



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 07 Bealtaine 2013

Tuesday, 07 May 2013

Chuaigh an Cathaoirleach i gceannas ar 14.30 p.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Cathaoirleach: I have received notice from Senator Denis O'Donovan that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister of State at the Department of Finance with responsibility for the Office of Public Works to provide an update on the protection and renovation of Castle-donovan Castle, Drimoleague, County Cork, the overall cost and spend to date, when the project is likely to conclude and when it will open to the public.

I regard the matter raised by the Senator as suitable for discussion on the Adjournment and it will be taken at the conclusion of business.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, motion regarding proposal for a directive of the European Parliament and the Council on the protection of the euro and other currencies against counterfeiting by criminal law and replacing Council Framework Decision 2000/383/JHA, back from the joint committee to be taken on the conclusion of the Order of Business without debate; No. 2, motion regarding EU scrutiny work programme 2013, to be taken on the conclusion of No. 1 without debate; and No. 3, National Lottery Bill 2012 - Report Stage, to be taken on the conclusion of No. 2. I remind the House of the address tomorrow by the EU Commissioner, Ms Máire Geoghegan-Quinn, at 12.30 p.m. To facilitate a prompt start to the address I hope all Members will be in their seats for 12.30 p.m.

Senator Thomas Byrne: I am glad to see the National Lottery Bill will be debated today. We have had a week between Committee and Report Stages, which is a positive step for the Seanad. Will we debate No. 2?

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Senator Maurice Cummins: No.

Senator Thomas Byrne: I shall not call a vote on the first issue that I wish to raise. I urge the Leader to arrange a debate on the motion set out in No. 2 on the Order Paper. Every day that one comes into the Seanad there are calls for us to deal with the scrutiny of European legislation. Today we have been asked to adopt, without debate, the EU scrutiny work programme 2013 of the Oireachtas joint committees' priorities. I appeal to the Leader to reconsider his proposal and to arrange a debate. For some considerable time Members on both sides have called for an opportunity to scrutinise EU legislation. The least that we can do is to debate a motion and not just an item that is laid down in the Order Paper. It seems completely illogical and somewhat farcical that we have calls every day to adopt issues yet a motion to adopt an EU scrutiny work programme is proposed to be adopted without debate.

Senator Maurice Cummins: The motion is going through the Dáil as well.

Senator Thomas Byrne: It seems that the Seanad seeks a role for itself but then votes measures down. Therefore, I shall call a vote on the motion if no debate is arranged because that is the proper thing to do. We can talk all we like about dealing with EU legislation, yet when a motion is tabled it is passed without debate. That is not a good way for the Seanad to operate or deal with business.

The substantive issue that I want to raise relates to Priory Hall. Before I am told to stop talking about a matter before the courts I shall state that I shall not comment on a court action. This week Dublin City Council lodged a Supreme Court appeal against a High Court decision for it to provide temporary accommodation to Priory Hall residents. The city council has now returned to the courts to deal with the matter. The problem with the situation is that the Minister for the Environment, Community and Local Government, Deputy Hogan has sat on the sideline while the residents must go to court and fight their case while Dublin City Council, the housing authority for the area, drags people through the highest court in the land. The families in the case are blameless, the city council is trying to remove itself from its role as housing authority and, unfortunately, the Government has sat on the sideline and not provided any answers to the people who have been left basically homeless. The local authority did not do its job at the outset of the construction phase and the Government of the day had said that the matters are outside of its remit.

It is a matter for the Supreme Court to decide whenever it reaches its decision. However, I call on the Minister to intervene in the situation but not in the court case. I want him to give some practical help to the residents. On that note, I propose an amendment to the Order of Business, that we call the Minister to the Seanad to explain his position regarding the Priory Hall residents and the Government's action in respect of them. I also want him, more generally, to explain his position and the updated position on homes with pyrite.

Senator Aideen Hayden: I have no difficulty in asking the Minister to attend the House to discuss the Priory Hall situation. It would be far more appropriate for him to do so after the Supreme Court rules on Friday and, therefore, I do not support the Senator's call.

I welcome the news today that 12 of the Pamela Scott stores have successfully exited examinership which has resulted in saving 137 jobs in the retail sector. Key to the success has been the fact that negotiations with landlords have resulted in a 40% reduction in the company's overheads. The most significant reduction has been in the crippling rents paid on the premises

rented by the company.

It is a sad fact that many commercial landlords here have still not woken up to the truth that they are bringing Irish businesses down by not being prepared to renegotiate leases that have upward-only rent reviews. The Pamela Scott negotiations only succeeded because of the examinership process. We could have processes to review upward-only rents without having to go to the expense of going to court. We saw a similar outcome in the B&Q case where rents were renegotiated and reviewed as part of the examinership process and 640 jobs were saved. Unfortunately, not all of the jobs were saved because we know that the jobs in Waterford were not.

I ask the Leader to invite the Minister for Jobs, Enterprise and Innovation, Deputy Bruton to again discuss the matter of upward-only rent reviews. I do not believe the commercial landlords here realise the role that they must play in order to get Irish retailers back on their feet. They need to get real about their rents. It is not appropriate that companies must go through a very expensive examinership process in order to achieve this kind of outcome.

I also ask the Leader to arrange for the Minister for Education and Skills to come into the Chamber to discuss his Department's findings and the report, School Completers - What's Next? In particular, I refer to the finding that children who attend fee-paying schools are far more likely to get into third level education. The good news is more than 50% of all those who exit the secondary school system go on to third level education and a further 28% go on to colleges of further education and training. In other words, Ireland has a success rate of 75% in respect of its children leaving second level education and going on to higher or further education, as well as to colleges of further education. However, a highly worrying report was also published today by the Ombudsman for Children, Ms Emily Logan. She has outlined the difficulties children in care experience with the educational system. Were the Minister for Education and Skills to be invited into this House, he should also address the educational outcomes for children in care. This is because, as Members are aware, two out of every three children who leave the care of the State, the latter having acted *in loco parentis* for them, end up experiencing homelessness within two years.

Finally, Focus Ireland launched its annual report today and I commend it on its work in the areas of preventing homelessness and dealing with those who unfortunately are homeless. It is a sad fact that the number of people now presenting as homeless in the greater Dublin area has more than doubled within the past 12 months.

An Cathaoirleach: I call Senator O'Donovan. My apologies, I call Senator Mullen.

Senator Rónán Mullen: I thank the Cathaoirleach. Hopefully, Senator O'Donovan is welcome to the Independent Benches and we will be generous in divvying out the time.

An Cathaoirleach: My apologies Senator.

Senator Rónán Mullen: I support Senator Byrne's remarks on two fronts. First, he rightly identifies that Members really ought to be discussing European legislation and European proposals to a much greater extent. This latest proposal, which pertains to a directive at European level to harmonise laws to ensure the protection of the euro and other currencies against counterfeiting, is a very good example. I was actually present at the meeting of the Joint Committee on Justice, Defence and Equality the other day. I was one of only one or two Oireachtas Members present who heard what the Minister, Deputy Shatter, had to say and who discussed it and then participated in questions, in addition to Deputy Alan Farrell, who chaired the meeting

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and Deputy Finian McGrath, who I believe also had questions. My point is that it was far from being a thorough scrutiny of the proposal of the kind that might be considered desirable. There is nothing particularly controversial in the proposal, although there are issues, for example, in respect of surveillance and the possibility of certain minimum sentencing for such offences, which is not something that would sit well in this jurisdiction. Members had a very interesting discussion, in so far as it went, but it would be entirely appropriate for Members of these Houses, and of this House in particular, to engage in further scrutiny of such a proposal and I second what Senator Byrne had to say in this regard.

He also called for the Minister, Deputy Hogan, to come to this House and I also would like him to come in, albeit for another reason. In last Friday's edition of the *Irish Independent*, it was reported that the Minister, Deputy Hogan, stated the reason Fine Gael was forced to change its position on abortion - its original promise being that it would not legislate for abortion - was following a ruling from the European Court of Human Rights after the election, which the Minister stated required the Government to then legislate for the existing constitutional position. The entire thrust of the article in the *Irish Independent* is that the Minister, Deputy Hogan, was stating that Fine Gael had its election promises and then came a European court decision. The only problem is the European Court decision in question came in December 2010, that is, three months before the election. The promise given by Fine Gael was on the back of the Strasbourg court decision and Fine Gael, under the guidance of the now Minister, Deputy Hogan, gave clear commitments. This raises the question as to whether the Government is playing games with the truth in this regard. Is it about making it up as one goes along?

I must be fair to the Minister, who approached me in the corridor just now. I will conclude very shortly but this is an important point. He approached me in the corridor just now to say he had heard from the Chief Whip that I was raising a question. He then gave me an explanation which, frankly, I did not understand because it is quite clear, from the article in Friday's edition of the *Irish Independent*, that the Minister was giving the journalists to understand there was an election commitment and then there was a court decision. However, that is not how it happened and the Minister should know that. I will not accuse the Minister of lying but someone advising the Minister or perhaps the Minister himself gave a journalist a version of events that cannot be in concordance with the truth. Perhaps the Leader will ask the Minister to come in and be accountable to this House, even if the media is so far not holding him to account, for what he said, what he meant, whether the Government is making up excuses as it goes along and whether the truth matters a damn to it at all.

Senator Jim D'Arcy: Listening to Senator Mullen, I am reminded what I used to be told going out to play football with the Geraldines: "If you cannot get the ball, get the man."

Senator Rónán Mullen: We want the man in.

Senator Paul Coughlan: That is the way they play it up in Louth.

Senator Jim D'Arcy: We never did that. As Senator Hayden said, after the leaving certificate, 76% of students go on to further or third level education. That is very high, even by European standards. I congratulate our education system, teachers and schools for how they look after our young students.

At the same time, like Senator Hayden, I was also interested in a statement by the Ombudsman for Children, Emily Logan, who said children in care are more likely to experience

educational difficulties compared with the general population. Speaking on “Morning Ireland” on RTE, she said it was unacceptable there is no information on the educational outcomes of children in care. Ms Logan outlined the need to gather data on these children. Children in care often have multiple placements, meaning they change school often. I agree with Ms Logan that we must have a tracking system for the educational outcomes for children in care. Further to Senator Hayden’s remarks, I propose that we invite the Ombudsman for Children to the House to further educate us on her concerns and the need to gather data on these vulnerable children in order that we can help them to achieve their potential.

An Cathaoirleach: The Senator can take that matter up with the leader of his group.

Senator Terry Leyden: I second Senator Byrne’s amendment to the Order of Business.

Senator Paul Coghlan: It was seconded by Senator Mullen.

An Cathaoirleach: It has not been seconded.

Senator Terry Leyden: I am glad the Cathaoirleach has corrected the Fine Gael Whip and put him in his place for a change.

An Cathaoirleach: Has the Senator a question for the Leader?

Senator Terry Leyden: I agree completely with Senator Byrne, and I am entitled to say that because I am spokesman on European affairs and it is Europe week, a very significant week in the Oireachtas. I compliment the officers of the House on putting up the flags in the entrance hall. They are very impressive and I hope they remain there for the rest of the Presidency. It would be a useful opportunity for discussing the proposals.

Will the Leader consider an early debate with the Minister for Transport, Tourism and Sport on the future development of Ireland West Airport Knock? The unveiling on Sunday at the airport was a wonderful event that honoured the late, great Monsignor James Horan, who was born 102 years ago on Sunday last. It was a historical event and as I looked around, it reminded me of the late Jim Mitchell when he said it was a foggy, boggy site.

An Cathaoirleach: The Senator had a very prominent position there.

Senator Terry Leyden: Indeed, and rightly so, because I was one of the few people there 26 years ago when it was opened, and I was one of the very few people there who supported this project with the late, great Charles J. Haughey. Without those two great men, that airport would not be there today.

Senator David Norris: Have I wandered into “Reeling In The Years”?

Senator Terry Leyden: I am glad to see the conversion of the Fine Gael Party members who were there. I compliment the Taoiseach for not speaking on the occasion. It was a worthy decision in the circumstances.

An Cathaoirleach: Does Senator Leyden have a question for the Leader on the Order of Business?

Senator Terry Leyden: My question to the Leader is a very reasonable one. Given the vital role Knock airport is playing in the development of the west, it would be worthwhile to arrange a discussion with the Minister for Transport, Tourism and Sport on plans and proposals

for the future of the airport.

An Cathaoirleach: The matter the Senator raises may be suitable for discussion on the Adjournment.

Senator Terry Leyden: No, the issue is too big for that. I am delighted the Archbishop of Tuam made a strong case to the Taoiseach for the development of the airport and left other issues for another day.

An Cathaoirleach: The Senator is way over time.

Senator Terry Leyden: This is an interesting issue about which I would like to say more.

Senator Mullen made an important, honest and truthful point. The media are being misled by the Minister for the Environment, Communications and Local Government, Deputy Hogan.

Senator John Whelan: I commend the Minister for Justice and Equality, Deputy Alan Shatter, on visiting the Midlands Prison, Portlaoise, on Friday last to attend a long overdue and fitting memorial service for Mr. Brian Stack, at which a bust of the late chief prison officer of Portlaoise Prison was unveiled. Mr. Stack, a serving prison officer, was murdered 30 years ago outside the National Stadium on the South Circular Road. He was gunned down because he showed great diligence and commitment in the conduct of his duty and in protecting the institutions of the State. Private Paddy Kelly, a soldier from Moate, lost his life in 1986 in similar circumstances when he was shot in Derrada Wood as he tried to rescue Don Tidey. I remember with some horror - I was a young teenager at the time - the death of Garda Michael Clerkin from County Monaghan who was lured to his death at a house in Portarlinton, County Laois, which was blown up by an indiscriminate booby-trapped bomb.

An Cathaoirleach: Does the Senator have a question for the Leader?

Senator John Whelan: Yes. It is fitting that the Minister visited Portlaoise to record and acknowledge an event that took place 30 years ago. Today, the Dáil will pass the Defence Forces (Second World War Amnesty and Immunity) Bill, which will pay tribute to and finally honour the Irishmen who left the Irish Army during the Second World War to fight against the forces of fascism in Europe. The record should be set straight in this matter. Tomorrow, the President will be joined by the Taoiseach in Arbour Hill to recognise those who died fighting for Irish freedom in the 1916 Rising. I ask the Leader to arrange for the Minister for Justice and Equality to come to the House to discuss the possibility of devising a formula to recognise and acknowledge the service of the prison officers, gardaí and members of the Defence Forces who made the ultimate sacrifice in the 1970s and 1980s.

An Cathaoirleach: The Senator is way over time.

Senator John Whelan: This is an important point.

An Cathaoirleach: Yes, but the Senator is over time.

Senator John Whelan: As I do not usually go over time, perhaps the Cathaoirleach will bear with me. The State should find a mechanism to recognise the role played by gardaí, prison officers and soldiers at a time when the law and institutions of the State, including the Oireachtas, were being subverted and placed under severe threat by subversive elements. This is the least we can do.

Senator David Norris: Senator Leyden agreed with the statement of my colleague, Senator Mullen, to the effect that the Minister for the Environment, Communications and Local Government, Deputy Hogan, was playing games and making it up as he went along and the Government was giving a version of events that did not square with the truth and did not appear to give a damn about the truth. The Senator makes a very interesting observation, one which I would make about the Iona Institute. What is sauce for the goose is sauce for the gander. Today, we heard another example of a distinguished medical person - in this case Professor David Fergusson from New Zealand - distancing himself from the use the Iona Institute and others, including Members of the House, made of his research. Professor Fergusson stated his research had been used in a misleading manner. I hope those who so used it will withdraw their comments. This is the third or fourth time the Iona Institute has been caught misusing scientific research and it finds itself in the awkward position of having the authors of various scientific papers disassociating themselves from such use.

*3 o'clock*It raises a number of questions about the relationship this self-appointed group has with integrity, truth and understanding.

I am not impugning any motives on anybody's part but if one looks at what happened the last time in respect of putting Article 40.3.3° into the Constitution, which was completely sectarian and opposed by leading members of my church, it established the theological position of one dominant faith and had extraordinary unintended consequences, as theologians would say. I was very surprised there was no term or time-line offered for the date within a pregnancy up to which a termination could ensue. I discovered this was because of the wording of Article 40.3.3°. We are almost unique in the world in having this situation which, no doubt, is as a result of the well-intentioned meddling of people who did not know what they were talking about.

I refer, in conclusion, to the possibility of excommunication, which is a separation from the sacraments, the body of Christ and all the rest of it. This is very serious and it is regrettable that Cardinal Brady is the person who took this step. Whatever about that, to do that to a politician, any politician, who acts in conscience and in line with the law, is extraordinary. We should be very careful about this. In 2009, a nine year old girl in Brazil, pregnant as a result of incest, was taken by her parents to have an abortion because her pathetic, childish, little body could not tolerate giving birth. For doing that, she and her entire family were excommunicated by the local archbishop. That is completely unChristian and I hope that nothing even remotely approaching this will happen here in either personal or political life.

Senator Cáit Keane: All of us in the Seanad speak about the importance of European legislation but we must also remember that 96% of legislation made in Ireland comes from Europe. It is unfair to demand that everything be examined. We must be selective and ensure there is debate in the Seanad but must also be selective in ensuring that we debate what needs to be debated.

Senator Thomas Byrne: We do not debate any of it.

An Cathaoirleach: No interruptions.

Senator Cáit Keane: I took the trouble to look at this issue because it is about counterfeit money. There has been a European regulation on this since the Geneva Convention of 1926. I looked at the proposal, going through its 14 articles, to see where it was coming from. There are 27 member states in which the euro is used, by 330 million people.

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Senator Thomas Byrne: I refer to motion No. 2.

Senator Cáit Keane: There is counterfeit money and there are gangs all over the place. It is for the common good of Europe that we have co-ordinated legislation. I took the trouble of looking through this legislation and did not see anything in it with which I disagreed. If Senator Byrne has an issue he wishes to debate I would like to see him tabling a motion in the Chamber tomorrow, saying that he does not think the directive should go through and proposing that we discuss it. We cannot discuss everything and must be selective, which is where the Seanad comes in.

Senator Thomas Byrne: It is not No. 1.

Senator Cáit Keane: I was provoked into raising that point but-----

An Cathaoirleach: Senator Byrne was referring to the motion set out in No. 2.

Senator Cáit Keane: That is what I am referring to because I took the trouble to go through all the articles and the related debate to see if there was anything relevant. I also took the trouble to see how long and how old the legislation was and discovered it dated back to 1926.

An Cathaoirleach: Does the Senator have a question for the Leader?

Senator Cáit Keane: I have, but I ask the Cathaoirleach to indulge me. I did not intend to speak on that motion.

I wished to raise the new major study on air pollution which is caused by people burning solid fuel. The Minister for the Environment, Community and Local Government, Deputy Phil Hogan, announced this study which is a North-South co-operative one. There are many studies being done at present on air pollution, smoky coal and everything that causes such pollution. Will the Leader organise a debate on this in the Seanad? There has been a ban on smoky coal in certain towns since 1990. The Minister, Deputy Hogan, has added seven more towns; I will not list them because everybody knows their identity. It has been shown that there are 350 fewer deaths per year as a result of the ban. I want the Seanad to debate the benefits of keeping people out of hospital and ensuring there is education on air pollution in general, not only that caused by smoky coal. There are many additives that cause air pollution.

Senator Trevor Ó Clochartaigh: B'fhéidir go bhfuil réiteach agam ar an bhfadhb atá ag na Seanadóirí anseo agus moladh le déanamh don Cheannaire. Obviously we are discussing today's Order of Business, but we will not get a chance to speak about this before tomorrow. There is a gaping hole in tomorrow's schedule tomorrow morning from 10.30 a.m. to 12.30 p.m. where we have no sitting. Can I suggest that the motion Senator Byrne mentioned could be taken between 10.30 a.m. and 12.30 p.m. tomorrow? I do not see why we should have that type of gap in our schedule.

Senator Cáit Keane: The Arbour Hill commemoration.

Senator Trevor Ó Clochartaigh: Gabh mo lethiscéal - apologies.

Senator Cáit Keane: That was an own goal.

(Interruptions).

An Cathaoirleach: Senator Trevor Ó Clochartaigh without interruption.

Senator Trevor Ó Clochartaigh: It might be useful to have a debate on the programme for Government because there seems to be some confusion this afternoon. I agree fully with Senator Hayden's sentiments on the Focus Ireland report highlighting that homelessness in Dublin has doubled in the past 12 months, which is a very serious issue. I would argue that has arisen as a result of the Government's austerity programme. She also called for a debate on upward-only rent reviews. From my recollection that used to be in the programme for Government. Perhaps we should have a debate on the programme for Government because I have been approached by a number of business people in Galway who are suffering severely from the lack of Government action to legislate over upward-only rent reviews.

Yesterday in Dingle I spoke in a debate on mental health issues along with the Minister of State, Deputy Kathleen Lynch. The focus was on the mental health of politicians and how we make decisions in these Houses and whether we are in a fit capacity to do so. It touched on issues such as mental disabilities, depression, etc. and also people making decisions under the influence of alcohol or other substances. Although the Minister of State was speaking on this, we have seen very little action on the 440 new social worker jobs that were supposed to have been put in place to try to support people in the community with similar issues. I call for a debate on mental health issues and what has happened to A Vision for Change. It has been seven years in the coming and is very slow to be implemented. We can also discuss our own capacity to make decisions in these Houses from a mental health perspective.

Senator Catherine Noone: I support the call by the Irish Association of Plastic Surgeons for regulation in the area of cosmetic surgery. I find it hard to believe that in this day and age, any doctor is free to carry out certain plastic surgery procedures without having any plastic surgery training. There are dubious practices in the area of dermal fillers about which an independent review was carried out in the UK last month. We need not go into the specifics of it. Suffice it to say that there is a possibility of a scare within the industry similar to that over the recent PIP breast implant scandal. I call on the Minister to legislate in this area so that we have regulation of plastic surgeons, including a specific specialist register of plastic surgeons.

I wish to mention an initiative launched today by the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan. We are coming into a period in which we will be commemorating many different events that happened approximately 100 years ago. He has officially launched Century Ireland, a major new online news service which will chart both ground-breaking and everyday news events which took place from the time of the Home Rule debate to the Civil War, from 1913 to 1923. This will go live on rte.ie/centuryireland and RTE has a live Twitter feed to allow people to live in the zone and understand what daily life was like in 1913. I thoroughly recommend that people, including teachers and school students engage with this fascinating and innovative tool. Day by day it will highlight stories relating to things taking place exactly a century ago, be it Home Rule or interesting stories such as a typhoid outbreak or even a suffragette being convicted for defacing a statue of John Redmond. It is a great initiative and I praise RTE, Boston College, the Minister and all involved in bringing it into being.

Senator Denis O'Donovan: I express my concern over major delays in orthopaedic surgical procedures, particularly in the Munster and southern region. Last week I was contacted by a man aged approximately 60 who has been waiting three years for a hip replacement. He had an accident when he was younger and he told me he sleeps with the help of morphine patches and other medication.

I was alarmed to discover today that there are approximately 5,000 people in County Lim-

erick waiting for orthopaedic surgical procedures. A review of many of those cases found that some of those people had already died because they were waiting so long while others went privately. Will the Leader arrange for the Minister for Health, Deputy Reilly, to come to the House to respond to the appalling delays? When he was the Opposition spokesman for health, he quite properly called for the elimination of waiting lists, in particular for the elderly waiting for these procedures. This commitment was also made in the programme for Government. We are now in the third year of this Government so I ask that the Minister come to the House, in particular to address the huge delays being experienced by people waiting for knee and hip replacements, some of whom are very elderly. That situation cannot continue. These people seem to be forgotten as a result of the current difficulties in the health service. It is an issue worthy of urgent debate.

Senator Mary Moran: I welcome the results of the study published this morning by the Minister for Education and Skills, Deputy Quinn, showing that more than 75% of school leavers in 2010 went on to continue their education in higher education institutions, in training programmes, in further education facilities or in second level schools. The report provides very valuable information on the education pathways of students on completion of second level education and I welcome the breakdown in the numbers.

However, I express concern about early school leavers. While it is great we have these numbers, we should delve further into them. I understand there will be series of reports into school leaving and exactly where our young people go. I was somewhat surprised to learn that, contrary to popular opinion, more girls leave school early than boys. More than 20% of girls leave school early, which I found quite surprising.

A higher percentage of children who attend fee paying schools and Irish schools go on to third level education. I am concerned about people who attend DEIS schools and VEC schools where the numbers seem to be down. Sometimes we need to educate students about the possibilities and the scope there for them after school. I would welcome a debate on this whole issue and on the results in the report issued today.

Senator Sean D. Barrett: I echo what Senators Moran and Hayden said. Are there pressures on girls in school not to display academic ability? Is it unfashionable or otherwise? If so, that would be a serious loss of ability and talent. Last week, the Minister for Education and Skills, Deputy Quinn, published a report on easing the transition from second level to third level, which might form the basis on which we could discuss these issues. The aspect which would concern me is that in contrast with Finland, we do not tie the qualifications of teachers to the subjects they teach. The step up from second level to third level, on which the Minister has reported, is difficult but to try to go from a subject where the teacher does not have a qualification in his or her degree to third level is an impossible gap to bridge and that should form part of the discussion. Arising from the report and from what Senators Hayden and Moran said, we could have a very worthwhile debate on that transition from second level to third level.

Is the higher diploma in education an appropriate qualification any longer? Should teachers not stay in their subject area and upgrade in mathematics or whatever rather than do a second year in the higher diploma in education, which is being considered currently? There has been much emphasis on administrative, financial and other aspects but academic and intellectual aspects count as well. In Finland, a person has a masters degree in the subject he or she teaches. This is a widely admired model and perhaps the Minister for Education and Skills, Deputy Quinn, might examine it. I hope he will accept the invitation from both sides of the House to

discuss the transition because the report is very important and it deserves a discussion.

Senator Paul Coghlan: The sentiments expressed by Senator Byrne are understandable but we can approve the motion because it is simply about the committee's work programme and priorities. We have confidence in those of our colleagues who sit on that committee. Issues pertaining to tax harmonisation, the euro and banking union are clearly important and I am sure the Leader would facilitate a debate in early course on any or all of those topics. There is no need to hold up the committee's work programme. Senators from both sides of the House sit on that committee and I am sure we have faith in them.

Senator Labhrás Ó Murchú: It is always valuable to listen to the contributions made by other Members based on their research, specialist skills or observations. Senator Mullen made a worthwhile contribution when he pointed out an error in a statement from a Minister. All he asked was for the Minister to come to the House to discuss the matter. I did not hear any comment or response that would suggest he was wrong in what he was saying, but there was a very broad sweep of the brush in response, with the Iona Institute, excommunication, Cardinal Brady and a host of other issues dropped right into the middle of it. I am not clear what this was about but I know that the Iona Institute is not here to respond and I think Members will agree that a discussion of excommunication is for another forum. I certainly think it is wrong to mention Cardinal Brady when it is possible that what there was a misinterpretation or misrepresentation of what he said. I would not like to think that any of us who wish in the future to make a contribution in this House might decline to do so because we fear being misrepresented in an extreme way. I hope we will continue to act in this House as we have always done, that is, by accepting all kinds of opinions and views. The only way we can reach any kind of understanding or consensus is by respecting each others' views.

Senator Terry Brennan: I join other speakers in calling for the Minister for the Environment, Community and Local Government to come into the House. The issue I would like to discuss with him is planning permissions which are about to expire. The collapse in the building industry over the past four years has been astronomical and people are applying for continuation of planning permission to develop housing schemes and individual houses. They must apply before the five-year period of the grant lapses. I am concerned that in some cases people who apply to their local authorities to extend the length of their permission period are being refused. In a number of cases, when unsuccessful applicants brought their cases to An Bord Pleanála, they were refused on appeal and, as a result, had to go through the courts to retain permission. I want to know whether the same conditions will apply where legal requirements have not changed in the intervening period. We should do all we can to revive the building industry. A debate is urgently needed on standardising what local authorities should be doing throughout the country to revitalise the building industry.

Senator Fidelma Healy Eames: I welcome the statement from Deputy Charles Flanagan yesterday that amendments will be taken to the protection of life during pregnancy Bill 2013 when it comes before the Oireachtas. It has been useful to hear some of the amendments that have been proposed over the weekend. I liked the one about legal representation for the unborn which would make the Bill consistent with our Constitution in that there would be an equal right to life for both the mother and the unborn child. Also, we need to face up to the fact that in the current proposed legislation there are no time limits, which would be barbaric. That is consistent with the Supreme Court judgment and amendments in those areas would be most useful.

I have a particular question following the very useful input by Professor Fergusson - the

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New Zealand researcher in the area of abortion and mental health effects - on “Morning Ireland” this morning during which he confirmed that among women who have abortions there is an increased rate of suicidal thoughts compared with women who have brought babies to term. I liked that he said there was a real need to consider the real reasons that women seek abortions. We have an opportunity this afternoon and I would like if the Leader would influence that. This afternoon, the Joint Committee on Health and Children is sitting and will consider who to bring before it.

An Cathaoirleach: That is a matter for the health committee.

Senator Fidelma Healy Eames: I realise that.

An Cathaoirleach: Senator, have you a question for the Leader?

Senator Fidelma Healy Eames: I have a question. I would like if the Leader would convey my wishes - I have made a formal request to the committee - that women who have had abortions, including women who regret their abortions and women who are happy with them, would be brought before the committee *in camera*.

An Cathaoirleach: Senator, that is a matter for the health committee.

Senator Fidelma Healy Eames: It is a matter for the committee and it is a matter for this House.

An Cathaoirleach: It is a matter for the committee, Senator.

Senator Fidelma Healy Eames: It is a matter for our country.

An Cathaoirleach: It is a matter for the committee who it brings before it; it is not a matter for this House. There is a joint committee set up and it is a matter for that committee to bring before it whoever it requires. Have you a question for the Leader?

Senator Fidelma Healy Eames: I beg your indulgence, but I wish to finish my point. We have a moment in our history where we could make a real difference in finding a way to reduce the number of women who need abortions in future by listening to women who have had abortions and why they had to take that lonely journey and road, often alone.

Senator Martin Conway: In recent years we have seen a significant increase in the number of people with disabilities taking part in sports. Let us consider the Special Olympics and more recently the Paralympic Games and the benefits they bring from a health perspective. I call on the Leader to facilitate at some stage before the end of term a debate with the Minister for Transport, Tourism and Sport specifically on activity and inclusion of people with disabilities in all sports. I note the fact that several million euro have been made available in the past 18 months to upgrade swimming pools throughout the country to make them accessible to people with disabilities. Before the end of term I hope to have representatives from the Cara APA Centre at the Institution of Technology in Tralee make a presentation here on its worldwide ground-breaking research on the inclusivity of people with physical disabilities in sport. I also hope to facilitate a presentation in the audiovisual room from the three main sporting organisations in the country, the GAA, the FAI and the IRFU, on the significant behind-the-scenes work they are doing to encourage the various units of their organisations to engage with people with disabilities and facilitate equal access to sport.

The health of our nation is remarkably important and the health and physical activity of people with disabilities is an area that needs to be further developed. It needs resources to be channelled by central government. A public private partnership between the main sporting bodies and the Government in this area is necessary because we are all aware of the equality that participation in sport can create.

Senator Michael Mullins: I strongly support Senator Conway's call for us to do everything possible to give equal access to sport for people with disabilities. Yesterday, I had the pleasure of spending some time in the company of a woman who spends a good deal of her spare time working with people with disabilities and involving them in sporting activities in my home town of Ballinasloe.

I wish to remind the House of the tragedy that took place two weeks ago in Bangladesh, where over 400 people lost their lives and over 1,000 are unaccounted for or injured as the result of a horrific fire in the Rama Plaza clothing manufacturing facility. There is a danger that as media attention moves focus from that tragedy we would forget about it. There is a deadline of 15 May for putting in place a fire and building safety plan to which government, unions and employers are signing up. It is essential that Irish retailers which operate on our high streets sign up to that agreement. All of them are active in the Single European Market. The conditions in the factory are of huge concern. As customers, we have an obligation to put pressure on the stores to which we give our custom. We should keep pressure on them to ensure they sign up to the agreement to which I referred, and that they sign up to ethical trading and sustainable employment conditions for those working in the factories. As politicians, we need to keep this issue on the agenda at national and European levels. It is appalling that people lost their lives in such appalling conditions, and we have a responsibility to ensure this never happens again.

Senator Colm Burke: I refer to the European Movement report published today which indicates the attendance of Irish Ministers at EU meetings has increased dramatically and is now at 97%. Ireland is joint second for attendance at all EU meetings dealing with EU affairs. The report also indicates that, out of the 20 committees in the European Parliament, Ireland has an MEP on only 14, leaving six committees with no Irish representation. It highlights the reason, now more than ever, that we need to scrutinise EU legislation.

It comes back to a point I raised more than 18 months ago about the need for us, as part of the Oireachtas, to become part of that process. In fairness to the Leader, he has made representations on the point I made, namely, using the Seanad as part of that process. I ask him to renew that call to the Taoiseach. Even if there is a decision - I am not convinced there will be - to abolish the Seanad, we still have three years remaining in office and can be used effectively to monitor EU legislation and directives. I ask the Leader to request again that we use the process in the Seanad to examine such legislation and set up a proper structure for doing so.

Senator Marie-Louise O'Donnell: I congratulate the Taoiseach on the outstanding manner in which he is conducting himself at Cabinet level, politically and across the nation in regard to the upcoming legislation on the X case. It is a most difficult, sacred, profound and individual area. He is articulating it brilliantly, and has remained sane, dignified, mannered and graceful, despite evident agendas, extremes of argument from pro-choice and pro-life sides and alarmist behaviour from some Members of this House and the Lower House masquerading as reason. He has shown himself to be a talented, intelligent, communicative and brave leader, which I always thought he was. I wished to put that on the record.

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Senator Terry Leyden: After all, did he not appoint the Senator.

Senator Marie-Louise O'Donnell: That has nothing to do with it.

Senator Terry Leyden: Not at all. Of course not.

An Cathaoirleach: I call Senator Sheahan without interruption.

Senator Terry Leyden: It was effective, though.

Senator Marie-Louise O'Donnell: The Taoiseach made a good choice.

Senator Terry Leyden: A very good choice, and a good-----

An Cathaoirleach: Senator Leyden, please. I have called Senator Sheahan without interruption or cross-fire.

Senator Terry Leyden: I was commending Senator O'Donnell's brilliant delivery.

Senator Tom Sheahan: Will the Leader arrange for the Minister for Education and Skills to attend the House to clarify his Department's systems for monitoring the performance of school principals? Recently, the chief schools inspector raised the prospect of annual reviews of the performance of teachers and principals. The Minister could clarify his thoughts on this proposal. The chief inspector, Mr. Harold Hislop, pointed out that unlike some other countries, Ireland has no system of regular evaluation of school staff. It would be proactive of the Minister to discuss same with the House.

Senator Maurice Cummins: Senator Byrne called for a debate on No. 2. I will provide the background. In its annual report on the operation of the European Union (Scrutiny) Act 2002, which was laid before the Houses on 20 July 2012, the Joint Committee on European Union Affairs recommended that a sectoral committee should identify on an annual basis those proposals, both legislative and non-legislative, from the European Commission's annual work programme that it would like to have subjected to detailed scrutiny. It also recommended that an agreed list of priorities should be forwarded to it for consideration and on which it would report to the Houses. It recommended that the agreed list should be adopted by way of a motion of both Houses regarding the committee's work programme.

My notes come from the committee, which has asked that we pass this motion. However, if the House wishes a debate, I will amend the Order of Business so that the debate can be taken after No. 3. I cannot guarantee that a Minister will attend, but it is only a motion from a joint committee. I will accede to the request of the acting leader of the Opposition.

I am sure that the Priory Hall families are blameless. It is a matter for Dublin City Council. As a court case is under way, it would be inappropriate to debate the matter and I will not accept the proposed amendment to the Order of Business. I understand that the Minister for-----

An Cathaoirleach: No second amendment was proposed.

Senator Maurice Cummins: I believed that Senator Byrne had proposed a second amendment on bringing-----

Senator Thomas Byrne: I stated that I would vote against No. 2 if we did not get a reasonable response from the Leader. No amendment to the Order of Business was proposed.

Senator Maurice Cummins: I understand that the Minister will introduce a pyrite Bill during this session. I am sure that it will be discussed at length in the House.

Senator Hayden raised the issue of the 12 Pamela Scott shops that have been saved as a result of negotiations that saw their rents reduced by 40%. I noted her points.

Senator Hayden also referred, as did Senators Jim D'Arcy, Moran and Barrett, to the report on the educational outcomes for children in care and to the report on school leavers carried out by the Department of Education and Skills recently. As Senator Barrett suggested, I will invite the Minister to attend the House to discuss the reports as well as the question of the transition between second and third levels.

Senator Mullen and several other Senators spoke on matters pertaining to the protection of life during pregnancy Bill. I do not wish to comment on those points. I am sure all those points can be raised in the course of the Bill, and the heads of the Bill will be debated by the Joint Committee on Health and Children. We will have legislation here before the summer recess. The points raised by a number of Senators can be raised in the context of those debates and there will be ample time to discuss that Bill when it eventually comes to this House.

Senator Leyden spoke on Europe Week, and that is why we will have Ireland's European Commissioner here tomorrow. I am sure we will have a full attendance for Ireland's Commissioner.

Senator Terry Leyden: Absolutely.

Senator Maurice Cummins: I will ask the Minister for Transport, Tourism and Sport to give an update on airports and regional airports in general.

Senator Terry Leyden: Including Waterford.

Senator Trevor Ó Clochartaigh: And Galway.

Senator Maurice Cummins: Senator Leyden did not ask about Waterford.

Senator Terry Leyden: I am not a bit interested in the Waterford one. I am only interested in Knock. Let the Leader worry about Waterford and I will worry about Knock.

Senator Maurice Cummins: Senator Leyden was very well spotted in Knock over the weekend.

Senator Terry Leyden: I thank the Leader. Who has more time to be there than me?

Senator Maurice Cummins: Senator Keane spoke about the positive effects of the ban on smoking and called for a debate on air pollution with the Minister for the Environment, Community and Local Government, Deputy Hogan. I will bring that matter to the Minister's attention.

Senator Ó Clochartaigh asked why we are not meeting until 12.30 p.m. tomorrow. I am very surprised that a member of Sinn Féin did not know that we are honouring our dead in 1916 tomorrow morning and that is the reason we are not meeting until 12.30 p.m., but I am sure he will be here for the European Commissioner at 12.30 p.m.

Senator Trevor Ó Clochartaigh: I would have to be here.

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Senator Maurice Cummins: I have requested that we have a further debate on mental health issues. We have had approximately four debates on the subject but it needs constant debate in the House and I will try to arrange that.

Senator Noone spoke on cosmetic surgery and the regulation and proper registration of plastic surgeons, I will bring that matter to the attention of the Minister for Health. The Senator also commended the Minister for Arts, Heritage and Gaeltacht Affairs, Deputy Deenihan, on a recent initiative regarding Century Ireland.

Senator O'Donovan spoke about the delays in orthopaedic procedures in Limerick and the waiting lists. The Minister set up a special delivery unit which is yielding major success in the majority of hospitals. Limerick obviously has some problems, but I am sure that matter will be addressed and I will bring it to the Minister's attention. I do not intend to comment on the matters Senator Ó Murchú raised regarding the protection of life during pregnancy Bill.

Senator Brennan raised planning permissions that are due to expire. I will bring that matter to the attention of the Minister for the Environment, Community and Local Government.

Senator Conway spoke about people with disabilities, their participation in sports and the need for further development in that regard. I will invite the Minister of State at the Department of Transport, Tourism and Sport, Deputy Ring, to give the House an update on that very important matter.

Senator Mullins spoke about the Bangladesh tragedy and urged retailers to sign up to an agreement on health and safety, building regulations and letting them know their obligations in that regard.

Senator Burke raised the European Movement report indicating that there is 97% attendance of Irish Ministers. That is to be welcomed and is a massive improvement in that area.

Senator Trevor Ó Clochartaigh: If only we had the same in the Seanad.

Senator Maurice Cummins: The fact that there are six EU committees in Europe which have no Irish representatives has been raised by our MEPs in their deliberations with this House. The engagements we have had to date with our MEPs have been fruitful for them and the House.

Senator Sheahan called on the Minister for Education and Skills to attend the House to outline his views on the issue of monitoring school principals. Perhaps that can be raised in the context of the other debate we are trying to arrange on education issues.

An Cathaoirleach: Senator Thomas Byrne has moved an amendment to the Order of Business: "That a debate on the Priory Hall residence and the efforts that the Government is making to resolve the issue be taken today". Is the amendment being pressed?

Senator Thomas Byrne: In light of the Leader's reasonableness on the other matter and in light of the court proceedings that are under way, as pointed by Senator Hayden and myself, I withdraw the amendment.

I thank the Leader for his reasonable approach to No. 2. The Seanad is not a rubber-stamp for these issues. I also thank my party's spokesperson on European affairs for indicating his immediate availability to participate in this debate.

Amendment, by leave, withdrawn.

An Cathaoirleach: The Leader has also proposed an amendment to the Order of Business: “That No. 2 be taken after No. 3”.

Amendment agreed to.

Order of Business, as amended, agreed to.

Proposed EU Directive on Counterfeiting: Motion

Senator Maurice Cummins: I move:

“That Seanad Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Directive of the European Parliament and of the Council on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA,

a copy of which was laid before Seanad Éireann on 15 February, 2013.”

Question put and agreed to.

National Lottery Bill 2012: Report and Final Stages

Acting Chairman (Senator Feargal Quinn): I welcome the Minister. Before we commence, I remind the House that a Senator may speak only once on Report Stage, except the proposer of an amendment who may reply to the discussion on the amendment. Each amendment must be seconded.

Senator Thomas Byrne: I move amendment No. 1:

“7. The employment rights of employees of the National Lottery and the contractual rights of agents of the National Lottery shall be protected by this Act.”.

It is crucial that we give clarity to the staff and agents of the national lottery that they will be protected under this arrangement. Former staff of Anglo Irish Bank and Irish Nationwide Building Society were not given such protection and the Government set an unfortunate precedent in this regard. There are concerns that this will be used again by the national lottery if a foreign operator wins the licence.

The wider issue, which is not related to the amendment but which is important, is the avail-

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ability of national lottery permits to business people who do not currently hold them. That is a wider issue but I want it put on the record. This section, if added to the Bill, would provide that general protection to employees and agents that is required to give them peace of mind and to prevent a repeat of the debacle that happened with Anglo Irish Bank and Irish Nationwide Building Society.

Senator Labhrás Ó Murchú: I second the amendment.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I thank Senator Thomas Byrne for tabling the amendment and giving me the opportunity, as I have done repeatedly on Second and Committee Stages, to assure the House that the contractual rights of the employees of the current national lottery will be fully protected. As I indicated previously, my officials have had discussions regarding the staff of the national lottery with the company itself and relevant parties such as the management of the national lottery, An Post and all the trade union representatives. Those discussions have been ongoing and focused on clarifying the issues that arise for workers in the context of the next licence. I cannot be entirely prescriptive because it will depend on the nature of the next licensee but I can assure the House we are mindful of the legal rights of staff and they will be safeguarded. Therefore, I do not believe the amendment is necessary.

Senator Thomas Byrne: I accept what the Minister has said.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Feargal Quinn): Amendments Nos. 2 and 4 to 16, inclusive, are related and may be discussed together, by agreement.

Senator Thomas Byrne: I move amendment No. 2:

In page 7, to delete lines 12 to 19.

If the Minister says he is changing his approach to the issue of the regulator, I will move the rest of the amendments, but, if not, I may withdraw them, even though they are being discussed together. I had suggested a slimmed down version of the regulator and that we proceed with the model that has applied heretofore. There is the possibility of an independent prominent businessman doing it as a side job or that it would be done within the Department as an independent office. We object to the creation of another quango because, effectively, that is what is being done. This is the Government that was to have had a bonfire of the quangos similar to the Government across the water but it never works out that way. One would have thought there was no need to put in place another regulator and the costs associated with it. Has the Minister developed his thoughts on the ethical issues of the regulator? I did not table an amendment on the matter because, clearly, it is a major issue. I hope the Minister will consider whether it is sufficient for the regulator to declare his interests rather than impose a prohibition on certain interests being held by the regulator. It may be a bigger issue.

Senator Labhrás Ó Murchú: I second the amendment.

Deputy Brendan Howlin: I thank Senator Thomas Byrne for tabling this and the series of related amendments which go to the heart of whether a regulator should be established. For this process, the Minister is the regulator and will remain the regulator until the new office is established. As I indicated, the original Government decision on the approach to the next lotto

licence was formulated at the end of 2011. We have given a great deal of consideration to all the component parts. Members acknowledged that on the last occasion I was in the House. They have not always agreed with the conclusions we have arrived at, but it was acknowledged that a great deal of thought has gone into the structure of the licensing arrangement. It was considered that for the purposes of the next lotto licence a better outcome could be achieved if the Office of the regulator was an independent body, separate from Government. While there are differing views on the experience of regulatory regimes, there is no doubt some have been more successful than others. As I indicated on the last occasion, often that is due partly to the way the terms of reference given to the regulator are framed by Government. This is a modest proposal and it will be a modest office. It will be better not to have a career civil servant doing the job on a part-time basis, although this was a suggestion which was reasonably made, to ensure all the games are robust and the numerous licensing arrangements are adequately policed because it is a very extensive business of the order of €700 million or €800 million per annum, and hopefully it will grow a bit more than this. As I indicated, the legislation makes the regulator accountable to the Houses of the Oireachtas. The regulator can be brought in and questioned and this is a better way. A regulator is much more open to having this type of discussion with a committee than a civil servant might be. The Senator might be interested to know we are also preparing new working arrangements for civil servants to make them more accountable and free them from some of the constraints in their way to interact with committees of the Houses. This is something I want to do separately.

The Bill provides that the regulator's office will be fully funded by the proceeds of the lotto so there will be no Exchequer cost. It will be a modest office. Even after the enactment of legislation the Minister will determine the number of staff and their remuneration and conditions. There will be no incentive for the empire to grow. As I indicated, it is not directly pertinent to this legislation but Senators expressed the view there is a much broader question of the regulation of gambling which needs to be addressed. I hope this modest proposal for a regulator for the lotto might migrate into having wider functions, but I do not want to trespass on the turf of my colleague the Minister for Justice and Equality, who I understand will bring general gambling legislation and co-ordination before the Houses before the end of the year.

Senator Aideen Hayden: Another area in which I have expertise, or some involvement, relates to premium rate telephone calls. Vulnerable people can be abused by such a service. The regulatory body was a one-man office with access to legal advice. There is a generally held view that a quango means a multi-storey office block, but in actual fact there are examples of very good regulatory bodies which operate out of a shoebox. What is important is the expertise the regulators bring to the table and we should not lose sight of this.

Senator Thomas Byrne: We will not persuade the Minister so I am happy to withdraw the amendment noting the point has been made. There is no question that a quasi-autonomous non-governmental organisation is being created here today. The Government should redouble its efforts to close down unnecessary quangos, non-governmental bodies and regulators.

I hope the person who will become the regulator reads this debate and the expertise and research which has been done on regulatory capture, finds out what it is and commits to not being captured. Most regulators get captured in some way. It is usually benign and not malign or corrupt, but regulators can acquire too much knowledge of the industry and sometimes forget the consumers and the public interest and see everything from the point of view of the industry they regulate. I am concerned about this and I hope the regulator, whoever he or she is, does not fall into this trap. In my view it is more likely than not that he or she will. I will withdraw

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all of the amendments subsequent to this one.

Amendment, by leave, withdrawn.

Amendments Nos. 3 to 17, inclusive, not moved.

Acting Chairman (Senator Feargal Quinn): Amendment No. 18 has been ruled out of order.

Amendment No. 18 not moved.

Amendment No. 19 not moved.

Acting Chairman (Senator Feargal Quinn): Amendment No. 20 has been ruled out of order.

Amendment No. 20 not moved.

Amendment No. 21 not moved.

Bill received for final consideration.

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

Senator Thomas Byrne: I thank the Minister for the debate. We, as a party, did not have fundamental differences about the issue. However, we did not agree that the regulator should be appointed and felt that it could be done quite adequately from within Government. We await the concrete implementation of the Minister's plan to put the money aside for the children's hospital, which must be central to the debate. The Minister gave a solemn commitment on it on Committee Stage in the Dáil and before the Seanad. His commitment was recorded and must be remembered by us. It will be a burden on the Minister throughout the rest of the year as this process continues. That is critical. We felt that there should be a more robust approach but that has not happened. We now depend on him implementing the measure.

My party has no problem with the process. It looks like the legislation will be passed so we wish the process all the best. The good causes which have benefitted from these projects want the scheme to continue. We have all acknowledged the fact that the communities that received funding from the national lottery needed the money. The children's hospital also needs to be built as a matter of urgency. God speed to the legislation. We wish the Minister and his staff well in the implementation if, as expected, the legislation is passed.

Senator Marie-Louise O'Donnell: It is interesting to hear Fianna Fáil mention God and the lottery in the same sentence.

I have championed the non-sale of the lottery over the past seven or eight months. It has been a wonderful learning experience. I now know how to take on a Bill and understand amendments. I understand the way that politics works and how Bills are passed in the House. I have also never considered that the comments made during the debate were personal.

The lottery has played a huge role in a part of the city that I have worked in for 25 years. I have a great belief that the funds of the public are the funds of the public. I understand why we are privatising the funds. I understand that many Senators have argued that privatisation is not necessarily bad if done well, and I accept their argument. I accept that we need the money and

that we need the money upfront. I also accept that we need the money for something as wonderful as the children's hospital and, therefore, cannot argue against the initiative.

I am worried about the amount of money that will be extracted over the 20-year period. I am also worried about the problem of online interactive sales and gambling. I have been assured by the Minister that the online activity will be restricted. I counter that we should restrict it ourselves.

I did not table amendments today because I have made arguments to support my case over the past four or five debates and did not wish to repeat myself. To be fair to Senator Byrne, we both sang off the same hymn sheet but I did not feel the need to repeat myself.

I wish the Minister great luck with the initiative and hope that he gets the price. It's Hobson's choice. If one constrains bidders from the gambling sector, the price will be reduced, but if one does not constrain them, one has the problem of gambling.

As I said on the first day of the debate, I greatly admire the Minister. He is very good and able. Had the Bill been in other hands, I may not have given it such a smooth run and I may not have got such a smooth run for my money.

4 o'clock It was a real learning exercise and I wish the Minister great luck with it. Hopefully, I will not have the same argument with the Minister when it comes to other State assets, such as Coillte, on which the Minister might look more kindly. I wish the Minister the best of luck and thank him for his grace and mannerly language to me throughout the entire debate.

Senator Tom Sheahan: I concur with much of what Senator Byrne has said. On a note of caution and in a word of advice to the Minister, he should sell hard. Members may be surprised that I am aware of at least one consortium that is coming together to tender for the national lottery. Those concerned are Irish and hopefully, it may stay in such hands and additional jobs will be created. More particularly, it is to be hoped the new children's hospital will proceed and will be something about which all Members are proud in the years to come.

Senator Aideen Hayden: I compliment Senator Marie-Louise O'Donnell and the Opposition on what has been a highly constructive debate. It has shown the good side of this Chamber in the way in which matters are taken here in a very serious way. I have mentioned previously the Minister's bona fides and his commitment to protecting State assets and believe this to be true. He has shown great ability to save us in many respects from the worst effects of the desire of the IMF and the troika that Ireland should sell off a great deal more than the national lottery, were they to have had the way they would have liked to have had, on first entering this country.

Senator Thomas Byrne: On a point of information, there was nothing in the original troika agreement about the sale of assets. There was a reference to a review of what we might be able to sell but there was nothing forcing us to sell. Repetition of that point must be stopped.

Senator Aideen Hayden: While I do not disagree with Senator Byrne's point, it is pretty well known that while it may not have been written in blood in the agreement-----

Senator Thomas Byrne: It was not.

Senator Aideen Hayden: -----it certainly was very well-known and commented on in the wider media. I do not believe I am taking this point out of thin air.

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As everyone else has noted, it is important to get the best deal possible under this licence. From the outset, I have been on record as stating the children's hospital really matters to me. It really matters to the people of Ireland and to all participants in this debate. I hope the Minister will do such a good deal that there will be a few bob left over, which can be put towards more stimulus within the economy, as everyone is concerned that the economy should make progress. Members have come to the conclusion of what has been a productive debate. Irrespective of Senator Byrne's comments, it has been a highly positive debate and a number of good matters have been brought forward by the Opposition and the Independent Senators.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I thank all contributors. I believe this to be the fifth time I have been in this House to discuss the lottery. While there are a great many highly significant issues under my Department's remit, it is interesting that this matter has taken a considerable time. I commend people on that, as it is important that due diligence be done. In addition, the last time I was in this Chamber, someone mentioned passion and I am all in favour of it. It is a good thing for people to feel strongly about any issue. It is important, as it does not happen often enough that people would argue their case. While I do not wish to take up Members' time, I have laid out what must be done and perhaps I might make a few small reports to the House? In respect of the children's hospital, the timescale for its construction has moved out more than the Government had expected. I had hoped there would be a juxtaposition of the sale of the lottery licence, the payment of an upfront cash amount to the State and the construction. However, that is not going to happen quite as serendipitously or in as dovetailed a fashion as I originally had envisaged. Nevertheless, periodic reports are now coming to the Cabinet on the phasing of the national children's hospital, which I believe will be a flagship project.

I said previously that I am committed, once the sale is completed and money is allocated to the State, to depositing the money. In the other House there was a strong view, supported by Fianna Fáil in this House, that it must be clear the money would be deposited somewhere and not dissipated away from the children's hospital. I said I would come back once we had determined the sum of money and explain how that would happen.

We differed about the regulator but we made our points. A number of Members talked about expressions of interest. I have stayed away from all of that area and I set up a protocol in the beginning for the sale of State assets. I have not been involved and I have not received any representations for it. I read the newspapers, however, and I saw today in *The Irish Times* that there is one significant international company hoping to make a joint bid with An Post. I heard from a Seanad colleague today that another domestic bid is coming. Perhaps there will be a number of bids.

Senator O'Donnell is right; this is a balancing act and it is not my intention to maximise the upfront payment at the cost of not having a regulated lottery. The lottery is regulated so there is a cost to be paid for that which I am willing to recommend to the House rather than having an open-ended bid for money. On balance, I think this is right.

Senators are aware there are limited online sales for the current lottery. That is how we will migrate, with most of our business being done online over the next 20 years. It would be appropriate to provide the facility for the lottery to do it.

I do not want to end in a discordant fashion but there has been much debate about whether the sale of State assets was included in the original troika agreement. The original troika agree-

ment stated the Government would consider the report of the then ongoing McCarthy report. At my first meeting with the troika after the Government was formed, it was strongly of the view and understood a quantum of €5 billion of State assets would be sold. The agreement in the programme for Government is a considerably lesser sum but the key is we sell nothing that is strategic. We can debate what is strategic and what is not but the items that are in line for sales, as I indicated last week, are non-strategic in my judgment. If there are other bodies such as Coillte, we will have another discussion about those matters.

I thank Senators for a constructive and courteous debate. Views were expressed with passion and thoughtful and considered amendments were tabled.

Question put:

The Seanad divided: Tá, 25; Níl, 6.	
Tá	Níl
Brennan, Terry.	Norris, David.
Burke, Colm.	Ó Clochartaigh, Trevor.
Coghlan, Eamonn.	O'Brien, Mary Ann.
Coghlan, Paul.	O'Donnell, Marie-Louise.
Comiskey, Michael.	Reilly, Kathryn.
Conway, Martin.	Zappone, Katherine.
Cummins, Maurice.	
D'Arcy, Jim.	
Harte, Jimmy.	
Hayden, Aideen.	
Healy Eames, Fidelma.	
Higgins, Lorraine.	
Keane, Cáit.	
Kelly, John.	
Landy, Denis.	
Moloney, Marie.	
Moran, Mary.	
Mulcahy, Tony.	
Mullins, Michael.	
Noone, Catherine.	
O'Keeffe, Susan.	
O'Neill, Pat.	
Quinn, Feargal.	
Sheahan, Tom.	
Whelan, John.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Trevor Ó Clochartaigh and Kathryn Reilly.

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Question declared carried.

Business of Seanad

An Cathaoirleach: I am sure Members of the House will join me in welcoming the Irish honorary consul in Ecuador, Ms Dominique Kennedy. She is very welcome and I hope she enjoys her stay in Dublin.

Message from Dáil

An Cathaoirleach: Dáil Éireann has agreed to the amendments made by Seanad Éireann to the Education and Training Boards Bill 2012.

Business of Seanad

An Cathaoirleach: I call Senator Byrne.

Senator Thomas Byrne: I take the opportunity to put on the record that Fianna Fáil Senators, while broadly in favour of the principle of the Bill under discussion today, did not partake in the vote.

An Cathaoirleach: I ask the Leader to propose the arrangements for the debate on the motion on the EU scrutiny work programme 2013.

Senator Maurice Cummins: It is proposed that spokespersons will have eight minutes and all other Senators will have five minutes.

An Cathaoirleach: Is that agreed? Agreed.

EU Scrutiny Work Programme 2013: Motion

Senator Maurice Cummins: I move:

That Seanad Éireann adopts the EU Scrutiny Work Programme 2013, Joint Committees' Priorities, which was laid before Seanad Éireann on 2 May 2013 by the Joint Committee on European Union Affairs.

I already mentioned part of this programme on the Order of Business. In its annual report on the operation of the European Union (Scrutiny) Act 2002, which was laid before the Houses of the Oireachtas on 20 July 2012, the Joint Committee on European Union Affairs recommended that sectoral committees should identify on an annual basis those legislative and non-legislative proposals from the European Commission's annual work programme, which it would subject to detailed scrutiny and that these would be forwarded to the Joint Committee on European Union Affairs for inclusion in an agreed list of priorities. The joint committee would then report to the Houses on an agreed list of priorities, which should be adopted by motion of both Houses as the Oireachtas EU scrutiny work programme.

This is the first such Oireachtas EU scrutiny work programme prepared following that recommendation. Each of the sectoral committees discussed and identified their own priorities from the European Commission's annual work programme 2013. This work programme, which the Seanad as well as the Dáil has been asked to adopt, represents all the priorities already identified by the relevant joint committees into which Senators have had input as members of the relevant sectoral committees.

The Commission's work programme is aspirational and most of the proposals have not yet been published but will be during the year and they will be considered by the joint Oireachtas committee at that point. The idea behind a prioritised work programme is that it helps to differentiate major policy issues and legislative proposals from less important or technical ones, as there can be up to 500 legislative proposals in any one year. It also assists committees in considering issues earlier in the legislative cycle, thereby improving the capacity of the Parliament and committees to shape and influence the formal legislative measure when it is first published.

The reason for putting the work programme before both Houses is that it is then an Oireachtas work programme rather than individual committees' work programmes, thus giving it a greater status. It also informs Members in good time of the range of important EU proposals which are coming down the track.

As I informed the House last year, the Seanad sought extra resources to deal with an EU work programme but they were not granted. The Oireachtas Joint Committee on European Union Affairs is bringing this motion forward to allow it to scrutinise EU legislation in a far greater way and at an earlier stage than was the case previously. The motion will allow the EU work programme to be dealt with by the Oireachtas Joint Committee on European Union Affairs and I commend it to the House.

However, there are other areas in which the Seanad should be involved outside the parameters of the Oireachtas Joint Committee on European Union Affairs. We certainly do not want duplication, that is, this committee doing something which the House intends to do. However, this committee is charged with this task at this point.

As many of the MEPs who spoke to us over the past number of weeks suggested, we could have a significant input into European affairs outside the remit of the Oireachtas Joint Committee on European Union Affairs. Perhaps sooner rather than later, we should appoint a sub-committee to bring a proposal to the Seanad to examine the types of proposals necessary in EU legislation that it can deal with outside the remit of the Joint Committee on European Union Affairs.

As I said, I do not want duplication but I commend the motion. Greater scrutiny of EU leg-

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islation by the Joint Committee on European Union Affairs is to be welcomed but the Seanad should have a greater role in European affairs.

Senator Terry Leyden: I commend the Leader for allowing a short debate on this motion, which we support. There was no question of us not supporting this good motion that Seanad Éireann adopts the EU scrutiny work programme 2013, joint committees' priorities, which was laid before Seanad Éireann on 2 May 2013 by the Joint Committee on European Union Affairs, of which I am a member. I commend the work on putting this together.

In regard to the Lisbon treaty, I am not sure whether it really envisaged that joint committees would replace the work of either House of the Oireachtas. This states that they would take on the remit in regard to subsidiarity. I presume that is the case and that authority must have been designated to the committees. There has not yet been an occasion in which legislation was referred to other parliaments or opposed by the Dáil, Seanad or a joint committee thereof. That is surprising, because although the legislative proposals concerned were possibly not contentious, it is unlikely that legislation is never controversial. Some of the proposals deal with important matters. For example, the Joint Committee on Agriculture, Food and the Marine is considering the framework for organic production. The production and sale of organic products certainly requires European scrutiny and support, although standards are generally maintained through self-regulation by an organisation that sets standards for organic farms. In the event of the Taoiseach successfully introducing an amendment to the Constitution to abolish this House, the committees will be much reduced in size. The current structure of joint committees comprising Members drawn from both Houses allows a wide range of knowledge and views to be shared. It would be regrettable if that level of knowledge was no longer available. It will be up to the electorate to decide whether the Seanad, reformed or otherwise, will continue in existence.

The Joint Committee on Finance, Public Expenditure and Reform has an extensive workload but I hope it is able to do more than simply nod through these European proposals. The Commission and the Council prepare an enormous number of legislative proposals, and the European Parliament is becoming increasingly important in this regard. I acknowledge that the Leader has done his utmost to ensure legislation is referred to the Seanad as well as to sectoral committees. The broader remit of this House would allow us to consider the wider ramifications of legislation on, for example, eel fishing, which affects many counties. A Green Party Minister in the previous Government, Eamon Ryan, abolished eel fishing for a period of 99 years. The other 26 member states introduced conservation measures but not outright bans on the catching of eels. Eel fishing was an important industry for this country and we have now been deprived of its benefits because there was not proper scrutiny of the proposal at European Union level or in this Parliament. The same applies to a proposal on the below cost sale of cigarette products, which should have received closer parliamentary scrutiny than that permitted in a joint committee.

The Leader is correct to establish some sort of *modus operandi* on broader issues, such as combating cigarette smuggling, which could be appropriately considered by this House. The Seanad comprises representatives of practically every county in Ireland, including Border counties. For example, County Louth is well represented but the Senators from that county may not be members of the Joint Committee on Justice, Equality and Defence. While they are permitted to attend meetings of the committee, they may not always be aware of its agenda. There is a big difference between attending a committee as a non-member and participating in a debate as a Member of this House. It would affect people's attendance at those meetings because they would not be invited as such and they would have to find out for themselves that

such legislation is being considered by the joint committee. When she was on the Joint Committee on European Scrutiny with me, the Minister of State with responsibility for European affairs, Deputy Lucinda Creighton, was very supportive and has been very supportive in her attendance in the Seanad and in her support for the idea of scrutiny.

I do not believe that we need many additional resources to debate issues in the House. We can debate these issues in the House and refer to them because the knowledge that is in this House is the equal of any committee advisor. There are certain areas that we can debate in the House. If we believe it is worthwhile then we could refer an issue on to other parliaments under a provision of the Lisbon treaty. Certain advisors to committees could be seconded on a temporary basis as items arise. This need not be on a full-time, permanent basis but each month when there is an item on the agenda, even if we then refer it to the committee for final scrutiny. It would be worthwhile to have the observations of the Oireachtas.

I thank the Leader for allowing a short debate. It is good to air this issue given that it is Europe week. It is appropriate that we are having this debate and it was appropriate that the Leader accepted the proposal by Senator Thomas Byrne to have this short debate. We are not opposing it, we are supporting it. The views put forward by the Leader are welcome. Perhaps as a result of this short debate the Leader might consider bringing one or two items onto the legislative framework of the House for a brief debate without any advisors. Then we could refer our observations to the joint committee or, if we believe it is worthwhile, we could refer them on to Europe.

Senator Colm Burke: I am in favour of this proposal as put forward by the Leader of the House. We have the proposal from the Joint Committee on European Union Affairs on this matter. It is important that any proposals coming from Europe are highlighted at an early stage here in order that we know what is coming down the road, not only today but what may be coming in the next two or three years. While joint committees are effective in many ways, some of them have a considerable schedule of work. This approach is working effectively on European matters in the Joint Committee on Agriculture, Food and the Marine. The whole focus in agriculture is on what is coming down the road under the Common Agricultural Policy proposals and the amendment to and reforms of that policy.

I sit on the Joint Committee on Health and Children. We have a considerable agenda relating to what is happening in the health care area. We already sat three full days here in January dealing with one tranche of legislation and we are now facing into another three days. I imagine there are issues relating to health which are being dealt with at European level that the health committee does not have the time to deal with.

I made a point at the Joint Committee on European Union Affairs today relating to medical devices. We were to give the stamp of approval to what was being proposed. I raised a simple question about whether there had been any consultation with the industry involved in manufacturing medical devices. In fact there had been no consultation and when it was referred to people involved in the industry, they had concerns about what was being proposed at European level. This is where the Seanad, as one of the Houses of the Oireachtas, could highlight issues and make people aware of them. People may wish to get involved in their organisations in putting forward their views before they get to the final stages at European level. This House could be used as an effective mechanism for airing the views of Members and for focusing on and making information available to the public. I believe the House can be used effectively in this way. The medical area is vast, in particular the area of how drugs and medications work

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across 27 member states, as is the area of the development of new drugs to ensure that we have a cost-effective mechanism. I have often referred to the huge variation in the price of drugs in Ireland compared with other European countries. Why should we not focus more on how we can lower prices to what other European countries pay for medication? It is something on which we need to work.

Another medical issue is research, in terms of a joint approach between member states and the need to work together on certain areas. It is interesting to note that in the past six weeks, UCC received €6 million from Europe for a research project on health care. It is not just UCC which is involved. A number of other countries are also involved in research. There is a sharing of information in order that research can develop much faster, which is also very important. The House and the Oireachtas should highlight what is happening in Europe and allow a window of opportunity to be given to people to become aware of what is happening. It is something for which the House should be used far more effectively. I agree with Senator Leyden on that matter.

The committee has set out its programme. I welcome the fact it has highlighted what is on it and that we are all familiar with it. It is important we support the proposal.

Senator Feargal Quinn: I add my voice of support to the motion. On occasion, the House finds it does not have enough work to do, but this is work that needs to be done. Senator Leyden and others who have spoken have referred to the importance of the motion. It is worthy of support and something to which we can add our voice.

Question put and agreed to.

The Seanad adjourned at 4.45 p.m. until 12.30 p.m. on Wednesday, 8 May 2013.