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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Dé hAoine, 20 Iúil 2012.

Residential Institutions Statutory Fund Bill 2012: Committee and Remaining Stages	1191
Electoral (Amendment) (Political Funding) Bill 2011 [<i>Seanad Bill amended by the Dáil</i>]: Report and Final Stages	1207
Message from Dáil	1225
Business of Seanad	1225

SEANAD ÉIREANN

Dé hAoine, 20 Iúil 2012.
Friday, 20 July 2012.

Chuaigh an Cathaoirleach i gceannas ar 10.00 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Residential Institutions Statutory Fund Bill 2012: Committee and Remaining Stages

An Cathaoirleach: I welcome the Minister for Education and Skills to the House.

Sections 1 and 2 agreed to.

SECTION 3

An Cathaoirleach: Amendments Nos. 1 to 3, inclusive, and 7 are related and may be discussed together. Is that agreed to? Agreed.

Senator Kathryn Reilly: I move amendment No. 1:

In page 7, subsection (1), lines 19 to 22, to delete paragraphs (a) and (b) and substitute the following:

“(a) a person who was a former resident of a scheduled institution and who was eligible but did not apply under subsection (2) of the Act of 2002;

(b) a person who successfully obtained or obtains an award from a court or a settlement in respect of an action arising out of any circumstances which gave rise to the Residential Institutions Redress Act 2002, and which proves they meet the interpretation of abuse as defined under section 1 of the Act of 2002, provided that he or she provides to the Board—

(i) proof of his or her identity,

(ii) that he or she was resident in an institution during his or her childhood, and that he or she was injured while so resident and that injury is consistent with any abuse that is alleged to have occurred while so resident.”.

This amendment deals with the eligibility criteria. I remarked on Second Stage that the eligibility criteria as they stand severely limit the ability of those who have a right to avail of statutory fund to seek recompense. It fails to take into consideration survivors who, for many reasons, may have been unaware or unable to seek recompense from the redress board. It is clear from speaking to many of the survivors of the residential abuse redress process that the scheme should have been extended.

[Senator Kathryn Reilly.]

There are many reasons that victims of abuse felt unable or unwilling to apply to the redress board but it is wrong for them to be penalised for not meeting a deadline. Many of the people I have spoken to were too traumatised by their experiences in the institutions. Understandably, they had no wish to reopen the experience or to relive the past. Some people who went through the process regretted it and they were not impressed with the way they were treated. It is wrong that those only eligible for assistance from the fund should be former residents who were offered awards from the Residential Institutions Redress Board or who received awards pursuant to court actions and who would otherwise have received awards from the board.

I referred to the organisation Right of Place on Second Stage. It has stated that at least 150,000 children and teenagers went through orphanages, industrial schools and centres for young offenders. Many of these suffered abuse at the hands of religious orders and others in charge of their care. The organisation estimates that, of that number, 100,000 left Ireland and at least half are believed to have travelled to the USA. Only a fraction of this group are believed to have been aware of the existence of the redress board. This is the rationale behind amendment No. 1 and I urge the Minister to consider it. I realise he did not accept the amendment on Committee Stage in the Dáil but he might consider it now.

Senator Averil Power: Our amendment is similar to Senator Reilly's if somewhat more restrictive. I raised this issue yesterday on Second Stage. I share the concern that the Bill excludes people who did not avail of the redress scheme. There were many reasons people did not do so. Some people were homeless or out of the country and, despite the best efforts of the present and previous Governments, may have been unaware of the scheme or not in a position to apply before the deadline.

Amendment No. 2 would restrict access to the services available under the fund to those who would have been eligible to apply under the 2002 Act but did not do so. I appreciate the point made by the Minister yesterday that the amount of money available is limited and that he wants it to have as strong an impact as possible on those who are eligible and not to spread resources too thinly. However, by restricting eligibility to those who would have been eligible in 2002, which is not an overly inclusive group, we can have an impact and ensure that those who are most vulnerable, those who may not have had an opportunity to apply previously, can avail of the fund.

Amendment No. 3 refers to the provision of education services for relatives of survivors. While the fund will provide direct services for survivors themselves, in recent years relatives of survivors have been availing of education supports. This is a way for many of the survivors to pass on a little bit of happiness to their children or grandchildren and to give them opportunities they did not have themselves, and it should continue. I urge the Minister to accept this amendment.

Amendment No. 7 seeks to ensure that services available through the fund are not means-tested. It is unfair, particularly considering the horrific abuse they suffered, that people be subjected to unnecessary means-testing. Payment should be available to all survivors as a real and genuine, albeit minor and insufficient, recompense, regardless of the financial position they achieve later in life. We must ensure that all survivors are able to avail of the fund and are not subjected to an unfair means test.

Senator David Norris: I welcome the opportunity to support some of these amendments, which I do with pleasure, particularly amendment No. 1. There seems to be a cogent case for supporting this amendment, particularly paragraph (a), which would apply to "a person who was a former resident of a scheduled institution and who was eligible but did not apply under

subsection (2) of the Act of 2002". This seems to be similar to the question of the Statute of Limitations. In a number of recent cases in the Supreme Court and other courts the Statute of Limitations has been set aside, to a certain extent, in order to provide constitutional justice even though it was not specifically provided for in law and might appear to have been barred.

Those affected by this amendment may well be people who did not apply because of ignorance, damage, trauma or whatever. If they are able to apply now I do not think it would create an enormous additional burden on the Exchequer. Therefore, I urge the Minister to consider this paragraph in particular.

I have no particular difficulty with the amendment that refers to the provision of education services. However, a number of people who have corresponded with me have such a difficulty. There are differing views on this issue. Survivors are not a homogeneous group of people. They are all individuals who have suffered in different ways and take different approaches to the situation. Some of them have told me they find this measure insulting. Yesterday, a gentleman spoke to me on the telephone for half an hour. He had simply left his name and a message that he wished to speak about abuse, and I did not know what to expect when I rang him back. He was a highly intelligent, decent, balanced man. He said he was in his late 60s, his wife had been a tremendous support to him and he did not need education and did not want it. He said he felt slightly humiliated that this is being offered to him as an option. This may not be true of other people, whether younger or older. When I taught in Trinity College one of the great joys was derived from mature students who came with an experience of life, but not everyone wants education.

Then there is the question of children and grandchildren. I am not an expert in this area and I may be taking an unpopular position on this. I am thinking of the amounts of money involved and directing it at the most vulnerable people. I would imagine the impact diminishes on a generational basis. I could be incorrect. There may be different effects for grandchildren. I would push this proposal less forcefully.

Since we are dealing with people's human rights, which include the right to retribution, I take this opportunity to raise a matter with the Minister. I have raised this matter on numerous occasions and have never had a satisfactory answer. I find it an appalling breach of human rights that there is an exhibition of human bodies in the former Rotunda building in Dublin. I have been told by Falun Gong that these may be the bodies of victims of judicial execution in China. No permission was granted for their bodies to be exhibited and this is a massive violation of human rights. I know this is not directly germane to the Bill but I raise the matter so that the Minister will be aware of it. The exhibition is advertised as an educational thing by *The Irish Times*, CIE, RTE and others without any concern for the human rights of those whose bodies are displayed.

Senator Fidelma Healy Eames: I speak on behalf of Senator John D'Arcy in his absence.

Having listened to survivors and read their e-mails and other correspondence, I ask the Minister if there is room for those who did not avail of the redress scheme on time to apply now. They also have suffered pain. There are many reasons for their failure to apply. One reason could be a lack of confidence, empowerment, knowledge or education. The self-esteem of a survivor of abuse, or of torture as defined by the United Nations, will be on the floor. Many people who have come to my office have suffered flashbacks all their lives and have difficulty forming relationships. Many of them have, admirably, rebuilt their lives, with the help of others. Given those extenuating circumstances, I ask the Minister if there is room for those who did not avail of the scheme on time. Let us consider a person who is excluded from applying, goes on to take a civil case and receives a favourable judgment. Would such a person have access, retrospectively, to the redress board?

[Senator Fidelma Healy Eames.]

Based on my reading and listening, the financial cost is only one of the concerns of survivors. Their big concern is with healing; they consider that redress should help them heal. They really want to see justice done, and that may be in the form of prosecutions. That element of healing is important. If we exclude from the scheme people who were genuinely the subject of abuse and torture, we are likely to make their healing much harder. Many of these survivors are elderly. What humaneness can we offer them?

Senator Marie Moloney: I concur with Senator Norris with regard to the provision of education. I know many survivors of abuse who have grown from what they suffered and gained strength. They have gone on to do well for themselves because they were determined not to let the system drag them down. I know many survivors who have been very well educated since. They do not need this money now. Money must be directed towards the most vulnerable and those who most need it. The Minister indicated yesterday that he may widen the scope of the fund in due course, if any funds are left over. That would be most welcome. If there are sufficient moneys remaining once the eligible applicants have been dealt with, the fund should be opened up to those who failed to apply in 2002.

Senator Paul Bradford: I apologise to the Minister for being unable to attend the Second Stage debate yesterday. I thank him for his substantive engagement with Members in this and the other House on the details of the Bill. While I am sympathetic to the amendments we are discussing, I also acknowledge the political reality the Minister is facing and the need to progress the legislation. A great deal of good will come from the passing of the Bill as it is. We should not, however, see it as the end of the road when it comes to dealing with this problem. The debate we have had could be the beginning of a journey for those people who are excluded from the current process. I note the Minister's indication yesterday that should extra moneys be available, he will consider the possibility of broadening the eligibility criteria. We must, as part of the healing process to which Senator Fidelma Healy Eames referred, seek to reach out to people who are suffering and who, for one reason or another, did not apply to the original redress scheme and are therefore ineligible for assistance under the fund.

These amendments are welcome in that they allow us an opportunity to debate the issues. At the same time, we are anxious to have the legislation in place without delay. In that context, I ask the Minister to repeat as firmly as he can that the door is not shut on those persons who are excluded from the system. As Senators Marie Moloney and David Norris observed, not everybody will wish to seek assistance and we cannot categorise everybody as the same. We live in a marvellously diverse world where different people seek different solutions. Nevertheless, we have received strong written representations, e-mails and telephone calls from people who are genuinely hurt more than angry and are looking for redress and support. The signal should go out from the debate today that we are not shutting down the prospect of support for these people. While we are providing assistance to certain people within certain categories, we recognise that there may be others who remain excluded and we will seek to assist them as soon as possible. I know the Minister is sympathetic to people in that position and will do his best to assist them. Those who have lived without hope for most of their life should be given some degree of optimism for the future.

Senator Labhrás Ó Murchú: It is said that justice delayed is justice denied. We would all agree that in the case of victims of abuse in residential institutions, justice has been delayed for a long time. In that context, it would be an aberration if we were to deny people justice on the basis of their failure to meet a designated time constraint. I accept that this is not the Minister's intention, but I am not quite sure whether the difficulty is largely economic or mostly

legal. Nor can I quantify the sums of money involved. We are dealing with an exceptional situation and it adds to the trauma for victims if they are to be denied justice on the basis of a failure to adhere to an arbitrary timeframe. Their trauma will continue until they go into the grave. The Minister is an exceptionally compassionate person and I am sure he will give due consideration to this aspect of the situation he is seeking to address.

Senator Ivana Bacik: I welcome the Minister to the House. Like Senator Paul Bradford, I was not in a position to attend yesterday's comprehensive Second Stage debate, in which the Minister and others spoke movingly about the plight of those persons whose difficulties the Bill seeks to address. To echo Senator Marie Moloney, I appreciate the sentiment behind these amendments while also recognising that different abuse survivors have different needs. I have had the privilege of representing some of those survivors before the Residential Institutions Redress Board in the past. As a result, I have some small appreciation of the enormous level of harm and damage caused to so many people who were sent to these institutions as children. An immense wrong was done to them by the State, for which the Minister and others have issued an apology. The Murphy and Ryan reports have given us all an indication of the extent of the abuse suffered.

The key imperative, as Senator Paul Bradford pointed out, is to get the Bill through the Oireachtas and thus ensure that another component in the series of measures the State is offering survivors by way of redress is put in place. As colleagues pointed out, the Minister has indicated in both Houses that the issue of who is eligible to apply for assistance can be reviewed following the establishment of the statutory fund, particularly in the event that applications do not result in significant expenditure. That assurance from the Minister should meet the concerns of the Senators who brought forward these amendments. We all appreciate that there are people who might have been eligible but were not previously in a position to apply. The Minister's commitment to review the situation will go some way towards meeting their needs. As I said, the Bill is just one of a series of measures — long overdue measures — the State has put in place. They are sorely needed in order to offer some type of redress for the immense hurt and abuse suffered by so many people.

Minister for Education and Skills (Deputy Ruairí Quinn): These proposals seek to widen eligibility for the fund. Amendments Nos. 1 and 2 propose that former residents who would have been eligible for an award from the redress board had they applied should be eligible to apply to the fund. Anybody who receives a court award or settlement in respect of an action arising out of circumstances which could give rise to an application to the redress board is eligible to apply to the fund. The effects of amendments Nos. 3 and 7 would be to include family members of former residents in the case of educational services.

The Bill's primary purpose is to establish a statutory fund to support the needs of survivors, in keeping with the all-party motion that was unanimously agreed by Dáil Éireann in 2009 in the aftermath of the publication of the Ryan report. As I said yesterday on Second Stage, a maximum of €110 million will be available for the fund and it is estimated that there will be some 15,000 potential beneficiaries, that being the number who have received redress board or court awards. The Government has deliberately proposed this approach. If the fund were to investigate applications to establish residence and injury consistent with alleged abuse, as would be required if the amendments were accepted, then a considerable investigative structure similar to the Residential Institutions Redress Board would be required, thus expanding the role of the statutory fund and deflecting it from its intended focus.

The statutory fund is not designed or intended to consider issues such as abuse and will only take applications from those who have already received an award, either from the courts or the redress board. These amendments seek to entitle those who would have received awards

[Deputy Ruairí Quinn.]

had they applied to the redress board. The difficulty is that requiring the fund to examine such applications would inevitably occasion considerable costs. Furthermore, having regard to the fact that more than 900 applications to the redress board were withdrawn, refused or resulted in no award, generally on the basis that the person was not resident in the scheduled institution, there would likely also be applications to the fund that would ultimately prove ineligible. The Bill specifically allows the redress board to advise the fund of those who received awards, thus enabling the fund to confirm applicants' entitlements.

Extensive efforts were made to facilitate claims to the redress board. It undertook press, television and radio advertising campaigns and placed some 1,500 advertisements. It held information days throughout the United Kingdom in 2004 and distributed 15,000 leaflets to the network of Irish societies. It also placed advertisements in United Kingdom newspapers and in Irish publications in the United States and Australia. The initial closing date for receipt of applications was 2005, some three years after the board was established. The board continued to accept late applications in exceptional circumstances up until September of last year, when its power to accept such applications ceased. By that time it had received 2,766 late submissions. By the end of March of this year it had allowed 1,136 of these, disallowed 214 and had a further 1,256 to consider. Any former resident who did not apply to the redress board is entitled to avail of the counselling and family-tracing services available.

Extending entitlement to children and grandchildren of former residents who received awards from the redress board to educational services from the fund, as is proposed in amendments Nos. 3 and 7, would broaden the scope of the fund beyond that which is intended. As has been acknowledged, there is no unanimity on this proposal across the survivor community itself. I am aware that relatives of former residents were eligible to receive support for the Education Finance Board and I acknowledge that the latter has done excellent work in the context of distributing the €12.7 million provided by the religious congregations under the 2002 indemnity agreement. However, it was always clear that this particular fund would run out and we are now almost at that point. While I appreciate the sentiments expressed by Senators regarding the range of eligibility issues, I urge them to see the logic of the Government's position on this matter.

In view of comments by Members of the Lower House in respect of concerns expressed by some groups representing former residents and also by a number of congregations, I have committed to review the operation of the fund in two years' time. The eligibility issue could be reconsidered in the event that applications to the fund do not result in significant expenditure. While I note the arguments made in support of these amendments by the various Senators, I firmly believe that it is best to proceed on the basis proposed in the Bill. I must, therefore, oppose the amendments.

As I indicated on Second Stage, it is my intention to ask the new board — of which four members will either be survivors or representatives of survivors — when is appointed, to conduct its business in such a way that it will monitor its own decisions and own actions. This will ensure that at the end of the two-year period we will be able to take stock and see where we stand in respect of what has actually happened. It will not simply be a case of pressing the review button in two years' time. The board will be engaging in an ongoing monitoring process so that at the end of the two-year period we will be in a position to make a quick decision on whether we should respond in respect of the matters to which the amendments relate. For the time being, however, I am not in a position to accept the amendments.

Senator Averil Power: I thank the Minister for his reply. I remain of the opinion that restricting the fund only to those who would have been eligible to apply to the Residential

Institutions Redress Board is the wrong move, particularly as some of the most vulnerable people will be excluded. Some of the survivor groups have made representations to me in this regard. The Minister indicated that there were 900 ineligible or withdrawn applications. He is now predicting that it is likely there will be 15,000 successful applications by the time the board has completed its work and that the number of unsuccessful applications stands at only 6%. The fact 94% of these 15,000 applications were successful is no reason to prevent those who did not apply to the board in the first instance from being considered for services under the Bill.

Senator David Norris: The Minister has responded in a very reasoned way and has left the door partially open for some amelioration of the situation further down the line when reports, etc., are received. The figure of 15,000 is truly shocking, particularly in the context of the fact that the State has acknowledged that 94% of these people's rights were violated in this horrendous way. I hope there is no possibility of this ever happening again. It obviously cannot happen again on this scale but I hope it will never happen at all. In 1992 or thereabouts I introduced the guardian *ad litem* clause, which is intended to be of assistance in instances where the safety of children is threatened. Unfortunately, proper resources have not been provided in order to ensure the implementation of this clause. Had such resources been provided, much of what happened in the Roscommon incest case, for example, might have been avoided. I ask the Minister to impress upon his colleagues in government that if we are serious with regard to ensuring that this does not happen again — even in the context of a small number of very severe cases — then proper resources must be provided in order to implement initiatives such as the guardian *ad litem* programme.

Senator Kathryn Reilly: I thank the Minister for his reply. When speaking to an amendment he tabled in the Dáil, my colleague, Deputy Crowe, highlighted the case of a woman who spent 19 years in an institution in Galway. She was supposed to be released on her 16th birthday but was kept in that institution until she reached the age of 21. When she brought her case to the High Court it lasted for six or seven years and was eventually thrown out due to inordinate delays in having it heard. When she went before the redress board she was informed that there was no case to answer because she had gone to the High Court in the first instance. How could that be right?

In the context of the eligibility criteria, the Minister has committed to holding a review after two years. As Senator Bradford inquired, how will we be in a position to know for sure that the door will not be fully closed? Will the review focus merely on the expenditure of the moneys in the fund or will it also include the eligibility criteria? If a significant proportion of the moneys in the fund have been expended, will the Minister rule out a review of the eligibility criteria? In such circumstances, what will happen to those considered ineligible to apply?

Senator Fidelma Healy Eames: The Minister referred to 15,000 potential beneficiaries. Will he comment on whether the money from the fund will be apportioned equally among these people? Senator Norris stated that 15,000 is a huge figure and Senator Power indicated that the number of those considered ineligible is a small, but significant, proportion of this. The past 20 years have been marked by those who have been abused narrating their stories. I was shocked by something I learned at a meeting of the Joint Committee on Education and Social Protection yesterday, namely, that some 40,000 of those who are teaching in schools are not Garda vetted. All new entrants to teaching are vetted by the Garda but long-standing members of the profession have not yet been vetted.

There is a need to ensure that there will be no recurrence of the type of abuse to which the legislation relates. I accept that there is an issue of resources.

An Cathaoirleach: The Senator is straying away from the subject matter of the amendment.

Senator Fidelma Healy Eames: No, I am not.

An Cathaoirleach: The Senator's comments would be more appropriate to a debate on the section.

Senator Fidelma Healy Eames: Will the Minister indicate how we might avoid a situation where there could be a need to establish another redress board 20 years from now as a result of the fact that sufficient Garda vetting is not being carried out?

Deputy Ruairí Quinn: I thank the Senators for their comments. For their own reasons, 15,000 people chose to present their cases to the redress board. The latter conceded that 94% of these individuals had valid cases and paid out compensation in varying amounts. I understand that the average amount paid was of the order of €60,000 plus. This was compensation for damage done — as a result of negligence on the part of the State — by the people who operated the residential institutions. We engaged in a comprehensive debate on this matter on Second Stage. However, there is a need to separate what I have just outlined from what we are doing here in the context of the recommendations in the Ryan report relating to assisting people to adjust to their own lives. What is at issue here is not additional compensation, *per se*, but rather a fund of €110 million. We will be able to collect this money from various religious congregations and others who have given commitments in that regard. However, as I indicated in reply to Second Stage, there are technical difficulties relating to the charitable status of many of the institutions involved and it will not be possible, therefore, to collect the money until the fund is legally established. Hopefully, that money will be collected in full. As I indicated yesterday, any money collected above €110 million will be dedicated to the children's hospital. Senator Norris asked questions, which were echoed by others, as to whether abuse could happen again. I will come to the vetting question in a moment. The Government, more than anyone else, has taken upon itself the responsibility of introducing a children's protection amendment to the Constitution. The House can have no doubt whatsoever about how difficult it will be when we begin to debate it because, in effect, to assert the rights of children in a minority of cases — Roscommon comes to mind in that regard — we will be enabling agents of the State to take away powers currently enjoyed by parents. That will be portrayed, perhaps even by some voices in this House, as an attack on the institution of the family. We should not expect a bed of roses when the debate begins. I suspect that some of the reasonable voices that articulate concerns at present will march to a different tune. I hope I am wrong but I am under no illusions about what will happen. One can only think back to the mother and child scheme as to how raucous voices can become and how reasonable arguments can get distorted.

I am aware of the difficulty with the Garda vetting procedure, which is not germane to the issue but has been raised. We are talking to the Teaching Council and the Department of Public Expenditure and Reform about removing the employment control framework signed up to by Fianna Fáil in the previous Government in the agreement with the troika. We are not masters of our own destiny. The Teaching Council has substantial reserves of money and could afford to pay staff to do the work. In excess of 14,000 teachers are not properly vetted at the moment but we hope to be able to address the issue.

Senator David Norris: I am very taken by what the Minister said. First, I commend him on the information he provided to the House in his Second Stage speech yesterday where he made it clear that he was not accepting at face value the offer of property by various religious institutions because the value had been inflated. This is a terrible situation and the State must be judicious in ensuring that it does not accept the valuation of one party to the deal. The property

concerned must be independently assessed and we must get value for money. There is no point in the religious institutions offering land or buildings that are of no value and can serve no purpose for the people who need them. Redress is required. I strongly commend the Minister in that regard. I believe this House will unanimously support him.

Where there may be difficulty is with the other issue he has raised, which I am very glad he did, namely, the referendum on the rights of the child. I am very sorry to say——

An Cathaoirleach: We are not broadening the debate at this stage. We are dealing with amendments.

Senator David Norris: I am replying to what the Minister said.

An Cathaoirleach: We are dealing with amendments Nos. 1, 2, 3 and 7. I am not allowing the Senator to respond to what the Minister said.

Senator David Norris: I will conclude on this point. I was one of those who strongly supported the——

An Cathaoirleach: We will have ample time to discuss the referendum when it arises.

Senator David Norris: ——Stay Safe programme on which precisely these issues were raised. It was the same in the Roscommon incest case where it was suggested that the family was being threatened by the measures that would protect children.

An Cathaoirleach: Senator Norris must conclude. I call Senator Power.

Senator David Norris: If that happens I will be one of those voices strongly supporting the Minister.

Senator Averil Power: I wish to raise two issues in response to what the Minister said. I made the point yesterday about Garda vetting and the fact that we have still not dealt with the existing teachers. As the Minister is fully aware, while the Government is committed to overall targets under the EU-IMF framework, there is discretion within the targets and it is unfair to claim that we cannot act in an area as important as Garda vetting because of the EU-IMF deal. We tend not to be party political in this House. That point is not true and it is unfair to make it.

An Cathaoirleach: The Senator should speak on the amendment.

Senator Averil Power: I must respond to the Minister's point. It was a party political remark and, with respect to the Minister, we tend not to behave in that way in this House. The Minister and I have a good working relationship in this House and I thought the point should be made. He is aware that there is flexibility and it is important that action is taken.

To return to the narrower concept of the Bill, the Minister indicated that all of the contributions have still not come forward. We only have €20 million of the overall amount required for the statutory fund. What is the timescale for the establishment of the statutory board and how will it proceed? Will the board proceed to work with the money it has or will it be delayed while it is waiting for the congregations to do the right thing and come up with the rest of the money? Could the Minister provide clarification on the issue because survivors are becoming increasingly elderly and it is important that the work gets under way as soon as possible?

Senator Jillian van Turnhout: I have not spoken yet but I have listened carefully to everything that has been said this morning. I can understand the Minister's explanations on several amendments but I will support amendment No. 1. This House must send a signal. I do not expect

[Senator Jillian van Turnhout.]

the amendment to be accepted but we should send a signal that we are opening wider for those reasons.

Through my previous role with the Children's Rights Alliance and in my current role I have had the privilege to meet many survivors, some of whom have sought redress and others who have not for individual and unique reasons. One thing that many survivors have said to me, which gave me huge strength in particular in my previous role in the Children's Rights Alliance, was that they believe a true monument to their abuse would be to strengthen children's rights in the Constitution and for the people of this country to say "Yes" that children have rights.

An Cathaoirleach: We are not discussing the matter in the context of the amendments.

Deputy Ruairí Quinn: I thank the Senators for their clarification on these points. I have listened to what they said and all I can say in response to the proposal is that I will review the measure in two years' time. We will respond to it and, if necessary, I will come back to this House and report on the issue.

It is my intention to set up the board in September. I will call for public expressions of interest for participation on the board. We hope to have the board up and running by the end of September.

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

The Committee divided: Tá, 22; Níl, 13.

Tá

Bacik, Ivana.
Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Eamonn.
Coghlan, Paul.
Conway, Martin.
D'Arcy, Michael.
Gilroy, John.
Hayden, Aideen.

Healy Eames, Fidelma.
Henry, Imelda.
Keane, Cáit.
Landy, Denis.
Moloney, Marie.
Mullins, Michael.
Noone, Catherine.
O'Keeffe, Susan.
O'Neill, Pat.
Sheahan, Tom.
Whelan, John.

Níl

Cullinane, David.
Daly, Mark.
Mooney, Paschal.
Norris, David.
O'Brien, Darragh.
O'Donovan, Denis.
Ó Murchú, Labhrás.

Power, Averil.
Reilly, Kathryn.
van Turnhout, Jillian.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keeffe; Níl, Senators David Cullinane and Kathryn Reilly.

Question declared carried.

Amendment declared lost.

Senator Averil Power: I move amendment No. 2:

In page 7, subsection (1), between lines 22 and 23, to insert the following:

“(c) former residents who would have been eligible to receive an award under the Act of 2002 but who failed to apply under the Act of 2002.”.

Amendment put.

The Committee divided: Tá, 13; Níl, 22.

Tá

Cullinane, David.
Daly, Mark.
Mooney, Paschal.
Norris, David.
Ó Murchú, Labhrás.
O’Brien, Darragh.
O’Donovan, Denis.

Power, Averil.
Reilly, Kathryn.
van Turnhout, Jillian.
Walsh, Jim.
White, Mary M.
Wilson, Diarmuid.

Níl

Bacik, Ivana.
Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Eamonn.
Coghlan, Paul.
Comiskey, Michael.
D’Arcy, Michael.
Gilroy, John.
Hayden, Aideen.

Healy Eames, Fidelma.
Henry, Imelda.
Keane, Cáit.
Landy, Denis.
Moloney, Marie.
Mullins, Michael.
Noone, Catherine.
O’Keeffe, Susan.
O’Neill, Pat.
Sheahan, Tom.
Whelan, John.

Tellers: Tá, Senators Paschal Mooney and Diarmuid Wilson; Níl, Senators Paul Coghlan and Susan O’Keeffe.

Amendment declared lost.

Senator Averil Power: I move amendment No. 3:

In page 7, subsection (2), line 24, after “*section (1)(a)*” to insert the following:

“, save where such an award allowed/allows for a child of a former resident to avail of that which applies in *section 8(1)(c)*, such child of a former resident shall continue to be eligible to avail of that approved service which applies in *section 8 (1)(c)*”.

Amendment put:

The Committee divided: Tá, 11; Níl, 23.

Tá

Cullinane, David.
Daly, Mark.
Mooney, Paschal.
Norris, David.
Ó Murchú, Labhrás.
O’Brien, Darragh.

O’Donovan, Denis.
Power, Averil.
Reilly, Kathryn.
White, Mary M.
Wilson, Diarmuid.

Níl

Bacik, Ivana.
Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Eamonn.
Coghlan, Paul.
Conway, Martin.
D'Arcy, Michael.
Gilroy, John.
Hayden, Aideen.
Healy Eames, Fidelma.

Henry, Imelda.
Keane, Cáit.
Landy, Denis.
Moloney, Marie.
Mullins, Michael.
Noone, Catherine.
O'Keeffe, Susan.
O'Neill, Pat.
Sheahan, Tom.
van Turnhout, Jillian.
Whelan, John.

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

Amendment declared lost.

An Cathaoirleach: Amendment No. 4 in the name of Senator Reilly is out of order.

Amendment No. 4 not moved.

Section 3 agreed to.

Sections 4 to 6, inclusive, agreed to.

SECTION 7

Senator Kathryn Reilly: I move amendment No. 5:

In page 8, subsection (1)(a), between lines 41 and 42, to insert the following:

“(i) make arrangements with persons, whether or not they are resident in the State, for the provision of an approved one off payment from the Fund, if requested,”.

This amendment relates to the core question of including all residents who believe they are entitled to redress. It sets out a mechanism by which their claims can be assessed in a fair way. It is understandable that some of the residents have been reluctant to engage for many reasons.

Certain survivors need every encouragement to come forward with confidence.

11 o'clock

This amendment refers to functions of the board and its members, four of whom, in addition to the chairperson, should be empowered to make an assessment of a person's application should that person apply for assistance under statutory fund, regardless of whether they have received an award in the past from the redress board.

One of the reasons for not widening the eligibility criteria was that people who had applied unsuccessfully to the redress board could apply again for assistance from the statutory fund. There wording of this amendment states——

An Leas-Chathaoirleach: Are you speaking to amendment No. 5? We are dealing with amendment No. 5.

Senator Kathryn Reilly: This amendment is to expand the provision in the Bill for the awarding of compensation and support. It would provide for a one off lump sum payment that would allow survivors the opportunity to spend their moneys in whatever way they see fit.

Consideration could be given to providing a credit system that allows compensation to be paid directly to the children of survivors.

Serious concerns have been raised relating to accessing services. This process has been fraught with difficulties and in the past it has been overly-bureaucratic and stressful for applicants. Many of the services on offer are already available and access to education would have limited benefits, as some Senators remarked earlier. Senator Norris referred to concerns about the limited benefit of education to some survivors of a certain age profile. This is the rationale behind the amendment.

Deputy Ruairí Quinn: The proposal in amendment No. 5 that a one-off payment be made from the fund is not acceptable given that there is no apparent linkage between the making of such a payment and the needs of former residents. As I stated on Second Stage, the purpose of the fund is not to be a form of additional compensation. That issue is a matter for the redress board. The function of the fund is, as advocated in the original motion passed by Dáil Éireann in 2009, intended for the support of victims of abuse.

Amendment put and declared lost.

An Leas-Chathaoirleach: Amendments Nos. 6 and 10 are related and may be discussed by agreement. Is that agreed to? Agreed.

Senator Kathryn Reilly: I move amendment No. 6:

In page 10, between lines 6 and 7, to insert the following subsection:

“(8) (a) The Board shall make provision for the setting up of an assessment panel consisting of four members of the Board, including the participation of the Chairperson, to examine applications to the Residential Institutions Statutory Fund, made by residents of former scheduled institutions who did not make an application under the Act of 2002 or who will have had a court determination made in an action arising out of their residency within a scheduled institution.

(b) The above assessment panel shall have the power to recommend to the Board the inclusion of former residents of scheduled institutions who qualify under section 7(1) of the Act of 2002, to make awards in accordance with this Act which are fair and reasonable having regard to the unique circumstances of each applicant.”.

I referred to this earlier and I will not go over the ground too much again. The wording proposes that the panel would only examine applications from people who had not applied to the redress board. Anyone who had been turned down after applying to the redress board would, therefore, be ineligible to apply for assistance from the statutory fund. The conferring of the powers to assess applications on a sub-committee of the board would be a cost-effective and efficient way of examining applicants seeking assistance under the statutory fund. That is the rationale behind the amendment.

Deputy Ruairí Quinn: Amendments Nos. 6 and 10 propose the establishment of an assessment panel comprising four members of the statutory fund board to examine applications from persons who did not make an application to the redress board or who will have a court determination made in an action arising out of residency in a scheduled institution. Recipients of a court awards will be eligible to apply for the fund under the provisions of the Bill. The general issue of the eligibility under the fund has been discussed earlier and I have made my position clear on the matter. The new fund will have no role in respect of the making of awards.

[Deputy Ruairí Quinn.]

The redress board is the State's vehicle for making awards to those who suffered abuse in residential institutions. A completely different role is planned for the new board and I do not believe it should get involved in adjudicating on whether abuse took place. That is a separate function and we have set up elaborate machinery for that. To allow the board to do that would be to severely compromise its key objective, that is, to meet the needs of former residents. Accordingly I cannot accept the proposed amendments.

Amendment put and declared lost.

Section 7 agreed to.

SECTION 8

Senator Kathryn Reilly: I move amendment No. 7:

In page 10, subsection (1)(e), line 38, after "service" to insert the following:

"and supports for the children and grandchildren of all former residents of scheduled institutions who successfully applied for redress under the Residential Institutions Redress Act 2002, or who successfully obtained a court ruling in their favour which proved they met the interpretation of abuse as defined under section 1 of the Act of 2002, who may obtain assistance from the Fund to advance their educational skills and employment opportunities according to *paragraph (c)*".

Amendment put.

The Committee divided: Tá, 12; Níl, 22.

Tá

Barrett, Sean D.
Cullinane, David.
Daly, Mark.
Mooney, Paschal.
Norris, David.
O'Brien, Darragh.

O'Donovan, Denis.
Ó Murchú, Labhrás.
Power, Averil.
Reilly, Kathryn.
White, Mary M.
Wilson, Diarmuid.

Níl

Bacik, Ivana.
Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Paul.
Conway, Martin.
Cummins, Maurice.
D'Arcy, Michael.
Gilroy, John.
Hayden, Aideen.

Healy Eames, Fidelma.
Henry, Imelda.
Keane, Cáit.
Moloney, Marie.
Mullins, Michael.
Noone, Catherine.
O'Keeffe, Susan.
O'Neill, Pat.
Sheahan, Tom.
van Turnhout, Jillian.
Whelan, John.

Tellers: Tá, Senators David Cullinane and Kathryn Reilly; Níl, Senators Paul Coghlan and Susan O'Keeffe.

Amendment declared lost.

An Cathaoirleach: Amendment No. 8 in the name of Senator Kathryn Reilly is out of order.

Amendment No. 8 not moved.

Section 8 agreed to.

SECTION 9

Senator Averil Power: I move amendment No. 9:

In page 12, subsection (2)(a), line 7, to delete “and financial”.

I raised this issue in my comments on the earlier amendments. I am proposing to delete the words “and financial” in this subsection in order to ensure victims can access the fund on the basis of the hurt and torment they endured as children, without being subjected to an unfair means test. I have already made the case for this provision.

Deputy Ruairí Quinn: The effect of this amendment would be to preclude the board from taking account of an applicant’s financial circumstances when determining its criteria. The whole purpose of the fund is that it should target its resources to meet the needs of former residents. This section requires the board to take account of the individual’s circumstances, including personal and financial circumstances, when determining its criteria for making decisions on entitlements under the fund. The section gives the board considerable latitude in setting those criteria, which may be revised over time by the board itself. Removing its power to have regard to applicants’ financial circumstances when determining its criteria would prevent the board from targeting its resources at those most in need.

There is a general expectation that the majority of applicants to the fund will have modest means. I assure the House that this provision is certainly not intended as a way of preventing persons who are in need from benefiting from the supports that will be available from the fund. Furthermore, it is not intended to introduce a general means test application to the fund. Rather, it will be a matter for the fund itself to have regard to the need to take account of individuals’ financial circumstances when determining the criteria for its decisions. Therefore, I cannot accept the amendment.

An Leas-Chathaoirleach: Is the amendment being pressed?

Senator Averil Power: Yes.

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

The Committee divided: Tá, 24; Níl, 13.

Tá

Bacik, Ivana.
Bradford, Paul.
Brennan, Terry.
Burke, Colm.
Clune, Deirdre.
Coghlan, Eamonn.
Coghlan, Paul.
Conway, Martin.
Cummins, Maurice.
D’Arcy, Michael.
Gilroy, John.
Hayden, Aideen.
Healy Eames, Fidelma.

Henry, Imelda.
Higgins, Lorraine.
Keane, Cáit.
Landy, Denis.
Moloney, Marie.
Mullins, Michael.
Noone, Catherine.
O’Keeffe, Susan.
O’Neill, Pat.
Sheahan, Tom.
Whelan, John.

Níl

Barrett, Sean D.
Cullinane, David.
Daly, Mark.
Mooney, Paschal.
Norris, David.
Ó Murchú, Labhrás.
O'Brien, Darragh.

O'Donovan, Denis.
Power, Averil.
Reilly, Kathryn.
van Turnhout, Jillian.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Paul Coghlan and Susan O'Keefe; Níl, Senators Paschal Mooney and Diarmuid Wilson.

Question declared carried.

Section 9 agreed to.

Section 10 agreed to.

SECTION 11

Senator Kathryn Reilly: I move amendment No. 10:

In page 13, between lines 38 and 39, to insert the following subsection:

“(7) The Minister shall appoint an assessment panel made up of four Board members, including the Chairperson, to assess the eligibility of new applications from former residents of scheduled institutions who did not apply to the Act of 2002 or who have had a court determination made arising out of their residency within a schedule institution.”.

Amendment put and declared lost.

Section 11 agreed to.

Sections 12 to 28, inclusive, agreed to.

An Cathaoirleach: Amendment No. 11 is out of order.

Amendment No. 11 not moved.

Sections 29 to 44, inclusive, agreed to.

Schedule agreed to

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Minister for Education and Skills (Deputy Ruairí Quinn): I thank the House for its co-operation not just on this Bill, but also in respect of other items of legislation I have brought before it since becoming Minister for Education and Skills. I compliment Senators on their work and I hope they enjoy their well-deserved holiday.

Senator David Norris: It is usual practice to congratulate a Minister on the passage of a Bill. I would like to do so and to place on record the fact that we greatly appreciate the consideration he gave to the Bill in this House and the historic significance of the Bill. It is important that we do so. The Seanad played a significant role in teasing out some of the matters. It was important also for the survivors, a number of whom were present on various days to listen to the deliberations. I hope it gave them some comfort.

Senator Fidelma Healy Eames: I add my words of thanks to the Minister. This is a job well done to have got the Bill through before the summer recess. It is useful that the Minister showed such empathy for the plight of and openness towards those victims for whom not everything has been solved at this point.

I add a word of thanks on behalf of Senator Jim D'Arcy who took the Bill yesterday and wish the Minister a well-deserved break.

Senator Averil Power: I join with colleagues in congratulating the Minister on getting the Bill through. We agree in principle on most of it. I have made arguments on the aspects I consider too restrictive. We have had a fine debate in the past two days, in particular yesterday in the Minister's emotive contribution and the contributions of others in the House. He remarked yesterday that it showed the contribution this House has to make in terms of such legislation. Contributions were considered, sensitive and well thought out. That reflects well on the Seanad and on all sides of the House. It is appropriate that this is among the last legislation we conclude today.

I acknowledge the presence of survivors in the Gallery, as they have been over recent days. I welcome that the Minister said the board would be up and running by September. It is important it gets off the ground because there has been such a long and painful journey for the survivors. For the most part, the passing of the Bill is a positive development. I thank the Minister for that.

Senator Marie Moloney: On behalf of my colleague, Senator Mary Moran, who was leading the Bill yesterday, and my other Labour Party colleagues, I thank the Minister sincerely for coming to the House. It is great to see the Bill pass before the summer recess. I hope this goes a little way towards easing the hurt and damage caused to the survivors when they were in the care of the State and it let them down badly. Please God, they can now move on with their lives in a positive way.

An Cathaoirleach: I, too, acknowledge the presence of the survivors in the Public Gallery.

Question put and agreed to.

Electoral (Amendment) (Political Funding) Bill 2011 [*Seanad Bill amended by the Dáil*]:
Report and Final Stages

An Leas-Chathaoirleach: I welcome the Minister back to the House. This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 118, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question "That the Bill be received for final consideration", the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. For the convenience of Senators, I have arranged for the printing and circulation of the amendments. I have also circulated the proposed grouping in the House. The Minister will deal with the subject matter of the amendments

[An Leas-Chathaoirleach.]

in each group. A Senator may contribute once on the grouping. I remind Senators that the only matter that may be discussed is the amendment made by the Dáil and no other matter. We will discuss the subject matter of the amendments in group 1.

Question proposed: “That the Bill be received for final consideration.”

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

Amendments Nos. 1 and 24 are technical provisions in sections 1 and 21. It is fitting we are back discussing amendments to a Bill that was commenced in the Seanad on Second Stage earlier this year, on 2 February. We have come full circle. Most Members will be familiar with the main provisions that were already contained within the Bill, having considered them in some detail here in the Seanad in February and March of this year. I will not, therefore, go back over old ground. We are present to discuss amendments made to the Bill by the Dáil.

I introduced 33 amendments to the Bill during its passage through the Dáil. These were all agreed on Report Stage and are now before the Seanad. The first two that we are now dealing with are technical amendments. The remaining 31 address recommendations made by the Mahon tribunal on political finance. In bringing forward these amendments, the Government has demonstrated its commitment to responding robustly and swiftly to the uncomfortable truths that are contained within the tribunal’s report. I am pleased Senators will have the opportunity to review the amendments today. I hope they will agree they enhance a Bill that is already ground-breaking in many aspects.

First, I wish to provide some background to the amendments before we get into the specific details of what they do. In the week following the publication of the Mahon tribunal report in March, I said that my Department was reviewing the recommendations in the tribunal report with a view to facilitating early Government consideration of the need to bring forward amendments to this Bill. The amendments I am presenting now are in addition to the measures already contained within the Bill that respond to a number of the tribunal’s recommendations. I wanted to ensure the Bill is enacted before the summer recess. However, I undertook to examine recommendations that were relevant to the Bill and that were amenable to being implemented by way of amendments. I am now doing so.

The amendments before the House today will make it an offence to give a political donation on behalf of another person without informing the recipient of the identity of the donor. Donation declaration statements must include additional information on the sources of donations and how they were received and recorded by the recipient. The threshold for anonymous donations is being reduced from £100, as it is currently, to €100. Consequent on the amendment, the threshold is being reduced to €100 for opening a political donations account, for the registration of a third party with the Standards in Public Office Commission and in the definitions of political party accounting units and of third parties. Individual cash donations in excess of €200 will be banned. Political parties will have to provide details of their local organisational structures for inclusion on the register of political parties.

We will get to all of those amendments later but for the moment we are dealing with amendments Nos. 1 and 24 on the list which the House is now examining. Both of those are technical amendments. Amendment No. 1 will ensure the collective citation for the Electoral Acts in the Bill is correct. With the passage last week of the Electoral (Amendment) Act 2012, the collective citation for the Electoral Acts must be changed to refer to “the Electoral Acts 1992 to 2012”. Previously, the reference was to “the Electoral Acts 1992 to 2011”.

Amendment No. 24 is a further technical provision to ensure correct referencing is applied. The amendment will clarify that the “Act of 1999” is being amended in this instance. This amendment is necessary to ensure the referencing in section 21 of the Bill is correct. The Local Elections (Disclosure of Donations and Expenditure) Act 1999 is being amended and is referred to as “the Act of 1999”.

Senator David Cullinane: I commend the Minister on the amendments. It is important we ensure that in seeking to reform this area, we make it as accountable as possible. The Minister has gone a long way and he is to be commended on the changes that are being introduced.

12 o'clock Anything that can increase accountability and oversight is vital. I might come back to the issue of corporate donations under amendments Nos. 6 and 25 as we still have an issue in that regard. The Minister has dealt in a very pragmatic and important way with the issue of political donations. It is an issue that needed to be dealt with and it must be said that the Minister has certainly taken the issue on. Anything that improves accountability and transparency in the area of donations to politicians must be welcomed and my party will support all of the amendments that have come back from the Dáil.

Senator Cáit Keane: I welcome the Minister to the House. This is a transforming day for Irish politics and I will be supporting the amendments to the Bill, which will bring more transparency and accountability to politics. We will now know about people who make donations on behalf of others, we will see names, addresses, receipts and so forth. This shows that the Minister is committed to ensuring that there is total transparency in how politics in general is funded. It is a great day for politics when we can say that everything that is donated will be accounted for and receipted, even if it is donated on behalf of another person. Hopefully this will mean we will not have any more tribunals of inquiry. Had this Bill been enacted seven to ten years ago we would not have had tribunals nor incurred their considerable cost.

Senator Ivana Bacik: I welcome the Minister to the House and I also welcome the indication from Sinn Féin of its support for all of the amendments. Although we are only speaking on the technical amendments now, the Minister referred to the context for the rest of the amendments. We had a full debate in this House on the original Parts 1 to 5 of the Bill and we discussed the need to ensure greater transparency in the funding of political parties and the need to ensure an end to any perception of a culture of corruption. Those provisions will now be strengthened by these amendments, on foot of the Mahon tribunal recommendations. It would be great if the Bill could be passed unanimously in this House.

When the Bill was introduced here I was delighted, as were my colleagues, that it was starting in the Seanad. It is good to see it, having started life as a Seanad Bill, having gone through the Dáil, coming back here with substantive amendments made by the Dáil.

Deputy Phil Hogan: Amendments Nos. 2 and 3 will make the organisation and structure of political parties more transparent. These amendments will require that information on what are called the accounting units of political parties be included on the register of political parties. These are the local branches of parties. This information will then be made publicly available. These will address the recommendation of the Mahon tribunal that, “Political parties should be required to supply details of their organisational structure, including their subsidiary organisations and branches as a condition of registration under the Electoral Act 1992.”. The tribunal explained the reasoning behind this recommendation in saying that, “more transparency is needed over the organisational structure of political parties”.

[Deputy Phil Hogan.]

Amendment No. 2 will have the effect of requiring that as a condition of inclusion on the register of political parties under section 25 of the Electoral Act 1992, a party will have to submit the name and address of each accounting unit of the political party and the name and address of the responsible person or persons of the accounting unit.

Amendment No. 3 will enable this information to be updated annually and made publicly available. The registrar of political parties, who is also the Clerk of the Dáil, is required under section 25A(4) of the Electoral Act 1992 to inquire of each registered political party at least once a year if the party wishes to remain registered. In responding to this inquiry from the registrar, each political party will now be required to submit a list of its accounting units and the responsible person of each accounting unit. This information will then be entered in the register of political parties and provision is made for this information to be updated annually.

Senator David Cullinane: I welcome the amendments but seek clarification on a number of issues from the Minister. Up to now the practice has been that political parties could make their annual accounts available, though they were not required to do so. In the context of these amendments, are we talking about every branch of a political party? If that is what is being proposed, it would be useful. The only party-related accounts that I am aware of that come under the Standards in Public Office Commission are the donations accounts. So, for example, if a public representative opens a donations account and receives donations, he or she must make those accounts available to the commission. Are we going down that road in terms of every party account? I know it is not contained in this Bill but is it something the Minister could examine? I am assuming that it is not but rather that a party would make available a register of all the accounts and the persons associated with the accounts, namely, the nominated persons, such as treasurers and so on. Is the Minister inclined to make all of those accounts subject to scrutiny by the commission as well, which is the body designated to look after these matters? I ask the Minister to offer some clarification on these matters.

Senator Cáit Keane: I wish to raise an issue similar to that raised by Senator Cullinane regarding the accounting units. It is good that each accounting unit of a party will be accountable. Indeed, parties and accounting units are already required to supply some information. However, if the names of the treasurers of a branches, for example, are to be submitted then there is an onus on the parties to inform such people of that fact before they take up office.

Deputy Phil Hogan: The accounting units already have to make donation statements available to the Standards in Public Office Commission and to their parent political party's head office in order to have a comprehensive picture of the donations that came in during election time. I do not propose to have the accounts of each branch of each political party made available. That would be to engage with a lot of information that would be extraneous as we would be looking at small amounts of money that the local units of the organisation use to run their affairs. It could make the situation overly bureaucratic. What we are attempting to do here is ensure that with regard to the processing of donations, there is clarity about the structures in place within a party. Such information would be publicly available so that the accounting units of the organisation will have to be very open about the fact that they exist.

Senator David Cullinane: Can I ask——

An Leas-Chathaoirleach: I am sorry, but Senators can only contribute once on each grouping of amendments. I am not trying to stymie debate. That is simply the rule.

Senator Aideen Hayden: I thank the Minister for that clarification.

It is important to point out that while this legislation is clearly going a long way in terms of transparency, political parties are voluntary bodies. We are concerned nationally with the lack of participation in public and political life. While it is critical that we have transparency, we must be careful not to make being part of the political system almost impossible for what are, in most instances, very small voluntary bodies. It is a pity that, while we are looking here at significantly increasing transparency within political life, we do not have the same level of transparency in other areas that are being funded by the Irish public, for example, the banking and voluntary sectors. Very significant amounts of public money are going into voluntary organisations which have nothing like the reporting requirements that are placed on political parties. Perhaps the Minister might consider that point for his next iteration.

Deputy Phil Hogan: Amendments Nos. 4, 5, 8, 9, 14, 15, 19, 20, 23, 27, 29, and 30 refer to sections 5, 6, 8, 12, 13, 16, 20, 24 and 25 of the Bill. These 12 amendments will have the effect of reducing the threshold for the receipt of anonymous donations to €100, reducing the threshold for opening a political donations account to €100 and reducing to €100 the threshold whereby a third party is recognised as such and must be registered. A similar donation threshold of €100 will now also apply in the definition of an accounting unit of a political party.

Each of these amendments flows from the recommendations of the Mahon tribunal on the treatment of anonymous donations. The tribunal recommended that anonymous donations to an electoral candidate or elected representative of more than €55, and to a political party of more than €175, be banned. Currently, all anonymous donations over €126.97 are banned. I agree with the principle behind the tribunal's recommendation, but accepting its proposal would mean the anonymous donations threshold limit for parties would increase and that for individuals would decrease. To deal with this, I have struck a balance with a figure of €100.

Amendments Nos. 5, 15 and 29 will reduce the threshold for all anonymous donations to €100. Three separate amendments are necessary to apply the reduced figure across all the categories of elected representatives and elections which encompass the Dáil, Seanad, European Parliament, local government and presidential elections. The new threshold will apply to political parties, their accounting units and third parties.

The threshold for opening political donations accounts has been reduced, and amendments Nos. 8, 19 and 27 will apply this new provision across all the categories of elections and elected representatives, in addition to political parties, their accounting units and third parties. Since an accounting unit and third party will have to open a political donations account upon the receipt of a monetary donation over €100, it is necessary to revise the respective definitions for these entities in the Electoral Act 1997 and the Local Elections (Disclosure of Donations and Expenditure) Act 1999. These definitions currently provide that an accounting unit or third party can be defined as such if it receives a donation that exceeds €126.97. The amendments will reduce this figure such that there will be a standardised figure of €100.

Section 23C of the Electoral Act 1997 provides that a third party who receives a donation over €126.97 shall register with the Standards in Public Office Commission. This figure is also being reduced by way of amendment to €100.

Senator David Cullinane: I support these amendments. The Minister has struck the right balance with €100. What is the position if a series of lodgments of sums under €100, such as €99 or €95, is made to a donations account? That could cause concern for the commission. The commission would have no obligation to investigate such an account. We are always examining

[Senator David Cullinane.]

ways in which we can prevent people exploiting loopholes in the provisions to ensure proper accountability and transparency. The figure of €100 strikes the right balance but we should obviously be concerned about and guard against abuses of the system.

The amendments will provide clarity and greater accountability and transparency, especially in respect of anonymous donations. Anonymous donations partly resulted in the problem with which the Minister is seeking to deal. He has dealt with it and we will be supporting the amendments.

Senator Ivana Bacik: The Minister has struck the right balance in changing the thresholds. The streamlining of thresholds is long overdue. The Minister referred to the rather bizarre threshold of €126.97, which is a throwback to the £100 threshold. The common sense changes are long overdue.

Senator Aideen Hayden stated we must ensure we do not impose unduly onerous and utterly pointless requirements on accounting units of political parties. We ought to be sensible about what is required. The Senator also referred to third parties. In recent weeks, we noted a well-financed intervention by third parties in the political process through advertising campaigns, including billboard advertisements. Until now, there has not been enough regulation of donations to third parties, which are really political donations because they seek to fund interventions in the political process by bodies that are not subject to the same level of regulation as political parties. We need to consider this further.

I have raised in this House the fact that the remit of the Advertising Standards Authority for Ireland extends only to commercial advertising. Where people have complaints to make about non-commercial bodies advertising in commercial spaces, the authority has no remit to impose any sanction or to adjudicate on complaints. This is an area of regulation I have raised with the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte. It is good to see that the thresholds have been changed. There is unanimous support for this in the House.

Senator Cáit Keane: Is the Minister satisfied with the position on individuals who are not politicians or representatives of political parties but who are politicians in all but name? Is there any methodology for funding in this regard?

Deputy Phil Hogan: Senator Cáit Keane's comment indicates exactly what I do not want to do, that is, have a witch-hunt against an individual who is not a member of a political party but who wants to express his political preference in a bona fide manner or support the political process anonymously. A balance must be struck in allowing this practice to continue but we must not create an administrative nightmare for political parties or candidates. I do not believe the threshold of €100 will be associated with major corruption. However, it allows people to express their support anonymously for the ideas of a political party or individual candidate. I am trying to streamline the various standards and at the same time not generate unnecessary administrative bureaucracy.

An Leas-Chathaoirleach: I ask the Minister to speak on the subject matter of the amendments in group No. 4.

Deputy Phil Hogan: Amendments Nos. 6, 17 and 25 deal with banning cash donations over €200 and they pertain to sections 6, 14 and 21. Donations made up of large amounts of cash not only look wrong but are wrong. Currently, there is no prohibition on the acceptance of

cash donations. The Mahon tribunal recommended that this be addressed. The limit of €200 is reasonable and ties in with the issue associated with the ceiling for donations from the corporate sector. The effect of the amendments will be that all donations in excess of €200 will be made by cheque or other traceable means.

Amendment No. 6 will give effect to the ban on cash donations over €200. It will apply to a member of either House of the Oireachtas, a representative of the European Parliament, a candidate at Dáil, Seanad or European Parliament elections, a political party, a third party and an accounting unit of a political party.

Amendment No. 17 will apply the same provision at a presidential election. Amendment No. 25 will introduce the new ban on cash donations over €200 at local elections and to local authority members. The combined effect of the three amendments, when coupled with the existing provisions in the relevant sections of the Bill, will be to reduce the donations threshold for a political party to €2,500, and to €1,000 for individual candidates or elected representatives.

A ban on cash donations over €200 will now also apply to political parties, third parties and individuals. Corporate donations over €200 will be banned unless the donor meets exacting registration and transparency criteria.

Senator David Cullinane: I support the amendments, which relate to section 7. I stated earlier I would take this opportunity to raise the issue of corporate donations, although I know the Minister was referring to cash donations. The Minister has gone a long way and the new donations thresholds have gone a long way towards meeting our demands. However, we have made the point we are in favour of a complete ban on corporate donations. The Minister explained he felt this was not practical. That is his view but we believe it is practical and the right thing to do for the political system. If we want to remove, once and for all, any relationship between business and the political system, a ban on corporate donations is the correct approach. The making of individual donations, as set out, is acceptable, but corporate donations of any description are unacceptable.

Even if we wanted the Minister to opt for a complete ban, it would be churlish of us not to accept that the reductions in the limits are important and will certainly ensure greater accountability and transparency. They go some way towards meeting our demands, although they may not go all the way.

This is my last opportunity to contribute on this Bill. I do not want to stray from it but, given that the Minister is in the House, I believe it is important to ask him to update us on the electoral area boundary changes for local elections. While the Minister had indicated he would publish the guidelines before the summer recess, I have not seen their publication.

Deputy Phil Hogan: I will be working next week.

Senator David Cullinane: Perhaps the Minister could provide Members with an update.

An Leas-Chathaoirleach: The Senator is wandering away.

Senator David Cullinane: I am giving the Minister an opportunity to use the Seanad in an important way.

An Leas-Chathaoirleach: First, we do not want to have a debate here on corporate donations or on electoral boundaries.

Senator David Cullinane: He might provide information, given that the Lower House has gone on its holidays earlier than the Seanad.

An Leas-Chathaoirleach: The Minister is constrained in what he can say in regard to this Bill. As we are discussing a particular Bill, I do not want Members to wander. I certainly will not allow a debate on corporate donations here today.

Senator Cáit Keane: I have a question in respect of cash donations from abroad. In the case of Irish citizens living abroad, I understand it is legal for them to make a cash donation. I presume the aforementioned limit also would apply to such individuals. As for the section on donations from abroad in general, I note there is nothing on the amendments or in the Bill as initiated. Is the Minister satisfied it is complete?

Deputy Phil Hogan: Any money that comes from any jurisdiction must observe the rules that obtain in the Republic of Ireland, that is, in the State. People must make the declarations associated with the law as it applies here. As for corporate donations and the sum of €200, this constitutes a major reform whereby any moneys of more than €200 must be declared under certain criteria to the Standards in Public Office Commission. Moreover, one must be registered as an individual or company that is prepared to do that, up to a maximum. This is a major reform in terms of reducing the impact of the corporate sector and the perception that some influence was being bought because of such donations.

I would like to think that more could be done on corporate donations but in response to Senator Cullinane, I spelled out succinctly the relevant constitutional provisions that preclude me from going further. Equally, if one is unable to opt for zero donations, one must adopt a pragmatic approach regarding local shopkeepers who may wish to express a preference or to put up a poster in a window in support of a party or a candidate. Such individuals should not necessarily also get drawn into an administrative nightmare with regard to the bureaucratic issues associated with making the necessary disclosures subsequent to the election. I do not believe that anyone who, as a small shopkeeper, donates up to €200 will in any way corrupt any individual or political party. Nevertheless, this is a small way in which such people may give expression under the constitutional provisions and their freedom of expression is essential for the democratic health of that Constitution. The existing constitutional provisions and extant Acts have been analysed by the Attorney General and the Department's legal advisers. As we cannot ban such donations completely, I have come up with what hopefully is a balanced and pragmatic response to this issue that provides for a massive reduction from the former limit in respect of corporate donations and by making provision for the transparency that must apply for any donation of more than €200 from the corporate sector.

Senator Paschal Mooney: I am pleased the Minister has taken a balanced approach in this regard. As he is aware, Fianna Fáil pushed for further reforms in this area and I reiterate that Fianna Fáil relies on small individual donations for more than 80% of its funding. The party's position has been that corporate donations should be banned outright. However, I agree the Minister has struck the right balance in this Bill because we live in an era of great cynicism towards the political establishment. Although our political structures in their entirety may not be under immediate threat, democracy once was famously referred to as being a fragile flower at which one needed to work. It would not be in the best interests of politics or of the greater society to ban outright or prevent any opportunity for those individuals, corporations, companies or sole traders that may wish to identify with a particular political cause or which discern how a particular political party reflects their own particular beliefs and ideology from making

that gesture. I agree with the Minister that setting the thresholds at the proposed levels of €200 — or €100 in the case of an individual — will ensure there cannot be any question of there being corruption. At the same time however, it allows citizens, be they corporate or individual, to express their preference within our democratic system. Members should encourage more people in civic society to engage actively in the political process. Until such time as we arrive at a point at which the State takes over the entirety of political funding for political parties, this is the best route to take.

Even though my heart might tell me such donations should be banned completely, my head asks me how this would be of benefit in the long term to the continuity of support for political institutions, were the citizenry completely isolated and wholly removed from what was going on within the political system. Members of both Houses are already aware, given the manner in which the media treat politics and politicians, that they must fight constantly to try to put across to the public the message that democracy works, that Members are about democratic business in this House and that they work in the interests of all citizens. It is inevitable in a democracy that the media are free. However I believe the media sometimes think they do not have a responsibility either. There have been glaring examples of stories that have been distorted and skewed. While the headlines may have grabbed attention, yet when one reads the substance of the story one finds it to be severely wanting. I do not wish to belabour the point other than to note the Minister is correct in his actions. Perhaps it is important to put down a marker to the effect that while there may be those who wish to see an outright ban on any form of donation at any level to political parties, there is an inherent danger to the democratic system if one isolates completely the public from being able to make a contribution if they see fit.

Senator Ivana Bacik: It is good to hear that Fianna Fáil supports this measure, just as it was good to hear Sinn Féin express support for these amendments. Senator Mooney referred to democracy as a fragile flower and the Mahon report showed how close we in Ireland came to seriously destroying that fragile flower. In that context, when considering the findings of the Mahon report, it also is important to ensure the provision of adequate regulation of cash donations and corporate donations at local level in respect of local elections. Is the Minister satisfied the balance this legislation has been so careful in striking also has been struck for local elections and local election candidates, about which there has been such concern regarding corruption in the recent past?

Deputy Phil Hogan: I agree with Senator Mooney's comments. It is a practical and pragmatic approach that removes the temptation for political parties and individuals to amass large amounts of money for political purposes and then, by perception or otherwise, to creep into a position whereby influence is being bought. The reduction to €200 provided for in this legislation is a major response to that perception, which in some cases unfortunately was the reality. Its purpose is to deal with the highly corrosive impact that situation was having on the body politic. Senator Bacik has asked a question in respect of local elections and the same regulations will apply to local elections as to all other elections. The amendments under discussion also will incorporate candidates for local authority elections.

For the purposes of clarity, I refer to the position regarding donations from abroad. I have to hand a note it might be worth reading, because not everyone may be aware of what is the exact legal position. The following types of donation are prohibited, namely, foreign donations of any amount from non-Irish citizens or companies not operating in this country, as well as anonymous donations exceeding €100 on foot of this Bill. A person may not accept a donation

[Deputy Phil Hogan.]

of any value from an individual, other than an Irish citizen, who resides outside the island of Ireland. Similarly, a donation of any value may not be accepted from a body corporate or an unincorporated body of persons, which does not keep an office on the island of Ireland from which at least one of its principal activities is directed. The onus is on the recipient of a donation to make whatever inquiries are necessary and to obtain any corroborating evidence that may be required to be satisfied that he or she is not precluded from accepting a donation from the person concerned. In practice, this means that a political party can solicit donations from Irish citizens living abroad but donations from people of Irish descent who are not citizens of Ireland are prohibited.

An Leas-Chathaoirleach: The Minister may now move on to the subject matter of the amendments in group No. 5.

Deputy Phil Hogan: Amendments Nos. 7, 12, 13, 18, 21, 22, 26, and 31 to 33, inclusive, which affect sections 8, 10, 16, 23 and 25, relate to donations given through an intermediary.

These ten amendments all relate to the introduction of new restrictions on indirect donations, or donations given through intermediaries, as they are described. The amendments respond to the Mahon tribunal recommendation that indirect donations be prohibited. In making its recommendation, the tribunal stated that under the Electoral Act 1997:

. . . indirect contributions are permitted if the recipient knows the name and address of the person on whose behalf the donation is made. It is not however an offence to fail to inform the recipient of that person's true name and address.

These amendments will require that where an indirect donation is given, the identity of the person on whose behalf the donation is made must also be provided to the recipient. It will be an offence to fail to provide this information and the intermediary making the indirect donation can be prosecuted. The amendments will introduce a mechanism that makes it an offence not to provide the name of an indirect donor. In doing so, it will have the effect of prohibiting anonymous indirect donation and will respond to the relevant Mahon tribunal recommendation.

Amendment No. 7 will require that where a donation is made by an intermediary on behalf of another person, the name, description and postal address of the source of the donation must be given. This provision will apply to a Member of either House of the Oireachtas, a representative in the European Parliament, a candidate at a Dáil, Seanad or European election, a political party, a third party or an accounting unit of a political party. The related offences and penalties provisions are set out in amendments Nos. 12 and 13. Deliberately furnishing false or misleading information will be an indictable offence. Where a person is guilty of an offence he or she shall be liable on summary conviction to a fine not exceeding €1,269 or on conviction on indictment to a fine not exceeding €25,394, or a term of imprisonment not exceeding three years, or both.

Amendments Nos. 18, 21 and 22 apply equivalent requirements, offences and penalty provisions at a presidential election. Amendments Nos. 26 and 31 to 33, inclusive, will apply the same provisions to a candidate at a local election, a member of a local authority, a political party at a local election and a third party at a local election.

Section 24 of the Electoral Act 1997 already provides that a donation statement submitted by a political party, a Member of either House of the Oireachtas, a representative in the European Parliament or third party or a candidate at a Dáil, Seanad or European election shall

include the name, description and postal address of the person by or on whose behalf the donation was made. There are other equivalent requirements at presidential and local elections. The amendments will tighten up these provisions.

There was an anomaly in the legislation which was highlighted in the Mahon tribunal's recommendations. If an indirect donation were given and the intermediary or go-between did not say who the source of the money was, it would not have been an offence under the legislation as originally drafted. With these amendments, it will be. If false or misleading information is provided in an attempt to mask the identity of the real donor, this will be an indictable offence.

Senator Cáit Keane: I welcome these amendments, which will implement the Mahon tribunal recommendations. These will ensure a person making a donation on behalf of another must make sure he or she notifies in writing the donor's name, whether the donation was requested and whether a receipt was issued, etc. These are welcome proposals. One must ask why these provisions were not in place before because it is obvious that whenever one gets a payment, one gives a receipt. These amendments will make this process more transparent and easier for everyone involved. People will abide by regulations when they are written down. If they are not written down, it can leave the process open.

Senator Paschal Mooney: I support these amendments. I note amendment No. 10 inserts the clause "whether the donation was requested from the donor, and if so, the name and postal address of the person who requested the donation". That is quite significant in light of the reports of the Mahon tribunal, especially as they applied to local politicians in the early 1990s. It is sometimes forgotten that all of the details of the tribunal's findings related to a window of time that goes back 18 years. While that does not make it right, there is sometimes the view that it happened last week or was still going on when in fact it was from 1992 to 1995.

Politicians on all sides found themselves in a difficult situation with the tribunal's conclusions relating to donations made at that time. In a significant number of cases, the donations were unsolicited. Despite that fact, the tribunal came to a particular conclusion that not all of us necessarily agreed with in terms of the impact it had on the individuals concerned. Much has happened since then that has changed sentiment and attitudes. However, during that time it was not breaking the law when one received an unsolicited donation through the post. These donations were used legitimately at local elections by politicians to fund their democratic right to stand for election, not put into the back pocket for holidays.

It is quite significant that this amendment has been made. If there are ever similar investigations in the future — although I hope it will never happen again — at least the law has now established as a relevance that a donation could have been unsolicited, which could have a great bearing on the outcome of any conclusions.

I am not necessarily requesting a response from the Minister on this. I just wanted to put the observation forward.

An Leas-Chathaoirleach: The Senator has put it on the record.

Senator Susan O'Keeffe: I welcome the Minister and agree with Senator Keane that these amendments are very welcome. We have had a series of tribunals and the public rightly claim their reports ended up on the shelf with no action ever taken. To see action taken directly on the recommendations of the Mahon tribunal with this legislation is indeed welcome, as is the general thrust of bringing more clarity, transparency and accountability to politics. While we

[Senator Susan O’Keeffe.]

talk about the voluntary nature of political parties, it is very difficult if they themselves cannot be held to account. How can public representatives call for other groups and organisations to be held to account when their own parties are not held to account in a greater way than they have been in the past? I welcome all efforts in this legislation to do this, as well as its general thrust.

An Leas-Chathaoirleach: All of these comments support the concept of the Bill and praise the Minister for his work. I think we can move on to the sixth grouping.

Senator Ivana Bacik: We are finishing on a good note.

An Leas-Chathaoirleach: We will move on to the sixth group of amendments.

Deputy Phil Hogan: Praise does not come easily to me.

Amendments Nos. 10, 11, 16 and 28, which affect sections 9, 13 and 24, deal with the provision of more detailed information on donors and donations. These four amendments will require that additional information is included on the statement of donations submitted to the Standards in Public Office Commission by candidates at all elections, political parties, third parties and elected representatives. The Mahon tribunal recommended that donation recipients be “required to provide more detailed information regarding both the source and nature of the donations disclosed”. While the new requirements for the registration of corporate donors that are contained within the Bill will mean that detailed information will be available about such donors, these amendments apply additional requirements to all donations, corporate and non-corporate.

The tribunal recommended that in distinguishing between contributions which are true political donations and those which it describes as bribes, additional details should be included in a donation declaration form to identify whether the donation was solicited; the name of the person soliciting the donation and whether a receipt was given; and the date the donation was given and received. Amendments Nos. 10 and 11 will apply these provisions to Dáil, Seanad and European Parliament Members and election candidates, political parties and third parties. Amendments Nos. 16 and 28 will apply the new requirements, respectively, at presidential elections and to local authority members.

Currently recipients must provide information in their donation statements on the value of the donation and its nature, in other words, whether it is in cash, by cheque, in the form of property or services. They must also provide the name, description and postal address of the person on whose behalf the donation was made. The new requirements in the Bill for the registration of corporate donors will mean that detailed information is available to the public about such donors including: the name and address of the corporate donor; a statement of the purposes for which the corporate donor was formed; a list of each member, shareholder or trustee of the corporate donor; and a copy of its statement of accounts and annual report. I do not know who will make a corporate donation after that.

Amendments Nos. 10, 11, 16 and 28 will require that further additional information is provided in donation statements. This will complement the other provisions in the Bill.

Senator Paschal Mooney: I agree with the Minister. There is a danger that, in setting up SIPO, we have created a form of bureaucratic monster. For those of us who are in the political arena, the amount of paperwork through which one now must go quite meticulously to ensure

that one does not make mistakes is comprehensive. That is the era in which we live of openness, accountability and transparency. In principle, I have no difficulty with that whatsoever.

Now that there is in place this new regime of intolerance, if I could use that word, towards those who might have been tempted to corrupt the political system and who will be thwarted in their efforts because of the comprehensive nature of this legislation, would the Minister give some consideration during his term of office to placing an extra responsibility on the printed and electronic media to get the message out in terms of the democratic process? Now that these donations have been reduced considerably and the opportunity for significant contributions has been reduced considerably, there will be a greater burden placed on individuals putting themselves forward for election. There is always a danger that in this new era of intolerance towards assumed corrupt politicians we could throw the baby out with the bath water. Not all donations were corrupt, not all donations were legitimate and not all contributions individuals made were on a personal basis. I, admittedly not much, was subject to it down through the years, particularly at local authority level where neighbours and friends would like to make a contribution to help one out. In that regard, I am sure I am not unique among those who served at local authority level. All of that now must be accounted for, there must be a paper trail and it is considerably reduced, which puts an extra financial burden on those wishing to enter and participate in the democratic process.

We are fortunate to not have a system like that in American. We will not have political action committees out there spending millions of euro nor, thankfully, do we allow widespread advertising on radio and television or in the media to the same extent as in America. However, there is a need for collective responsibility here. Having put this legislation in place, the Minister might give some consideration — maybe it is not within his brief and it must be done at Cabinet level — to its impact as it works itself through the political system and the civic society, and that there might be some greater responsibility placed on the printed and electronic media. At present, there are the standard broadcasts, particularly on RTE and on local media. Maybe the expansion of that might be looked at. There might a requirement to have more current affairs and political programmes during election campaigns rather than merely leaving it to the individuals. I am not trying to control editorial policy, either of the newspapers or the electronic media, but merely raising the issue that there is a need to ensure that in a democratic society the message of those who are standing for election and parties which wish to put forward their point of view to the general public be given every possible support in this regard, and that this legislation should not be seen as inhibiting that in any way.

Senator David Cullinane: I support the amendments. When we seek to ensure that individuals provide maximum information, and if we want proper accountability and transparency, no doubt there is a price to be paid. That price, for election candidates, is that there is an element of bureaucracy now involved in terms of managing accounts and providing information. We are implementing, as best we can, the recommendations of the Mahon report, and incorporating them into the Bill is important. Maximum disclosure on donations is important and should be supported.

Interestingly, Mahon also called for a regulator in this area. I am not sure whether the Minister is examining that. There are some headline or big-ticket items that Mahon also called for.

My last point is related to what Senator Mooney stated about the American system. While the Americans like to see themselves as the leaders of the free world and the bastion of democracy, one must look at the presidential election campaign where, no longer millions of dollars,

[Senator David Cullinane.]

but billions of dollars are now being raised by the political parties and candidates. That is undemocratic. When one looks at the negative campaigning associated with those election campaigns on which, essentially, the money is spent, it does nothing for democracy in that country. Thankfully, we are going in the opposite direction. As the Minister stated, when one looks at the levels of bureaucracy which must be gone through by everybody, including those who make donations, many may think twice about making any kind of corporate donation, and maybe that is not a bad outcome.

I would agree with Senator Mooney's point in an earlier contribution. While I would have preferred the Minister to go further on corporate donations, I accept that he has taken a pragmatic approach which goes as far as he believes he can possibly go and that must be commended.

Question put and agreed to.

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

Senator Jillian van Turnhout: I was supportive of the amendments. As the Minister stated, we started the journey on 2 February. It was my first Bill to take through all Stages. Senator Mac Conghail and myself put forward and robustly argued several amendments dealing with accountability and transparency and we also sought to strengthen gender quotas for candidate selection.

The Bill takes a good step in reforming political funding. I am strongly convinced that without a legislative basis we will not tackle fundamental governance gaps. The introduction of gender quotas is most welcome. They will facilitate a qualitative jump in increasing parity.

I thank the Minister wholeheartedly for his personal commitment to these issues by guiding and leading them through both Houses and for the role he personally played in bringing this Bill forward and ensuring that it is being delivered, and for the amendments that he put forward today. I also thank his officials.

Senator Sean D. Barrett: I welcome the Minister. I support him today, as I did the last day when he referred to the use of the electoral register to form the citizen section of the constitutional convention. The Minister is correct to be strengthening and deepening Irish democracy.

I had one regret when we were here in February that I did not put down an amendment to extend the provisions of this Bill to *Údarás na Gaeltachta* but I had no idea that it was intended to abolish those elections. The position then was that Fine Gael was in favour, so was the Labour Party and Fianna Fáil merely wanted to delay them for two years. That is a great pity. As the Minister will be aware, it provoked a walk-out in the other House yesterday. For instance, 44 candidates stood on the previous occasion, seven of whom were women. Under the proposals in the Bill, there would have been 13 women contesting the *Údarás na Gaeltachta* elections. It would have been a wonderful boost, both for the women themselves and for the language.

The 10,000 signatures proposal on presidential elections brought by Senator Norris would be an asset to our democracy but it got fairly short shrift on Wednesday. We need to consider the Whip system as an obstacle to the democracy of the country. I believe it is based on Daniel O'Connell having the landlord beside the tenant to see how he voted. I ask for a relaxation of the Whip system.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): We had a different crowd in charge at that time.

An Leas-Chathaoirleach: The Senator is going down the ghost-path route and is wandering a little.

Senator Sean D. Barrett: I am giving the benefit of my experience as someone holds the oxymoron title of Whip for the Independent university Senators, who are absolutely unwhippable. More free debate and democracy in the House would help the Minister in his goals. I commend him on his endeavours in that regard.

Senator Aideen Hayden: I agree and I suspect we will all be making the same contribution. This is momentous legislation for the future of Irish politics and in particular for the future of women in Irish politics. Although today's debate has centred on transparency over corporate donations, cash donations, intermediaries and so forth, we must not forget this is the end of what has been a long process. Some of the earlier debates need to be recalled, in particular the very robust debate we had with some colleagues, who are not present, on the necessity for the legislation to improve the participation of women in politics here. The Minister will be remembered for this legislation long after septic tanks are forgotten.

Senator David Cullinane: Earlier I commented on the donations element of the Bill and I commend the Minister on having gone a long way in that regard. We should not forget the gender quota aspect of the Bill, which is a significant step forward. I know it is not without its detractors and that some people believe quotas will not work. We need to face up to the fact that we need to do something to ensure we encourage women to get involved in politics and get them to stand in winnable seats. I look forward to having my wife and me join the Minister in the Lower House after the next general election.

An Leas-Chathaoirleach: I call Senator Keane. The gender balance today is very positive for the females.

Senator Cáit Keane: The Minister gets blamed for a considerable amount, but the Gaeltacht Bill was not——

Deputy Phil Hogan: I cannot be blamed for that one.

Senator Cáit Keane: He cannot be blamed for everything.

An Leas-Chathaoirleach: The Senator should not transgress into other matters.

Senator Cáit Keane: He has been praised wholeheartedly in the House today and Senator Hayden has said most of what I wanted to say. Looking around me I believe the gender quota in this side of the House is up on the men for today. This is because of what the Minister has done for the women of Ireland. When Pope John Paul II came to Ireland he said: "Young people of Ireland, I love you." Hopefully after the general election when the quota goes up, the Minister will be saying: "Women of Ireland, I love you" because there will be so many women around in politics after what he has done. There will be more women in politics and I hope to be able to say it in the Seanad.

Senator Paschal Mooney: That will definitely be one for Miriam Lord tomorrow.

Senator Ivana Bacik: The Minister must be blushing with all these tributes. The Bill is to be welcomed for two major achievements. First is its achievement in tackling corruption and ensuring greater transparency. The Standards in Public Office Commission has just released its tenth annual report, which pointed out that the last Eurobarometer poll showed that 86% of people here thought that corruption was still a major problem in Irish politics and I hope the Bill will go a long way in tackling that.

Of course it will also be remembered for what will now be Part 6 of the Bill on State funding of political parties and gender balance. The provisions in sections 28 to 30, inclusive, will require political parties to adopt a quota of having at least 30% of candidates of each gender in the next general election. We had a very good debate on the matter on Second Stage and on Committee Stage. Undoubtedly there will be a seismic shift — to use that rather overused phrase — given that in last year's general election only 15% of candidates were women. We will immediately see a doubling of the number of candidates which will undoubtedly see an increase in the numbers of women ultimately elected. This sort of legislation was a key recommendation of the report I authored for the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights in 2009 on women's participation in politics. At the time it seemed a very radical proposal but now it seems a rather modest proposal with nearly everyone in support of it.

The strongly evidence-based case for it is unanswerable and we have won the arguments not just in this Chamber or the Dáil but throughout Ireland. Certain people and organisations have been significant in helping, including the 50:50 by 2020 campaign in women for election and also within the Labour Party, Labour women, representatives of whom are in the Gallery, including a past and current chair of Labour women. With all the grassroots groups and with key women such as Professor Yvonne Galligan, Ms Gemma Hussey, Councillor Niamh Bhreathnach and others we have really seen a shift in public opinion on this, which will make the Bill effective in terms of its practical implementation in the political parties. The argument has been won and people see the need for more women to enter politics. This is the most effective way to ensure that is done. Part 6 of the Bill is truly memorable and it is an historic day to see it go through the Seanad.

An Leas-Chathaoirleach: I call Senator O'Keeffe, last but not least.

Senator Susan O'Keeffe: It is good to be last and not least. It is a memorable day for politics. It is rather strange when we consider that the Bill brings together two things that may not have any commonality — the idea of having more women in politics, and the need for greater transparency, accountability and clarity on donations and how we run our business. However, when one examines them more closely they may be clearly linked.

Many of us would argue that if more women were involved in politics it would be run differently and would feel different. That is the challenge now that the legislation has been passed and that we will have quotas. The gauntlet is now clearly thrown down and it is up to women to take that up and become those people who will stand in future elections. Parties should be enthused by the prospect of encouraging other women through the gates of Leinster House to become part of this great tradition and to make contributions that women have not been able to do in the past. As I walked up the corridor today, I stopped once again to look at the portraits on the wall and found myself pinching myself to see the very few women on those portraits. As we look at the portraits of the former Taoisigh there are still no women — no woman has ever led this country. However, I hope that will change in my lifetime. The Minister and his officials have made a contribution to encouraging that to happen. We wish

him a good summer break and thank him enormously for the effort he has put in. All of us — Labour women in the Gallery, the 50:50 by 2020 group and many women around the country who have worked over many years — are very happy and grateful for this day.

An Leas-Chathaoirleach: I now call Senator Mooney to bring a bit of male balance to the debate.

Senator Cáit Keane: That is very necessary in life.

Senator Paschal Mooney: I rise more in fear of being tweeted by Senator O’Keeffe for not making a contribution. I cannot extend the touchy-feely side of my nature to endorsing everything that has been said by the female Members on both sides.

An Leas-Chathaoirleach: I ask the Senator to confine himself to the debate at issue now.

Senator Paschal Mooney: I should put that on the record. As he leaves this Chamber, I am sure the Minister, Deputy Hogan, is wondering what happened to result in wonderful bouquets being thrown at him rather than brickbats. I believe he thrives more on the brickbats than he does on the bouquets.

The statistic quoted by Senator Bacik that 86% of Irish people believe the political system is corrupt is a warning light in spite of everything that has been said so nicely here in the Chamber. The reality outside the Chamber is that people still believe despite all this reforming legislation, that something is rotten at the core of the Irish political system. I do not believe that any individual in either House could be termed to be in any way corrupt in the political context or in any other way. I believe that nearly all the people in this House and in the other House are here because they believe they can make a contribution to improving the lot of their fellow citizens. I believe that is their highest motivation. To me politics has always been of the highest calling. I represent the third generation of my family to be involved in politics and we saw it as a vocation and not as being just another job. That has been the driving force for me. I speak for the overwhelming majority of my colleagues and friends in both Houses who feel the same, as does the Minister. The reason I raise this issue goes back to the previous point I made, which is that we need to be ever vigilant about promoting the democratic ideal among our people. We need to be constantly on our guard. Will the Minister agree there is an obligation on the opinion formers in Irish society to put forward an accurate and correct view of what goes on in the Houses rather than a skewed version? Therefore, does the Minister think the Government needs to nudge the electronic and printed media? We have the largest radio listening audience in western Europe and perhaps in the world. Almost 90% of people tune in to the radio every day. We also have an extraordinary appetite for news and current affairs programmes, as is proved whenever one looks at the top ten popular programmes on television across all channels. It may not seem to be relevant, but it is very relevant that we are all collectively involved, and I include the fourth estate which cannot stand aside, in ensuring democracy thrives in the country and people turn away to the point where, come the next SIPO report less than 86% believes the political establishment is in any way corrupt and that this figure eventually reduces to 0%. This is why I made my earlier point and perhaps the Minister has a view on it.

An Leas-Chathaoirleach: I will call on the Minister to respond but before he does I wish to tell him he is a very tall fine man at 6 ft. 4 in. or 6 ft. 5 in. and perhaps he will be walking a little taller this evening after all of the nice comments. I am not sure who said this but it was quoted to me once:

[An Leas-Chathaoirleach.]

Do I sleep? do I dream?

Do I wonder and doubt?

Are things what they seem?

Or is visions about?

The Minister will be wondering after everything that was thrown at him here during the year with regard to septic tanks. The Minister has the last comment and I wish him a nice summer.

Senator Paul Coghlan: May I add a very brief quote from Milton's "Paradise Lost" which I think is appropriate? He is a man "With Atlantean shoulders fit to bear The weight of mightiest Monarchies".

An Leas-Chathaoirleach: It is easy to know the curtain is falling on this term of the 24th Seanad.

Deputy Phil Hogan: I hope all of the events that have happened here today are very well recorded.

An Leas-Chathaoirleach: I hope it will not be played back to me in Bantry some night.

Deputy Phil Hogan: Normally it does not happen until one goes to one's eternal reward. I thank the Senators for their comments.

When introducing the list of amendments we dealt with I stated it was fitting the Electoral (Amendment) (Political Funding) Bill 2011 should conclude in the Seanad where it commenced last February. I thank all members of the Seanad and the Dáil for their thoughtful and detailed input on all Stages of the Bill. I particularly acknowledge the generous reception given to the Bill by this House. At times it felt as if we were dealing with two separate Bills, as Senator O'Keefe stated, one with a focus on political funding and reform another dealing with the participation of women in politics. However, there is only one Bill.

Often the political process is criticised because reports come out and gather dust because none of the recommendations are implemented. I am glad to tell the Seanad I have given the Mahon tribunal report, which was published last March, high priority on behalf of the Government. A total of 25 recommendations are being implemented at present and 18 more will be implemented and I hope all of these measures and recommendations will be implemented within the next year. Only three of its recommendations will not be implemented, including that the Government and Minister for Transport, Tourism and Sport should not be involved in the appointment of members of the National Transport Authority, which is not earth-shattering. We will continue to give a role in this to the Minister.

We cannot expect to have a political system that commands the highest levels of respect among the people of Ireland unless we are more transparent about how the system is funded and unless we have a gender balance in elected politics which is more reflective of our population. On both counts the current system is not fully working and needs to be changed, and the Bill will do so. The Bill will reform how politics are conducted in Ireland. We will draw a clear line between corporate funding and political activity. All corporate donations of more than €200 will be banned unless the donor meets the most exacting conditions which I outlined earlier. The amount that can be accepted as a political donation by a political party is being more than halved. The threshold for public declaration of donations to parties is being reduced

1 o'clock

by more than 70%. The books of the same political parties will all be audited and published on the Internet. The income and expenditure of parties will be opened up for all to see. These are massive reforms in the context of political transparency and accountability.

Throughout the debates in the Houses various statistics were quoted on female participation in elected politics. Generally all of them say the same thing, namely, women are under-represented and have been since the foundation of the State and the situation will not change unless action is taken. This is what we have done. The Bill has charted a complex path in balancing our legal and constitutional responsibilities against a clear need and desire to bring about significant change. I hope all involved in politics and public life will embrace the spirit of what we have done.

On a number of occasions Senator Mooney mentioned his concern about the role of the media in these matters with regard to democratic politics. In my view a noteworthy change has occurred since I became a Member of the House in 1987, from journalists reporting what happens to now giving a personal view. We are engaged in the politics of perception rather than the politics of truth. We have the politics of guilt by association and the style of reporting is rather depressing and is corrosive to democracy and it must change.

I thank the Senators, particularly those who spoke during the many sessions and debates on the Bill. Senators on all sides of the House have shown very serious intent with regard to what we are trying to do. The record of the House will show the Bill has been given a very thorough and testing examination. The Government has responded by introducing a radical and far reaching piece of legislation and I look forward to it becoming law. I wish everybody a couple of weeks of well-earned respite after this very thorough and testing examination of the legislation.

An Leas-Chathaoirleach: I thank the Minister. Before I call the Leader to move the adjournment I welcome a former Member of the other House and former Minister, Gemma Hussey, to the Gallery. She is most welcome and it is nice to see her.

Question put and agreed to.

Message from Dáil

An Leas-Chathaoirleach: Dáil Éireann has passed the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Bill 2012 without amendment. Dáil Éireann has passed the Criminal Justice (Search Warrants) Bill 2012 without amendment. Dáil Éireann has passed the Wildlife (Amendment) Bill 2012 without amendment. Dáil Éireann has passed the Gaeltacht Bill 2012 without amendment.

Business of Seanad

Senator Maurice Cummins: I thank all of the staff of the House, particularly Deirdre Lane, Jody Blake and the ushers who are so kind to us all. I thank all of the Senators for their help and assistance. The 24th Seanad has been in operation for almost 14 months and I believe we are doing excellent work despite what others may think. I wish everyone a deserved rest and I hope we will come back suitably refreshed for the new term.

Senator Paschal Mooney: On behalf of the Fianna Fáil group I endorse everything said by the Leader and I thank him for his continuing courtesy and understanding of the political foibles in which we all indulge from time to time. I wish him and all on the Government side of the House a very welcome respite. I look forward to returning to the fray in September.

An Leas-Chathaoirleach: I am sure the Cathaoirleach, Senator Paddy Burke, would like me to wish everyone, including the Leader and all of my colleagues a nice break over the summer. I hope to see them back soon.

The Seanad adjourned at 1.10 p.m. *sine die*.