, and the certificate itself, to accommodate the hunting endorsement. The outcome of these discussions has been that a suitable technical solution is not possible, at reasonable cost, in the short term. Accordingly, I consider the most viable option is to extend the existing arrangements pending a more thorough review of the Wildlife Acts.

I should explain to the House there is a commitment in the national biodiversity plan for 2011 to 2016 to publish new consolidated wildlife legislation in 2014. I consider that such consolidated legislation is necessary given that the primary wildlife legislation is now almost 40 years old. I am of the view that the most appropriate context for the consideration of all issues surrounding wildlife, including hunting and hunting licences, is as part of this overall review. Accordingly, I consider that, in the interim, the current arrangements should be continued and that persons with a valid firearm certificate should be deemed to have a hunting licence under the Wildlife Acts beyond 31 July 2012. This requires a short technical amendment to the Wildlife Acts which is set out in section 1 of the Bill. Otherwise, if this is not done, hunters would be hunting unlawfully after 31 July 2012.

I should point out the Bill does not give hunters unrestricted permission to hunt protected birds and hares on a year round basis. The hunting season for game birds under the open season is restricted for most wildfowl to a period from 1 September to the end of January. In the case of popular game birds, such as pheasant and partridge, the open season is shorter, from 1 November to the end of January. The open season for hares is from the end of September to the end of February.

There are gun clubs in almost every rural parish throughout the country. Many Members of the House are aware of the popularity of game shooting during the winter months. For many people the start of the pheasant season is traditionally seen as the start of winter. The Bill will allow hunters to continue their sporting activity in a legal manner without interruption during the open seasons. Therefore, I commend the Bill to the House.

Senator Labhrás Ó Murchú: Cuirim fáilte roimh an Aire. Any legislation or debate on wildlife in the House is to be welcomed. It exercises the minds of people from time to time and stag hunting was one such issue. We have heard it in relation to coursing as well. That underlines the interest in and concern for wildlife, which is not confined to people living in rural Ireland. It applies to anyone who is concerned with quality of life. Wildlife provides an element of one's quality of life. In our younger days in school, the schoolmaster would ensure we went out to

[Senator Labhrás Ó Murchú.]

embrace nature. Details of birds' nests, etc., were explained to us. At a very young age, I read a story in one of our school textbooks that talked about hares as if they were human. It talked about a hare going to school with a bag over its shoulder. When I was out with my father not long after, I insisted that I saw the hare with the schoolbag running across the field. That was how wildlife affected our imaginations. It was part of our lives.

I must admit I had a ferret at home when I was young. I used to go out hunting for rabbits with the ferret and with a net. If I caught a rabbit, I sold it or else we had it at home. Perhaps I saw that as part of survival. We have to consider the need for balance. That balance has been reached, to some extent. I accept that the primary wildlife legislation is almost 40 years old, as the Minister has pointed out. That is a long period of time, especially in light of the way things have changed. Certain species are in danger of becoming extinct. We all regret that we do not hear the sound of the corncrake as we used to in days gone by. It was much more than a sound — it was part of our emotional make-up. We get excited when we hear the cuckoo. The older people alert the younger people to the presence of the cuckoo.

When all of that is considered as part of the debate, we realise that we are not talking about something that is removed from us. We are talking about something that is a central part of our make-up, even if no legislation or protective measures were introduced. My experience of the people living in rural Ireland is that they are the custodians of our wildlife. There have been times when they had to face certain challenges, particularly where vermin were concerned and when it was found that badgers were spreading TB to cattle. They were real issues. At no time did the people of rural Ireland want to wipe out all wildlife. They did not decide to kill every pheasant in order to sell it. There are echoes of that approach in the fishing industry as well. No one wants to wipe out all stocks.

I have always found that the national debates on most of these issues were not needed in rural Ireland. However, we have heard horror stories about shooting parties coming in from England, where other restrictions exist. The activity in which they were engaged is a blood sport in the real sense of being a blood sport. There was absolutely no question of it being done for any sensible reason. It was absolute carnage. The local people who were the custodians of our wildlife were shocked to think that could happen. The same thing applies to coursing. It would be very difficult for us to argue against coursing in rural Ireland. On the other hand, certain measures have been taken to ensure the cruelty is removed from the sport. Again, it is a matter of balance.

The question of whether one should have a hunting endorsement on one's gun licence is part of what we are discussing today. We need to reflect on whether "open season" should be open in the fullest sense. If there is a danger that we are about to backtrack to some extent by taking a lighter approach, I suggest it would have an adverse effect on the debate that is taking place and would be contrary to what people actually want in this regard. I am aware of the technical glitches that occurred in 2009 and 2010. I accept that technical issues need to be dealt with in the short term. I presume this approach will not extend beyond the short term.

I am glad the Minister mentioned that the primary legislation is more than 40 years old. I do not know if the Minister and the officials in his Department have yet had a chance to think about further legislation. Perhaps today's debate will be a lever in that regard and we will be given an indication that such legislation will be introduced. As we discuss this technical legislation — I accept that is what it is — we need to consider whether it might do something that it was not intended to do by adding to the decimation of part of our wildlife. If that is the case, we will have to revisit the primary legislation as quickly as we can.

There is always an educational aspect where wildlife is concerned. I have heard that the nature visits we went on when we were young, which I mentioned earlier, do not exist in our schools anymore. I might be totally wrong in this regard. I would like to think I am wrong. Children in our schools travel to other countries with school groups or come to Dublin on school tours. I suggest that the greatest areas of exploration and discovery they might avail of are on their own doorsteps. I recall that when I was in secondary school, as a townie I had an absolute and sheer envy of the knowledge the country boys had about habitats and the seasons, etc. Regardless of the pressure on our schools, that has to continue as part of the education system. I exhort our schools to reconsider as far as possible the educational value of these matters for our young people. Not only would such an approach give children a rounded education, but it would also add to their knowledge of who they are as a people — their background and traditions, etc. All of that is bound up with this issue.

The question of protection is another important issue in this context. If a young person is introduced to nature in a nice way, he or she will appreciate, for instance, that one should not put one's hands on the eggs in a nest because the bird will become aware of it and subsequently desert the nest. We heard all of that when we were young. I understand that this legislation is technical. I accept the point the Minister has made about the antiquity of the primary legislation in this area. When we are discussing these matters, we should ensure education is part of the debate. If we do that, I do not think there will be any dangers in the future. The Irish people will always be protective of wildlife. For tourism reasons, we should not undermine or decimate what is important to us as a people. I thank the Minister for bringing this legislation to the House and giving us an opportunity to speak broadly about this country's wildlife.

Senator Paul Bradford: I welcome the Minister to the House. My colleague, Senator Noone, who is my party's spokesperson in this area, has asked me to apologise for her absence and to express her full support for this Bill. The Minister has given a full explanation of the reason this technical legislation is before the House. He has assured us that more substantial primary legislation will be introduced within a few years. Many items can be considered and put on the agenda between now and then. It might be helpful if the Minister were to return to this House at some stage in the next 12 months not to debate a particular Bill but to engage in a broader debate on wildlife. That might be useful for the Minister and for the Members of this House. Some of those issues, including those raised by the previous speaker, could be ventilated before that legislation is published.

The Minister has pointed out that the Bill before the House today is necessary to allow people to continue their lawful hunting activities. Something in the Irish tradition or the Irish mindset puts the ability to hunt, shoot and fish at the core of our being, particularly from a rural perspective. We have to ensure that tradition is maintained and developed in a balanced, fair and reasonable fashion. We are not taking any major steps today other than what is necessary to ensure things are done in a legal fashion. The Minister's Department deals with heritage and the Gaeltacht but there was once a Department for forestry and wildlife. I recall a story told by some of my more mature colleagues. In the mid-1970s there was the unfortunate experience with the late President, Cearbhall Ó Dálaigh, who resigned from office. There was a Cabinet reshuffle. At the core of the unfortunate debate at the time was the late Deputy and Minister, Paddy Donegan. The then Taoiseach, Liam Cosgrave, came into the Dáil to announce his new Cabinet line-up, going through finance, social welfare, health, etc. The last man on the list was Deputy Patrick Donegan. The Taoiseach announced he was appointing the Deputy as Minister for forestry and "wild life", stressing the latter part of the portfolio. This Minister is now the successor in that regard, in charge of wildlife, and I am sure he will act in a very balanced fashion.

[Senator Paul Bradford.]

The previous speaker expanded on some very interesting areas, particularly from the point of view of young children from both town and country, and the balance between the two. Country children present a very different view of the natural world from that expressed by their town friends. We must ensure that continues. This is a very small step. The Minister's important task will be his legislation of 2014. Before he introduces that legislation, perhaps he might have a more general debate with us on issues that might concern people in certain regards and on which we would have ideas and suggestions that might be helpful.

I support the Bill and wish it a speedy passage through the House. What the Minister is doing today is necessary and will ensure that the law will be maintained, that people can go about their country sport pursuits in a legal fashion and that these traditions which have existed in this country not just for generations, but for centuries, can continue.

Senator Feargal Quinn: The Minister is very welcome and so is this Bill. It is a technical Bill that he has explained very well. I was delighted to hear him state his intention to publish a new wildlife Bill in 2014, under the national 2011-2016 biodiversity plan.

It was also a delight to listen to Senator Labhrás Ó Murchú talking about the past and the quality of life, although the quality of life of the poor bird that is going to be shot does not sound so good. There is little doubt that for those of us who are or have been city dwellers the benefit we get from country life and its diversity is just wonderful. I live in north county Dublin, in Fingal. It is very interesting to see the quantity of wildlife that exists on the Hill of Howth. On one occasion I met two Frenchmen at the airport who were coming here to shoot woodcock in County Clare. I took them home for lunch. They could not get over the number of birds around and asked why nobody was shooting them. This was in Baldoyle and areas around Portmarnock, as we came from the airport. I was reminded of being in southern Italy on one occasion when there seemed to be non-stop shooting. I am told Malta is even worse, that there is non-stop shooting of everything that moves in the sky. We do not have that in Ireland. As Senator Ó Murchú noted, we have a tradition of respecting and valuing wildlife.

In the part of the world where I live I am amazed at the number of wild pheasants and am particularly interested to see the Brent geese when they arrive every year. On one occasion in the Seanad, on 23 October, during a discussion on wildlife, I referred to the fact that this date was the date on which, each year, the Brent geese arrived, having come all the way from Canada. They certainly land in my part of the world on 23 October. I observed also that they leave on 23 April every year. Some years later I had a telephone call from RTE which was doing a wildlife programme on birds in north county Dublin, including the Brent geese. The programme makers had googled the name of anybody who was an expert, had discovered I had spoken on the matter in the Seanad and had assumed I was an expert. When I told a friend I was going to do an interview on Bull Island about Brent geese he asked me what I knew about them. I said I knew they come on 23 October and leave on 23 April and he replied that it would be the shortest interview RTE ever did about wildlife and Brent geese.

We have a great wealth of diversity here and have so much from which to benefit. Anything we can do to maintain this needs constant attention and the Bill is a reminder of the Minister's commitment to this end. The legislation passed in recent years concerning licensing and licences needs to be amended and it is good to see it amended on that basis. Let us ensure we allocate time and attention to the wildlife Bill when it is introduced in two years' time, so that we can protect the environment in the future. Where I live in Howth I am lucky there are quite a number of red squirrels around, in several families. We have them in our garden and around the area. It is an area that has been protected from the invasion of the grey squirrels which tend to take over from the red squirrels. We have so much quality of life from which to benefit.

Let us ensure we take whatever steps we need to in order to continue to protect this area so that we and the next generation can get all the benefit of this wildlife in years to come.

I support the Bill, as I believe all of us do. We see no problem in having it passed in this House.

Senator Susan O’Keeffe: It is good to have the Minister back in the House. I am not sure I can extend my creativity, as other Senators have, to include William Butler Yeats, yet again. I do not believe beehives qualify under the Wildlife Act.

Like others, I welcome this Bill. I am not somebody who shoots, I am not a member of a gun club and I have never engaged in that activity, but I understand its importance in our traditions. Like Senator Ó Murchú, in particular, I look forward to when we can engage with new legislation in the wildlife area. It is particularly important, as Senator Quinn also stated, that we talk about it being sustainable. It is not simply about going out and hunting but about understanding our relationship with the countryside and the environment. The fact is we have lost some of our species but have done well in retaining many. Senator Ó Murchú mentioned the corncrake and the cuckoo. Where I live in the countryside we often hear the cuckoo and I note I always stop to ask the children if they can hear the cuckoo. It is part of the tradition we were handed down in that when we were children our parents would ask us if we had heard the corncrake or the cuckoo. It is a rather nice thing to do but of course it is more than that — it signifies the health of the countryside. The Minister, with this part of his ministerial hat on, knows this is something we must value and treasure even more into the future for our countryside not merely from a tourism or a visitor’s point of view, but from our own point of view. If we encourage and support hunting we must do it in an appropriate way. Like others, I would welcome the opportunity to have a debate in this House, perhaps prior to that legislation being introduced. In that way, we might have researched properly and have thought about the items that should be part of that legislation in 2014.

Senator Ó Murchú spoke about the way children are today in schools. I was at the Leader partnership awards in Sligo last week and was very taken by a young man who has set up a small business called From the Farmyard to the Schoolyard. He is concentrating on farm animals, obviously, but it is a lovely simple idea. He did it in chalk on a blackboard and straight-away one was taken to the heart of what he is trying to do, to bring the countryside to the schoolyard. It has become increasingly hard for children to get out into the countryside and go on trips, to understand our countryside and wildlife. Those children, who the Senator described as “townies”, sometimes do not get this opportunity, with health and safety regulations, insurance and all the factors that have made this activity more difficult. I was especially taken by the young man and wish him well with his business. He is right to try to connect those points. Children who understand and appreciate the countryside can uphold the hunting laws in an appropriate way, as Senator Quinn noted. Children who understand and appreciate the countryside can uphold the hunting laws in an appropriate way, as Senator Quinn noted, unlike other European countries where literally everything that moves is shot at. That is not the case in Ireland. If we are to have our hunting tradition, I hope and support that we would do it in an sustainable and appropriate manner. I welcome this amending legislation to ensure that those hunters who take part in hunting do so in a legal fashion. I look forward to a future debate which I am sure the Minister will be only too happy to facilitate.

Senator Trevor Ó Clochartaigh: Céad fáilte roimh an Aire. Is breá an rud é a fheiceáil sa Teach arís. Tá Sinn Féin ag tacú leis an mBille mar is Bille gearr teicniúil é, ach tá roinnt pointí gur mhaith linn a dhéanamh air.

[Senator Trevor Ó Clochartaigh.]

The purpose of this Bill is to amend the Wildlife (Amendment) Bill 2010 in order that holders of shotgun licences can continue to use their firearms during the open season. This is a practical, sensible step that maintains the current process of applying for a licence to hold a firearm and continues that process into the future. According to the 2011 Act, the window for applications which took place after 2009 would come to a close at the beginning of August 2012. This legislation removes that window and now those in possession of firearms will simply comply with the general obligations which already existed upon firearms owners in terms of renewing licences, etc. This allows hunters to continue hunting during the open season without having to renew their licences during that period. It is to be noted that proper controls and legislation for firearms are necessary. There are some 233,120 registered firearms in Ireland and this is no small amount. Gun registration is rightly stringent in this State and we support that this continues to be the case.

The difficulties which can be caused by excessive ease of access to firearms are clear from other jurisdictions and can obviously impact upon the incidence of gun crime. We need to be vigilant on this issue and to ensure our gun control legislation remains satisfactorily stringent. However, we believe this legislation is a practical and reasonable step to ensure that those in possession of firearms are not required to renew their licences during the course of the open season and, administratively and practically, we recognise that this is sensible.

The debate has opened up a number of issues and I concur with much of what has been said. I would raise a point that has not been mentioned. This is seen as an administrative solution, an Irish solution to an Irish problem. It raises the question as to why it was not possible for the computerised system in the Department of Justice and Equality to take on board what seems to be a very simple change. That raises another question, which is not directly related to the Minister's brief, namely, the lack of computerisation in our Garda stations. If we cannot introduce a small change to provide for the ticking of a box in a form filing exercise in our Garda stations, and we have not been able to address it since 2009 with the amount of money that went through the system, it raises the questions as to the state the computerisation system in the Department of Justice and Equality. This should have been a relatively minor change that could have been introduced. I appreciate that the Minister is bringing in a solution which is practical and simple but it raises that issue. The Minister, if the information is available to him, might give us the background as to why we cannot make such simple changes, as we are aware of the problems in this area.

My colleague, Senator Reilly, alluded to a scenario this morning where gardaí being called out to an incident had to be collected by the person who made the telephone call about the incident because there was no Garda patrol car available to them. We know there are issues concerning resources in An Garda Síochána. When we are living in a computerised age and need to automate our system, it should have been possible to bring in this change.

I welcome the fact that the wildlife Bill proper is to be introduced in 2014. To pre-empt any potential referendum the Taoiseach might indicate should be held, the Minister might introduce that Bill in the Seanad beforehand because a number of Members elected to this House have an expertise in this area. The Seanad would be a good forum to debate this type of a Bill because the debate on it could be broad-ranging. The Minister might be able to outline the consultation process planned in the run up to the devising of the Bill. There are a huge number of issues relating to wildlife and environmental issues. There are very polarised opinions on areas designated as special areas of conservation, SACs, natural heritage areas, NHA, coursing and wildlife issues. It would be useful to have a broad consultation process on the development of the new wildlife Bill and we would welcome that. As part of that process I hope that will have a debate on SACs, NHAs, and special protections areas, SPAs. That debate was brought

to the fore in Connemara during this week because of a planning application for a new road from Galway to Rossaveal. The locals in the area had asked that this road be kept as far away from the settlements as possible in order that there would be as little disruption to people living in the area. The advisers have said that they cannot do that because of the designations of SACs, NHAs and SPAs. I appreciate that is covered by an environmental directive from Europe but people who have researched the issue locally have questioned the way some of that designation was done at the beginning of the 2000s in that some of the visits by Department officials were scant. They did not go into great detail and a good deal of desk research was done. It comes back to the issue of who knows the area better.

The Donegal Island Fishermen's Group made a presentation to a joint committee yesterday and a representative of also mentioned this point and that is not to in any way disparage civil servants and the work they do in their Departments. That representative raised the question of whether the locals who live, fish, hunt or farm in an area know what is best for an area as well as the officials who base their findings on desk research. That type of debate would be welcomed on the wildlife Bill.

I note that members of the Minister's party in Galway recently called for the abolition of the NPWS. I am not sure what the Minister's view is on that on foot of what has happened recently in regard to turf cutting. Members of his party have said that the NPWS should be abolished. I am sure there would be a healthy, robust and entertaining debate in the Seanad on all these issues if we were to debate that Bill. I contend the Seanad might be the best Chamber to introduce such an important Bill.

We support the technical amendment to the legislation but we question why it was not possible to make a minor amendment to a computerisation system in a simple and practical fashion and why that has not happened since 2009.

Senator Michael Comiskey: I welcome the Minister. This is an interesting Bill and it has become more interesting as the debate has continued. I was interested to hear what Senators Ó Murchú and Quinn said. It reminded me of when I did contract work in north Leitrim in the 1970s and I was mowing a field for an old farmer when we came upon a nest of corncrakes. The farmer took off his cap, gathered up all the corncrakes and set them down in the hedge in order that they would be safe. It is a pity a little more of that was not done and we might have preserved the corncrake but, unfortunately, when machines moved forward many of the wild birds were lost.

I am due to visit an area in north Leitrim on Friday morning where a wild grouse project is being promoted, and I know that the Minister has a particular interest in this issue. We are being joined by Teagasc which is preparing a report on it. I look forward to the wild grouse being re-introduced and there are 35 grouse breeding on that particular commonage. That is very good. In my previous role in the IFA, I worked on commonages and many of them were over-grazed. When that happened the birds and habitats were not allowed to develop.

I have strayed a little from the Bill. It is a technical one and it makes only one change to wildlife legislation. It amends section 29 of the Act, as amended by section 4 of the 2010 Act, by removing the end date, 1 August 2012. This ensures that firearms certificates issued for shotguns after 1 August 2009 will now be valid to be used by hunters to hunt wild deer and birds in the appropriate hunting season. It is extremely important that there are not hunted out of season.

I thank the Minister for bringing this Bill before the House. It provides certainty for those firearms certificates owners and owners of shotguns issued after 2009. It is an important amendment, as we heard, as we head into a number of hunting seasons, including those for the hunting

[Senator Michael Comiskey.]

of the hare, the duck, the pheasant and the grouse. In excess of 220,000 three-year firearms certificates have been issued since the introduction of the updated firearms legislation in 2009 so it will affect quite a number of people. This amendment will ensure that those licences will now remain valid for the duration of three years. My colleague, Senator Susan O’Keeffe, mentioned W. B. Yeats. I remind her that the Brent geese come to Lissadell from Greenland every winter and they are a protected species. I thank the Minister for his attendance and I look forward to a further debate on wildlife.

Senator Thomas Byrne: The Wildlife (Amendment) Bill amends the 2010 Wildlife (Amendment) Act 201, the famous Act that banned stag hunting. I am shocked that I do not see any evidence of the Government’s promise made by Deputy Shane McEntee and Deputy Phil Hogan to repeal the ban on stag hunting. Will an amendment be tabled on Committee Stage? Fine Gael rose up the people in the RISE organisation by giving specific promises and a specific commitment that stag hunting in County Meath would be reinstated. We find now that this was just what I must say were barefaced lies told to the people by Fine Gael.

Acting Chairman (Senator Diarmuid Wilson): Senator Byrne, please do not use the word, “lies”.

Senator Thomas Byrne: Mistruths, false promises, something wrong was said. There are many ways of saying it but I am saying the truth. The people were misled. I expected to see a provision for the reinstatement of stag hunting but there is nothing in the Bill to do with stag hunting. Those promises are just thrown on the bonfire of power. The Ministers, Deputies Hogan and McEntee conveniently and completely discarded the promises they had made to the people. I was at a meeting in Trim attended by 3,000 people. I note some of the various associations involved in this issue are still annoyed at the renegeing on promises. This Bill gives an opportunity to vent those concerns and to remind people of those false promises or whatever one wants to call them made by Fine Gael before the election. They certainly cost my party, probably rightly, a lot of votes because we were the ones who banned stag hunting and I stood by the Government decision of the time. However, this deep disappointment will not be forgotten in County Meath, in particular in the parishes of Ardcath and Clonalvy and Curraha and the areas where this hunt is supported. They relied on promises made by Fine Gael and these have now been thrown by the wayside. Shame on the Government and shame on the Ministers for not implementing the promises they made.

Acting Chairman (Senator Diarmuid Wilson): As there are no other speakers offering, I call on the Minister.

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I thank the various Senators for their generally very positive contributions and for the support for this very simple amending legislation which will ensure that people may continue to shoot in a legal fashion. No other element is included in the Bill.

I would be happy to attend the House at any future opportunity to discuss the topic of nature. We need to be aware of the importance of biodiversity in this country. At times it has been compromised in various ways. Biodiversity provides services such as water, fresh air, pollination. It would be very helpful to have a discussion in this House. My engagement with this House in discussions on the arts and on the national cultural institutions, has been very positive. I salute the extensive expertise in this House which can inform any Minister if he or she were prepared to listen and I am prepared to listen.

A number of Senators mentioned education. I agree with Senator Ó Murchú and other speakers that nature education should be part of the school curriculum. The country has six national parks but not everyone has easy access to them. The National Parks and Wildlife Service is making extensive use of the national parks for educational purposes. I suggest the schools could use this resource. The farming community are the custodians of our environment. I have always recognised the positive contribution made by the Irish Farmers Association, the ICMSA and other organisations to preserving and caring for the countryside. Farmers have preserved our treasured landscape which visitors wish to see. Without people living in that landscape we would not have that attraction. It is important to have a positive engagement with rural dwellers.

The principal legislation is in preparation and I will be delighted to return to the Seanad to discuss it. In reply to the question on computerisation, this is one of the reasons for this Bill. Apart from technical constraints there are also financial considerations. This Bill was deemed to be the most practical solution since the country is so constrained financially. Otherwise, as I said in my Second Stage contribution, before the enactment of the Bill, a number of cases were taken in 2009 against the National Parks and Wildlife Service. This amending Bill is a technical provision to allow for shooting licences and to provide legitimate cover for those who wish to shoot in these closed seasons. The conditions have not changed as regards open seasons and shooting conditions.

I thank Senators for their contributions.

Question put and agreed to.

Acting Chairman (Senator Diarmuid Wilson): When is it proposed to take Committee Stage?

Senator Michael Comiskey: Now.

Wildlife (Amendment) Bill 2012: Committee and Remaining Stages

SECTION 1

Question proposed: "That section 1 stand part of the Bill."

Senator Thomas Byrne: I want an answer from the Minister. The Wildlife (Amendment) Act 2010 is almost as short as this amending Bill. Why did the Minister decide not to amend section 3 of the Wildlife (Amendment) Act 2010. He is amending section 4 of the 2010 Act but he is not amending section 3. It was advertised to the public before the election as a specific promise by Fine Gael. I refer to letters from the Minister of State, Deputy McEntee and a famous letter from the Minister, Deputy Phil Hogan to the National Association of Regional Game Councils. The Minister has not addressed my concerns on Second Stage. I thought I made a very valid point that a specific commitment had been made by Fine Gael and which was completely reneged upon. Why is section 4 being amended and not section 3, the section dealing with stag hunting and which was the subject of large scale promises by the Fine Gael Party?

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): This is my consideration and there is a degree of urgency. In the overall Wildlife Bill there can be several considerations and I can come back to the House to discuss those with the Senator. He can make his case then but as he knows from his own legal background there is an urgent need to deal with this provision. I thank the Seanad for accommodating me by dealing with this Bill. There are a number of other issues apart from stag hunting which have exercised people. The next wildlife Bill will be presented before 2014, hopefully. I never promised to make provision for anything other than what is in the Bill.

Senator Thomas Byrne: I am sorry to dwell on this as the Minister was not involved in the promises but the party of which he is a member was involved as was his Cabinet colleague and the constituency member, but it is reasonable that I raise the issue as he is the Minister. Apart from pre-election promises, a leaflet was circulated in the Meath East constituency in November 2011 stating that the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Shane McEntee, was working with the Minister and that the ban on stag hunting would be reversed shortly. The Minister was slapped down by the Taoiseach shortly after that. What was happening in the Minister's Department given that the Minister of State was able to tell constituents that the Minister was about to do this? That is the reason I was surprised that stag hunting was not addressed in the Bill. What has happened in the meantime that those pre-election commitments and the post-election statements have not been followed up on?

Deputy Jimmy Deenihan: I am not aware of that leaflet which, perhaps, the Deputy will bring to my attention. The Minister of State, Deputy Shane McEntee, has obviously raised the issue since the election in the House and made a statement on it. Certainly, there is no proposal to amend the Bill in respect of stag hunting. I have no proposal to bring to the House in the near future and I will be upfront about that. In the context of a wildlife Bill in the future, the Senator will get an opportunity to raise that issue.

Question put and agreed to.

Section 2 agreed to.

Title agreed to.

Bill reported without amendments and received for final consideration.

Question proposed: "That the Bill do now pass."

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I thank the Acting Chairman for chairing the debate and Senators for their positive contributions. Certainly there is room for further discussion, not only on the wildlife Bill that will be introduced but on the general issue of nature and biodiversity. I will provide information on the national biodiversity plan and other information which has not been discussed and is very much part of the European programme. It is important and timely to discuss what the European Commission and the Parliament are saying on nature. We will arrange for that debate.

Senator Labhrás Ó Murchú: I thank the Minister for bringing the Bill before the House. The debate was positive. I support the point made by Senator Ó Clochartaigh that the Minister consider bringing the primary legislation first to the Seanad. This is not a reflection on the other House but I have found in respect of legislation and other matters, apart from the normal political cut and thrust, which is necessary, that Members do their homework and have definite ideas and put them clearly. When it comes before the House, that legislation would benefit and may also ensure the continuity of the Seanad in years to come.

Acting Chairman (Senator Diarmuid Wilson): Endangered species will be part of the wildlife Bill.

Senator Feargal Quinn: I congratulate the Minister for getting the Bill through as efficiently as he did. Senator Ó Clochartaigh made the point that the Technical Group had some experience. My experience is of trying to get something through computers having seen what happened in Ulster Bank in recent days. The question is how one manages to do this. It appears

it could have been done in some other format but the Minister explained that was not possible. The efficiency of getting legislation through in this way is obvious.

Senator Michael Comiskey: I thank the Minister for a good debate. I agree with my colleagues on the other side in respect of the wildlife Bill and following publication I urge the Minister to bring it first to the House, where we can have a good debate. Farmers have been the custodians of the countryside as the Minister has said. We move forward to reform of the Common Agricultural Policy and the rural development programme that will be agreed next year, all of which links in to that area.

Senator Trevor Ó Clochartaigh: Ní ghabhfaidh mé i bhfad le seo. There is a need to have a further look at the computerisation issue in a modern state if a simple change cannot be introduced without a massive cost. If it cannot be done quickly and efficiently there is a huge question to be asked about how we run our computer systems. I welcome the debate or statements on the wildlife area. The future of the National Parks and Wildlife Service should be part of that debate and the designations of special protection areas, natural heritage areas and special areas of conservation should be debated and the science behind the designation of those areas should be questioned. I am not saying whether it is right or wrong but there should be a debate as to whether the proper criteria were used and if the designations were done properly and, if not, if they can be reviewed.

Senator Susan O’Keeffe: As other Senators have done I thank the Minister and look forward to a debate on biodiversity. I share Senator Ó Clochartaigh’s view in respect of wide consultation prior to the 2014 legislation. People have opinions about wildlife, the environment and biodiversity. The Minister was correct to praise the farmers as the custodians but many others want to have a share in that. An opportunity for a broad range of consultations will ensure wider and more encompassing legislation.

Senator Marie Moloney: I thank the Minister for bringing forward the Bill. While I am not a hunting person, nor do I claim to be, there are many who are and who were worried about the validity of their hunting licences. At least they can continue to hunt. I welcome the Minister’s statement that he is coming in to speak on biodiversity. Last week, the
2 o’clock Minister and I raised the green flag in our local schools for biodiversity. It was an education in itself to listen to the children speak about wildlife and biodiversity. In Kerry, we have what is called a bugs hotel. While Kerry is known for its great hotels, it has a bug hotel in Holy Cross Mercy national school. The children have set up a structure into which they entice little bugs of all species to enter. It is fascinating. They also have a wildlife garden. It is great that from a young age children are being taught about nature and to value the environment. A debate on biodiversity is welcome.

Senator Terry Brennan: The Cooley Peninsula from which I come is rich in heritage and wildlife of all types. The arrival of the Brent geese can be timed as they land in my area also on 23 October. The Cooley Mountains are rich in wildlife. The Minister mentioned farmers and the part they play as part-time caretakers of our heritage and environment. Each of us has a part to play and each of us is a part-time caretaker of our heritage and wildlife for as long as we are on this earth. I welcome the Bill and wish the Minister well in its completion in the not too distant future.

The hunting groups and gun clubs will welcome it also. I look forward to its introduction in the near future.

Senator Paschal Mooney: The tenor of the debate on the Bill is in contrast to the previous debate in 2010 when a similar amendment was brought forward and the Opposition, now the Government, threw brickbats at the Government in regard to it. It was controversial at the time but this debate is a complete reversal of that. It is happy-clappy time and everything is wonderful. I want to record that.

The Minister will be very much aware of the controversy that surrounded this issue. It had reached the stage where serious allegations were being made against the Garda authorities by members of the regional and national game councils who believed they were being inhibited in pursuing their sport simply because the gardaí were taking a negative approach, and a hostile attitude in some instances, to applications being made.

We must remember that following the passing of the original legislation hunters were hunting illegally under the then law. That is the reason for the amendment. For a number of months they were not legally entitled to pursue their sport and, as a result, the interaction with the Garda proved to be very difficult.

The Minister did not make any reference to that in his Second Stage contribution but he might give some indication as to whether that controversy has abated and that the relationship between the hunting community and the Garda——

Deputy Jimmy Deenihan: The Senator's colleague——

Senator Paschal Mooney: I am asking whether the relationship between the hunting fraternity and the Garda in regard to endorsement of firearms licences to allow them hunt has died down, and that there is no particular controversy surrounding this issue.

Of course people in the hunting fraternity welcome this measure. Why would they not welcome it? Otherwise, their activity would be illegal. They would not be able to pursue it unless this was to be done. The Minister spoke about comprehensive legislation but this issue has been going on for a number of years. This was a sticking plaster measure in 2010. It is still that. I am not being negative but surely this issue should be resolved once and for all.

The Minister made the point that this is the result of a new computerised system but it seems extraordinary, in this technological age, that at that time provision was not made for this and that the endorsement had to be written on the licence to allow hunters to hunt legally. I presume that scenario has not changed because the Minister is now extending that legislation to allow for an additional number of years. I am curious to know at what point this will end and that a future Administration will not have to bring in emergency legislation to extend it yet again. I welcome the Bill.

Acting Chairman (Senator Diarmuid Wilson): In fairness to the Minister, I cannot allow him answer because he has already spoken and the Bill is passed. I was merely giving colleagues an opportunity to make some final comments.

Senator Michael Mullins: I support the Bill. It ensures that people can shoot legally and that our precious bird and wildlife species are not endangered by a more open season than what is currently the case.

It was an interesting debate from which we all learned a good deal. It brought back happy memories for many of us who grew up in the countryside. I was reminded that when I was a youngster the fox was seen as a menace but in recent weeks I had the pleasure, even though I live in the town, of having a tame fox come into my back kitchen seeking food. Times change, but I welcome that the Minister will bring forward more comprehensive legislation in 2014.

I would welcome the opportunity to discuss biodiversity, the general wildlife issue and our heritage. We have a Minister who is very much in tune with our heritage, our culture, wildlife, biodiversity and everything we hold dear in our countryside. We will welcome such an opportunity to have a broad and comprehensive discussion.

I was not aware that on the last occasion this issue was discussed in the House it was particularly controversial. In response to Senator Byrne, I am not sure that stag hunting in County Meath was the cause of the loss of all the seats.

Acting Chairman (Senator Diarmuid Wilson): The Senator is aware that he cannot refer to colleagues who are not present.

Senator Michael Mullins: Other matters came into play. He should let go of it at this stage.

Acting Chairman (Senator Diarmuid Wilson): I thank the Minister and colleagues.

Question put and agreed to.

Sitting suspended at 2.05 p.m. and resumed at 3 p.m.

Gaeiltacht Bill 2012: Committee Stage (Resumed)

SECTION 6

Acting Chairman (Senator Cáit Keane): Tá súil agam go bhfuil cóip de na grúpaí nua ag gach éinne. Muna bhfuil, tá cóip ar fáil in aice leis an doras. Tá a lán leasuithe le déanamh againn agus tá súil agam go gcloífidh gach duine leis an ábhar agus go mbeidh siad cruinn agus gearr. Tosnóimid díreach mar tá os cionn 160 moltaí le cur. Ar aghaidh linn mar sin. Táimid ag tosú le alt 6, leasú Uimh. 5.

Senator Brian Ó Domhnaill: I move amendment No. 5:

In page 8, between lines 29 and 30, to insert the following:

“ “Joint Oireachtas Committee” means Joint Oireachtas Committee of the Environment, Culture and the Gaeltacht;”.

Tá an ceart ag an gCathaoirleach, b’fhiú dúinn a bheith chomh beacht agus is féidir agus b’fhiú dúinn cloí go teoranta leis na leasuithe chomh maith agus is féidir chun gur féidir linn dul tríd oiread den gnó agus is féidir. Bheadh sin ciallmhar.

Baineann leasú Uimh. 5 leis na mínithe nó na definitions. Níl a fhios agam cén dearcadh atá ag an Aire Stáit ar seo, ach déanann an leasú seo iarracht míniú a chur leis an mBille go gciallaíonn “Comhchoiste Oireachtais” an “Comhchoiste Oireachtais um Comhshaol, Cultúr agus Gaeltacht” agus gur sin an coiste a bheidh ag plé le seo. An mbeadh an tAire Stáit sásta glacadh le sin?

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): Ar dtús, ba mhaith liom soiléiriú a dhéanamh ar phointe a thóg an Seanadóir Barrett an tseachtain seo caite agus a dheimhniú don Teach go bhfuil deimhnithe ag Oifig an Ard-Aighne nach bhfuil aon ghá tagairt a dhéanamh don Acht um Údarás na Gaeltachta 2010, mar tá sin clúdaithe faoi Chuid 4 de Acht Údarás na Gaeltachta 1979. Bhí beagáinín díospóireachta againn an lá eile faoi sin, ach tá sé deimhnithe anois nach bhfuil gá le aon leasú.

Maidir leis an leasú go ndéanfaidh an tAire comhaltaí a cheapadh don údarás i ndiaidh na gceapacháin a fhógairt go poiblí agus comhairle a ghlacadh ón Comhchoiste Oireachtais ar

[Deputy Dinny McGinley.]

oidhreacht, oideachas agus Gaeltacht, tá sé fógra poiblí a dhéanamh go han luath chun iarratais a lorg ó dhaoine a bhfuil suim acu a bheith curtha san áireamh i gcóir ceapachán. Is é atá sa Bhille ná go gceapfaidh an tAire seachtar gcomhalta agus go gceapfaidh sé cúigear comhalta eile, ach ainmniúcháin cuí a bheith faighte ó na comhairlí contae éagsúla. Tá foráil sa Bhille fosta, nach gceapfaidh an t-Aire duine chun an údarás munar deimhin leis go bhfuil an taithí agus an cumas cuí aige nó aici, agus cumas chun feidhmeanna an údaráis a chomhlíonadh tré mheán na Gaeilge san áireamh chomh maith. Ciallaíonn sin go mbeidh an módh ceapacháin seo foscailte, trédhearcach agus i gcomhair leis an tslí atá ceapacháin do bhoird Stáit á ndéanamh ag an Rialtas. Beidh, ar ndóigh, ar chathaoirleach nua an údaráis dul os comhair chomhchoiste Oireachtais faoi réir ghnáth nósmaireacht an Rialtais.

Senator Brian Ó Domhnaill: Tuigean an t-Aire Stáit caidé atá i gceist anseo. Táimid ag iarraidh an míniú a chur isteach de bhrí go mbeimid, níos maille sa Bhille, ag iarraidh go mbéadh ról ag comhchoiste an Oireachtais tar éis na fógartha poiblí, agus níl an coiste ainmnithe sa Bhille.

Muna bhfuil an t-Aire toilteanach dul ar aghaidh le toghchán de chuid an údaráis, agus sin an chéad rogha a bhéadh againn, molaimid go mbéadh, ar a laghad, seachtar tofa. I dtaca leis an cheathrar eile, mholfaimís go bhfógrófaí na postanna ar publicjobs.ie, go dtiocfadh le daoine cur isteach ar na postanna agus ansin go mbéadh ról ag an chomhchoiste Oireachtais na daoine sin a chur faoi agallamh, mar a rinneadh do bhord TG4 agus do bhord RTE chomh maith. Dá bhrí sin, tá sé fíor-thábhachtach go mbéadh míniú tugtha sa Bhille cén choiste a mbéadh an dualgas air. Tá sé tábhachtach go mbéadh an coiste Oireachtais a mbéadh an dualgas air, agus an dualgas céanna ar an Aire a bhfuil Údaras na Gaeltachta faoina chúram, ainmnithe istigh sa chuid seo den Bhille

Tá dhá fháth len é a chur isteach ansin. Níl a fhios agam an dearcadh atá ag an Aire Stáit i dtaobh na ndaoine a bhéas le ceapadh ar an bhord. Sa Rialtas roimhe seo, thug an t-Aire, Éamonn Ryan, dóigh úr isteach le daoine a thogha ar bhoird, agus bhí sé sin ceart. Bhí go leor daoine ag tabhairt amach ag an am. Bhí an Fhreasúra ag an am, Fine Gael agus an Lucht Oibre, ag tabhairt amach go raibh barraíocht ceapachán á dhéanamh ag Airí ag an am, agus aontaím leis sin gan aon deacracht. Ar an lámh eile de, tá i bhfad níos mó ceapachán déanta ar bhoird Stáit anois.

Thabharfadh an leasú seo ról sonrath don Aire Stáit agus chosnódh sé an t-Aire, cibé Aire a bhéadh ann ag an am. Ag an am gcéanna chruthódh sé córas chun na daoine is oilte agus is oiliúnaí don phost a bheith ceaptha tré chóras trédhearcach, is é sin coiste an Oireachtais.

D'oibrigh sé go maith nuair a bhí mo chomhleacaí anseo, an Seanadóir Labhras Ó Murchú, ina bhall den chomhchoiste dheireannach. Bhí baint ag an Aire Stáit féin, tuigim, leis an comhchoiste deireannach nuair a ceapadh na daoine ar bhord TG4 nó ar bhord RTE. Ba dtiocfadh gurb é an comhchoiste curmarsáide a bhí ag plé leis sin.

Senator Labhras Ó Murchú: An coiste cumarsáide a bhí ann.

Senator Brian Ó Domhnaill: Ba dtiocfadh go bhfuil mé mícheart air sin. Tá cuimhne agam go raibh an próiseas ansin. Bhí fo-choiste den chomhchoiste ann leis na hagallaimh sin a chur ar bun, agus d'oibrigh an córas iontach maith. Má bhí sé ag oibriú fá choinne na ceapacháin do bhord TG4 gus do bhord RTE ní fheicimse cén fáth a rachadh an t-Aire Stáit síos bóthar eile.

Caithfidh mé a rá go mbeidh mé ag brú an leasaithe seo muna ghlacann an t-Aire Stáit leis.

Senator Trevor Ó Clochartaigh: Cuirim fáilte ar ais roimh an Aire Stáit. Cuireann a bhfuil ráite ag an Aire Stáit go dtí seo, maidir leis an bpróiseas daonlathach ins na Tithe seo, beagáinín

imní orm. Ó thaobh an tsoiléiriú atá á lorg ag Fianna Fáil maidir leis an gceist seo, níl aon locht againn per se go ndéanfaí soiléiriú ar cén chomhchoiste atá i gceist, ach tá an t-Aire Stáit féin tar éis a rá go bhfuil sé i gceist aige an próiseas a thosú maidir le daoine a cheapadh ar bhord Údarás na Gaeltachta tríd an bpróiseas ceapacháin poiblí. Tá Sinn Féin go láidir i gcoinne an mholadh sin mar go bhfuilimid i gcoinne deireadh a chur leis na toghcháin do bhord Údarás na Gaeltachta.

Cuireann sí iontas orm go bhfuil an t-Aire Stáit ag déanamh a leithéid de ráiteas ag tús na díospóireachta inniu, ar Chéim an Choiste den Bhille, nuair nach bhfuil an Bille bailithe tríd an Teach seo nó tríd an Dáil agus nuair nach bhfuil sé sínithe ag an Uachtarán. Beag beann ar sin, tá an t-Aire Stáit ag rá go bhfuil sé ag dul ar aghaidh leis an bpróiseas ar aon chuma.

Tá leasaithe thíos ag Sinn Féin, agus tá súil agam go mbeidh am againn dul chomh fada leo, a chuireann in éadan an mholadh go bhfaighfí deireadh le toghchán Údarás na Gaeltachta. Ní léir go bhfuil sábháilt mhór le déanamh agus tá moltaí eile á dhéanamh ag Sinn Féin agus ag go leor dreamanna eile taobh amuigh den Seomra seo, na heagrais Gaeilge agus mar sin de agus, fiú, baill de pháirtí an Aire Stáit féin ina measc. Ritheadh rún ag Comhairle Chontae na Gaillimhe Dé Luain seo caite ag rá gur cheart leanúint ar aghaidh le toghcháin Údarás na Gaeltachta.

Ní léir dom go bhfuil tacaíocht don mholadh go gcuirfear deireadh le toghcháin Údarás na Gaeltachta. Dá bhrí sin, ní ghlacaim leis an bpointe a rinne an t-Aire Stáit, go bhfuil sé i gceist aige leanacht ar aghaidh leis na ceapacháin tríd an bpróiseas poiblí sin. Tíocfaimid chuige sin ar ball beag, tá mé cinnte.

Senator Labhrás Ó Murchú: Cuirim fáilte ar ais roimh an Aire Stáit. Tá stádas faoi leith bainte amach ag comhchoistí an Oireachtais, agus is maith an rud go bhfuil sé sin ag tarlú. Nuair a bhí Straitéis 20 Bliain don Ghaeilge á cur le chéile tháinig na heagrais uilig isteach chun ceist na Gaeilge a plé agus chuaigh an comhchoiste chomh fada leis an nGaeltacht chun bualadh le breis agus 30 eagrais freisin. Taispeánann sé sin an stádas atá an an gcomhchoiste.

Maidir leis na baill, ní dóigh liom go bhfuil sé i gceist cigireacht a dhéanamh orthu, ach bhéadh sé cabhrach dóibh féin go mbéadh orthu machnamh a dhéanamh ar an ról nua a bhéadh acu. Chabhródh sé le neart na reachtaíochta dá mbéadh orthu teacht isteach agus cúrsaí a phlé go hoscailte agus go poiblí. B'fhéidir go mbéadh suim ag na meáin cumarsáide ansin chomh maith.

Nuair a bhí stiurthóir á cheapadh ar an gCeoláras Náisiúnta, tháinig sé os comhair an choiste chéanna agus bhí seans againn cúrsaí a phlé leis. Déarfainn gur thugamar cabhair dó, mar thosaíomar ag caint faoi chiste an cheolárais, airgead a bhailiú, urraíocht agus rudaí den tsaghas sin. Chabhraigh sé sin go mór agus déarfainn go gcabhródh sé dá mb'fhéidir linn cur leis an leasú seo agus leis na smaointí atá taobh thiar de.

Senator Sean D. Barrett: I would like to respond, briefly, to what the Minister of State said about the views I expressed last week. I thank the Minister of State for that and he is welcome to the Seanad. Before this debate began, we had been saying two Gaeltacht counties, his own and County Meath, had performed splendidly at the weekend. A good atmosphere has been set for the debate.

My points related to section 5. I asked why the Údarás na Gaeltachta (Amendment) Act 2010 is not referred to in the Schedule. There is also the Údarás na Gaeltachta (Amendment) (No. 2) Act 1999, which refers to the evaluation committee and the regional committees. Contrary to what the Attorney General said, my legal advice is that a Bill should list all the related legislation affected by it in the Schedule.

[Senator Sean D. Barrett.]

It would certainly help parliamentarians to know where we are coming from. When I dug through the previous legislation which is not mentioned in the Schedule, I found that a total U-turn is being attempted, virtually in secrecy because of it not being referred to in the documentation given to Members. Less than two years ago, the Fine Gael Party, including the Minister of State, strongly opposed a two year delay in elections. Now they are choosing a substitute for elections. I can quote what the Minister of State said at that time, and I believed him then, but I do not know what has happened to convert the Fine Gael Party away from the democratic system towards an appointments system.

The time limit, which the Attorney General said does not matter, would still allow us to have democratic elections before 30 September, which is what the 2010 Act said. I would not like us to slip into discussing various ways of nomination and abolishing democratic elections so casually, especially as the Minister of State spoke so strongly in 2010. Senator Buttimer also spoke strongly against deferring the elections and Fine Gael Senators voted against it at that time. If the deferment of democracy by Fianna Fáil two years ago was anathema to the Minister, why is the ending of democracy now his policy? People have said to me that if we were doing this to Travellers, *The Irish Times* and RTE would be outraged. This is an incredible thing to do to Gaelic speakers. They are being deprived of their language rights. I agree with the Minister of State that regardless of who is appointed, they will not be democratically elected. It may be implicit in this section that those to be appointed will be nice people who have PhDs in Irish but I do not regard that as a substitute for allowing people to be democratically elected, as advocated previously by the Minister of State and the Fine Gael Party in this House. Fianna Fáil was castigated for delaying democracy for two years because it was a bad thing, but we are now being asked to abandon democracy altogether. I will not do that. It is crucial for the survival of our language that it has spoken heirs. We must do nothing to undermine the rights of those heirs.

The Minister of State will be aware that a representative of the Orange Order addressed this House yesterday. He wants the rights of his people to be vindicated. Equally, we should vindicate the rights of Irish language speakers, rather than taking away their voting rights. I believe, on the basis of my reading of the Doherty decision, that those rights are being infringed. The Minister of State will recall the case in question, which was taken when the previous Government postponed the holding of a by-election in his constituency. We have obligations under the Convention on Human Rights. The Minister, Deputy Shatter, is there to vindicate them. We have signed up to international agreements on language rights. It should mean more than the Department of Foreign Affairs and Trade getting an extra €400 to buy a nice suit for the person signing an agreement. It is actually supposed to mean something. The speakers of our minority language have language rights, just as the speakers of minority languages in Spain do. If the successors of General Franco were attempting to do to the Basque Country what we are doing to Gaeltacht areas, we would be protesting about it. I ask that we do not slide so readily into a debate on the kind of people we want to replace the democrats.

Senator Trevor Ó Clochartaigh: Hear, hear. Tá an ceart ar fad ag an Seanadóir.

Senator Sean D. Barrett: The Minister of State was the great defender of democracy two years ago. If he examines the voting lists, he will see that all of his Fine Gael colleagues in this House and the other House supported these democratic rights and were most reluctant to delay them for two years. Now they are being abolished entirely, which is a shame.

Senator Paschal Mooney: I suggest this section of the Bill has exercised the House a little more than the Minister of State might have anticipated. It allows me to draw the attention of

the House to an article that appeared in yesterday's *The Irish Times*. The article was written by Donncha Ó hÉallaithe, who worked until recently as a maths lecturer at Galway-Mayo Institute of Technology. Over the last ten years, he has conducted independent research into the use of Irish in Gaeltacht and non-Gaeltacht areas. I am not sure whether the Minister of State is familiar with the article, in which Mr. Ó hÉallaithe makes a number of interesting points. I would certainly commend it to him and to his officials. In the section of the article referring to the reasons the Government is not going ahead with the *Údarás na Gaeltachta* elections, Mr. Ó hÉallaithe notes that "the reason advanced for abolishing direct elections to *Údarás na Gaeltachta*, under the terms of this Bill, is to save some money". I think the Minister of State has made it clear from the outset that this is what this is about. The article continues:

The irony is that the *Údarás* elections cost much more than they should because of the failure of the Government to redraw the Gaeltacht boundaries. As well as that, the Government continues to pay a Gaeltacht allowance of €3,000 per annum to many teachers who happen to work in official Gaeltacht areas which are no more Irish-speaking than Clondalkin or Carlow. More realistic boundaries for the Gaeltacht would save money for the Government. More importantly, they would allow the language planning process being promoted in this Bill to concentrate efforts and resources on those few areas in which Irish has managed to survive as a community language for the last 2,000 years, and allow the promotion of Irish language networks in urban areas outside the traditional Gaeltacht.

We will have an opportunity to tease out some of the other points made by Mr. Ó hÉallaithe with the Minister of State in due course. I certainly think there is an obligation on the Department of Arts, Heritage and the Gaeltacht to consider this alternative approach. If it is about saving money and nothing else, surely the redrawing of the boundaries is an obvious answer. According to other elements of the argument Mr. Ó hÉallaithe makes regarding this legislation, there will be no change to the *status quo* in the absence of the drawing up of a language plan, which is another issue entirely. I do not want to stray away from section 5. I suggest that the specific points made by Mr. Ó hÉallaithe deserve an answer. Does the Minister of State not agree?

Deputy Dinny McGinley: The argument highlighted by Senator Mooney is not really relevant to amendment No. 5. Some of the amendments that have been tabled relate specifically to the borders of Gaeltacht areas. Perhaps we should concentrate on the amendment at hand at this stage and wait until we get to those amendments before we discuss the issue of democracy or lack of democracy within the proposed board. Ba mhaith liom a rá gurb é sin an fáth go bhfuilimid ag tabhairt deis do na comhairlí contae to nominate five of the 12 members of the board. I have every confidence that the members of the local authorities will be very responsible and practical when they are choosing their representatives on these boards. Some specifications are laid down in that regard. We will probably get to them when we consider other amendments. The board will consist of five members nominated by local authorities and seven appointed by the Minister.

Things have changed. The economic situation has changed. Others have changed. We know there are difficulties in the Gaeltacht. I want the board to be well balanced, to have a democratic input and to have certain expertise. The new *údarás* will not focus on industrial development alone. It will also focus on availing of the last chance we have to save the language itself in Gaeltacht areas. That is why I want to have a well-balanced board that includes specialists, experts and linguists and has a democratic input, rather than an ordinary board with some expertise. That is the balance I am seeking. I am simply trying to save the Gaeltacht. Maidir leis an rud a dúirt an Seanadóir Barrett, all I can say is that we have received the advice of the Attorney General that what we are doing is covered by the *Údarás na Gaeltachta* Act 1979. I

[Deputy Dinny McGinley.]

understand it will be covered until 30 September next. Níl sé i gceist agam glacadh leis an leasú seo.

Senator Sean D. Barrett: I would like to remind the Minister of State of some comments he made in the Dáil as an Opposition Deputy. Speaking on 6 July 2010 about the Bill that provided for the two-year delay, he said “ní féidir liom fáilte a chur roimh an mBille”. I agree with the position he took at that time. He continued:

Is Bille an-ghairid é agus níl ach fáth amháin gur tugadh isteach é, is é sin ionas gur féidir leis an Rialtas an toghchán atá dlite ó mhí Aibreán seo caite a sheacaint agus é a chur siar bliain, dhá bhliain nó trí bliana. Is cuma cad a déarfadh an tAire nó an Rialtas, níl sin daonlathach. Tá siad ag teitheadh ón daonlathas.

What did the current Minister of State see at that time as the advantage of having democratically elected people? He said:

An buntáiste mór atá ag Údarás na Gaeltachta ná go bhfuil bunús daonlathach leis an údarás. Tháinig Údarás na Gaeltachta agus thug sé deis do mhuintir na Gaeltachta a gcuid baill a thoghadh go daonlathach. Toghadh baill as an tuaisceart, an iarthar, an deisceart agus fiú as Contae na Mí agus bhíodar go léir san údarás go daonlathach. Bhí tuiscint acu ar a gceantair féin agus ar na deacrachtaí atá ag muintir na Gaeltachta agus ar na féidireachtaí atá sna Gaeltachtaí. Tá jab an-mhaith déanta acu ó chuireadh ar bun iad.

He continued:

Is cuma mar gheall ar an mBille seo. Cuirfidh an Rialtas tríd é mar tá tromlach ag an Rialtas. Ní bheidh aon toghchán ann ar feadh dhá nó trí bliana agus is olc an rud é sin.

Aontaím leis an Aire Stáit gur olc an rud é go bhfuil an daonlathas á chur ar ceal. Is mór an náire é go bhfuil sé tar éis a thuairim a athrú. Bhí an ceart aige dhá bhliain ó shin nuair a chríochnaigh sé a leanas, “an dream is fearr a thuigeann an dóigh is fearr le obair a thabhairt isteach sa Ghaeltacht anois ná Údarás na Gaeltachta”. The Minister of State was full of praise for Údarás na Gaeltachta then. I agree with what he said on that occasion. Speaking from this side of the House, I would like to be able to support him again. He cannot expect anybody to support a U-turn on democracy. Voting is too precious. We heard in recent weeks that we will have eight fewer Deputies. We are now being asked to provide for 17 fewer democratically elected members of Údarás na Gaeltachta. We will be asked to agree to 60 fewer Senators in the years to come. I do not like this tendency at all.

I extol the virtues of democracy — as the Minister of State did — and do not know why this has been changed. It seems that the Department changed the election interval repeatedly and extended it to five years and then seven and a half years. That is way above any period set in the Doherty judgment as an acceptable interval between elections. Now the Department says there will be no elections at all and has persuaded people, who when they were on the Opposition side of the House were great champions of democracy, to go along with them. It will be a tragedy for an teanga and for democracy if this happens. In the 1979 regulations, it is quite clear that the democratically-elected people are completely different from those appointed. The Minister cannot get rid of the democratically-elected people. Therefore, to undermine democracy, as this Bill does, is appalling.

Fine Gael Senators should reflect on this. Why have they changed their minds now? Why were they so strong against the then Minister of State, Pat Carey, when he was delaying calling democratic elections for two years. Having opposed him on that, they now propose to abolish the elections altogether. It is for this reason I wanted a full account of all the legislation on this. The story is a sorry one for many of the people involved. They have changed their minds, but will not give us the reasons. Senator Mooney is correct that it is not an issue of cost. The elections could have been held in conjunction with referendums or with the presidential election. We have no evidence any money will be saved nor have we any evidence on the travel expenses.

Donncha Ó hÉallaithe was mentioned earlier as being totally against the involvement of the county councils. The Minister of State spoke strongly about people of the Gaeltacht electing their own people. Does that mean somebody from Portumna represents Carraroe?

Acting Chairman (Senator Cáit Keane): Cloí leis an bpointe, más é do thoil é.

Senator Sean D. Barrett: Molaim an tslí daonlathach agus ba mhaith liom dá mbeadh an tAire Stáit ar aon intinn liom.

Senator Brian Ó Domhnaill: D'éist mé go cúramach leis an méid a bhí le rá ag an Seanadóir Barrett. Tá an obair bhaile déanta aige agus bhí sé in ann an dearcadh ag an am sin agus an athrú intinne a tharla ó shin a chur i láthair sa Teach anseo inniu. Is mór an trua é nach bhfuil baill boird Stáit a bhí ceaptha go daonlathach ag pobail na Gaeltachta in ann maireachtáil mar a bhí nó mar atá. Is cuimhin liom am roimh an toghchán deireannach nuair a bhí na páirtithe atá sa Rialtas anois ag iarraidh deiridh a chur leis na quangos. Ní maith liom an focal quango, ach sin an t'ainm a thug an Freasúra ag an am ar eagrais Stáit. An t-aon difríocht a bhí idir an t-údarás agus quango ná go raibh an bord ceaptha go daonlathach ag pobail na Gaeltachta.

Deirtear go bhfuil sábháil airgid i gceist anseo agus glacaim leis go mbeidh sábháil airgid ann. Ach, nó fhaca muid na figiúirí ar chad é an tsábháil airgid ansin nó cé mhéad atá i gceist. Tá obair bhaile déanta ag grúpaí Gaeltachta agus grúpaí Gaeilge i dtaca le seo agus deir siad linn nach bhfuil i gceist ach páipéarachas anseo, mar dá mbeadh an toghchán á reachtáil ar an lá céanna le toghcháin na gcomhairlí contae ná le reifrinn, ní bheadh de dhíobháil ach páipéar breise. Sin an mhéid. Ní bheadh foireann breise de dhíobháil, mar bheadh na daoine istigh sna botháin vótála ar aon chuma. Ní bheadh i gceist ach páipéar ballóide breise. An mbeadh costas mór le sin? An gcosnódh sin €500,000? Ní chosnódh agus tá a fhios sin againn uilig.

Fuair mo chomhleacaí, an Teachta Dála Dara Calleary, freagra ar an cheist seo sa Dáil an tseachtain seo, ach ní fheicim go ndéanann sé aon chiall. Chuir sé an cheist maidir leis an tsábháil agus go raibh an Roinn ag rá go mbeadh sábháil de €500,000 i gceist muna mbeadh toghchán don údarás ar siúl agus nach mbeadh aon difríocht idir sin agus é a chur ar fáil ar an lá céanna le toghchán don chomhairle contae. Chuir an freagra a fuair sé iontas orm. An freagra a fuair sé ná, nuair a thógtar san áireamh na costais iomlán a bhaineann le toghchán a reachtáil d'Údarás na Gaeltachta, ar a n-airítear costais foirne, fógraíochta, taistil, iompair, aistriúcháin agus clódóireachta, chomh maith le costais conartha leis na húdaráis áitiúla, meas-tar nach bhfuil an oiread sin difríochta idir an costas a bhaineann le toghchán Údarás na Gaeltachta a reachtáil as féin agus a bhaineann len a reachtáil ar an lá céanna le toghchán áitiúil.

Acting Chairman (Senator Cáit Keane): Gabh mo leithscéal.

Senator Brian Ó Domhnaill: Tá seo tábhachtach.

Acting Chairman (Senator Cáit Keane): Tá seo tábhachtach freisin. Tá obair le déanamh anseo agus ní bhaineann leasú Uimh. 5 le costais ar chor ar bith. An leasú atá ann ná: “ciallaíonn “Comhchoiste Oireachtais” an Comhchoiste Oireachtais um Chomhshaol, Cultúr agus Gaeltacht;”. Sin an cheist. Tá an Seanadóir ag dul tríd an siopa ar fad le seo. Beidh neart ama againn nuair a bheidh muid ag caint faoi na toghcháin na rudaí atá ardaithe ag an Teachta a phlé. Tá siad pléite anois ag an Seanadóir. Iarraim air cloí leis an bpointe ar mhaithe lena chomhaltaí.

Senator Brian Ó Domhnaill: Freagra an-simplí ar sin. Nuair a mhol mise an rún seo, ní dhearna mé aon tagairt do na toghcháin. Is é an tAire Stáit a tharraing isteach an rud faoi na toghcháin ina fhreagra. Nílím ag trarraingt anuas ar an Aire Stáit. Bhí an ceart aige, mar go mbaineann an leasú seo le leasuithe eile.

Acting Chairman (Senator Cáit Keane): Ceart go leor. Baineann sé le leasuithe eile. Ar an bpointe le do thoil.

Senator Brian Ó Domhnaill: Beimid ábalta seo a phlé arís le leasuithe eile agus glacaim le sin. An fáth go bhfuil mé ag iarraidh go nglactar leis an leasú seo ná go bhfuil moltaí istigh ag cuid de na Seanadóirí neamhspleácha, na heagrais Gaeilge, Fianna Fáil agus ón bhFreasúra ag lorg go mbeidh toghchán ar siúl. Ag an am céanna, iarraim, má tá daoine le toghadh tríd córas ná le ceapadh ag an Aire, in áit iad a ceapadh ag an Aire, go mbeadh ról ag an comhchoiste Dála. Tá sé seo fíor-thábhachtach Má tá an tAire Stáit sásta a rá inniu go mbreathnóidh sé ar seo idir seo agus Céim na Tuarascála, bheinn sásta an rún a tharraingt siar ar an bhonn sin. Muna bhfuil an commitment sin ann, ar an drochuair, caithfidh mé an rún a bhrú.

Senator Jim D’Arcy: Os rud é gur luaigh Seanadóirí na toghcháin, ba mhaith liom rud éigean a rá, ach beidh mé cruinn. Ní dóigh liom go bhfuil easpa daonlathais i gceist sa chás seo, mar tá vóta ag gach duine sna Gaeltachtaí sna toghcháin contae agus sna toghcháin náisiúnta, cosúil linn go léir. Tá barúil difriúil ag daoine mar gheall ar na toghcháin d’Údarás na Gaeltachta. An rud is tábhachtaí domsa ná go mbeidh Bille nua againn don Ghaeltacht agus go mbeidh limistéir pleanála teanga Gaeltachta chun an teanga a shábháil, mar tá sí ag fáil bháis. Ní dóigh liom gur rud an-mhór é nach mbeadh toghchán ann don údarás. Beidh an t-údarás ann go fóill agus de réir an Aire Stáit beidh daoine maithe air. Creidim é sin agus mar sin tacaím leis i dtaca leis an cheist sin. Mar adeir an cathaoirleach anseo, bheadh sé níos fearr am a chaitheamh ar na leasuithe gan am a chur amú.

Senator Trevor Ó Clochartaigh: Ní aontaím ar chor ar bith leis an méid atá ráite ag an Seanadóir D’Arcy. Dúirt an tAire Stáit agus é ag caint — tá seo tábhachtach i gcomhthéacs an chomhchoiste mar tá sé ag rá gurb iad a bheidh ag ainmniú na baill nua — that he wants a board that is well balanced. Beidh sé well balanced i dtreo Fine Gaelers, sin an fhadhb a bheidh ann.

Senator Jim D’Arcy: Tá sin suarach.

Senator Trevor Ó Clochartaigh: Tá sé fíor. Má bhreathnaíonn an Seanadóir ar an gcóras ceapachán atá molta nó ar an chomhdhéanamh atá ar na comhairlí contae——

Senator Jim D’Arcy: Tá sin suarach. Cén claonadh ar a bhfuil an Seanadóir ag smaoineamh?

Senator Trevor Ó Clochartaigh: Dá n-éisteach an Seanadóir liom, thuigfeadh sé an pointe atá mé ag iarraidh a dhéanamh.

Acting Chairman (Senator Cáit Keane): Cainteoir amháin, le bhúr dtoil.

Senator Trevor Ó Clochartaigh: Go raibh maith agat. Is deacair smacht a chur ar an Seana-dóir D’Arcy. An pointe atá á dhéanamh agam ná má tá daoine le n-ainmniú ón seacht comhairlí contae a bhfuil Gaeltachtaí sna contaethe sin faoi láthair, tá tromlach ag Fine Gael ar chuid mhaith de na comhairlí contae sin. Séard a fheicfidh muid ná daoine atá tofa ag Fine Gael, jobs for the boys, cronyism den chéad scoth.

An rud is tábhachtaí a bhí ann maidir le toghchán bhord Údarás na Gaeltachta ná go raibh cead ag duine ar bith seasamh sna toghcháin, go raibh vótaí ag teacht ó mhuintir na Gaeltachta do phobal na Gaeltachta le seasamh suas do na mianta a bhí ag muintir na Gaeltachta le fócas ar cheisteanna Gaeltachta. Fiú má thógtar cás Chonamara anseo, tá leath de Chonamara sa Ghaeltacht agus leath eile nach bhfuil. Sa gcás sin tá comhairleoirí contae nach bhfuil as an nGaeltacht ná nach bhfuil Gaeilge acu as Chonamara agus bheadh siad ag vótáil ar son daoine a chur ar aghaidh maidir leis an nGaeltacht. Tá sé fíor thábhachtach go mbeadh an fócas sin ann agus go mbeadh tuiscin an-mhaith ag an dream atá ag plé le bord Údarás na Gaeltachta, go háirithe i gcomhthéacs na hacmhainní teoranta a bheidh ag an údarás sna blianta atá romhainn, de réir an méid atá ráite ag an Aire Stáit.

Dúirt an tAire Stáit nach bhfuil sé ag iarraidh “ordinary board”. Tá bord Údarás na Gaeltachta chuile shórt ach “ordinary”. Tá siad iontach neamhghnách, mar is é an t-aon bhord Stáit atá tofa. Is iontach an rud an daonlathas sin agus ba chóir é a choinneáil. Dúirt an tAire Stáit freisin go bhfuil sé ag iarraidh cothromaíochta, ach séard atá á dhéanamh aige ná baint den chothromaíocht ó thaobh na réigiúin de. Mar, má théann sé i dtreo an mholta atá aige, níl sé ag tabhairt cothromaíochta fiú. Faoi láthair, tá cothromaíocht ann ó thaobh thír eolais de agus líon an daonra atá ag cónaí sna ceantair, mar tá méid ionadaithe difriúil ag na ceantair éagsúla de réir an daonra atá acu. Tá an tAire Stáit ag baint den chothromaíocht atá ann do na ceantair beaga ar nó Múscraí, An Rinn agus Contae na Mí, mar ní bheith ionadaí acu sin ach uair chuile sé bliana.

Ní ghlacaim ar chor ar bith leis na hargóintí atá déanta ag an Aire Stáit. Tá sé an deacair dom a fheiceáil cé atá ar son an mholta atá aige nó cé as a dtáinig sé. Ní fheicim go bhfuil aon cheann de na heagrais ná na grúpaí pobal sna Gaeltachta ag tacú leis an moladh fáil réidh leis an rud atá ann. Ní fheicim aon duine in ann míniú iomlán a thabhairt ar ché mhéid airgid a bheidh le sábháil. Dá bhrí sin, iarraim ar an Aire Stáit athmhacnamh iomlán a dhéanamh agus athbhreithniú a dhéanamh ar an rud atá á moladh aige. Ba mhaith liom freisin tacú go hiomlán leis an méid a dúirt an Seanadóir Barrett roimh ré maidir leis an méid adúirt an Aire Stáit cheana.

Senator Labhrás Ó Murchú: Bhí an ceart ag an Aire Stáit go mbeadh seans againn daonlathas nó easpa daonlathais a phlé níos déanaí, nuair a bheidh na leasuithe eile os ár gcomhair agus tá sé tábhachtach iad a chur agus a phlé. Is é an bunús atá leis an leasú os ár gcomhair ná fáil amach na cáilíochtaí nó an stádas atá ag na baill atá tofa le bheith ar bhord an údaráis.

The Minister made an important point when he said it would be appropriate to have experts on a board such as this one. Nobody can disagree with that but on the other hand we have a discerning and sophisticated electorate which punishes when punishment is due and rewards when reward is due. That is the way it works, and that is also true of the Gaeltacht areas. When people had the opportunity democratically to elect the members onto the Údarás, they would examine their record in terms of what they had achieved, their qualifications and so on.

[Senator Labhrás Ó Murchú.]

We cannot be blamed either if sometimes we look on experts with a jaundiced eye. I know a man who is a small builder and he used to calculate the cost of a contract on the back of a cigarette box, and he is still in business. I know builders who had everything going for them, and all the paraphernalia——

Acting Chairman (Senator Cáit Keane): Déan pointe, más é do thoil é.

Senator Labhrás Ó Murchú: It comes back to the point about the experts that the Minister raised. Some of those people who had all the paraphernalia are no longer around and therefore the difference between common sense and expert is not too wide. That is something we might have an opportunity of balancing, and that is the reason I thought comhchoiste an Oireachtais might play a role in that regard.

Senator Jimmy Harte: I may be missing something but we are discussing political reform in the Údarás area. We spoke about selecting people from the county councils to act in this regard, yet we are in a Chamber whose Members are selected in the same manner by councillors. The Minister's point is that it would be wrong to say that Senators are not democratically accountable to anyone because they are not directly elected. I do not live in a Gaeltacht area, and I accept the bona fides of the concerns expressed by both Opposition Members, and the Minister's concerns, but having been a member of Donegal County Council for many years I am aware that the parties are not as political as they used to be and would be responsible in appointing people to Gaeltacht and Údarás boards.

Senator Paul Coghlan: That was just their Fine Gael line.

Senator Jimmy Harte: Senator Ó Clochartaigh can say there is a bias towards Fine Gael but that is democracy. There is a bias towards Fine Gael in this Chamber but that is democracy. There was a bias towards Fianna Fáil when it had a majority.

Senator Trevor Ó Clochartaigh: Not when non-Gaeltacht people elect those people on behalf of people from the Gaeltacht. That is the point but the Senator does not understand it.

Senator Jimmy Harte: That is the point I want to make. It is the responsibility of the county councillors, and if they do not do it responsibly the electorate of Donegal or Galway can remove them at the next election but in my experience Donegal County Council will——

Senator Sean D. Barrett: Will there be a next election? Is that not the purpose of the Bill? There will not be another election.

Senator Jimmy Harte: There will be county council elections.

Acting Chairman (Senator Cáit Keane): Can I interrupt once more? I am getting tired interrupting, but Members are rambling. I hope that when we come to the actual amendment, where democracy and elections are on the table, we will not have a repeat of this discussion. I gave a lot of leniency to every Member to discuss democracy, the type of election or whatever even though that is not part of the amendment. As the Minister stated, the Senators are not speaking to the amendment. The amendment states that "Joint Oireachtas Committee" means Joint Oireachtas Committee of the Environment, Culture and the Gaeltacht". I understand what the Senator is saying——

Senator Jimmy Harte: I will conclude. I accept that Donegal County Council, like any other council in the Gaeltacht areas, will appoint councillors who will fulfil that role. Councillors appoint us as Senators because they have the experience. That is my point.

Acting Chairman (Senator Cáit Keane): That is understood but I ask speakers to please speak to the amendment.

Senator Sean D. Barrett: Deputy Alex White represented the Labour Party in this House two years ago and I ask my good friend, Senator Harte, to read what he said on this issue at that time because it is the opposite to what the Senator has just said, which is another volte face.

In terms of who we elect, the former Senator Jerry Buttimer, speaking in this House, stated:

Ba mhaith liom tréaslú le baill an bhoird. Molaim mo chuid chomhghleacaithe ó Fhine Gael — Ian Mac Aindriú, Mícheál Ó Scanail, Séamus Cosaí Mac Gearailt agus Pádraig Ó Dochartaigh — as ucht an méid oibre atá dhéanamh acu ar son muintir na Gaeltachta. In praising the Fine Gael members of the board, I ask why are the elections being postponed.

The message we send to the people of the Gaeltacht, despite what Members on the Government side will say, is that the Government is afraid to hold elections. There is no need to postpone them

That was the policy of the Labour and Fine Gael parties then and I do not know what has happened since. We have bogus economic arguments that the Government is saving money. It is not; it is denying democracy.

Incidentally, the population of the Gaeltacht in these elections is about 2% of the State. The population of Ireland in the European Union is 1%. I hope they are not recording this debate in that they could abolish Irish elections on the basis that the Germans could run the country much better, and the Commission would appoint people to run a bankrupt country. This is a slippery slope and I object to this denial of democracy.

Acting Chairman (Senator Cáit Keane): Tá beagnach uair a chloig caite againn ar seo. Glacfaidh mé leis an cainteoir deireannach anois.

Senator Brian Ó Domhnaill: I respect the comments made by my friend and colleague, Senator Harte. We are not questioning the role of county councillors. This is about giving a voice to the 95,000 people who are living in Gaeltacht areas and not taking their democratic right from them. This is about people like Moya MacNiallas in Gweedore and others who, in the 1970s, fought to ensure democracy was extended to the board of *Údarás na Gaeltachta*. They fought, and they succeeded. Going back on that now we are removing a democratic institution. What is to say that county councils will not be changed? We are fighting for our existence in this House because the people do not have a direct say on the way we are elected. I do not necessarily agree with the way we are elected but that is the way it is done. The process should be extended. In terms of the way we are elected, every citizen in the State should have a vote.

We have been debating this issue for the past 40 minutes. In terms of the argument that the justification for this was to save money, in the past 40 minutes one Department, the Department of Social Protection, has spent almost €50 million. We are removing democracy under this Bill. Regardless of whether the elections are held next week or next month, we are attacking democracy to save €400,000 while on the other hand a huge amount of money is being spent by just one Department. The reality is that it is a drop in the ocean to the Exchequer. Why deprive a

[Senator Brian Ó Domhnaill.]

people of a vote just because of a few measly euro? The argument will extend itself into future elections for town councils, county councils, city councils and for mayoral elections. We will not have elections. We will go back to the way it used to be. We do not agree with that, which is why we will be pressing this amendment if there is no give on it.

Amendment put.

The Seanad divided: Tá, 13; Níl, 24.

Tá

Barrett, Sean D.
Byrne, Thomas.
Daly, Mark.
Leyden, Terry.
Mooney, Paschal.
O'Sullivan, Ned.
Ó Clochartaigh, Trevor.

Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
Power, Averil.
Reilly, Kathryn.
White, Mary M.
Wilson, Diarmuid.

Níl

Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Eamonn.
Coghlan, Paul.
Comiskey, Michael.
Conway, Martin.
Cummins, Maurice.
D'Arcy, Jim.
D'Arcy, Michael.
Harte, Jimmy.

Hayden, Aideen.
Keane, Cáit.
Kelly, John.
Landy, Denis.
Moloney, Marie.
Mulcahy, Tony.
Mullins, Michael.
Noone, Catherine.
O'Keeffe, Susan.
O'Neill, Pat.
Sheahan, Tom.
Whelan, John.

Tellers: Tá, Senators Thomas Byrne and Diarmuid Wilson; Níl, Senators Paul Coghlan and Susan O'Keeffe.

Amendment declared lost.

An Leas-Chathaoirleach: Amendments Nos. 6 to 8, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Brian Ó Domhnaill: I move amendment No. 6:

In page 8, lines 30 to 32, to delete all words from and including “(whether” in line 30 down to and including “persons;” in line 32 and substitute the following:

“which will conform to standards and structures to be prescribed by the Minister;”.

Fágfaidh mé faoin tSeanadóir Ó Clochartaigh leasú uimh. a 7 a phlé

Leasú teicniúil atá i leasú uimh. a 6 faoi na mínithe sa Bhille. De réir mar atá scríofa i líne 30, ciallaíonn “eagraíocht” comhlacht corpraithe, cibé acu ilchorparáid nó corparáid aonair é, agus comhlacht neamhchorpraithe daoine. Nuair a déantar cuardach ar an idirlín, to check out the term “body corporate”, one finds the definition “a person, an association or group of persons legally incorporated, corporation”. Má fágtagar an míniú atá sa Bhille mar atá sé, is é an trioblóid mhór atá ann ná go mbéadh grúpaí príobháideacha nó grúpaí corparáide atá lonnaithe

i gceantair Gaeltachta in ann cur isteach fá choinne na pleananna teanga a n-ullmhú agus a gcur ar fáil. Níl sé sonrath sa Bhille gur grúpaí pobal bhunaithe atá i gceist. Tá sé tábhachtach go mbéadh an dualgas sin ar ghrúpaí pobal-bhunaithe, is é sin comharchumainn, coistí paróiste nó coistí a bhfuil baint acu le Cumann Lúthchleas Gael agus a leithéid.

Senator Denis Landy: A Leas-Chathaoirleach, the translation is not audible in my headphones.

An Leas-Chathaoirleach: Senator Landy is entitled to have a translation. There may be a technical problem.

Senator Denis Landy: I am hearing Senator Ó Domhnaill as Gaeilge.

An Leas-Chathaoirleach: Are you in the green zone, Senator?

Senator Denis Landy: Tá sé ag obair anois.

Senator Brian Ó Domhnaill: Is í cuspóir an leasaithe cumhacht a thabhairt don Aire Stáit go dtiocfadh leis féin an caighdeán agus an struchtúr a leagadh amach i bhfo-ordú i dtaca le grúpa nó le coiste pobal-bhunaithe. Tá sé fíor thábhachtach go dtarlódh sé sin.

Níl an míniú atá scríofa sa Bhille sonrath go leor. Tá sé foscailte go mbéadh ar Údarás na Gaeltachta glacadh le hiarratas ó eagraíocht corparáide, cosúil le comhlacht, in aon cheantar.

De réir an chomhairle dlí atá faighte agam, agus ní dlíodóir mé, thiocfadh le comhlacht a rá go bhfuil sé pobal-bhunaithe ach d'fhéadfadh cupla stiurthóir ón chomhlacht sin cur isteach fá choinne plean teanga a chur le chéile in aon cheantar Gaeltachta, nó fiú taobh amuigh den Ghaeltacht, Ansin bhéadh ar an údarás, nó ar cibé dream a bhéas ag plé leis seo, glacadh leis an iarratas, mar iarratas atá ag comhlíonadh na gcritéir atá leagtha síos sa reachtaíocht.

B'fhiú an cumhacht a bheith ag an Aire. Molaim go mbéadh an cumhacht aige an struchtúr agus an caighdeán a bhaineann leis na heagraíochtaí cuí seo a leagadh síos. Tá sé tábhachtach, cibé eagrais a mbéadh an dualgas orthu, i gcomhairle leis an údarás, na pleananna teanga seo a ullmhú, go mbéadh baint ag na heagrais sin leis an phobal, ar an leibhéal is ísle. In other words, they must be community based organisations from the grassroots up.

The argument concerning resources is entirely different. I will not go into that now because this amendment does not deal with resources, na hacmhainní a bhaineann leis na pleananna a gcur ar fáil.

Beidh sé sin á phlé againn níos moille. Measaim go bhfuil sé tábhachtach go mbeidh sé seo deimhnithe sna mínte a bhaineann leis an mBille seo.

Senator Trevor Ó Clochartaigh: Tá pointe tábhachtach ardaithe ag an Seanadóir Ó Domhnaill. Tá mé ag labhairt i dtreo leasú Uimh. 7, a mholann go gcuirfear an focal "comharchumann" isteach sa Bhille. B'fhéidir gur pointe dlí é seo. B'fhéidir go bhfuil an Aire Stáit in ann é a shoiléiriú. Is comharchumainn iad cuid mhaith de na heagrais pobal Gaeltachta atá ag feidhmiú taobh istigh de na 19 ceantar atá roghnaithe ag an Rialtas mar limistéir teanga. Níl sé iontach soiléir an bhfuil comharchumainn clúdaithe faoin bhfoclaíocht atá i gceist. Bhí mé ag iarraidh a bheith cinnte go bhféadfadh comharchumainn cur isteach ar an gcóras seo. Creidim go mbeidh deacrachtaí síos an bóthar i dtaobh an múnla atá á thógaint ag an Aire Stáit, os rud é go bhfuil ceantair éagsúla ina bhfuil dhá nó trí eagraíocht pobail-bunaithe nó comharchumainn ag feidhmiú. Beidh na deacrachtaí sin soiléir nuair a déanfar iarracht plean teanga a chur i bhfeidhm sna ceantair sin. Mar shampla, tá Comharchumann Mhic Dara ar an gCeathrú Rua ag feidhmiú sa cheantar ina bhfuil mé i mo chónaí. Tá Comhairle Ceantar na n-Oileán ag feidhmiú i gceantar na n-oileán. Tá ceann eile i Leitir Mealláin.

[Senator Trevor Ó Clochartaigh.]

Is é an pointe atá á dhéanamh agam ná go mbeidh ar an Aire rogha a dhéanamh ar cén eagraíocht pobail-bunaithe atá á roghnú aige nó aici chun an plean teanga a ullmhú. Ní chlúdaíonn an comharchumann ar an gCeathrú Rua, mar shampla, ach leath den cheantar atá áirithe mar cheantar teanga agus níl sa cheantar sin ach ceann amháin as 19 ceantar. Sa chás sin, b'fhéidir go mbeidh ar an Aire comhchoiste de ghrúpaí éagsúla, a chlúdaíonn an cheantar ar fad, a chur le chéile mar atá déanta i gceantar Iorras Aithneach. Tá sé tábhachtach go mbeadh an bhfoclaíocht uilíoch sa chás seo. Má deireann an Aire síos an bóthar gur mhaith an rud é go dtiocfadh Comhairle Ceantar na n-Oileán agus Comharchumann Mhic Dara le chéile chun plean teanga a ullmhú don cheantar iomlán sin — ceantar na n-oileán agus an Cheathrú Rua — b'fhéidir gur coiste comhoibríoch a bheadh ann agus go rachfadh an t-airgead, an maoiniú nó an tacaíocht tríd ceann nó ceann eile acu. Tá sé tábhachtach an ceist a riaradh. Bhí deacrachtaí anuas tríd na blianta leis na struchtúir éagsúla sna ceantair éagsúla, idir polaitíocht áitiúil agus cúrsaí praiticiúla. Tá sé tábhachtach go mbeadh na roghanna oscailte don Aire ionas go mbeidh sé nó sí ábalta obair le comharchumann, go háirithe, má tá comharchumann i gceist. Ba cheart go mbeadh deis ag an Aire, má tá dhá eagraíocht ag obair i gceantar, iad a thabhairt le chéile ionas go mbeidís in ann obair i gcomhair lena chéile. Ní chóir go mbeadh bac sa reachtaíocht a chuireadh stop ar an Aire é sin a dhéanamh.

Deputy Dinny McGinley: Tá an sainmhíniú ar an bhfocal “eagraíocht” de réir an comhairle atá faighte againn ón Ard-Aighne. Tá sé mar ghnáth-nós riaracháin ag an Roinn seo agus ag Údarás na Gaeltachta a chinntiú go bhfuil struchtúr agus caighdeán gach eagraíocht a fhaigheann tacaíocht ón Roinn nó ón t-údarás in ord sula gcuirtear an tacaíocht sin ar fáil. Ar ndóigh, tá brí leathan leis an bhfocal “eagraíocht”. Tá sé leathan go leor sa sainmhíniú. Beidh an t-údarás ag roghnú na n-eagraíochtaí agus ag tabhairt aird ar na critéir a bheidh leagtha síos sna rialacháin. Beidh sé oscailte don údarás an chineál struchtúr atá á lorg acu a leagadh síos ansin. Tá mé sásta go gclúdaíonn an focal “eagraíocht” na comharchumann agus na gluaiseachtaí eile — más féidir liom é a chur mar sin — atá luaite ag an dá Sheanadóir. Da bhrí sin, ní bheidh mé ag glacadh le leasuithe Uimh. 6 agus 7.

Senator Brian Ó Domhnaill: Ba mhaith liom pointe gairid a dhéanamh. Glacaim go huile agus go hoimlán leis an méid atá ráite ag an Aire Stáit. Aontaím leis. B'fhéidir nach raibh an pointe a bhí mé ag iarraidh a chur i láthair soiléir go leor. Tá a fhios agam go bhfuil sé seo sonraithe ag an údarás, ag an Roinn agus ag an Stát faoin chóras atá leagtha síos agus i gcomhthéacs an comhairle dlí atá faighte. Níl aon cheist agam faoi sin. Tá mé ag iarraidh a léiriú go bhfuil an míniú iontach leathan ar fad. Níl sé sonrach go leor. Tá sé ró-leathan. Bíonn an t-údarás ag plé le comhlachtaí príobháideacha agus coistí pobail go minic. Is é sin an fáth go bhfuil an remit leathan seo tugtha don údarás. Tá mé ag smaoineamh ar cúpla comhlacht leath-príobháideach sa Ghaeltacht atá ag plé le cúrsaí pobail, ach níl aon bhaint acu leis na pobail. An féidir leo iarratas a dhéanamh faoin bplean seo? Más féidir, an mbeidh ar an údarás glacadh leis an bplean ar an mbunús nó an dóigh ina bhfuil sé leagtha amach in áit an struchtúr a bheith teoranta d'eagraíochtaí pobail-bunaithe amháin?

Cé go nglacaim leis an méid atá ráite ag an Aire Stáit, bheadh sé níos fearr dá mbeadh sé sásta athbhreithniú a dhéanamh ar an ábhar seo agus é a phlé arís ar an Tuarascáil. Measaim gur pointe tábhachtach é seo. Tá a fhios agam go bhfuil an cheist chéanna á ardú ag grúpaí Gaeilge agus Gaeltachta. B'fhéidir gur b'fhiú don Aire Stáit dul i dteagmháil leis an Ard-Aighne arís agus a rá gur chóir go mbeadh an reachtaíocht seo níos sonraí. Ní cheart dúinn ligint do chomhlachtaí príobháideacha bheith in ann cur isteach ar na pleananna seo a ullmhú agus a chur ar fáil fosta. An chéad rud eile ná go mbeidh comhlachtaí á chur le chéile sa

Ghaeltacht chun na hiarratais seo a chur isteach. Tá eagla mór orm go dtiocfaidh triúr nó ceathrar dóibh le chéile chun gnó maith a dhéanamh amach as seo, agus go mbeidh ar an údarás glacadh leis na hiarratais a bheidh á dhéanamh acu. B'fhéidir nach dtarlóidh sé sin, ach tá mé ag iarraidh go mbeidh cosaint ar fáil, agus scríofa sa reachtaíocht, chun a cinntiú nach dtarlóidh sé. Tá an leasú seo curtha síos agam os rud é gur b'fhiú breathnú ar sin.

Senator Trevor Ó Clochartaigh: Glacaim leis go bhfuil leasuithe Uimh. 6, 7 agus 8 á phlé le chéile. Ba mhaith liom ceist a ardú faoi leasú Uimh. 8, atá á moladh ag an Aire Stáit. Molann an leasú go gcuirfean an focal “agus” in áit an focal “nó”. Má ghlactar leis an leasú, is é an sainmhíniú a bheidh ar “eagraíocht” ná “comhlacht corpraithe (cibé acu ilchorparáid nó corparáid aonair é) nó comhlacht neamhchorpraithe daoine”. Is é an leagan Béarla atá ar sin ná “an unincorporated body of persons”. Úsáidtear an focal “comhlacht”, ach is é “company” an leagan Béarla a bheadh agam ar “comhlacht”. Dá bhrí sin, céard atá i gceist leis an frása “an unincorporated body of persons” seachas “an unincorporated company of persons”? Caithfidh mé nár chuala mé caint riamh ar “an unincorporated body of persons”. Níl mé soiléir, ó thaobh an dlí de, ar céard a chiallaíonn sé.

Tá pointe iontach tábhachtach ardaithe ag an Seanadóir ó Domhnaill maidir le tionscal na gcoláistí samhraidh, mar shampla. I gceantair áirithe, tá na coláistí á riaradh ag comhlachtaí príobháideacha atá ag déanamh fíor-jab. I gceantair eile, tá na coláistí pobail-bunaithe agus á riaradh ag comharchumainn agus eile. Tá forálacha sa reachtaíocht seo a thabharfaidh cead don Aire comhlachtaí eile a roghnú muna bhfuil sé sásta leis an bplean atá á chur chun cinn ag na comhlachtaí atá i gceist. Má rachfaimid an bóthar sin, b'fhéidir go ndéarfadh an Aire go bhfuil na comharchumainn ag troid lena chéile — nach bhfuil aon dul chun cinn á dhéanamh acu — agus go bhfuil sé ar intinn aige nó aici grúpa eile a fháil isteach agus conradh a thabhairt dóibh an plean a réiteach. Sílim ón bhfoclaíocht atá á úsáid anseo go bhféadfadh gur comhlacht príobháideach a bheadh i gceist.

Tá sé tábhachtach go bhfaighfimid soiléiriú ar an gceist seo. Níl mé ag rá go bhfuil an Aire Stáit ag iarraidh dul an treo seo, ach tá a fhios againn, nuair a thagann Airí eile isteach, go mbreathnaíonn siad ar an rud atá i gceist. D'fhéadfadh comhlacht príobháideach dúshlán a thabhairt mar nach bhfuil cead acu cur isteach ar chonradh atá á riaradh ag an Stát. An bhfuil ceist le n-ardú anseo ó thaobh cúrsaí iomaíochta, nó competition law, de. Má tá conradh le haghaidh plean forbartha a réiteach ar an gCeathrú Rua agus i gceantar na n-oileán, mar shampla, á fhógairt ag Aire, an mbeidh sé de cheart agam — má tá comhlacht príobháideach agus cáilíochtaí ó thaobh pleanáil teanga de agam — daoine a roghnú ón bpobal atá chun tuairimí an phobail a thabhairt dom, coiste a chur le chéile chun comhairle a chur orm agus mo chomhlacht a chur isteach ar an gconradh? Sílim gur chóir go mbeadh na ceisteanna dlíthiúla fiosraithe sula leanann muid ar aghaidh.

Deputy Dinny McGinley: Tá sé níos fearr brí leathan, seachas cúng, a fhágáil sa sainmhíniú ar eagla go mbeadh éinne fágtha amuigh de thairbhe sin. Nuair a bheidh Údarás na Gaeltachta ag roghnú na n-eagraíochtaí, beidh siad ag tabhairt aird ar na critéir a bheidh leagtha síos sna rialacháin a bheidh ann. Ar an ábhar sin, ní shílim go bhfuil aon bunús leis an imní atá ar na Seanadóirí go dtarlóidh aon rud. De bharr sin, ní ghlacfaidh mé le leasuithe Uimh. 6 agus 7. Is leasú teicniúil é leasú Uimh. 8. Tá sé molta ag an Dréachtóir Parlaiminte. Molaim go nglacfaimid leis an leasú seo. It is a technical amendment.

Acting Chairman (Senator Michael Mullins): Táimid ar leasú Uimh. 6.

Deputy Dinny McGinley: Gabh mo leithscéal.

Senator Cáit Keane: Tá leasuithe Uimh. 6, 7 agus 8 grúpáilte.

Senator Brian Ó Domhnaill: They are all together.

Senator Cáit Keane: Tá siad le chéile.

Acting Chairman (Senator Michael Mullins): Tá siad á phlé le chéile, ach tá leasú Uimh. 6 faoi bhráid an Tí faoi láthair.

Amendment put and declared lost.

Acting Chairman (Senator Michael Mullins): We come now to amendment No. 7.

Senator Cáit Keane: Amendment No. 7 cannot be moved.

Acting Chairman (Senator Michael Mullins): Tá sin ceart. It cannot be moved as amendment No. 6 has not been agreed.

Senator Brian Ó Domhnaill: Níor glacadh le leasu uimh. 6. Nílimid á bhrú go dtí vóta ag an bpointe seo.

Acting Chairman (Senator Michael Mullins): Amendment No. 7 cannot be moved as it was already discussed with amendment No. 6.

Senator Trevor Ó Clochartaigh: I raise a point of order. Amendment No. 7 was discussed with amendment No. 6 ach ní shin le rá nach féidir é a bhrú.

Senator Cáit Keane: If amendment No. 6 had been passed amendment No. 7 could not be moved. If amendment No. 6 had failed amendment No. 7 could be put.

Acting Chairman (Senator Michael Mullins): Tá sin ceart.

Senator Trevor Ó Clochartaigh: On a point of order, má fhágtar an fhoclaíocht díreach mar atá sí ní bhéadh á dhéanamh ag leasú uimh. 7 ach na focail “nó comharchumann” a chur sa bhreis ar an méid atá ann. Ba mhaith liom an leasú a bhrú, mar sílim go bhfuil sé tábhachtach é a chur isteach. Níl mé chun é a bhrú le haghaidh vóta ach ní ghlacaim leis nach féidir é a chur chun cinn, mar níl sé ach ag déanamh leasaithe ar an bhfoclaíocht atá coinnithe, in áit a bheith a déanamh leasaithe ar an bhfoclaíocht nár glacadh leis i leasú uimh. 6.

Acting Chairman (Senator Michael Mullins): Amendment No. 6 was that the words not stand. That amendment was lost. The House has agreed that the words stand and there can be no further amendment.

Amendment No. 7 not moved.

Government amendment No. 8:

In page 8, line 31, to delete “and” and substitute “or”.

Deputy Dinny McGinley: Leasú teicniúil é seo.

Senator Trevor Ó Clochartaigh: On a point of order, má glacadh le leasú uimh. 6, go bhfan-fadh na focail mar atá siad, cén chaoi ar féidir glacadh le leasú uimh. 8, mar táimid tar éis glacadh le rún a deir nach bhfuil an fhoclaíocht le hathrú?

Senator Cáit Keane: Acting Chairman, you have to read out the words you have there, relating to amendment No. 8, which is a Government amendment.

Acting Chairman (Senator Michael Mullins): What was agreed was the wording down as far as and including the word “sole” in page 8. It is called a saving provision.

Senator Trevor Ó Clochartaigh: I gcead duit, a chathaoirligh, baineann an dá leasú, uimhreacha 6 agus 8, le líne 31. Glacadh leis go gcoinneofar an fhoclaíocht mar a bhí, mar gheall gur bualadh ar leasú uimh. 6. Is pointe teicniúil é seo ach ní fheicim cén chaoi gur féidir a bheith ag brú leasú ar aghaidh atá ag dul i gcoinne an chinnidh a rinneadh maidir le leasú an tSeana-dóra Ó Domhnaill.

Senator Brian Ó Domhnaill: It was always my understanding that amendments were grouped for the purpose of debate only and not for purpose of voting. We should vote on amendment No. 6 and proceed to debate amendments Nos. 7 and 8. That is my understanding.

Senator Cáit Keane: Tá nóta ansin mar gheall ar leasú uimh. 6. Read out the note, Acting Chairman.

Acting Chairman (Senator Michael Mullins): It only applies if amendment No. 7 can be moved, but it cannot be moved. If the question on amendment No. 6 is agreed, amendment No. 7 cannot be moved.

Senator Trevor Ó Clochartaigh: I am asking how can amendment No. 8 be moved if amendment No. 7 cannot be moved. They relate to the same line.

Acting Chairman (Senator Michael Mullins): There was a saving provision.

Senator Cáit Keane: Acting Chairman, read out the saving provision at amendment No. 6. Read it out again for them, if they want to hear it.

Acting Chairman (Senator Michael Mullins): “That the words proposed to be deleted down to and including “sole” in page 8, line 31 stand”. Only those words.

Senator Cáit Keane: Only those words. It is a saving provision.

Amendment agreed to.

Section 6, as amended, agreed to.

SECTION 7

Senator Trevor Ó Clochartaigh: I move amendment No. 9:

In page 8, subsection (2), line 43, to delete “The Minister may” and substitute “The Minister shall”.

Táimid ag caint anseo ar leathanach 9, fo-alt (2), líne 41, sa leagan Gaeilge, áit a deirtear go bhféadfaidh an t-Aire, le hordú, limistéar sonraithe a ainmniú faoi threoir toghrann, is limistéar ab éard atá ann (a) limistéar Gaeilteachta, (b) cuid de limistéar Gaeilteachta, (c) níos mó ná limistéar Gaeilteachta amháin, (d) codanna de níos mó ná limistéar Gaeilteachta amháin, nó (e) limistéar, nó cuid de limistéar, is ábhar d’ordú faoi fho-ailt (5), (10)(b) nó (13)(b), chun bheith ina Limistéar Pleanála Teanga Gaeilteachta de réir an ailt seo.

Molaim go gcuirfeadh isteach an focal “Déanfaidh” in áit “Féadfaidh”. Ceann des na deacrachtaí móra atá againn, agus a bhfuil luaite linn ag eagrais atá ag plé an Bhille, ná an méid cumhachta a fhágann sé i lámh an Aire cinneadh a ghlacadh nó gan a ghlacadh.

[Senator Trevor Ó Clochartaigh.]

Tá práinn leis seo. Táimid ag caint ó 2002 ar aghaidh, maidir le Coimisiún na Gaeltachta, an staidéar cuimsitheach teangeolaíochta, ráitis an Rialtais i leith na Gaeilge agus an Sraitéis 20 Bliain don Ghaeilge, go bhfuil sé tábhachtach go gníomhófaí iad san ar fad leis an Ghaeilge a tharrtháil. Síleann Sinn Féin go bhfuil an focal “féadfaidh” an-scaoilte, mar féadfaidh an t-Aire rud a dhéanamh nó gan é a dhéanamh. Glacaim leis gurb é atá ón Aire Stáit atá againn faoi láthair ná bogadh ar aghaidh leis na limistéir pleanála teanga a ainmniú, ach táimid ag iarraidh go mbéadh an focal níos deimhneach, go mbéadh gá le gníomh níos sonraí nuair atá an Bille féin aontaithe. Bhéadh air gníomhú i bhfad níos tapúla leis an rud seo a dhéanamh.

Táimid ag moladh leasaithe bhig, atá tábhachtach dar linne, go gcuirfí “déanfaidh” in áit “féadfaidh”. Taimid ag iarraidh sin a dhéanamh leis an bhrú agus an phráinn atá leis an obair seo a dhéanamh i gceart a chur in iúl.

Acting Chairman (Senator Michael Mullins): I omitted to say at the outset that amendments Nos. 9 and 28 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Sean D. Barrett: I support my colleague’s amendment. I do not want to reopen the past, but I fear removal of the voting rights will demoralise the Gaeltacht even further than it is now. There should be no discretion. I appreciate the Minister of State’s urge to go and do things, and the House must require him to do that. I agree that is his instinct. I agree that the word “may” should be substituted by the word “shall”.

As the Minister of State himself has said, there are about 20 years left in the language and it is being reduced by the other provisions of the Bill. There should be no discretion. It is the Minister of State’s natural instinct to be up and doing this. We need these language plans yesterday. There should be no discretion and no more lethargy. We have all agreed that this language must live on in Gaeltacht areas where we all want to go to learn it. It is vital that we take positive measures to support it. That would at least act as a counter-balance to the negative sections in the Bill. The Minister of State should accept this amendment.

Senator Brian Ó Domhnaill: Aontaím le leasú Uimh. 9 mar tá ciall leis agus tugann sé cumhacht don Aire bheith Aire bheith soiléir agus cinnte sa ról atá aige faoin Bhille. Tá an leasú sin gaolta le leasú Uimh 28, agam féin agus ag an Seanadóir Ó Clochartaigh, a bhaineann le cumhachtaí an Aire i gcás nach ndéanann eagraíocht a roghnófar faoi fho-alt (6) an plean Gaeilge lena mbaineann a chur faoi bhráid an Aire laistigh den tréimhse a bheidh sonrach san fhógra. Táimid ag iarraidh go leasófar anseo in áit go mbeadh cumhachtaí ag Aire anseo, tá cúpla rogha tugtha dó, “go ndéanfaidh sé” in ionad “go bhféadfaidh sé”, go ndéanfaidh sé iarraidh ar Údarás na Gaeltachta eagraíocht eile a mbeadh iarratas déanta aici faoi fho-alt (4) a roghnú chun an plean Gaeilge lena mbaineann a ullmhú agus a chur i láthair agus ansin faoi (b), mura mbeadh iarratas déanta ag aon eagraíocht den sórt sin chun an plean Gaeilge sin a ullmhú, a dhearbhu le hordú nach limistéar Gaeltachta, an ceantar a bhaint amach as an Ghaeltacht.

In áit “féadfaidh an tAire”, “the Minister may”, bheadh “go ndéanfaidh an tAire” ann, “the Minister shall”. Tá sin tábhachtach don Bhille chun cumhacht a thabhairt dó. Má fhágtar é sé nó deich mbliana eile, thiofadh leis go dtiofadh an tAire ó cheantar Bhaile Átha Cliath taobh amuigh den Ghaeltacht nach bhfuil an meas céanna aige ar cheantair Ghaeltachta. Mar gheall air sin ba mhaith linn cumhachtaí a thabhairt dó le cinntiú go mbeidh sé soiléir faoin Acht go bhfuil dualgais an Aire leagtha síos agus go bhfuil an Rialtas i ndáiríre faoi seo. Má tá Aire ansin de chuid Fianna Fáil nó de chuid Sinn Féin agus daoine ag cur brú ar an Seanadóir Ó Clochartaigh gan cheantar ar leith a thógáil amach as an Ghaeltacht cionn is nach raibh plean ullmhaithe nó nach raibh an tAire sásta glacadh leis agus an Seanadóir ag cur brú ar an Aire

agus sinn ag iarraidh ar an Aire cinneadh polaitiúil a dhéanamh, níl sin ceart. Ní fiú an chumhacht sin a bheith aige aon Aire.

Beidh leasuithe eile i dtaca leis na cumhachtaí a ba chóir a bheith ag an Choimisinéir Teanga ach ba chóir go mbeadh na dualgais seo sonracha agus nach mbaineann siad le polaitíocht nó brú ón phobal. Má táimid dáiríre faoin Bhille, tá sé criticiúil go mbeadh an chumhacht sa Bille le rá mura bhfuil an plean suas chun dáta, ceart, foirfe, stuama, seo an rud a tharlóidh. Tá sé tábhachtach go mbeidh sin san Acht. Tá mé ag iarraidh cuidiú leis an Aire agus measaim go bhfuil seo fíorthábhachtach go mbeidh tacaíocht ag an Bille seo nuair a chuirfear i bhfeidhm é.

Is rud teicniúil é seo ach tá sé tábhachtach mar tabharfaidh sé tacaíocht don Acht. Nílimid ag iarraidh polaitíocht a chur chun tosaigh, táimid ag iarraidh nach mbeidh seo ag aon pholaitíochair ach ag an phobal cinneadh a dhéanamh an bhfuil siad sásta an Ghaeilge a labhairt agus tacaíocht a thabhairt chun plean a ullmhú. Má tá, mairfidh an Ghaeilge. Mar a dúirt an tAire Stáit féin, táimid ag céim chriticiúil, tá an Ghaeilge ag crosbhóthar agus caithfidh cinntiú go mbeidh an bóthar a leanfaimid an-soiléir agus nach bhfágfar í faoin sean-nós polaitiúil, nod and wink. Níl leor sin. Caithfidh é seo a fhágáil chomh soiléir agus is féidir go dtuigfidh gach duine go bhfuil seasamh ag an Bille seo. Sin an fáth go bhfuil sé tábhachtach na focail bheaga sin “go bhféadfaidh” a athrú go dtí “go ndéanfaidh”. Tabharfaidh sin níos mó cumhachta don Aire fosta agus ní bheidh an oiread sin brú air nuair a thiofadh an Coimisinéir Teanga chuig an Aire le moltaí. Níl le déanamh ag an Aire ansin ach dhá rud: iarr ar an údarás chun plean eile a ullmhú nó an ceantar a bhaint amach as an Ghaeltacht. In áit go bhféadfaidh an tAire sin a dhéanamh, táimid ag rá go mbeidh air sin a dhéanamh.

Senator Labhrás Ó Murchú: Feicim go bhfuil an tAire Stáit ag déanamh macnamh domhain ar an cheann seo. Tá mise den tuairim go mbeadh sé cabhrach don Aire, más rud é go bhfuil cinnteacht i gceist sa chás seo, agus cé nach bhfuil ach focal amháin i gceist, go mbeadh sé níos fearr don Aire go mbeadh an chumhacht ann agus nach mbeadh folúntas fágtha. B’fhéidir go smaoiníodh an tAire Stáit ar an leasú ar an mbonn sin.

Deputy Dinny McGinley: Tá mé ag déanamh macnamh ar gach leasú a cuireadh ag na Seana-dóirí. Ag éisteacht leis na Seanadóirí, luíonn sé liom sa Bille seo gurbh í an phríomhaidhm atá againn ná daoine a spreagadh, daoine, pobail agus eagraíochtaí a tharraingt linn. Ar an ábhar sin, is é an dearcadh is cóir a bheith againn. Níor mhaith liom go mbeadh laincis ar an Aire taobh istigh de chonstaicé áirithe, déanfaidh an tAire siúd, seo agus eile. Tá mé ag iarraidh daoine a mhealladh liom, níl mé ag iarraidh iad a bhrú, I do not want to compel them, I want to encourage them. Ar an ábhar sin, tá an focal “déanfaidh” ró-dhaingean don fhealsúnacht atá taobh thiar den Bille. Is fearr “féadfaidh” an tAire mar tugann sé beagáinín scóip dúinn go léir. Tá mé ag iarraidh daoine a mhealladh linn. B’fhéidir san am a chuaigh thart bhí an iomarca béime ar dhaoine bhrú chun tosaigh. Tá a fhios againn go léir nach maith leis na hÉireannaigh nó leis na Gaeil nó fiú le muintir na Gaeltachta a bheith brúite ar aghaidh. Sin an fáth go bhfuilimid ag tabhairt na deise dóibh sna ceantair phleanála teanga go mbeidh siad féin rannpháirteach ansin agus gur plean mhuintir na Gaeltachta a bheidh ann agus go mbeidh tacaíocht agus cuidiú agus comhairle le fáil ón údarás agus ón Roinn. Cé gur éist mé leis an méid a bhí na Seanadóirí ag rá, agus an dearcadh atá agam féin, ní fhéadaim glacadh leis an leasú. Tá súil agam go dtuigeann na Seanadóirí an dearcadh atá agam, daoine a mhealladh agus a thabhairt linn, “féadfaidh an tAire”, ní “déanfaidh an tAire” nó “déanfaidh an pobal”.

Senator Trevor Ó Clochartaigh: Tá difríocht ann maidir leis an méid a dúirt an tAire Stáit. Táimid ag caint faoin Aire sa chás seo, ní ar an bpobal, “go ndéanfaidh an tAire” an rud atá i gceist. Baineann sé leis na cearta atá ag an bpobal go mbeadh rud éigin ag gníomhú maidir leis an teanga. Mura bhfuil an rud ag bogadh ar aghaidh sách sciobtha, mura bhfuil an t-údarás ag

[Senator Trevor Ó Clochartaigh.]

feidhmiú de réir mar is cuí, tá deis ag an bpobal teacht ar ais agus a rá nach bhfuil siad sásta, go gcaithfear an rud seo a dhéanamh, agus go gcaithfear é a bhrú ar aghaidh. Tá an focal “déanfaidh” tábhachtach sa chás sin. Tá an tAire Stáit ag baint mí-bhrí as an mholadh atáimid ag déanamh. Nílimid ag iarraidh an brú a chur ar an bpobal, táimid ag rá “féadfaidh” an pobal, ach sa chás seo, táimid a rá go gcaithfidh an tAire an beart a dhéanamh de réir briathair. Sin an moladh sna leasuithe, nílimid ag iarraidh go mbeadh tarraingt na gcos ann ó thaobh an Rialtais de, mar tá daoine ann a shíleann go bhfuil an Rialtas ag tarraingt na gcos go maith mar atá sé cheana féin.

Senator Brian Ó Domhnaill: Aontaím go hiomlán leis an Aire stáit go gcaithfidimid daoine a mhealladh agus a thabhairt linn. Má théimid síos go dtí fo-alt (12) ar an leathanach céanna, sé an rogha a bheadh ag an Aire, mura bhfuil an focal “déanfaidh” ann in áit “féadfaidh”, nó go dtiocfadh leis an Aire an ceantar a chaitheamh amach as an Ghaeltacht ar aon chuma. Tá an chumhacht sin ag an Aire ar aon nós. Is éard atá i gceist anseo, níl aon bhaint aige seo leis an phobal a tharraingt nó a mhealladh, baineann seo le cinnteacht a chur isteach go mbeidh seo leagtha síos agus go mbeidh ar an Aire, mura bhfuil sé sásta leis an phlean a cuireadh os a comhair, tar éis comhairle a fháil, dul ar ais chuig an údarás agus a rá leis go gcaithfidh sé eagraíocht eile a fháil nó go dtiocfaidh leis an ceantar a thógáil amach as an Ghaeltacht. Tig leis sin a dhéanamh faoi fho-alt (12) cibé ar bith. Tá an rogha sin ag an Aire fiú mura nglacann sé leis an leasú seo.

Tá sé tábhachtach go bhfuil cinnteacht ann. Bhí muid ag plé bodies corporate níos luaite. Abair go raibh an comhlacht corparáideach nó na stiúrthóirí éagsúla ag a bhfuil baint leis an phobal ag cur plean le chéile. Mura bhfuil an plean sin ceart go leor, agus tá trí nó ceithre ghrúpa pobail eile sa cheantar atá sásta plean a chur le chéile fosta, mar atá an Bille anois, mura bhfuil an tAire sásta leis an phlean sin, thig leis dé réir fho-alt (12) faoi láthair an plean sin a chaitheamh amach agus an ceantar a chaitheamh amach as an Ghaeltacht. Sin a fáth go bhfuil sé tábhachtach go mbeidh idirdhealú go gcaithfidh an tAire ansin, mura bhfuil an plean maith go leor, dul ar ais chuig an údarás agus plean eile a éileamh. Táimid ag iarraidh go mbeidh sin soiléir. Ní thuigim cad chuige nach meallfadh sin daoine, ag cinntiú go mbeidh an dara deis ag an cheantar plean eile a chur le chéile.

Senator Cáit Keane: Aontaím leis an Aire Stáit. Caithfidh cinnteacht a bheith sa Bhille ach sa rud seo, dá mbeadh rud éigin ag baint le gnáthdaoine na comharsanachta, ní fhéadfaidh an tAire sin a thabhairt faoi deara cionn is go bhfuil “déanfaidh” sa Bhille. Caithfidh an tAire na rudaí atá scríofa sa Bhille a dhéanamh ach féadfaidh an tAire spraoi na ndaoine sa chomharsanacht a mhealladh dá mbeadh “féadfaidh” ann. If we leave it as “may”, the broader community will have a better chance of having its wishes incorporated into the Act. If, however, the Minister “shall”, he can only do what is in the Act and it is written in stone. I prefer the community to have a say that it is then open to the Minister to accept that. Bheadh “féadfaidh” níos fearr ná “déanfaidh”.

Senator Sean D. Barrett: I support what the Minister of State is trying to do but I cannot support the form of the Bill as proposed. He said in his speech on 21 June that the Bill will give a statutory function to the language planning process. If we leave in “may”, he can opt out of that. The “shall” ensures that the statute is observed. It ensures people who are dissatisfied with the decline in the language could have a legal case against him. The Minister “may” is too like the light touch bank regulation that left the country on the rocks because no one was doing anything. It is the Minister of State’s own intention to make a statutory function of the language planning process, that he should take on these duties. We would support the

Minister of State in that. It is too late for “mays”, for Ministers to say it was discretionary and he could opt out. There will be no redress in such a case if we do not accept this amendment.

Senator Trevor Ó Clochartaigh: Tá sé tábhachtach, cé go ndéarfadh daoine go bhfuilimid ag caint faoi rud beag anseo. Tá seo suntasach agus baineann sé le brí an Achta. An sampla is fearr atá againn ná má bhreathnaímid ar scéim eile iontach cosúil leis faoi chúram an Aire, Acht na dTeangacha Oifigiúla, a bhfuil go leor cáineadh déanta ar an Roinn mar gheall ar an gcaoi go bhfuil sí á chur i bhfeidhm. Sin an áit a bhfuilimid ag teacht as, bhí an fhadhb sin ann sula raibh an tAire Stáit ann, bhí fadhb ann le hAire a chuaigh roimhe. Más féidir liom tagairt a dhéanamh don tuarascáil bhliantúil a bhí ag an gCoimisinéir Teanga maidir le hAcht na dTeangacha Oifigiúla, ag breathnú ar eagraíochtaí agus comhlachtaí Stáit, a bhí in ainm pleannanna teanga a chur i bhfeidhm agus nach raibh siad dáiríre faoi, níor dhaingnigh an tAire Ealaíon, Oidhreachta agus Gaeltachta ach scéim teanga nua amháin le linn na bliana 2011. San iomlán tá 105 scéim teanga daingnithe ag an Aire go dtí ach faoi dheireadh na bliana 2011, bhí 66 acu sin tar éis dul in éag. Sin a tharlaíonn nuair atá “má” agus “dá” i gceist. D’fhág sin nach raibh ach an dara scéim daingnithe i gcás dá thrian de na comhlachtaí poiblí sin, gníomh a bhféadfadh ar lár an soláthar seirbhísí trí Ghaeilge a bhféadfaí a bheith súil leis ó na comhlachtaí poiblí sin. Bhí 20% de na scéimeanna teanga sin in éag le tréimhse ama trí bliana ar a laghad agus 20% eile acu in éag le breis agus dhá bhliain.

Níos faide ar aghaidh, deir sé go raibh 28 comhlacht poiblí eile ann a raibh an chéad dréacht-scéim iarrtha orthu ach nach raibh siad aontaithe nó daingnithe fós mar scéimeanna ag an Aire Ealaíon, Oidhreachta agus Gaeltachta. Leanann sé ar aghaidh: “Faoi dheireadh na bliana ní raibh aon scéim teanga daingnithe fós i gcás na Roinne Ealaíon, Oidhreachta agus Gaeltachta, Roinn a bunaíodh go foirmiúil ar 1 Meitheamh, 2011. Bhí Roinn an Aire Stáit féin faillitheach sa chás sin, ní amháin ó thaobh scéimeanna a dhaingniú, ach ó thaobh scéim a chur i bhfeidhm sa Roinn féin.” Sin a tharlaíonn nuair atá “féadfaidh” ann in áit “déanfaidh” i gcás an Aire. Caithfidh brú a chur ar an Aire mar phobal. Má thugann an Rialtas conradh trí Údarás na Gaeltachta go dtí comharchumann nó comhlacht pobal-bhunaithe nach bhfuil ag déanamh a chuid gnó i gceart, b’fhéidir go bhfuil pobal na Gaeilge sa cheantar ag iarraidh an Ghaeilge a chur chun cinn ach níl an comhlacht ag gníomhú mar is ceart faoi. Mar atá ag tarlú faoi Acht na dTeangacha Oifigiúla, tá Ranna Stáit, ar nós an Ard-Mhúseaim agus ar nós Thithe an Oireachtais, nach bhfuil ag daingniú scéimeanna. Tá mise anseo ag feidhmiú mar Ghaeilgeoir ag iarraidh mo chearta a bhaint amach ach níl na Tithe ag comhlíonadh a gcuid dualgas faoin Acht. Má chuirimid “déanfaidh an tAire”, ciollaíonn sin go gcaithfidh an tAire feidhmiú agus sin a chur ina cheart. Sin an difríocht idir “déanfaidh” agus “féadfaidh” agus sin an fáth, dar linn, go bhfuil sé fíorthábhachtach go gcuirfeadh “déanfaidh” isteach in ionad “féadfaidh”, mar sé an track record ná go bhfuil Roinn an Aire Stáit faillíoch ag comhlíonadh a cuid dualgas faoi Acht na dTeangacha Oifigiúla. Nílimid ag iarraidh go dtarlódh amhlaidh le Bille na Gaeltachta.

Deputy Dinny McGinley: Beidh dischréid ag pobal na Gaeltachta agus tá sin tábhachtach ach tá sé lán chomh tábhachtach go mbeidh dischréid ag an Aire féin. De bharr cinní a bheidh le déanamh ag an Aire, de bharr chur i bhfeidhm na bpleananna teanga sna Gaeltachtaí, is cinnte go mbeidh cinní le glacadh, go speisialta mura gcuirtear pleannanna i bhfeidhm. Mar sin féin, ba chóir nach mbeadh sé chomh daingean le “déanfaidh”. B’fhearr liom go mbeadh díschreid ag cibé Aire a bheidh ann agus go bhféagaimid isteach an focal “féadfaidh”. Mar sin, ar an ábhar sin, leis an tsolúbthacht sin a thabhairt dúinn agus díschreid a thabhairt dúinn, ní féidir liom glacadh leis an leasú.

Question put: “That the words proposed to be deleted stand.”

Question put.

The Committee divided: Tá, 26; Níl, 14.

Tá

Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Eamonn.
Coghlan, Paul.
Comiskey, Michael.
Conway, Martin.
Cummins, Maurice.
D'Arcy, Jim.
D'Arcy, Michael.
Gilroy, John.
Harte, Jimmy.

Hayden, Aideen.
Heffernan, James.
Keane, Cáit.
Kelly, John.
Landy, Denis.
Moloney, Marie.
Mulcahy, Tony.
Mullins, Michael.
Noone, Catherine.
O'Keeffe, Susan.
O'Neill, Pat.
Sheahan, Tom.
Whelan, John.

Níl

Barrett, Sean D.
Cullinane, David.
Daly, Mark.
Leyden, Terry.
Mooney, Paschal.
Mullen, Rónán.
O'Sullivan, Ned.

Ó Clochartaigh, Trevor.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
Power, Averil.
Reilly, Kathryn.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keeffe; Níl, Senators Trevor Ó Clochartaigh and Diarmuid Wilson.

Question declared carried.

Progress reported; Committee to sit again.

Private Members' Business

Rent Supplements: Motion

Senator Trevor Ó Clochartaigh: I move:

“That Seanad Éireann notes that:

- the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the European Social Charter recognises the right to housing as part of the right to an adequate standard of living;
- there are 94,000 people in receipt of rent supplement in this State;
- there are 100,000 people on waiting lists for local authority housing in this State, and the public housing sector has been chronically underfunded for many years;
- many of those in receipt of rent supplement fall within a particularly vulnerable category of tenants, often already living in properties which are at the lower end of the price scale for rented accommodation;
- the Minister for Social Welfare's stated commitment that no tenant would be made homeless on account of these changes;

- according to Focus Ireland there are some 5,000 people homeless in the State at any given time;
- many single parents face an anomaly as regards being assessed as single persons for the purposes of rent allowance, despite having joint custody of a child;
- the problems experienced by a proportion of landlords cannot be separated from the wider mortgage arrears crisis;
- many of those in receipt of rent supplement will find it difficult to renegotiate their rent downwards, and to find alternative accommodation in the vicinity.

Seanad Éireann criticises the practice of landlords seeking cash payments from tenants, in addition to accepting rent supplement, in breach of the legislation; and therefore calls on the Government to:

- provide support information and assistance to tenants currently availing of rent supplement;
- negotiate directly with landlords the rates at which rent supplement is paid, in order to reduce the expenditure on rent supplement;
- put in place a scheme whereby rent supplement is paid directly to landlords, rather than to tenants;
- make as much use as possible of suitable NAMA accommodation in order to meet the needs of those currently in receipt of rent supplement, and to acquire vacant NAMA properties for social housing purposes; and
- direct HEOs, formerly known as CWOs, to take all reasonable steps necessary to ensure that tenants have appropriate accommodation.”

Cuirim céad fáilte roimh an Aire. Tá mé thar a bheith buíoch di as teacht isteach leis an rún seo a phlé. I dtosach, ba mhaith liom míle buíochas a ghlacadh le Ceannaire an Tí as an t-am a thabhairt dúinn leis an gnó príobháideach seo a chur chun cinn. Mar is eol dúinn go léir, níl aitheantas ghrúpa tugtha do Shinn Féin sa Seanad agus táimid ag brath ar deá-mhéin an Cheannaire. Táimid thar a bheith buíoch dó as an t-am sin a thabhairt dúinn.

Molaim an rún seo don Teach. Seo rún atá iontach tábhachtach agus atá ag tarraingt go leor cainte faoi láthair ar fud na tíre. Baineann sé leis na liúintais atá dhá íoc ó thaobh chúrsaí cíosa de ar fud an oileáin seo. Tháinig leasú ar na rátaí sin le déanaí agus laghdaíodh iad. Aontaímid leis an Aire go bhfuil gá le leasú agus go bhfuil sé tábhachtach go mbaintear leas cheart as airgead an Stáit agus go bhfuil an t-uafás airgid dhá chaitheamh ar an scéim seo, ach tá fadhbanna an-bhunúsach leis an bealach atá sé seo dhá chur i bhfeidhm, ní amháin do na tionóntaí atá curtha in áit an deacair ó thaobh go bhfuil iarrtha orthu dul ar ais ag idirbheartaíocht leis na tiarnaí talún. Tá fadhbanna ag na tiarnaí talún féin mar tá go leor acu sa gcás nach bhfuil siad ábalta ná in acmhainn na cíosanna a laghdú. Tá fadhb bunúsach leis an leagan amach agus sin an fáth go bhfuil tar éis an rúin seo a thabhairt os comhair an Tí anocht. Tá cuid mhaith saineolais sa Teach seo maidir leis an ábhar seo agus síleann muid go bhfuil sé tábhachtach go bpléifí é seo agus go dtiocfaidh muid ar réiteach.

We are disappointed with the Government's amendment to a motion which we consider conciliatory and not inflammatory in any way. We have tried to find a constructive solution to the problem I have outlined. While aspects of the Government's amendment are well-inten-

[Senator Trevor Ó Clochartaigh.]

tioned, it also contains flaws. As I will explain later, the contention that the caps are in line with market value is false.

The amendment also makes reference to housing assistance payments. We looking forward to hearing more about these payments but it appears the Minister for Social Protection has come up with this concept without providing much information about it. We are totally unfamiliar with it and councillors in Dublin and elsewhere also seem to know nothing about it. On the basis of telephone calls I made today, there is not much knowledge about the matter in either the Department of Social Protection or the Department of the Environment, Heritage and Local Government. It appears to be merely a vague idea which a steering group has yet to develop. As public representatives have not been briefed on housing assistance payments, it will be difficult for us to back the amendment. If we had included such a vague idea in our motion, it would have been shot down immediately. It is a bit rich to ask the House to give our backing to a scheme about which we know very little.

The right to housing is a fundamental right. As our motion notes, this right is recognised in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the European Social Charter. This country places a particular value on the permanent or, at least, semi-permanent occupation of a dwelling. Our history has placed particular significance on the idea of the home hearth, good shelter and a stable homestead and it remains a major aspiration of Irish people to have a place in which to settle and build a life. However, we are significantly failing to vindicate the right of our citizens to adequate housing. As the motion notes, between 90,000 and 100,000 people remain on waiting lists for local authority housing in this State and the public housing sector has been chronically underfunded for many years.

Approximately 94,000 people in this State receive rent supplement. Recent census figures show that 500,000 people, or 29% of the population, are dependent on the rented sector. This is a huge number of people for such a small country. Despite the extensive amount of housing that lies empty, many people have no way of vindicating their right to adequate housing. This is a veritable housing crisis but it is taking place away from the intent gaze of the media and other players.

Senators who work in constituencies where this issue arises will be more than familiar with the difficulties that people are facing. I have come across single parents with several children who have been waiting for housing for as long ten years. In many households three generations live under the same roof, sometimes in small two up-two down houses, because of the inability or unwillingness of local authorities to build the accommodation they need.

Our public administration has long ago given up on the idea that the State should provide houses for those who cannot afford their own. Given the cost of housing during the past 20 years, this is no small or uniform category of persons. Because of this failure, 94,000 of our citizens are dependent on the rent supplement scheme. This has long been an unsatisfactory solution, one operated imperfectly even in better times. I note, whenever a parliamentary question is asked, that the first line of response is that the rent supplement is a short-term scheme. It is not short term for those dependent on it. It has long been an unsatisfactory solution.

In the most recent budget, the Government reduced the allocation for rent supplement by €21 million. This has led to a review of rates across the State and the introduction of new and lower rates, which according to the Department of Social Protection, were gauged on the basis of CSO and *daft.ie* figures. Often these new lower rates are way out of kilter with reality. The maximum payable for a single person for a one-bedroom flat-apartment is €450 per month.

However, the most recent *daft.ie* report on rents indicates that the average cost of rent for a one-bed apartment-flat in the city is €542, which is €92 more than that allowed. Again in Galway the maximum allowable amount for a couple with a child renting a two-bed house-apartment is €680. According to *daft.ie* this type of accommodation in the city commands rent of €730 per month, which is €50 more than the amount allowed by the Department. Rent allowance for three bed accommodation in Galway city cannot breach €700 per month. Yet, according to *daft.ie*, average rents on the private market are €799 per month, which is €99 more than what is allowed by the Department.

This morning, I searched the *daft.ie* website for a three bedroomed house for rent in Galway for between €400 and €1,200 per month. I found 21 properties, only two of which fell within the price range allowable. There are 4,300 people in Galway who are dependent on rent supplement, all of whom are currently under review. It is clear that the rents being demanded are way above what is allowed by the Department. This is what we are hearing from people on the ground. This flatly contradicts the claim in the Government amendment that the new rent caps are in line with the most up-to-date market data available. The Government is sticking its head in the sand on this issue and needs to get real.

People are facing limits which their rent supplement will not meet. In recent weeks, tenants in receipt of rent supplement in many parts of the country have received letters from the Department advising them of the new rent supplement limits and that they must seek to reduce their rent to those limits. The manner in which this is being applied in different areas varies on account of the different approaches of local social welfare offices. However, the cumulative effect is the same. People can no longer afford the rent which their landlord is seeking. This is further exacerbated, as noted in the motion, by the fact that some landlords seek additional cash payments from their tenants. This is illegal, takes advantage of the tenant's difficulties and needs to be weeded out. We are calling on the Minister to take action on this issue as a matter of priority.

Those in receipt of rent supplement are being left in the invidious position of being asked to renegotiate their rent with a landlord who may be unable or unwilling to do so. The IPOA stated in its presentation to us that many landlords are not in a position to negotiate downwards because of the extra costs imposed on them. It is utterly unfair to expect tenants to renegotiate rents. These are not a category of tenants likely to wish to rock the boat. It is often quite difficult to find landlords who will accept rent supplement. People are, therefore, generally reluctant to leave suitable accommodation. This is the case where the person or family has put down roots in an area, has made a home of the house or where children are attending a local school. The possibility of displacement in such a context could potentially lead to devastation and turmoil for many families. I have met with many such families during the past number of weeks.

I welcome the Minister's commitment that these changes will not lead to any incidents of homelessness. The Minister can be assured that we will hold her to that commitment. In our view these changes left unchallenged will have enormous and devastating implications for individuals and families in receipt of rent allowance. They will also have huge implications for the State as it comes to terms with the countless families who will as a consequence face displacement from their communities and homes. It is not an effective or fair strategy to reduce rent or, more specifically, rent supplement in the private rental sector. Responsibility for implementing the new rent threshold falls squarely on the shoulders of the rent supplement recipient who, because of his or her precarious situation, will sign forms stating that rents have been reduced while being forced to meet the difference.

[Senator Trevor Ó Clochartaigh.]

According to Threshold, the Department rather than tenants should negotiate directly with landlords to secure rent reductions. The Department is asking tenants to do the impossible and to break their lease agreements, which is not alone legally unsound but will without doubt lead tenants into serious conflict with their landlords. The Department is asking people, many of whom are very vulnerable and may not be well informed of their entitlements and rights, to negotiate directly with landlords to secure a reduction in their rent, which we believe is a farcical situation.

In our pre-budget submission to the Department, we acknowledged that savings could be made in the rent supplement scheme but recommended that the best approach would be for the Department to negotiate directly with landlords to secure reduced rent. Unfortunately, our advice was overlooked. In our view, it is time for action. My colleague, Senator Reilly, will outline the actions we believe the Government needs to take. However, the key issue is that the Minister needs to step in, take action and protect all of those unable to secure a rent reduction.

I will, possibly, come back with some further points ag an deireadh.

Táimid ag iarraidh ar an Aire glacadh leis an rún, i ndáiríre. Choinnigh muid an rún réasúnta díreach. Níl muid ag iarraidh a bheith ag scóráil pointí. Fadhb í seo atá le feiceáil ar fud na tíre agus tá súil agam go dtógfaidh an t-Aire ar bord é. Glacaim leis san leasú a bhfuil Seanadóirí an Rialtais á chur chun cinn go bhfuil siad ag teacht le cuid mhaith des na pointí atáimid a dhéanamh, ach bheimís ag impí orthu an leasú atá molta acu a tharraingt siar.

Senator Kathryn Reilly: I welcome the Minister to the House. Like Senator Ó Clochartaigh, I thank the Leader for the opportunity to bring this important motion before the House.

My colleague, Senator Ó Clochartaigh, has outlined the difficulties, in terms of changes to the rent supplement, facing many of the families. Staff in my office, as I am sure are staff of other Members, councillors and citizens information centres, are currently dealing with large volumes of families affected by this measure. The Government decision to lower the rent caps and force individual tenants to renegotiate rents is causing great upheaval and anxiety for families throughout the country. As stated by Senator Ó Clochartaigh these rent caps often do not reflect market value. Even if they did, it is unacceptable to expect tenants, who are already in precarious situations, to renegotiate rents with their landlords, who may be unable or unwilling to do so.

These policies will oblige tenants to move out of their homes and the areas in which they and their children are living and attending school. There are alternatives to these policies. There are actions that the Government can take in the interests of all parties, which would not cause any hardship. Tenants affected by this cut in rent supplement are being left in the dark and are receiving little information on what is happening, other than being told by their local social welfare offices to renegotiate their rents, in respect of which they are receiving no advice or information. The Department and social welfare offices should be working with tenants and providing them with advice and support to ensure they are not forced to move. There is a role for HEOs, formerly CWOs, in resolving this difficulty. We appeal to them to take all reasonable steps to ensure tenants have appropriate accommodation. We acknowledge that officials do have a degree of flexibility in individual cases but the position in this regard needs to be clarified and enhanced. The role of these officers is key to ensuring that the human ramifications of any policy deficiencies are limited.

There is a need for more concrete action in this area. The Department is at the end of the day in a far better bargaining position than are tenants, many of whom are isolated, vulnerable and in precarious situations. The Department commands the budget for rent supplement and

a landlord will be slow to refuse to engage with it. For this reason, the Department needs to take action rather than leave this responsibility to individual tenants. The Department should directly negotiate with landlords in regard to the rates of rent supplement. This, rather than subsidising landlords, is the approach it should be taking if it wants to save money in this area. Private landlords are being subsidised by the taxpayer to the tune of more than €500 million.

The Government amendment states that there is no direct relationship between the Department of Social Protection and landlords. While that may be the case, this does not mean the Department could not have a role. Clearly, it should. As all tenancies are registered with the PRTB this information is readily available. It is within the Department's gift to take responsibility for this area. In the longer term the Government needs to put in place measures to take the tenant out of the equation entirely with the landlord being paid directly by the Department. Not only would this reduce the tenant's anxiety, it would cut out under the table cash payments. The Irish Property Owners Association has called for such a scheme and it would be in the best interests of all parties.

It is clear much of the difficulty in this area comes from years of chronic under-investment in public housing. This is evidenced by the almost 90,000 to 100,000 people on the housing list and the fact that less than half of the €500 million used to subsidise private landlords is spent on social housing. It would be far more cost-effective to invest in the purchase of social housing via NAMA or otherwise. This is not a minor issue. It is an issue fast approaching crisis point and I want to stress this. Where are these people supposed to go if their landlords refuse to reduce their rents, but rents across the board are at the same level? Some community welfare officers have suggested they approach the homeless services. The number sleeping rough in Dublin has risen and I presume this is also true throughout the country. The increase in Dublin stands at 20%. It is not good enough for the Government to table amendments with no substantial proposals to resolve the issue and ask those who have only a matter of weeks or days to renegotiate their rents to await the housing assistance payment scheme, which appears to be known only to the Minister. This is why I, in seconding the motion, ask the Seanad to support the unamended motion.

Senator Martin Conway: I move amendment No. 1:

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

- acknowledges that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the European Social Charter recognises the right to housing as part of the right to an adequate standard of living;
- recognises the vital role played by the rent supplement scheme in addressing the accommodation needs of up to 93,000 households for which the Government has provided €436 million in 2012;
- affirms that the purpose of rent supplement is to provide short-term income support to those who do not have accommodation available to them from another source and it is not intended as a long term housing solution;
- has concerns over the long term reliance on rent supplement with approximately 55,000 recipients having now been in payment for more than 18 months;
- agrees that the recent maximum rent limits introduced from 1 January 2012 are in line with the most up to date market data available;

[Senator Martin Conway.]

- affirms that officials from the Department of Social Protection dealing with rent supplement tenants will continue to ensure that their accommodation needs are met and that the introduction of the revised rent limits have not and will not lead to any incidence of homelessness;
- affirms that rent supplement is an income support specifically for the benefit of tenants to assist them with their accommodation needs and there is no direct relationship between the Department of Social Protection and landlords;
- acknowledges that if the Department of Social Protection were to become involved in negotiations of rental agreements with landlords, the efficiency of the scheme would be adversely affected;
- agrees that any practice whereby landlords would seek cash payments from tenants in excess of that agreed under the rent supplement scheme is an offence and that representatives of the Department of Social Protection have specific legislative powers to deal with such offences;
- recognises that in cases where parents have joint custody of a child, the needs of both parents to have adequate accommodation are taken into account when determining entitlement to rent supplement;
- acknowledges that rent supplement should revert to its previous role of providing short-term income support for those temporarily unemployed;
- welcomes the transfer of 39,910 households from rent supplement under the Rental Accommodation Scheme (RAS) since 2005 to date;
- notes the publication of a new housing policy framework statement by the Minister for the Environment, Community and Local Government and the Minister for Housing and Planning in June 2011;
- welcomes Government agreement in principle to transfer responsibility for the provision of rental assistance to persons with a long term housing need from the Department of Social Protection currently provided through rent supplement to housing authorities using a new Housing Assistance Payment (HAP);
- notes that a commencement date for HAP of 1st January 2013 has been approved subject to further consideration of the matter by Government;
- notes that the Government has established a multi-agency steering group to develop proposals to give effect to this transfer. The group consists of representatives from the Departments of the Environment, Community and Local Government; Social Protection; Public Expenditure and Reform; Revenue; the County and City Managers Association, and the Housing Agency;
- welcomes the announcement by NAMA of its commitment to providing up to 2,000 units for social housing through the use of a social housing leasing initiative;
- notes that the Minister for Housing and Planning has established a Steering Group comprising officials of the Department of Environment, Community and Local Government, NAMA and the Housing Agency to oversee the process of obtaining as many of these units as possible for social leasing.”.

I wish to share time with Senator Bradford.

Acting Chairman (Senator Diarmuid Wilson): Is that agreed? Agreed.

Senator Martin Conway: Cuirim fáilte roimh an Aire. I acknowledge the work done by our Sinn Féin colleagues on the motion. However, in proposing this amendment I acknowledge the Minister has been in office for just a little over a year. We are faced with an unprecedented economic crisis and there is no doubt landlords have been charging extraordinary rents to people on the basis they know they are in receipt of rent supplement. Quirks exist throughout the country. Senator Ó Clochartaigh pointed out anomalies and I could also do so in County Clare where the amount is much higher in some villages or towns than others and there is also a difference between urban and rural. This is the primary reason it must be moved to local authorities. The housing assistance payment scheme proposed in the amendment is the right step forward.

A number of years ago the RAS scheme was introduced, which meant somebody on rent allowance for more than 18 months was transferred to the local authority which then paid the rent supplement. This has worked reasonably well because council officials know the score and are prepared to advise on dealing with landlords to ensure value for money is achieved. I believe the new housing assistance payment scheme is moving in this direction, whereby the entire rent supplement will be in the full control of local authorities, and I ask the Minister to clarify this. It is necessary to play ground hurling with some of these landlords on the rents they charge.

I also welcome the establishment of the steering group to examine the possibility of using NAMA properties. I also note it is hoped 2,000 NAMA units will be made available for social housing. As everybody here well knows, NAMA was established because of the disaster of the property bubble and development in this country. It would be welcome if some good can come out of this mess for people in need of housing and who have a right to a roof over their head.

This must be done properly. The Minister is quite right to give herself, her officials and other Ministers a period of time to ensure when we move to the housing assistance payment scheme through local authorities it is done correctly and that it is properly investigated, researched and executed. We are dealing with public money. Approximately €450 million has been spent on rent allowance so there is room for improvement. Savings can be made and more can be done to ensure those in need of housing will get good quality accommodation for the money. Nobody wants to be on rent supplement. People want their own homes. Those who are unemployed on a long-term basis deserve the security of knowing their landlord is the State. This is why the proposal with regard to NAMA is welcome.

The amendment tabled in no way takes from the substance of the work done by our Sinn Féin colleagues. I commend them on tabling the issue for discussion. What they propose has huge merit but the amendment strengthens their motion and I call for a unanimous support for the amendment.

Senator Paul Bradford: I support the comments made by my colleague, Senator Conway, and formally second the Government amendment. Without trying to sound patronising I believe the motion tabled by the Sinn Féin Senators is very thoughtful and very well researched. I have no personal difficulty with it. However, the fact the Minister for Social Protection is before the House this afternoon to speak about housing policy rather than the Minister of State with responsibility for housing or the Minister for the Environment, Community and Local Government shows how wrongly we have wandered as a society with regard to housing. To a degree, rent supplement is a fire brigade action and until such time as we put out the fire and put in

[Senator Paul Bradford.]

place a proper housing policy we will continue to struggle with the very sad facts and figures as presented in the motion.

It is quite unbelievable, politically, socially and morally, that in 2012, after the Celtic tiger, the building boom and the construction of tens of thousands of houses throughout the country, that so many people do not have a decent place to live. The Minister of Social Protection has what is probably an accidental role to play in housing policy. We really need to move beyond the emergency solution that is rent supplement towards a real housing solution and policy. We have not had a substantive debate on housing in a political generation. Former colleagues of ours published, debated and ignored the Kenny report and since then there has been no real housing policy apart from building and speculating. A housing estate was not a place where people and families lived; it was a profit vehicle for those who wanted to turn an acre into a €1 million park. We need a debate on this.

In recent weeks I have put on the record of the House how surprised I have been when a number of our colleagues have expressed their delight and pleasure at reading media reports about the increase in house prices.

Senator Martin Conway: Hear, hear. Well said.

Senator Paul Bradford: We ruined our country once through house prices and I find it utterly unbelievable that colleagues of mine on the Government side of the House have welcomed the stir in the market and the increase in house prices. Surely the Government must aspire politically to more than wanting to preside over another housing boom. Our aspiration should be a robust housing policy which makes housing affordable, credit available and tries to deal once and for all with the housing crisis.

It was difficult to come up with an amendment to a well reasoned motion but the amendment is also well reasoned and mentions the NAMA properties. I welcome the fact we might find a use for 2,000 NAMA properties. However, tens of thousands of people cannot afford a house and we require a bigger solution for this issue. The Minister is moving as best she can on rent supplement. A small amendment recently caused political grief in the other House, but rent supplement is not the be all and end all. It is a tiny part of what should be a much larger solution.

Let us have this debate on rent subsidy, RAS, which has been a fine scheme, probably the only bit of fresh thinking on housing policy in the past ten or 15 years. However, we really need a substantive debate on housing. We need a new political definition for housing and a strong political statement from Government about people's entitlement to housing, whether this concerns rural planning, well-built urban estates or well-managed streets and cityscapes. We need that debate.

The commencement of the Sinn Féin motion mentions the universal Declaration of Human Rights, etc. Sometimes these declarations are full of fine words. However, it should not be beyond possibility in a civilised political society, which one hopes ours still is, to ensure there is adequate housing. Rent supplement is a tiny part of the solution. We need that substantive debate on housing. The Minister has her role to play but her Cabinet colleagues with responsibility for housing must be the senior players in this debate.

Acting Chairman (Senator Diarmuid Wilson): Senator Mooney has six minutes.

Senator Paschal Mooney: All sides of the House welcome the Sinn Féin motion. I share the view that rent supplement is only a short-term policy. The ultimate solution is to move the 94,000 recipients into permanent accommodation, either through local authorities or by

employing NAMA properties to tackle the social housing waiting lists. It is interesting that the figures from 2005 up to June 2012 show a 60% increase. This is significant, in that even at the height of the Celtic tiger period housing boom there were 60,200 people in receipt of rent supplement. That would seem to suggest that even at that point, with the housing market going out of control, it was still impossible for people to look after their own housing; they had to rely on State subsidy. Here we are at the other end of the scale, where house prices have fallen dramatically to some 60% below what they were in 2006-07, yet there is an increase to 94,000 people who are now in receipt of rent supplement.

Fianna Fáil would support the Minister in attempting to make savings by reducing rent supplement expenditure. On the one hand, the supplement addresses a particular short-term need, on the other it affects the housing market, depending on the part of the country. In establishing the rent limits, the Department announced a countrywide average of some 23% reductions in rent allowance. This reduction, however, differs county by county, with reductions ranging from 0.08% in Cork for a couple or a single parent with one child, to a staggering 44.9% in County Roscommon for a couple or single parent with two children. I do not have the figures for County Leitrim but I would say they are as high, if not higher. Perhaps the Minister might have something to say about the variations throughout the country in that regard.

The Minister also indicated that letters have been issued, advising welfare tenants of the new maximum levels when their lease is due for renewal. I am sure the Minister will take this opportunity to clarify the situation but we understand that a number of letters have already been sent out in various local authority areas stating that tenants have until a specific date, unrelated to their lease, to renegotiate their rent with the landlord or, alternatively, seek other accommodation. There is obviously a clear disconnect between the Minister's announcement that reductions come into force upon the renewal of leases, which I understand occurs once every 12 months, and the letters being sent out by social protection offices in various counties, stating that tenants must renegotiate by a certain date. Again, I am sure the Minister will clarify that.

Whether NAMA should be brought in to tackle social housing waiting lists is a moot point. There are many ghost estates throughout the country, with many unoccupied houses. Speaking from my own experience, such houses in my county and surrounding counties are there primarily as a result of the Shannon tax incentive scheme which, in its initial conception, was an excellent scheme, essentially intended to repopulate counties such as mine, Cavan, particularly west Cavan, Roscommon, Longford and part of east Sligo. That was fine but the Government then decided, under pressure from the building lobby — I cannot think of any other reason — to extend the scheme. In my part of the country at least, it was the extension of the scheme that caused the surplus housing. This happened in my home town. That was where the big mistake was made because this was not necessary. The questions kept being asked: where would the people come from to populate these houses on the fringes of towns and villages across my county; where would the jobs be provided for them to do so?

That said, there is anecdotal and even stronger evidence that some sort of social housing engineering has gone on, with people being relocated out of some of the Dublin constituencies and down the country. There are certain social implications attached to that because they are effectively being parachuted from one type of environment, an extreme urban one, into what is probably an extreme rural environment. This brings its own social difficulties — there is no question about it. Although in principle I agree with many of the people who are raising their voices about using ghost estates and unoccupied houses, in particular the NAMA-controlled ones, to address this issue, I would proceed with severe caution. I do not want to call this social engineering — one cannot account for human behaviour — but I believe there are social

[Senator Paschal Mooney.]

consequences that arise from taking people from one environment and putting them into another, taking them from one extreme to another.

I am sure the Minister has an opinion on the whole NAMA issue and on what to do with some of these estates and I would be grateful to hear her views in that regard. Perhaps the best way forward is for the Departments of Finance and Social Protection and NAMA to get together and see if there is some way of sorting this out. Overall, I take on board the points Sinn Féin made. I agree with the broad thrust of the Minister's policy in that there is a need to reduce this reliance on supplement. I confess it had not occurred to me it was a short-term or stop-gap measure. I had never thought about it other than to think it was there because it was there. However, although it is a short-term measure and only intended to address short-term housing need, it now seems to be a given. It is certainly distorting the market in some areas. Although it may be affecting markets in the wrong way, in the current state of the housing market — I refer again to my county, encompassing the counties I mentioned — rental income is very low because of the surplus of housing. There is such a wide choice both for those can afford it and those who seek such housing because they have rent supplement, that people are negotiating downwards rather than upwards in many cases. Again, I would treat with caution lobby groups representing landlords who claim they are losing out to an extraordinary extent because of rent supplement. It is not because of the supplement but because there are too many houses and because the current competition is so vast. The options for people who want to rent are considerable. Until that issue is addressed there will be no change in the status of rental income.

Minister for Social Protection (Deputy Joan Burton): At present there are approximately 92,000 families claiming benefit from a rent supplement payment. It is very important for us to mention the figures involved, in this time of very difficult economic crisis for most of our citizens and taxpayers who are ordinary people, on moderate levels of income. It is very important that we look at this issue from the point of view of the taxpayer in this country, ask whether we are getting value for money from landlords in this country and ask whether we are making the best arrangements for people who need support with their housing, of whom there are many.

Currently there are 92,000 people claiming and for them my Department is paying €436 million this year — a lot of money in anybody's language. I find the notion that we should not scrutinise that spending to determine if we can target it and spend it as well as possible and get the best possible value for money rather strange.

The total spend on the payment of rent allowance in the past five years, from 2007 to 2011, is approximately €2.4 billion. That is a great deal of money to have been spent under this heading on what is meant in policy terms to be a short-term housing support for people who lost their job and have rented accommodation. They need to be helped to hold on to their accommodation while they move on to another job or into education and training because we know the jobs market is tight. That is the reason the Department of Social Protection assists people with rent supplement.

The main purpose of the rent supplement scheme is to address people's short-term accommodation needs while they are temporarily unemployed. The aim is to provide short-term assistance and not to act as an alternative to the other social housing schemes operated by the Exchequer. However, more than half the current recipients of rent supplement, approximately 55,000, have now been on rent supplement for more than 18 months. Many of them have been on rent supplement for many years. I welcome the opportunity to discuss rent supplement but Sinn Féin, in all honesty, ought to examine rent supplement, what it has done and where it has

worked. For instance, once somebody is in receipt of a significant amount of rent supplement it can have a hugely distorting impact on their capacity to return to work in that if they get €1,000 a month in rent supplement, that is €12,000 a year, any job they would take up would have to cover social welfare payments, perhaps for a family of four, plus €12,000 in rent supplement because if they were to take up a job they would lose the rent supplement. That is the reason I emphasise that we must examine this in a holistic way and liaise with the Department of the Environment, Community and Local Government in that in recent years 40,000 families have been transferred from rent supplement to rental assistance schemes. When people do that, they are then like other local authority tenants, although living in private accommodation. They can predict, therefore, if they get an offer of a job, to what their differential rent is likely to rise. There is a disincentive in taking up an offer of employment because of the loss of the very large amount of rent supplement. Senator Ó Clochartaigh gave an example of a single person in Galway who was getting €450 a month.

Senator Trevor Ó Clochartaigh: Yes.

Deputy Joan Burton: That amount of €450 a month is €110 a week. The Senator's constituent in Galway gets €188 a week, plus fuel allowance, plus another €5,000 a year. The difficulty in that respect is how that person will take up employment because he or she has to get a job that will pay more than the total package. There is an important opportunity in this debate to bring this point home. Those on all sides of this House must be thoughtful about the way we get best value from the expenditure of taxpayers' money.

Social housing is provided through a number of delivery mechanisms by housing authorities or through the voluntary and co-operative housing sector by approved housing bodies. More than €333.7 million has been provided in 2012 for the social housing capital budget. Again, that is a significant commitment in the context of our current economic position.

Rent supplement is administered at local level by former community welfare officers who came into the Department of Social Protection last October. They are now full departmental officials. Those officials provide a great deal of support and advice to customers in addressing their accommodation and other needs.

Budget 2012 provided for a number of changes to the rent supplement scheme including a review of the maximum rent limits which were set after a detailed analysis of the most up to date market data available. That data and the survey are available on the Department's website and incorporate all the data from all the different locations in the country and is urban, rural and country based. Senator Ó Clochartaigh is shaking his head, but it is acknowledged to be a very comprehensive survey and picture of rents. The emphasis of the rent limit review was to ensure that maximum value for money for tenants and the taxpayer was achieved while at the same time ensuring that people in receipt of rent supplement are not priced out of the market for good quality private rented accommodation. It is expected that €22 million in savings will accrue to the Exchequer during 2012 as a result of this measure.

Another important point I would emphasise is that the Department of Social Protection funds approximately 40% of the private rented sector in Ireland. That means the Department is the biggest player in establishing rent. I ask Senator Ó Clochartaigh and Sinn Féin who else rents in this country. Who are the 60%? For the most part, they are workers, often on quite low incomes because they cannot afford to buy a house and they are often students whose parents are funding rent for them while they are at college. Is Sinn Féin telling us that the Department of Social Protection should use a 40% position in the market, as is implied in the Sinn Féin motion, to drive rents up such that people who are in low income jobs would end up paying higher rents?

Senator Trevor Ó Clochartaigh: In fairness, we said the opposite.

Deputy Joan Burton: It is very good we have a discussion of how this actually pans out. The Department pays for 40% of rented accommodation in this country. Sinn Féin needs to take into account who are the other people who pay rent. They are mostly low income workers and students. Does Sinn Féin want to drive up rents, as is implied in the motion, for those people? It needs to think about the policy it is advocating.

Senator Trevor Ó Clochartaigh: The Minister should have listened to what we said. We said the opposite.

Deputy Joan Burton: I listened carefully to what the Senator said. The previous rent review of June 2010 resulted in reducing national rents by a weighted average of 4%, accruing annualised savings of €20 million. That was generally regarded by almost everybody as being quite a successful undertaking because, from the point of view of people on a social welfare income and those who are renting in the private market, it helped to reduce rents. Since that time we have had a catastrophic collapse in the construction industry, to which Senator Mooney referred. I ask Sinn Féin is it unreasonable to expect some better value from rents in the context of the well documented fall in property values in the country? I know that the two are not necessarily absolutely related because there are landlords who bought their homes to rent many years ago at very attractive prices and they may have no mortgages on them.

Sinn Féin references in its motion its discussions with the Irish Property Owners' Association — that is my understanding. The Senator was speaking about that association and that Sinn Féin is concerned about buy to let landlords. Everybody is concerned about buy to let landlords because quite a number of them were some of the people whom Senator Mooney referenced, people who were beguiled into investing in property and perhaps did not think it out such was the property bubble in this country. Sinn Féin is a party that does not want property taxes and yet it wants increased rents to get landlords a higher income. That is basically what it is saying.

Senator Trevor Ó Clochartaigh: It is not what we saying at all.

Deputy Joan Burton: Whereas the job of the Government is to get more value for all of our taxpayers but what has the Government done——

Senator David Cullinane: It would have helped if the Minister read the motion. She would have saved herself some trouble.

Deputy Joan Burton: ——in regard to people, the buy to rent landlords, who may be in difficulty with their mortgages? It should be noted that the banks have been capitalised at very great cost to the taxpayer. It is not the job of the Department of Social Protection to fund the mortgages of buy-to-let landlords. We are sympathetic to their problems but the implication in the Sinn Féin motion is that we should in some way arrange to subsidise buy-to-let landlords when in fact the taxpayer is already putting very significant committed funds into the banks to restore the funding basis of the banks and to deal with the mortgage crisis.

The points raised by Sinn Féin are very interesting but as for their economic impact and the fairness of the proposals *vis-à-vis* the ordinary taxpayer who may not be a landlord at all, those proposals need to be thought out quite carefully. A total of 25,000 rent supplement claims, which represent more than 27% of total claims, have now been awarded in 2012. This is a strong indication that accommodation can be secured within the new limits. While I acknowledge there are certainly difficulties in particular areas, the staff in the community welfare services of the Department are working with tenants where special circumstances exist to offer

assistance in individual cases. These new limits will not cause homelessness for anyone in receipt of rent supplement. The maximum rents may be exceeded in certain circumstances, for example, in respect of people with a disability in specially adapted accommodation or homeless people whose needs cannot be met within the standard term of the rent supplement scheme. In addition, local rent caps can be set lower than the prescribed maximum limits where the local market conditions dictate, thus ensuring that recipients are provided with suitable adequate accommodation.

The next national review of maximum rent limits is due to be completed before June 2013. I say to the Sinn Féin Senators that what has happened so far indicates that we have a capacity to get better value for money in respect of this scheme for hard-working taxpayers. This is a legitimate concern as well as concern for landlords. I ask Senator Cullinane to bear this in mind.

The Department of Social Protection through its homeless persons unit and the asylum seekers and new communities unit, provides assistance to people in sourcing the most appropriate accommodation available. I refer to the statistics for last year and the previous year. In 2010, some 97,000 individuals and families were in receipt of rent allowance with 96,000 individuals and families in receipt last year. Just over 60% of these were people of Irish nationality and the remainder comprised people who have come to Ireland. Senator Mooney will be well aware that people coming into a country are, generally speaking, among the hardest working because they are moving to a new country in expectation of working hard and making a new life for themselves and their families. We have to give serious consideration to whether we are creating a very serious employment trap not just for Irish people, but also for people who have come to Ireland, in that the rent supplement inhibits transfer to employment because in some cases it is such a significant portion of a person's income that to lose it means he or she is deterred from taking up employment. This needs to be considered very carefully.

Senators will know that the officials in my Department and the community welfare officers go out of their way to help people who have problems with homelessness. On the point of the Department negotiating directly with landlords, the people on social welfare are our clients. If the Department were to take on the landlords as well, this would be an extra 92,000 people or businesses to deal with and the Department does not have the resources to do this. I have emphasised that reform of the rent allowance scheme is required. It needs to be changed from what it has become and what it was never meant to be, a long-term housing assistance. It was meant to be short-term assistance for people who had lost their employment. Senator Ó Clochartaigh referred to such reform. What is envisaged is that the scheme would transfer to the local authorities who have housing departments and who are well equipped to deal with landlords and the overall provision of accommodation, as part of the general provision of services within a county or a city area.

Reference was made to top-up payments to landlords. Rent supplement is calculated to ensure that the person, after payment of rent, has an income equal to the basic supplementary welfare allowance rate, less a specified minimum contribution which recipients are required to pay from their own resources. Where a person has an additional income above the rate of supplementary welfare allowance, he or she is allowed in certain circumstances to top up the rent as the additional income will mean there is sufficient income to meet basic needs after paying the rent. A second type of top-up payment can occur where the application to the Department declares a rent lower than that actually being charged by the landlord. Any instance of false declarations should be reported to the relevant Departmental official administering the scheme who has specific legislative powers to deal with such offences. The recent Social Welfare Bill introduced powers of inquiry for appropriate staff such as social welfare inspectors to formally request and oblige landlords to provide information in respect of their rent supplement tenants, principally to verify the agreed rent, the identity of the tenant and

[Deputy Joan Burton.]

the existence of the tenancy and to ensure the person in receipt of the allowance is using the accommodation. This measure will improve both the governance and oversight arrangements in place and it will complement existing compliance arrangements between the Department and the Revenue Commissioners. This is to ensure that landlords report such income for taxation purposes.

My intention is to return rent supplement to its original purpose, which is to provide short-term income support for those temporarily unemployed. The rental accommodation scheme has been in operation since 2004. The Department of the Environment, Community and Local Government is working on the housing assistance payments scheme. Collaborative interchanges between Departments and organisations, such as housing authorities, depend for success on a synchronisation of information technology. The transfer to a housing assistance payment scheme would allow for direct rent payments to landlords by the local authority. Differential rents will be set and collected by the local authority and this system applies currently to local authority tenancies. It is anticipated that it will be a condition of tenure that the tenant enters into a household budgeting facility arrangement with rent deducted at source by An Post from the tenant's welfare payment. This is an important initiative which will ensure that the rent is paid up to date.

Whether a rent supplement tenant or a local authority tenant, a sign of serious economic difficulty in a family is that people fall behind with their rent. I want a system like that in order that tenants will not be able to opt out of paying the rent unless they have, for some reason, the specific permission of the local authority. I have listened to Members from both Houses say they are concerned at the level of local authority arrears because of the way the system is structured. I am working with the Minister for the Environment, Community and Local Government and the Minister of State with responsibility for housing on a scheme that transfers rent supplement back to, as was intended, a short-term support and puts in place longer-term structures, through the medium of the local authority, to assist those who need accommodation and help with housing. Members will be aware that in many counties people are on rent supplement for very long periods. If this had been arranged via the local authorities, we would probably have found, for most of those people, a long-term local authority provision either through local authority renting or, as was traditional, through the local authority building and developing or working in conjunction with housing agencies.

Senator Aideen Hayden: I thank the Minister for a comprehensive statement. I also thank the Sinn Féin Senators for raising this important issue. We must bear in mind that 20% of the people live in rented accommodation. That is a significant change for a country that until recently had an 80% home ownership rate.

Rent supplement was introduced in 1989 as a short-term measure but that position had changed within two years of its introduction. There have been numerous attempts to transfer rent supplement costs from the Department of Social Protection to the Department of the Environment, Heritage and Local Government, one in 1993 and another in 1996, but every attempt to date has been unsuccessful. The commitment given by the Minister for Social Protection and successive Ministers of State with responsibility for housing, Deputy Willie Penrose and Deputy Jan O'Sullivan, to transfer the payment to the Department of the Environment, Community and Local Government represents, in all honesty, the only real hope for rectifying the difficulties in the area of rent supplement.

There are a couple of aspects of the amendment with which I am not entirely comfortable, including where it acknowledges that the Department of Social Protection would not receive better value if it negotiated rental agreements with landlords directly and that tenants negotiat-

ing individually brings about greater efficiency. For example, it is clear from the Department of Social Protection's statistics that in 2010, some 20 landlords received more than €100,000 and up to €300,000 annually from the Department. It would be far more efficient for the Department of Social Protection to have negotiated with those landlords directly. To get best value for money for the State, I strongly suggest it is not a good idea to put vulnerable tenants in the front line to achieve savings. These are tenants who have health issues, mental health issues and language and literacy problems. Better savings could be achieved by negotiating and dealing directly with landlords. In that context, the transfer of the payment to the Department of the Environment, Community and Local Government and into the hands of the local authorities, ultimately, represents the only solution to the problem.

In regard to the Government amendment, the reality is that anybody dealing with rent supplement on the ground knows there are difficulties in its administration. I fear that whatever information the Department of Social Protection received when setting rent supplement limits did not take into account the specific difficulties of people who occupy the bedsit end of the market. The rent indices that would have been available to the Department under the Private Residential Tenancies Board and Daft systems do not cover, to any great extent, bedsit accommodation and yet 60% of rent supplement recipients are single people. Therefore, the system is flawed in giving an accurate account of the costs in the market.

I do not question the Department's bona fides but I draw the Minister's attention to a top up survey recently conducted by Threshold. It was a random sample of 100 rent supplement clients between February and May 2012. Some 55%, or 55 people, were paying more than the rent limit. Of those 55 who were topping up out of their social welfare payments, 67% said the amount of rent they paid affected their spending on their shopping bill and a further 64% said it impacted on their capacity to pay their heating bills. In Dublin and Cork it is not uncommon to encounter clients who pay a top up in the region of €100 per month. That has a real affect on the ability of individuals to meet their daily living expenses.

I have discussed with the Minister situations where it has not been possible within the rent caps to provide properly for people. I know she is open to this. It is important that the Department understands that for those who are living on rent supplement it is their home and it should not arbitrarily say to somebody that he or she needs to move because his or her landlord will not take a successive rent reduction. Landlords have taken rent reductions and many have taken successive rent reductions. On this occasion, more and more landlords are reluctant to take a rent reduction, for which there are a number of reasons. The market is increasing in terms of the numbers who are renting. We have a moribund housing market; we are not building. The reality is that rent supplement tenants are competing with ordinary people who, in previous times, would have seen their future in the home ownership market. As a country we do not want to see the most vulnerable pushed into the worst quality accommodation.

I respect the Minister's commitment that nobody will be made homeless by the changes made to the rent supplement scheme. However, I wish to bring one case study to the attention of the House. It relates to a homeless person who has been liaising with the access housing unit in Dublin and is seeking housing. He has been coming to the access housing unit for a number of years. He is a heroin addict and has been receiving treatment. Fortunately, he is drug free and trying to get back to live independently. The access housing unit began seeking accommodation for him in March 2012. It accompanied him on several viewings but has been unable to source good quality accommodation within the €475 rent cap. In one studio, the individual was unable to stand up straight in the kitchen area. Another studio in the city centre was so small that the single bed took up 50% of the floor space. He also viewed studios that were damp, had sofa beds rather than actual beds as well as studios that did not meet the minimum standards and in one case did not contain cooking facilities. To date we have not

[Senator Aideen Hayden.]

been able to find him accommodation within the rent cap. I accept the Minister has given a commitment that homeless people will be given appropriate access, under the rent supplement scheme, and it is Government policy, under the housing first scheme, that housing is put first and that we do not end up, by default, with more people in homeless accommodation at a greater cost to the State.

I bring to the attention of both Ministers that there are difficulties with the rent supplement system, and there is little point in us burying our heads in the sand about it. In advance of any review of that system I ask both Ministers to do two things. First, we must expedite the transfer of rent supplement to the local authorities because the sooner we do that, the better chance we have of getting out of this position. Second, I ask the Ministers to give priority to the real difficulties single people in particular are experiencing in the system as well as the difficulties the caps are imposing in terms of getting people out of homeless services into houses.

Senator Sean D. Barrett: I welcome the Minister, Deputy Burton, and the Minister of State, Deputy O’Sullivan. As we try to put the pieces together in the country from the position we inherited 14 months ago, this measure will take a great deal of thought. We can go through all the mistakes that we made including the massive infusion of private capital into a stock of housing that, according to *The Economist* list, gave us the highest rise in house prices anywhere and far in excess of those in Spain and so on. That was fuelled by the view that a house was a fantastic source of tax free capital gains rather than just a place in which to live, which is what we are concerned with here, and I support the motion and the views of the various speakers. That has to be considered. There should have been a cut-off point when somebody could buy a house in Killiney for €15 million and sell it for €16 million. That was the easiest €1 million euro they would ever make tax free. That created the property bubble.

We must address also the irresponsible practices in the banking sector, the maximum loan to value ratio and the maximum loan to income ratio. The banks, by putting approximately 4% of the extra inflow of money into either agriculture or industry, created the property bubble from which we are all suffering.

Anthony Downs of the Brookings Institution in Washington once wrote a paper entitled, “Too Much Capital for Housing”, in which he stated that supply is elastic and if we continue to put capital in, as the Irish banks did, we end up with the situation we had in Dublin where the average house price, in the ten years up to the financial collapse, rose by 500%. That results in negative equity for the people who bought in the expectation that that would continue, another problem with which the Government is trying to wrestle.

There must be much stricter rules for banking in the future, in terms of lending and saving, and we must not allow those capital gains to become a substitute for work, which we needed to address.

Our colleagues in Sinn Féin mentioned the local authority stock. It has been run down and is below demand but I recall that after he became Taoiseach, the late Garret FitzGerald chaired a committee on local authority housing in Dublin — I believe it was when Gay Mitchell was Lord Mayor — and he found it was more expensive at that time than housing in the open market. The rents were extremely difficult to collect and the maintenance costs were extremely high, much higher than those experienced by the Housing Executive in Northern Ireland. My Northern Ireland students asked me if I thought the Housing Executive is a model of efficiency and I replied that it is not, but it compares with Dublin Corporation, which is what Garrett FitzGerald was examining at that time. Concerns were also expressed about building conglomerations of local authority houses in such large numbers, which created fears of ghettoisation, and we tried to build them in smaller quantities.

In terms of getting out of this crisis, I referred to reforms in the private sector but if we had reform in terms of local authority housing so that it would again become value for money, I am sure the Ministers present would be delighted to engage in that but it was not done in the past. Garrett FitzGerald, by inclination, would not discriminate against local authority housing but he felt that the economics at the time had moved against it. That might have been because of the power of the construction industry and the way it influenced local government in terms of rezoning in that it saw itself as a servant of the construction industry and not as a servant of the people whom these Ministers seek to serve.

I agree with Senator Bradford that we must get house prices down, and they should continue to come down because if house prices are low it benefits those on low incomes. There should not be any Government interest in seeking to restore the rampant growth of house prices we had in the past.

It is time to put pressure on the National Asset Management Agency to sell the ghost estates. We had a discussion about that with the former Minister of State, Deputy Penrose, before he left office. Many of the ghost estates look fine from the outside and it would take very little work to restore them. If the local authorities do not have the money, why not sell them? They should not be left to go to rack and ruin. I ask the Minister if their owners should face prosecution for allowing properties to become derelict. A huge investment was made but it is worth far less now and therefore we should try to get those into the market.

Overall, we must get unemployment back down below the 14.9% announced today but housing, along with banking, are the two areas in which massive mistakes were made and it will require a new policy to address them. I assure the Minister, and as she can see from this constructive debate, that the Seanad will assist her because it is vital that we do not go back to the position where we were pricing local authorities out of the ability to build housing and pricing the market sector way beyond anybody's ability to afford it unless they got the massive capital gains to which I referred, which pushed up the price even further. A house is just a place in which to live. It is not a boost for the construction industry or the banking industry and getting those out of the picture would be a start in terms of avoiding the terrible mistakes made over a decade or more ago.

Senator Deirdre Clune: To pick up on Senator Barrett's last point, a house is just somewhere to live but, unfortunately, for some people it became a commodity and we have seen the set of problems that created for this economy on many fronts in the past decade.

Today we are focusing on the rental sector. We had a briefing this morning on the Central Statistics Office figures and it was pointed out to us that 475,000 people are renting including private renting, assisted renting and renting directly from the local authority. That is an increase of 300,000, or 60%, on the last census figure.

As we are aware, renting is a real option for people and in the circumstances in which many individuals and families find themselves, renting will probably be what they must do for the foreseeable future, and perhaps for the remainder of their lives. This country is not equipped for that scenario. We only have to look at the number of landlords versus the properties available to rent. It is estimated that there are approximately 1.6 properties per landlord, which compared with Europe or other countries is very low, and as a result there are landlords who are not professional landlords. They did not set out to make a career out of it. They have another job or they may have acquired a property and thought it would be a good idea to rent it.

I represent a city which has two third level institutions and a mobile population. Landlords have bought the houses. They want to maximise the rent but they are not prepared to invest

[Senator Deirdre Clune.]

in them in terms of providing services for the tenant. They just want the return from the investment.

In general, we do not have professional landlords who are serious about their business. There are some exceptions to that rule, one of which is the local authorities in terms of the support they give to their tenants. When I first became a member of a housing committee in Cork City Council over ten years ago we had a debate on single parents during which the housing officer said that the best thing a young person with a family can do is engage with the local authority which provides the services many of them need. Many of those people have difficulties in accessing services and getting around what they perceive to be officialdom. Local authorities are good landlords and provide good service and support to their tenants. The Minister for Social Protection, Deputy Joan Burton, referred earlier to the rental accommodation scheme which is a very important scheme that has been extremely successful. Rent supplement was only meant to be a temporary measure but has evolved into a semi-permanent measure and it is not appropriate. It traps individuals in that they cannot access employment for fear of losing their rent supplement.

The rental accommodation scheme, whereby the local authority deals directly with the landlord, has been extremely successful on a number of fronts. It gives the tenant security of tenure in that he or she is guaranteed that the landlord will not come along at the end of a six or twelve month contract and ask the tenant to leave, claiming that the property is required for personal reasons or for another tenant. The scheme also gives the landlord the certainty that he or she will have a tenant and a relationship with the local authority for a certain period, be it three, four or five years. Therefore, from the landlord's point of view, income is guaranteed for 12 months of the year whereas if tenants are constantly changing, the landlord often loses out on rent for a month or two in the changeover period. Furthermore, in a period when we are not building any more local authority housing, the scheme provides local authorities with an avenue through which they can house tenants. The scheme also ensures that there is a minimum standard of accommodation, which is extremely important and from what I have seen in my own area, housing standards are improving. The rental accommodation scheme is very popular and successful and I urge the Minister to ensure it continues.

Regarding the rent supplement, the cap in Cork is €715 per month. If one looks on www.daft.ie, the average rent for a two-bedroom house is €770 per month. Therefore, tenants are surrendering, on the sideline, additional money to landlords. Both tenants and landlords are in on this scheme. This is happening in urban areas, particularly in Dublin and Cork. Pressure is being put on tenants to pay additional money and for such tenants, the rental accommodation scheme is the way forward.

Senator Mark Daly: I welcome the Minister to the House. An enormous sum of money has been spent on this scheme over the past five years. In her speech to the House earlier the Minister spoke of her amazement at the proposal to pay landlords directly. Previously, rent was paid directly to landlords under this and other schemes but now it is paid to tenants. This has left some curious anomalies in the system which have been pointed out to me by people in Kerry and I am sure Senators from other parts of the country are also aware of them. A tenant can, for example, tell a landlord or agent that his or her rent allowance has been cut and ask for a rent reduction. The landlord then reduces the rent on the basis of information provided by the tenant and in some instances the new rent is actually less than what the tenant is receiving as a rent supplement. A lot of information is circulating among those in receipt of the payment about what is essentially a scam, whereby the rent supplement is actually higher than the rent being paid. This is due to the fact that the rent is going directly to the tenant.

There is no safety measure in place such as the agent or landlord informing the Department of Social Protection of the terms of the lease and providing a signed copy of the agreement. In the absence of such a measure, what is happening in some instances is that the form provided to the Department has a rental amount on it that is different from what is being paid to the landlord.

I have raised this issue with staff in the Minister's office and urged them to put mechanisms in place to ensure that information on the actual rent being paid by the tenant is provided by the landlord or agent to the Department. This would prevent the taxpayer from being defrauded under this scheme which will cost €436 million in 2012 and has cost €2.4 billion over the last five years. This is not merely a loophole but a gaping hole in the system. Time and again I have been told by agents that tenants present them with a blank form to sign. The tenants then fill in the form to obtain the maximum amount of rent supplement which, in the case of Cork, is €770 per month and return it to their local social welfare office. At the same time, they are telling landlords they can only afford to pay €500 per month. Landlords are accepting rent of €500 because in this climate, as my colleagues know, they are delighted to get tenants. Rents are falling and landlords know that the best payer at the moment is the Government. This situation is costing the taxpayer tens of millions of euro and over the lifetime of the scheme could cost hundreds of millions. There is no mechanism whereby the amount of rent being paid to the landlord by the tenant is verified by the Department of Social Protection.

I have made the proposal to staff in the Minister's office but have been met with deafening silence. Does anyone want to check what landlords are receiving from tenants? The relationship between the Department of Social Protection and the landlord has been broken. Now the money goes to the tenant and the tenant passes it on to the landlord. There is a huge gap in the system which I have also tried to raise on the Adjournment. I do not see why we cannot fix this loophole because it is costing millions of euro annually. There are many elements to my colleagues' proposals to the Minister but this is a scam. I know it because I used to work in the industry. It is an absolute scam. All it needs is a requirement from the Department of Social Protection that the landlord or the tenant verify the amount of rent being paid. If that was done, we would know that the entire amount of money being paid to the tenant by the Department is actually being passed on to the landlord and that the rental amount as stated by the tenant is the actual amount of rent being paid. That is not the case at the moment. It is not always the case that the tenant is claiming dishonestly but it is happening a lot. If it is happening in say 10,000 cases, which is 10% of the total, that adds up to €43 million.

I ask the Minister to raise the matter in the Department and determine how to verify that the tenant is actually being charged the amount of money he or she stipulates is the rent for which a supplement is being claimed.

Senator Marie Moloney: I congratulate the Sinn Féin Senators on tabling this motion today. Whether or not we agree with them, they have raised an issue that needs to be aired and debated on the floor of the House. I am very disappointed with the attendance in the House because I had expected that Senators would be clamouring to speak on this issue. The Minister stole half of my speech. She must have been looking at my notes because she spoke about many of the matters I intended to raise. I will not repeat her comments.

She described rent supplement as a short-term payment but everyone knows that is not the reality of the situation. The housing policy framework states that 94,990 households were receiving rent supplement payments at the end of March 2012, of which 53,821 were receiving payments for 18 months or longer. There is no indication of the length of time for which they were receiving payments but I am sure it is a long period. We cannot blame the people concerned because they are trapped in this scenario due to loss of employment or the reduction

[Senator Marie Moloney.]

in the rate of construction of social housing. There is nothing they can do to get out of their predicament. I have met several directors of housing in local authorities to ascertain their opinions on the issue. Many of them expressed the view that the rent supplement deters people from accepting local authority housing. In one case a family of two parents and two children who were in receipt of a jobseeker's allowance of €372 per week and rent supplement for a four bedroom property found that the €35 they contributed to their rent was less than they would pay in differential rent for local authority housing. Why should this family take up a local authority house which probably has three bedrooms if they can live comfortably in a four bedroom house?

The leasing scheme does not appear to have taken off to the extent predicted. The last time I checked nobody was on the leasing scheme in Kerry County Council. I had a client who had a daughter with a disability. She negotiated with her landlord to enter the leasing scheme and all was going well until a council official advised her that she would have to move out of the house before she could enter the leasing system. She might not even have gotten the house again if somebody with a disability was ahead of her on the list. These anomalies need to be addressed.

It appears from my experience in housing matters that the rent supplement process is devoid of basic background checks such as whether the property meets PRTB standards and whether the landlord can document building energy regulation certification, proper planning permission and tax compliance. I am glad that responsibility for this area is transferring to the Department of the Environment, Community and Local Government because housing should be the responsibility of a single authority. If the rent supplement transfers to the local authority these issues will have to be addressed because local authorities cannot be permitted to make payments to individuals who are not registered for tax or own properties which do not meet the standards. Perhaps these are issues for another debate but they must be addressed.

Senator John Kelly: I welcome the Minister of State, Deputy Jan O'Sullivan, back to the House and commend Sinn Féin on tabling this motion. Contributors have spoken a lot of common sense thus far and despite the Minister for Social Protection's description of rent allowance as a short-term scheme, it is far from short term. From my own experience as a community welfare officer, I am aware of people who were in the scheme for 20 years. Nothing will change until housing is made available through local authorities or voluntary bodies, unless these individuals find work in the meantime.

I take issue with the new rent caps being imposed in certain parts of the country. The levels set in my own part of the country are ridiculous because they do not reflect the rents charged in the west of Ireland. If rent allowance is to continue in its current form we need to reconsider the rent caps. However, the debate on rent caps is essentially about whether they have reached the appropriate level or if it is simply the case that too many houses have been built. It is a tenant's market and if a renter does not like one house he or she can move to another. Prior to the Fianna Fáil building boom and bust, one might find rental accommodation with mushrooms growing out of the ceilings and floors due to dampness. Accommodation is now relatively good, however, although it is not appropriate to the needs in certain parts of the country. A single person cannot find an apartment in rural Ireland because the majority of accommodation is in three bedroom houses.

The Minister, Deputy Burton, has spoken about value for money. She noted that the €1,000 per month paid to individuals in Dublin in rent supplement works out as €12,000 per year. It is difficult to take people off social welfare on that basis. I agree with her in this regard but if one goes down to the country one will be lucky to receive €3,500 per year, which would not

make the difference between going to work and staying on social welfare. Perhaps rents in Dublin need to be investigated.

I have sympathy with certain landlords. I do not refer to those who own 40 or 60 houses or the landlord who paid the non-principal private property charge on 70 houses. However, ordinary landlords can include public servants who decided they will never be able to save enough to support their families in the future unless they bought a house as an investment in their children's education. They have been hit with pension levies and the universal social charge at the same time as they face reduced rents and difficulties in collecting money from tenants. I do not see why we should not deal directly with landlords on rent supplement in the same way as the county councils deal with landlords on rental assistance. The reluctance to deal directly with landlords is the result of a 20 year old case in which a landlord in Galway sued the health board for property damage because it was paying the rent directly to him. The problem of liability can be easily addressed through legislation, however.

NAMA's portfolio offers us an opportunity to house people who are currently in rented accommodation. We should be housing people in units that will never otherwise be considered for anything but demolition. When will the transfer of the rent allowance system to local authorities be completed?

Senator David Cullinane: The motion tabled by Sinn Féin is fair and measured. It calls on the Government to take a number of actions which we believe would improve the current situation. The Minister's contribution was far from fair and measured, however. She made what was in effect a political statement, which is not helpful. She made a number of arguments which I find incredible and staggering from a Labour Party Minister. Some of her comments were reminiscent of the Progressive Democrats and could easily have been made by Margaret Thatcher.

She indicated that by paying a basic social welfare rate of €188 on top of rent supplement we are giving too much because people do not have an incentive to go to work. That argument ignores a number of points. People need rent supplement support because they cannot afford rent in the private sector out of their basic social welfare rate of €188 per week. They also need rent supplement because they are not being provided with social housing. The entire policy has changed and we are in a limbo because the previous social housing logic which involved local authorities building housing has been replaced by rent supplement, the rental accommodation scheme and long-term leasing. I agree with previous speakers that this is not a short-term measure but part of a policy shift which we must accept. The Minister of State's comments were incredible. Is she saying that she believes we are paying people too much and should cut their rent supplement or social welfare benefits? The solution to the problem identified by the Minister of State is that we ensure that people in low-income employment are given some level of support in terms of paying their rent and do not have all of their benefits withdrawn. Many of the people with whom I deal are in low-paid jobs and do not receive any rent supplement. One anomaly in the system is the inclusion of lone parent's maintenance payments as income, which results in many of them falling outside the threshold for rent supplement and having to meet the full cost of rent. These are important and serious issues.

The Minister of State has also misrepresented what we are calling for. This is very unhelpful. The motion asks that the Government request the Department to provide support, information and assistance to tenants currently availing of rent supplement who will be required to renegotiate rents with landlords. It also calls on the Government to ensure the State negotiates directly with landlords on the rates at which rent supplement is paid in order to reduce expenditure on rent supplement. We are asking first that the Department engage with landlord representative groups to obtain agreement on rent caps across the country and, second, that local authorities

[Senator David Cullinane.]

be the nominated bodies to engage with landlords. We should not be putting vulnerable people in the position of having to negotiate with landlords. We are all aware that many people, because they want to live in a particular area where, perhaps, their children attend school or because landlords will not reduce their rents, are paying cash under the table to landlords on top of what is being provided by the State in terms of rent supplement. It is essentially a social welfare cut if people are using their benefits to top up rent payments to landlords.

The motion also calls on the Government to put in place a scheme whereby rent supplement is paid directly to landlords rather than tenants, that as much use as possible be made of accommodation held by NAMA and that HEOs be directed to take all reasonable steps necessary to ensure that tenants have appropriate accommodation. Nowhere in the motion is it stated that we are not in favour of obtaining value for money. Nowhere in that motion or in Senator Ó Clochartaigh's contribution is it stated that we cannot achieve savings in this area. Of course, we can. Nowhere in the motion is it stated that we want to increase the incomes of pay to rent landlords or that we want to increase rents. That is not stated in the motion. We are calling for supports for people who are being forced to renegotiate rents with landlords.

It is hoped, despite what the Minister, Deputy Bruton, had to say that the Minister of State, Deputy O'Sullivan, will take on board the very constructive proposals contained in our motion. We believe the situation will be improved if our proposals are taken on board and if new rates can, by way of negotiation with landlord representative groups, be agreed and responsibility for negotiations, in terms of rent reductions, transferred to the local authorities. We cannot support the new scheme which is being rolled out because we do not know enough about it. The scheme being piloted may be a good scheme but there is a need for Government to brief Oireachtas Members on it. We have trawled through the Internet and contacted the Department about it but have been unable to get information which would enable us to make a proper judgment.

Deputy Jan O'Sullivan: It is being worked on.

Senator David Cullinane: It would be helpful if when work on it is complete the Department or Minister could hold a briefing session on it in the AV room, which would benefit all of us.

Acting Chairman (Senator Martin Conway): As there are no other Senators offering, I call Senator Ó Clochartaigh to conclude.

Senator Trevor Ó Clochartaigh: Go raibh maith agat. Glacaim buíochas le chuide duine de na Seanadóirí a labhair agus leis an Aire as teacht.

The contribution made by the Minister of State, Deputy O'Sullivan, is probably one of the most disappointing, in terms of it missing the main issue, I have heard from a Minister in a debate in this Chamber. There is a short-term and long-term issue involved. The short-term issue is that there are people on rent supplement who have been told they must renegotiate their rents or leave the houses they are currently living in. This is not pie in the sky, it is reality. We have been, as I am sure have other Senators, meeting with these people on the ground. We have also received a presentation from them in the AV room. A number of the people affected will be outside the gates of Leinster House tomorrow at noon to draw attention to their situation.

Many of those affected by this cut are families. They are being asked to move out of the houses which they have made their homes and to uproot their children from the schools they

are attending and the communities in which they are living. This is the immediate issue that must be addressed. We are asking the Minister of State to direct HEOs to be a little more lenient in this regard. The Minister of State has stated that no one will be made homeless as a result of this measure. However, I believe she is detached from reality on a number of issues. There is a difference between what she says is happening and what is actually happening on the ground in terms of engagement between tenants and CWOs. Tenants believe they are being forced to renegotiate with landlords or move out of their homes, which is the crux of the issue. As stated by Senator Hayden, many of these people are not in a strong position personally to negotiate with landlords. They should not be being put in that position by Government. There is a need for a little more leniency to ensure nobody is uprooted from their home or community.

The longer-term issue is that these rent caps are not fair and are not working. I challenge the Minister of State to find a house for rent within the caps set. She would not be able to find one in any area, be it urban or rural, either on *daft.ie* or any other way. This is what we are being told by people who are at the end of their tether when they come to our offices. The Government needs to provide social housing. We welcome the positive statements today around the new scheme. However, as stated we cannot pass judgment on a scheme which is unknown to us. The motion calls on the Minister of State to reverse the rent caps until this issue has been addressed in a fairer manner.

A number of other practical issues have come to our attention following our discussions with people in this situation, including that a person who has paid a deposit on a house or apartment will not have that money refunded until they have moved out of the house, which means they will not have the deposit necessary to put down on the new house. Another issue is the cost of hiring a van and so on to move furniture, which can be enormous. In addition, a tenant who owns the furniture in the house from which he or she is moving will, if he or she cannot find an unfurnished house, have to bear the cost of storing that furniture. These are the practical issues facing people on the ground, which are the issues we are trying to address in the motion before the House.

I believe the Minister of State misrepresented our intentions and that a number of her comments in that regard were unfair. The Minister of State mentioned that in certain circumstances people are being allowed to top up. However, that is not what we are hearing on the ground. I was told by a superintendent, who shall remain unnamed, that they are taking legal action against anybody found to be topping up, be it a landlord or tenant.

Deputy Jan O'Sullivan: They must disclose that they are doing so.

Senator Trevor Ó Clochartaigh: Yes. The Minister of State said that this is allowed in certain circumstances.

Deputy Jan O'Sullivan: They must declare it.

Senator Trevor Ó Clochartaigh: Senator Daly stated that some tenants are in receipt of rent supplement, the amount of which is greater than the rent due on the home, and that these people are keeping the extra money. That is difficult to do because landlords are required to declare on a specific form the amount of rent being paid and a CWO will not pay more than the amount stated. If the Senator has evidence of that happening he should bring it to the attention of the Department.

As regards the social housing capital budget, the reality on the ground is very different in terms of the figure of €300 million being provided in this regard. At a recent meeting with

[Senator Trevor Ó Clochartaigh.]

Galway County Council I was told by the director of housing that only two one-off houses in County Galway would be built this year and next year. The possibility of a budget to make available houses for all those people on housing lists does not seem to matter. We are not having a go politically. We acknowledge an issue exists and there is a problem that needs to be addressed. The immediate situation is very hard on tenants put in the position of having to re-negotiate and this needs to be addressed.

Another anomaly which has been discussed at a number of public meetings in Galway is that of single parents who have split from their partners and have been granted custody in the courts, being measured as single people in this scenario. A single father is given rent supplement accommodation for a single person. If he has joint custody of his children he has no space in his house for them. This is having a very detrimental effect on these families and is another issue which needs to be addressed.

Young people are stuck in emergency homeless accommodation because their income is too low due to the rate of social welfare they are paid. They cannot leave the emergency homeless accommodation to move to mainstream accommodation and this issue also needs to be addressed.

To be honest, I feel we are getting more of a hearing from the Minister, who is listening to us. I welcome the comments made by other Senators who have shown they are very much in touch with what is happening. I call on both Ministers to rethink some of the issues. Even at this stage I call on the Minister to withdraw the Government amendment because I do not feel it adds anything to what we have proposed. Our motion is fair and balanced. The Government amendment has some points with which we cannot agree and we feel we do not have enough information to support it. Glacaim buíochas le gach duine a ghlac páirt sa díospóireacht. Bhí sé iontach tábhachtach agus tá súil agam go mbeidh díospóireacht eile againn faoin ábhar seo arís go luath.

Acting Chairman (Senator Martin Conway): I used my discretion to give Senator Ó Clochartaigh an extra two and a half minutes.

Senator Trevor Ó Clochartaigh: I thank the Acting Chairman. He should be in the Chair more often.

Amendment put.

The Seanad divided: Tá, 25; Níl, 11.

Tá

Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Eamonn.
Coghlan, Paul.
Comiskey, Michael.
Conway, Martin.
Cummins, Maurice.
D'Arcy, Jim.
D'Arcy, Michael.
Gilroy, John.
Harte, Jimmy.

Hayden, Aideen.
Keane, Cáit.
Kelly, John.
Landy, Denis.
Moloney, Marie.
Mulcahy, Tony.
Mullins, Michael.
Noone, Catherine.
O'Keefe, Susan.
O'Neill, Pat.
Sheahan, Tom.
Whelan, John.

Níl

Barrett, Sean D.
Cullinane, David.
Daly, Mark.
Leyden, Terry.
Mooney, Paschal.
Mullen, Rónán.

O'Sullivan, Ned.
Ó Clochartaigh, Trevor.
Power, Averil.
Reilly, Kathryn.
Wilson, Diarmuid.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keeffe; Níl, Senators David Cullinane and Trevor Ó Clochartaigh.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Seanad divided: Tá, 25; Níl, 11.

Tá

Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Eamonn.
Coghlan, Paul.
Comiskey, Michael.
Conway, Martin.
Cummins, Maurice.
D'Arcy, Jim.
D'Arcy, Michael.
Gilroy, John.
Harte, Jimmy.

Hayden, Aideen.
Keane, Cáit.
Kelly, John.
Landy, Denis.
Moloney, Marie.
Mulcahy, Tony.
Mullins, Michael.
Noone, Catherine.
O'Keeffe, Susan.
O'Neill, Pat.
Sheahan, Tom.
Whelan, John.

Níl

Barrett, Sean D.
Cullinane, David.
Daly, Mark.
Leyden, Terry.
Mooney, Paschal.
Mullen, Rónán.

O'Sullivan, Ned.
Ó Clochartaigh, Trevor.
Power, Averil.
Reilly, Kathryn.
Wilson, Diarmuid.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keeffe; Níl, Senators David Cullinane and Trevor Ó Clochartaigh.

Question declared carried.

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

Senator Maurice Cummins: Ag 10.30 a.m., maidin amárach.

Adjournment Matters

Planning Issues

Senator David Cullinane: I welcome the Minister of State to the House. I am sure she is aware of the court case that took place in Waterford in which a former Fine Gael town council-

[Senator David Cullinane.]

lor was found guilty of accepting corrupt payments. This is an issue of concern, not only for the people of County Waterford but also for the people of this State. It shows that corruption has not gone away and reinforces the need for all of us to ensure we have proper and robust systems in place to protect the integrity of the planning system. The fact that this former town councillor did not have a vote in respect of the contentious zoning issue that led to the investigation in the first place, and which was at the centre of the individual's having accepted bribes and corrupt payments from a developer, is all the more intriguing. The court case and the subsequent conviction of the former town councillor also raise a number of very serious issues that need to be addressed.

The first and obvious one is in regard to the developer who made corrupt payments to him. There is also the need to clarify why a majority of councillors voted for the planning decision which led to the rezoning of the land in question. We need to have a full and independent inquiry into the motivations behind the decision making which led to that piece of land being rezoned. There is no doubt whatsoever that many of the individuals concerned, perhaps all, who voted for the rezoning did so with the best of intentions. Given that corrupt payments were made to a town councillor in respect of this zoning issue, however, it is important that this matter be investigated fully.

It is also important for us to understand the decision making arrived at by some of the councillors who voted for the zoning of this land. They voted in its favour, against the wishes of the county manager, the planners in Waterford County Council and the Minister for the Environment, Community and Local Government, who subsequently overturned the decision. It is important for those individuals, including the councillors who voted for the rezoning, that we have a thorough inquiry that will reach whatever conclusions it must. It is also important for the people of Waterford, especially those who live in the county, and for the people of this State. In addition, we need to implement the main recommendations of the Mahon report, one of which was that we should have an independent planning regulator so that if there were any contentious rezonings they could be properly regulated.

I was a city councillor for seven years and I know there is pressure on councillors in the context of the formation of development plans and the rezoning of land. People act for the best of reasons, even if it means going against the wishes of a manager. In itself, this does not indicate any wrong-doing. I listened to what many of the councillors who voted in favour of the zoning said and believe them when they state they acted in the best interests of the people of County Waterford. However, given that at least one corrupt payment was made, and to a person who did not even have a vote in the zoning decision, it is reasonable and acceptable that we should have an independent and thorough inquiry into this zoning issue and the decision making involved.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I thank Senator Cullinane for raising this very important issue. A specific matter in regard to the operation of the planning function in Waterford, involving one elected member, has been dealt with by the courts. I am not otherwise aware of any wider *prima facie* evidence that would merit the establishment of an investigation in respect of this planning authority. In any event, where there is any evidence of corruption, as in this case, it should be brought to the attention of An Garda Síochána for investigation of the matter and to determine if a prosecution is warranted in a particular case. If any person has such evidence I suggest he or she brings it to the attention of the Garda.

The ethics framework for local government, which applies to both elected members and employees, is provided for in Part 15 of the Local Government Act 2001 which came into effect on 1 January 2003. The legislation is supplemented by two codes of conduct, one each for members and employees, that were issued by the Minister in 2004. Under the framework, it is the duty of each member and employee, *inter alia*, to maintain proper standards of integrity, conduct and concern for the public interest, to observe certain procedural requirements, and to have regard to and be guided by the relevant code of conduct. The codes stress the importance, among other things, of members and officials acting with propriety and transparency in regard to the planning system.

Where there is a possible breach of the framework, this should be brought to the attention of the local authority's ethics registrar, who in turn is required to bring it to the attention of the manager and-or the cathaoirleach. The manager and-or the cathaoirleach is required to consider what action should be taken. This could include taking disciplinary measures, referring the matter to the Director of Public Prosecutions or referring the matter to the Standards in Public Office Commission under the Ethics in Public Office Acts. In proceedings under the Prevention of Corruption Acts 1889 to 2010, where there is proof that certain persons in public office have received moneys or other benefit from a person who has an interest in the outcome of their decisions, including planning decisions, there is a presumption that such payments were given and received corruptly.

With regard to the planning system generally, Members will be aware that I recently published the findings and recommendations of the planning review of a number of local authorities, and I will be appointing an independent planning expert to examine a number of themes arising from the review. The Government is fully committed to the highest standards in all aspects of the planning system, and in the coming weeks a whole of Government response to the recommendations of the Mahon tribunal will be published. I assure Senator Cullinane that will include the recommendation in regard to an independent planning regulator.

I again stress that if anybody has any evidence of suspected corruption with regard to planning or any other matter that is appropriate to the Garda Síochána, he or she should bring it to its attention.

Senator David Cullinane: Unfortunately, I find the Minister of State's response very unsatisfactory. It merely sets out the standards by which local representatives must abide. We are all aware of what those standards are. There was a contentious rezoning issue in Waterford which led to the conviction of a former town councillor and that has not been addressed in a satisfactory way because we have not had a full——

Deputy Jan O'Sullivan: It went to court and there was a conviction. That shows that the system works.

Acting Chairman (Senator Ned O'Sullivan): Has the Senator a specific question?

Senator David Cullinane: My question is that we have not had a full and thorough investigation into the decision making which led to the rezoning of that land. It is not good enough to say there was an investigation and a conviction. We have to ensure that we examine all the issues which led to the rezoning of this land, especially in the context of a number of public representatives from within the Fine Gael Party who are using this issue as an opportunity to score political points. That is not helpful.

Acting Chairman (Senator Ned O'Sullivan): The Senator has gone over his time.

Deputy Jan O’Sullivan: If there is any evidence, the Senator should bring it to the attention of the appropriate authorities.

Acting Chairman (Senator Ned O’Sullivan): I ask the Senator to conclude.

Senator David Cullinane: What we need to do — this is in the interests of those councillors who voted in favour of the rezoning — is to ensure that this investigation goes ahead.

Acting Chairman (Senator Ned O’Sullivan): I ask the Senator to resume his seat.

Senator David Cullinane: There are many questions that need to be answered. If the Government brushes this issue under the carpet——

Deputy Jan O’Sullivan: It is not brushing anything under the carpet.

Acting Chairman (Senator Ned O’Sullivan): Senator Cullinane, please resume your seat.

Senator David Cullinane: There is nothing in the response here——

Deputy Jan O’Sullivan: It was a case where there was a conviction.

Acting Chairman (Senator Ned O’Sullivan): The Senator cannot ignore the Chair; I asked him to resume his seat. He has had good innings

Senator David Cullinane: ——which demonstrates that the Government is serious about this issue.

Deputy Jan O’Sullivan: It is not right to suggest impropriety without evidence.

Flood Prevention

Senator Deirdre Clune: I thank the Cathaoirleach for the opportunity to raise the issue of the recent flooding in Cork. As everybody will be aware at this stage, severe flooding occurred last Wednesday night following very heavy rainfall last Wednesday night and on previous occasions during June.

The reason I raise this issue is to ensure that a comprehensive report will be prepared and made available under the Minister’s direction. It should examine what happened, the background to this flooding issue and if any local infrastructure failed. A new culvert and thrash screen was put in place in the Douglas area in Cork during the past 12 months. It was under construction last summer during the quite period and therefore it is not even 12 months old. Did it perform to the standards expected? This is the kind of question that needs to be answered.

I visited a number of business people and householders in the area on Friday and Saturday of last weekend and the single issue people wanted was that a report dealing with what happened and how it happened would be prepared. They also wanted an assurance that if it was identified that measures could be put in place to prevent a repeat of such flooding occurring they would be put in place. Many of the people affected may not be able to open their businesses again. Many business people’s premises are still closed. They are losing business and, unfortunately, also probably customers. People want measures to be put in place to ensure that such flooding in the future can be minimised and hopefully eliminated completely.

Deputy Jan O’Sullivan: I am talking this matter on behalf of my ministerial colleague, Deputy Phil Hogan. I thank Senator Clune for raising the issue. Met Éireann issued a severe weather warning at 4.54 p.m. on Wednesday, 27 June of torrential and possibly thundery downpours

during the period from 11 p.m. on 27 June to 12 noon on 28 June. As predicted, there was heavy rainfall across the country with very localised downpours, particularly in several areas of Cork. Given their nature, it is not possible accurately to predict the exact location, scale or intensity of such localised downpours. An aggravating factor was the already saturated ground due to the wettest June on record. On foot of the weather warning, both Cork city and county councils prepared by deploying outdoor staff to check drainage systems were clear; mobilising engineering staff to monitor rainfall and river levels; contracting the other principal response agencies, An Garda Síochána and the HSE to prepare for a co-ordinated response; and putting senior management on standby for crisis management roles.

Clonakilty, Douglas and Glanmire were particularly affected. Road access to and from Clonakilty and Douglas was severely affected with a number of roads impassable. Flooding of ESB sub-stations left approximately 10,000 homes and businesses without power. Rivers burst their banks in Clonakilty and Douglas causing severe flooding, of which I know the Senator will be well aware. As the rainfall worsened, Cork County Council's crisis management team activated its flood response plan at 4.10 a.m. on 28 June. Local authority fire services, engineering and outdoor staff were fully deployed assisting those worst affected. The Civil Defence and other voluntary services were mobilised to assist.

Inter-agency co-ordination arrangements were formalised with An Garda Síochána and the HSE. This joined-up response involved communication and public information; prioritising resources to the worst affected areas; traffic management; rescue and evacuation; and pumping water to clear roads and protect infrastructure and property. Specific recovery actions undertaken and still to some extent under way are working with local communities to clear up areas affected, to provide skips to assist businesses and residents, open recycling depots free of charge for affected people and liaise with the Department of Social Protection on the provision of immediate assistance and aid for the worst affected residents.

The Department of Social Protection is actively involved in assisting those families and individuals affected by the flooding under the supplementary welfare allowance scheme. This provides for exceptional needs payments to help meet essential once-off exceptional expenditure which a person could not reasonably be expected to meet out of their weekly income. In addition, there is a provision for assistance in the form of an urgent needs payment. In certain circumstances this payment can be made to persons who would not normally be entitled to supplementary welfare allowance.

The Office of Public Works has responsibility for flood mitigation. The identification of alleviating measures to prevent a repeat of the flooding in the Douglas and Kinsale Road areas is, in the first instance, a matter for that office. I understand from the OPW that it is currently carrying out a catchment flood risk assessment study for the south west river basis district area, which includes County Cork. This will provide a prioritised set of measures to address area of significant flood risk and will assign responsibilities for their implementation. It will incorporate the recommendations of a pilot study already completed by the OPW on the Lee catchment.

The budgets of local authorities cannot provide for all of the costs that can arise when responding to unforeseeable and exceptional emergencies. The costs incurred by Cork County Council, Cork City Council and Clonakilty Town Council during and following the flooding last week are being assessed at present and the Minister, Deputy Hogan will be considering the position in this regard with relevant Government colleagues as quickly as possible. When the details and analysis of the Cork flood from last week are to hand, I assure the Senator that a detailed report will be prepared for the Government task force on emergency planning.

Senator Deirdre Clune: The Minister of State might outline the relationship between the OPW and the local authorities and who will be reporting to the Minister on what went wrong. Who will be reporting to the Minister?

Deputy Jan O'Sullivan: My understanding is that the various authorities will collate the information and a comprehensive report will include all the information.

Senator Deirdre Clune: Will the report be prepared by the Department of the Environment, Community and Local Government?

Deputy Jan O'Sullivan: With the assistance of the Office of Public Works, but I can clarify this for the Senator.

Schools Building Programme

Senator Trevor Ó Clochartaigh: Ba mhaith liom mo chuid ama a roinnt, trí nóiméad dom féin agus nóiméad amháin don Seanadóir Michael Mullins, más feidir.

Acting Chairman (Senator Ned O'Sullivan): An bhfuil sé sin aontaithe? Agreed.

Senator Trevor Ó Clochartaigh: Cuirim fáilte arís roimh an Aire. Baineann seo le Scoil Naomh Cairtriona in Eachraim, Contae na Gaillimhe, scoil ar thug mé cuairt uirthi an tseachtain seo caite. I raise the issue of St. Catherine's national school in Aughrim, County Galway. This is a small school in a rural area just outside Ballinasloe. The school has been subject to a number of staffing cutbacks in recent years but the main issue is related to the school building. My question for the Minister was whether in his view the school building is fit for purpose.

The teaching staff has reduced from eight to seven and a special needs assistant post has also been lost. One of the pupils is a child with Down's syndrome who is now without a full-time special needs assistant and this has not been fully explained. There is a fear that the school is being slowly run down. I ask the Minister to take account of their concerns in particular with regard to the school building. A recent inspection has taken place but a written report has not as yet been made available. The school building is reasonably old and the original wiring and plumbing are in place. There are three classrooms within the building, one of which provides cramped accommodation and a number of prefabs which are used for resource teaching and support teaching. The school has plenty of land which would be available if an extension or a new school were possible. An extension might be a suitable initial solution. I know from raising other issues on the Adjournment with other Ministers such as the Minister for the Environment, Community and Local Government, that there might be a stimulus package in the near future and this would be an ideal solution for the school.

Heating is provided by storage heaters and the cost is very high so that the school is using a significant portion of its capitation grant to pay for heating. This is the 21st century and the students and teachers in St. Catherine's national school in Aughrim deserve a school fit for purpose. I welcome the Minister of State's thoughts on what can be done for this school.

Senator Michael Mullins: I wish to support the case made by Senator Ó Clochartaigh and I thank him for sharing his time with me. St. Catherine's national school in Aughrim has been let down and disappointed over many years. There was an expectation prior to the general election before last that a new school was to be built. I visited the school on a number of occasions and I saw the very cramped and difficult accommodation in which teachers were operating. The school is not fit for purpose as it stands. If a new school is not to be built, then significant renovation work is required. The land and the space is available for such works. In this day and age it is incumbent on the Department of Education and Skills to consider this school's particular case because many schools in the locality were in a much better condition than St. Catherine's in Aughrim but they seem to have jumped the queue over the years. In light of the recent inspection I ask the Department to consider the situation at St. Catherine's.

Deputy Jan O’Sullivan: Táim chun freagra a thabhairt ar an ábhar tráthúil seo thar ceann mo chomhghleacaí, an tAire Oideachais agus Scileanna. Ba mhaith liom buíochas a ghlacadh leis an Seanadóir faoin gceist a ardú mar tugann sé an deis dom staid reatha an iarratais ó scoil naisiunta Naomh Cairtriona, Eachroim, le scoil nua ocht seomra ranga a shoiléiriú.

I thank the Senators for their contributions. The Senators may find it helpful if I set out the context within which decisions relating to meeting the accommodation needs of schools must be considered over the coming years. Total enrolment is expected to grow by around 70,000 students between now and 2018 — by more than 45,000 students at primary level and 25,000 students at post-primary level. Second level enrolment is expected to continue to rise until at least 2024.

In order to meet the needs of our growing population of school-going children, the Department must establish new schools as well as extending or replacing a number of existing schools in areas where demographic growth has been identified. The delivery of these new schools, together with extension projects to meet future demand, will be the main focus of the Department’s budget for the coming years. The five year programme which the Minister, Deputy Quinn recently announced will provide over 100,000 permanent school places, of which over 80,000 will be new school places. The remainder will be the replacement of temporary or unsatisfactory accommodation.

In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the national demographic demands will be the main focus for capital investment in schools in the coming years. The five year programme is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently.

In the case of St. Catherine’s national school, Aughtrim, the brief for the project is to provide a new eight-classroom school. St. Catherine’s building project will progress into architectural planning shortly and will continue to be progressed through the various stages of the architectural planning process within the context of the funding available. However, in light of current competing demands on the Department’s capital budget, it is not possible at this time to give an indicative timeframe for the progression of this project to tender and construction stage. I have heard the position outlined very clearly by both Senators. There may well be a stimulus package that would be appropriate but we do not have the details of such a package. I note the suggestion from Senator Ó Clochartaigh the possibility of an alteration to the proposal in order to expedite it. I will convey to my ministerial colleague, Deputy Quinn, the points made by the Senators. I am sure if such a stimulus package were to be available that St. Catherine’s will be considered.

Senator Trevor Ó Clochartaigh: Go raibh maith agat a Aire Stáit. The reply is quite disappointing and does not really answer the question of whether the Minister deems the school to be “fit for purpose”. This is the important phrase. I understand from raising other issues for other schools about the need to build schools in areas where none is available but I do not think this gives the Government the excuse not to deal with schools which are not fit for purpose. I will await with interest to see what the inspection report says. If it recommends the school is not fit for purpose we will be pushing that more be done for the school. I note the Department may be open to having discussions with the school with the possibility of renovation work or an extension as opposed to a full build. I will ask the school to contact the Department. I ask the Minister of State to convey our disappointment to the Minister that the school is not included and that we would welcome a copy of the report on whether the school is currently fit for purpose.

Deputy Jan O’Sullivan: I will convey those points to the Minister.

Acting Chairman (Senator Ned O’Sullivan): I thank the Minister of State for her attendance. I welcome the Minister of State, Deputy Shane McEntee who will deal with the final matter.

Farm Accidents

Senator Martin Conway: Tá fáilte roimh an tAire Stáit. The matter of farm safety is extremely important. I am confident that each one of us knows people who have been hurt or fatally injured as a result of farm accidents. Thank God, farming is going very well at the moment. Income levels have risen and there is significant buoyancy. To state that farming is the backbone of our country is a correct statement. I was very troubled when I saw the recent Teagasc national farm survey which is carried out every couple of years. It has noted that farm accidents have increased by 35%. Some 2,500 farm accidents were reported in 2010. I emphasise the word “reported” because I suspect many more minor accidents go unreported. Compared with 2006, when a similar survey was carried out, 1,800 accidents were reported. Effectively, this is an increase of 700 farm accidents, an increase of 35%.

I accept that health and safety awareness is firmly on the radar of all the farming organisations. Certainly educational programmes for health and safety training are in place unlike in times past. However, given the increase in buoyancy and the importance of farming, the Minister for Agriculture, Food and the Marine, as the leader of farming in society, has a responsibility to ensure farm safety is at the top of the farming political agenda. I encourage further action in this area and, if necessary, the allocation of resources as this would enable more people to participate in courses and to be trained in health and safety awareness. I suggest a half day module on farm safety awareness be rolled out in primary and secondary schools, particularly in rural areas, but also in non-rural areas given that many city dwellers go on holidays to farms and may have relatives who are not aware of the dangers. If this was done once a year it would make people aware of the obvious dangers.

The vast majority of accidents happen in the farmyard and involve machinery. The tragedies that occur in certain families which were imminently avoidable are heartbreaking. We have a responsibility to reduce the rate of accidents by 35% and even more as opposed to allowing it to increase.

Farming is a proud industry in which we are doing exceptionally well. It is one of the good news stories during these depressing times but we cannot take the finger off the pulse when it comes to farm safety. It is the single most important issue surrounding farming. The more awareness, education and training that is available the less accidents on farms.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Shane McEntee): I thank the Senator for raising this important issue which I also consider important. I attended the national farm safety conference open day in Ballincollig three weeks ago to address the issue of farm safety and yesterday I spent an hour and a half with a man from my county who is doing a masters degree specifically on farm safety. The Senator has touched on many issues with which I agree. Farming will grow and there will be fatalities if action is not taken. The more times the issue is raised in the House and elsewhere the more lives will be saved.

In regard to road accident deaths, I was involved in road safety but we left it too late to take action. There was a massacre on the roads every weekend because of the volume of people travelling to and from work as well as those who were out and about. Many lives were lost because we did not deal with the issue on time. I pay tribute to the former Minister for the Environment, Community and Local Government, Mr. Noel Dempsey, who took the bull by

the horns, as well as Gay Byrne and Noel Brett. There were two ways of dealing with the issue, as stated by the Senator, one was through awareness but the second, and most important, was enforcement of the law. That is where the Health and Safety Authority which carries out 3,000 inspections each year comes into play. The number of inspections has increased. I spent four years working on road safety where everybody worked as a team. The position will be worse on farms if we ignore the awareness issue.

Since coming into office, the Minister, Deputy Simon Coveney, and I have acknowledged the importance of farm safety at all opportunities. All farm accidents and fatalities are tragic and devastating for the families involved and for the wider farming and social communities. It is even more tragic when many of these accidents on farms involve the younger and older people in our communities. It is a fact that children and elderly people are more vulnerable to farm accidents than any other age group.

It is also a fact that farming is the most dangerous occupation in the country with more people killed on farms than in all other workplaces combined. To a large degree the nature of a farm is at the core of the problem. A farm is, to a great extent, seen first and foremost as a family home. It is therefore seen as a place of security and welcome for family, friends, neighbours and visitors.

However, a farmyard is a very dangerous place of work with large modern machinery and other dangers such as animals and extensive slurry storage areas. Last year alone there were 6,673 non-fatal accidents reported on farms in addition to 22 fatalities. The difficulty is to marry the family home part of the farm with the very dangerous farmyard and other dangerous areas of the extended farm. The Health and Safety Authority, HSA, under the remit of my colleague, the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, has primary responsibility for health and safety in the workplace. The HSA is also the enforcement agency for workplace safety.

The Department of Agriculture, Food and the Marine is represented on the farm safety partnership advisory committee which is a sub-committee of the Health and Safety Authority. The committee advises the board on the direction the HSA should take on farm safety. The end of this year will see the culmination of the Farm Safety Action Plan 2009-2012 which has been the main focus of the farm safety partnership advisory committee and the organisations involved in the past three years.

Many measures are being taken to raise awareness of this serious problem. The Department included a farm safety message with the single payment application packs that were sent to more than 130,000 farmers in March of this year. This was a joint initiative between the Department, the Health and Safety Authority and the Farm Safety Partnership Committee. It is just one example of co-operation between various agencies to remind farmers of the importance of farming safety awareness and the potentially fatal consequences for them, their families and other farm visitors of lowering their guard.

I recently launched the farm and countryside safety project, which is located in the Family Farm at Dublin Zoo. It is supported by Agri Aware in conjunction with FBD Insurance, the IFA and ESB Networks. This programme will help to educate children about farm safety, one of the groups most at risk on farms today. As the Senator said we must start with young people. The project will culminate with the production of a 2013 calendar featuring selected images of safety messages drawn or painted by children. The calendar will be sent to all primary schools in the country.

Last month I spoke at the national farm safety conference in Ballincollig, County Cork, which is a focal point in the health and safety calendar and serves to highlight the importance

[Deputy Shane McEntee.]

of farm safety. My Department also has a dedicated area on the Department's website outlining the requirements on farm safety and practical advice on safety on farms.

Members may have also seen the advertisements on television recently where farmers who have been seriously injured in accidents gave an account of their experiences and showed their injuries. The Health and Safety Authority, which produced these advertisements, has also incorporated six testimonials from farmers in a thought-provoking DVD which is being used in all training undertaken by my Department and is available for download from the HSA website. This DVD was shown on television channels in marts around the country in the spring and will be repeated in the autumn. Farm safety is one of the most important issues facing farm families today.

The Health and Safety Authority will carry out 3,000 farm safety visits this year. These visits are aimed at advising and educating farmers of the dangers that are ever present in the farm environment. There is no single solution to this problem. All relevant agencies should, and I am confident are, and will, work with the Health and Safety Authority and the farming representative organisations to continue to tackle the issue. This is a good time to be a farmer. We want to do everything we can to get individual farmers to take care of their safety, their family's safety and the safety of all others who visit their farms. The information is out there, but we must keep working to get individual farmers to take notice and to put into practice good safety procedures and routines at all times.

Senator Martin Conway: I thank the Minister of State for an extremely comprehensive response which dealt with all the main issues. It is good to hear about the DVD and the focus on young people and that a calendar featuring images of farm safety will be generated by young people. In many ways young people can act as educators of the old. I am delighted I raised the issue and that I have heard the Minister of State's personal commitment which he has demonstrated in everything he does time and again. It is not just a job, it is a passion.

The Seanad adjourned at 7.50 p.m. until 10 a.m. on Thursday, 5 July 2012.