



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 16 Deireadh Fómhair 2013

Wednesday, 16 October 2013

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Cathaoirleach: I have notice from Senator Fidelma Healy Eames that, on the motion for the Adjournment of the House today, she proposes to raise the following matter:

The need for the Tánaiste and Minister for Foreign Affairs and Trade to arrange for short-term fostering of Syrian refugee children by Irish host families until the situation in their homeland improves.

I have also received notice from Senator Mark Daly of the following matter:

The need for the Minister for the Environment, Community and Local Government to ensure county councils issue a certificate of discharge and exemption in order that people have certainty that no liability for the non-principal private residence charge from previous years will arise in respect of derelict properties.

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

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, Taxi Regulation Bill 2012 - Report and Final Stages, amendments from Dáil Éireann, to be taken at 11.45 a.m. and to conclude not later than 2 p.m.; No. 2, County Enterprise Boards (Dissolution) Bill 2013 - Report Stage, to be taken at 3.30 p.m. and to adjourn not later than 4.30 p.m.; and No. 3, Statistics (Heritage Amendment) Bill 2011 - Order for Second Stage and Second Stage, to be taken at 4.30 p.m. and to conclude not later than 6.30 p.m.

Senator Darragh O'Brien: Yesterday we debated the provisions of the latest budget brought forward by Fine Gael and the Labour Party. I welcomed some aspects of the budget and pointed out the many which are deeply troubling. We will have an opportunity to debate those provisions further when the Social Welfare and Pensions Bill comes before the House. Can the Leader indicate a provisional timetable for when that Bill will be brought before us? It will require major amendment, containing as it does many provisions that are grossly unfair and

which we hope the Government will revisit.

Most colleagues will agree that what happened yesterday in the Department of Health is unprecedented in the history of the State, with the Minister for Health being unable to produce a budget for next year. The Minister is effectively being stood down by the Government, with four other Departments charged with assisting him in putting together a plan for his Department, to be published within the next 21 days. Anybody who examines the health Estimate for next year will observe how incredibly vague it is. We know it will involve €13.2 billion of taxpayers' money, incorporating savings of €666 million, but there is precious little detail. As I said yesterday, the Department of Health is a time bomb waiting to go off.

I am seeking a commitment from the Leader that when those 21 days have passed and the Minister, with the assistance of the Department of the Taoiseach and other Departments, finally produces his service plan for next year, the plan will be debated fully in the House, with the participation of the Minister. For many weeks I have endeavoured to secure a debate on the issue of discretionary medical cards, in a context where, this year alone, more than 22,000 people in severe need have had their cards withdrawn. That amounts to the withdrawal of some 400 cards per week. Yesterday's budget included the announcement that a further €133 million is targeted under what is termed a review of medical card provision. This essentially points to a withdrawal of medical cards and, moreover, it does not relate to the over 70s but to those suffering long-term illness. Here we see the Minister reneging on yet another promise, namely, to introduce medical cards for specified long-term illnesses. We must have a comprehensive debate on this issue when the service plan is published.

I understand the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, will today announce details of the pyrite repair scheme. That is most welcome and I have no reason to believe it will not do what is required for home owners. We await the detail of the legislation with interest. Media reports suggest the Bill will be brought to the Dáil before Christmas. Does the Leader have any information on when it will come before this House? The sooner the pyrite resolution board is established on a statutory basis and can begin accepting applications from home owners, the better for us all. This House has played a major role in seeking a solution for people affected by the issue.

Senator Ivana Bacik: I take this opportunity to clarify that the provision of free GP care will include all children aged five and under, not just those aged under five. There was some confusion in that regard. I asked the Leader yesterday to arrange a debate on universal health insurance provision and the move towards the abolition of the two-tier health system. The budget announcement is a very welcome step in that direction.

Will the Leader arrange a debate on third level education? There was very good news for schools in yesterday's budget in terms of the retention of the pupil-teacher ratio, the recruitment of 1,300 additional teachers, the allocation for the school book scheme and the ring-fencing of €1.3 billion for special needs education. There is concern at third level, however, regarding the slippage by some of the universities in the international rankings and the deferral of the reallocated €25 million in funding to 2015 rather than 2014. A debate on the future of third level education is particularly important given the increased numbers of young people projected to enter college in the context of the Government's very welcome commitment to increase the number of training and education places as part of the youth guarantee. Resources will have to be allocated to ensure third level institutions can meet the challenges of increasing numbers.

In regard to the promised debate on Seanad reform, I welcome the Taoiseach's announcement that legislation will be introduced to extend the franchise for the six university seats to all third level institutions. I hope we will soon have a broad debate on the scope for Seanad reform through legislative change. Our discussion last week followed immediately upon the defeat of the referendum. It would be useful to have another debate in the near future when we have had time to reflect on how best to achieve significant change through legislation.

Senator Sean D. Barrett: Five of the Gaeltacht constituencies - Donegal, Meath, Waterford, Galway West and Cork - voted to retain this House in the recent referendum, while the remaining two - Mayo and Kerry - did not. Our debate on democracy and participation began when the democratic elections to *Údarás na Gaeltachta* were cancelled against the advice of many people in this House. The Leader indicated yesterday that the Taoiseach will be coming to the House to discuss his reform proposals. In light of the verdict of the people, we should restore to the agenda the extension of democracy to which I refer. I am of the view that - contrary to what was stated on certain posters during the referendum campaign - more democracy and more politicians are going to be required. I look forward to gender quotas coming into operation in Gaeltacht areas in order that the rather powerful *mná na hÉireann* might express themselves by being elected to an *tÚdarás*.

Senator Deirdre Clune: Will the Leader arrange for the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, or the Minister of State at his Department, Deputy Perry, to come before the House to discuss the Action Plan for Jobs for next year, which is currently in preparation? Everybody will agree that the budget introduced yesterday is excellent in the context of job creation. I know that Members across the House will welcome the retention of the 9% VAT rate, the abolition of the airport tax, the anti-fraud measures relating to VAT, the start-your-own-business schemes and the changes to capital gains tax to encourage investment. Many of these ideas and initiatives came about as a result of consultation engaged in throughout the country, particularly by the forum for small business established by the Minister of State at the Department of Jobs, Enterprise and Innovation, Deputy Perry. We are aware that for every person who obtains employment, the State saves €20,000 per year. I welcome the various initiatives to which I refer and I am of the view that we must explore the options which exist in this regard even further.

Senator Darragh O'Brien stated that a review of a person's medical card actually means that it is going to be withdrawn. The reality is that it is just that, a review. Some 1.9 million people have medical cards and reports indicate that more than the figure to which the Government has referred in this regard is being paid to GPs in respect of people who are not using their medical cards. I am sure the Deputy would not advocate paying GPs in respect of a facility which is not being provided to anybody.

Senator Darragh O'Brien: The Government is trying to take a further €133 million out of-----

Senator Deirdre Clune: Those to whom these cards relate may have left the country or their circumstances may have changed and they do not use them anymore.

Senator Darragh O'Brien: Their cards have been taken off them this year.

An Cathaoirleach: Senator Clune, without interruption.

Senator Deirdre Clune: I am sure Senator Darragh O'Brien would agree that it is sensible

that the Government should review the position with regard to medical cards and ensure that GPs are not paid in respect of cards which are not being used. The evidence shows that this review is necessary. Anybody who is entitled to a medical card will either retain that which he or she already has or will be issued with one.

Senator Labhrás Ó Murchú: Later today I will be introducing a Bill which advocates that data from the 1926 census should be made available to the public. I cannot overemphasise the importance of this census, particularly as it was the first to be conducted following the foundation of the State. The usual procedure is to wait 100 years before issuing data relating to a given census. At present, however, we are in the midst of a decade of commemorations in respect of events such as the 1913 Lock-out, the 1916 Easter Rising and the First World War. It is very important for people to understand what happened subsequent to the period to which those commemorations relate and how Ireland reacted.

I have received correspondence from genealogists across the globe and I am aware that they are all waiting for data relating to the 1926 census to be released. In order to complete both family trees and the story of Ireland at that particular time, said data is extremely important. When the 1911 census data was made available online, in a matter of months it had been accessed by millions of individuals. That gives us an idea of what people expect in the context of census data. I hope there will be unanimity when I introduce my Private Members Bill on the matter later. I am of the view that it would be a very worthwhile exercise if the 1926 census data were made available by 2016.

On a separate issue, I have received a great deal of correspondence from England in respect of the possibility of Irish citizens who reside there obtaining a vote in the next presidential election. There is massive hurt among those to whom I refer at present. Their understanding is that if the Government takes action on this matter, then only those who travelled to England in the past 15 years will be able to vote. Imagine how those who travelled to England to find work during difficult periods prior to the past 15 years and who have been sending money back to their families must feel about this matter? It would be an absolute insult not to give these people the same opportunity as that which may be afforded to those who travelled to England in more recent times. I appeal to the Leader, in the context of whatever might emanate from the Constitutional Convention regarding this matter, to convey to the Government the importance of not snubbing Irish people who have been living and working in England for 30 or 40 years. Those to whom I refer comprise over 80% of Irish citizens living in England at present. I hope the information relating to this matter is wrong but I have a feeling that it is not.

Senator Jimmy Harte: I agree with calls for a debate on employment in the wake of yesterday's budget, which is very progressive for small and medium-sized businesses. Perhaps the relevant Minister might come before the House to discuss the matter.

I met a hotelier from the midlands who is a Fianna Fáil supporter and who indicated that - despite the fact he will not say so publicly - the reports on the budget were good. I informed him that was a good sign, particularly coming from a Fianna Fáil man. He then said that those in the hotel business are grateful to the-----

Senator Paul Coughlan: There are a great many political people involved in that sector.

Senator Jimmy Harte: Yes. The man in question stated that he would not be saying it publicly but that the budget is reasonable.

Senator A: Will Senator Harte name the man in order that he can-----

Senator Jimmy Harte: I will not name him publicly but I can supply his name in private.

An Cathaoirleach: Senator Harte should address his remarks through the Chair. Does the Senator have a question for the Leader?

Senator Jimmy Harte: Perhaps he might give those opposite a good discount if they opt to stay at his hotel.

(Interruptions).

Senator Jimmy Harte: As already stated, I support the calls for a debate on enterprise and employment with the relevant Minister. I come from a business background and, as a result, I can see the positives in the budget. This budget is progressive for small businesses and towns that are struggling. Such businesses provide the lifeblood of such towns. For all the criticism in respect of it, there are many positives to the budget and the Minister should come before the House to discuss these.

Senator David Cullinane: When Governments and Ministers frame budgets, the first thing they should do is to put safety nets in place for the most vulnerable in society and for the different groups and sectors which must be protected. The budget introduced yesterday removed the safety net relating to young people under the age of 26 whose dole is to be reduced. The Government is sending a clear signal to these individuals that it is not serious about job creation and that the best thing they can do is leave the country. Unfortunately, more young people are going to emigrate because there simply will not be any jobs here for them. Reducing their dole is a very cynical way of informing them that they should get out of the country. That is an appalling way to treat young people.

The safety nets relating to the telephone allowance and medical cards for older people are now under threat. I do not believe it is possible to credibly argue that trying to achieve €113 million in savings - as the Government describes them - in respect of medical cards will not have an impact on people in possession of such cards. There is absolutely no doubt whatsoever that there are families and individuals who have medical cards now but who will not have them when these savings - which in reality are cuts - are imposed. Another aspect of the budget which will affect people is the increase in prescription charges. Many safety nets are being taken away from a large number of families.

I take this opportunity to request a debate on emigration. There have been several calls for a debate on employment and I support these. The House has already discussed this matter on a number of occasions. I am of the view that we should engage in a debate on emigration and on how Government policies are forcing young people - including graduates and other skilled individuals who have finished pursuing courses in our universities and institutes of technology - to leave the country.

Senator Imelda Henry: Yesterday, we heard a great deal about job creation. For some people such as vintners, retaining jobs is extremely important. Yesterday was not a very good day for vintners. Will the Leader request that the Minister of State at the Department of Health, Deputy Alex White, come before the House as soon as possible? The licensed premises sector has been on its knees for several years and we have reached the stage where one public house is closing each week.

11 o'clock

We have to contend with the cheap sale of alcohol in supermarkets which is creating a major problem in terms of alcohol abuse. I am getting fed up waiting for something to be done regarding the cheap sale of alcohol. Since we came into this House two years ago, the former Minister of State, Deputy Shortall came to this House on several occasions, the Minister, Deputy Alex White, has since replaced her and we are still waiting for something to happen. I ask the Leader to request the Minister to come to the House, as a matter of urgency, to let us know when something will be done to address the cheap sale of alcohol.

Senator Thomas Byrne: We have heard a good deal today about the benefits for employment creation in this budget but let us consider some of the specifics. When the retention of the 9% VAT rate is removed, there is very little left. The Start Your Own Business scheme provides an income tax exemption of €40,000 per annum for unemployed people who have been unemployed for at least 15 months and who somehow rack-up a tax bill of €40,000 in the following year. I wish them the best of luck but I would say they will be few and far between. That is worth €1 million. It will apply to a very small number of people. There is another €1 million allocated in respect of the employment and investment incentive. We should not forget that these provisions are tax breaks that will be taken up by wealthy people. Film relief of €15 million will be given to large film companies. Some €20 million will be allocated for the Living City initiative. That funding should be shared around other towns other than those listed in the budget. The provision is essentially for very wealthy people to live in fine residential properties in our cities. There is an allocation of €20 million between now and 2018 in respect of capital gains tax entrepreneurial relief. Some €1 million has been allocated for capital gain tax retirement relief. All the job incentives being lauded here and the talk of small businesses benefiting from them are small pickings compared to the hardship being expended and that has been caused to many ordinary families around the country.

(Interruptions).

An Cathaoirleach: Allow Deputy Byrne to continue without interruption.

Senator Thomas Byrne: Some 500 houses will be built or renovated in local authority estates this year. That is welcome but it is necessary because any of us who walk into local authority housing estates will know that many of them are boarded up waiting for funding. I suspect those targeted 500 houses will not even cover the number of houses boarded up throughout the country.

An important point was raised by the leader of my party in the Seanad yesterday. Some €2 billion in finances is being allocated by NAMA to purchasers of commercial property in this country. Why are we giving them a break? Why do we not give the ordinary homeowner a break? At the time this is being done the Government is fiddling around with local authority houses and abolishing the mortgage interest supplement. That is a dichotomy that is at the heart of matters. I remind the Labour Party Members that this a Fine Gael budget because Fine Gael has got everything that it wants. It got the €3.1 billion, and congratulations to Fine Gael on that-----

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

Senator Thomas Byrne: I want to talk about fairness and to have a debate on fairness. The Government issued a leaflet on fairness in budgets yesterday. Again this year, the only way it

could stack up the fairness claim was to include the Fianna Fáil budgets going back to 2008 or 2009. In its leaflet, it proudly boasted about how fair the budgets were from 2009 to the present because that is the only way it can add up the sums having regard to fairness. The reality is that this Government's budgets have hit the poorest hardest and have let the rich away scot free.

Senator Paul Coghlan: I am sorry to hear that my good friend, the leader of the Opposition, Senator Darragh O'Brien, is troubled by aspects of this budget. I thought it was a very fair and equitable measure designed to grow the economy is the fairest way possible. Given our economic circumstances, and I will not go over what happened in the recent past or remind the Senator about the sins of omission and so on.

Senator Thomas Byrne: The Fine Gael-led Government is boasting about Fianna Fáil budgets in its leaflet on fairness on its website. I do not know if the Senator got a copy of that?

Senator Paul Coghlan: I do not follow what the Deputy is saying.

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

Senator Paul Coghlan: Of course I have. Given our economic circumstances, this is a very fair measure overall.

Senator Darragh O'Brien: What is fair?

Senator Paul Coghlan: We are talking about the budget. Deputy Byrne is reading too much into his good constituency colleague, the Minister, Deputy Reilly-----

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

Senator Paul Coghlan: -----and the absence of some details which, I have no doubt, will follow in due course.

I want to do something special, I want to welcome the contribution of a man, Members opposite much like to malign and criticise, although in fairness to Senator Darragh O'Brien, he has praised the Minister, Deputy Hogan, and like him, I look forward to his announcement today regarding pyrite repair scheme. He has done sterling work in regard Priory Hall, pyrite issues and the plans that we know that are in pipeline. I should end on that happy note. We are in agreement on that.

Senator Marc MacSharry: As a Fianna Fáil man, I welcome the retention of the 9% VAT rate. I advise Senator Harte that it was not I who had that conversation with him. People welcome what is good about the budget. I spoke, on our party's behalf yesterday, and began by acknowledging the good measures. I must agree with a point mentioned by Senator Byrne and also mentioned last night. In the context of the Back to Work scheme, the analogy I gave last night was that one might as well tell the head of the national lottery to give the winning lottery numbers to the first person to come in with both parents over the age of 105; I predict nobody will qualify for that particular scheme and that an additional €1 million will be saved.

The leader of the Opposition, Senator Darragh O'Brien, mentioned the unique situation regarding health where again an unfortunate number, the number of the beast being €666 million, is predicted to be saved in health and we do not know where any of these cuts are set to fall. That is a matter of concern. I would like Leader to arrange for an early debate on that matter because there are grave concerns about it throughout country. What will these cuts mean? Will

there be hospital closures? We have had a budget overrun of nigh on €200 million and now another €666 million is needed and at the same time the Government is able to roll out medical cards for Michael O'Leary's children. There is concern about these issues.

I ask that the Minister for Education and Skills would come to the House because in respect of third level education, €25 million in savings is earmarked from what the Minister described in his Budget Statement yesterday as the positive cash balances of certain institutes throughout the country. Does that mean that if an institute of technology or a university has managed to secure additional income streams of its own, has been prudent with the resources, saved money and is financing a strategic plan or a capital programme, such as Sligo Institute of Technology, its own strategic plan will be put in jeopardy because it may have resources saved over the years to finance its own capital expenditure? By contrast, the institute in Waterford in the Leader' county need an additional €10 million that was given to it this year.

Senator Aideen Hayden: I never worry about Labour's fortunes when I hear us being attacked by Fianna Fáil.

Senator Darragh O'Brien: We do not mention them at all.

Senator Thomas Byrne: The real Labour Party.

Senator Aideen Hayden: I has been very noteworthy that over the last two days we have been subject of Fianna Fáil ire. I will rest easy tonight knowing that the Labour Party is definitely on the up.

Senator Marc MacSharry: We were never at 6%.

Senator Aideen Hayden: Senator Darragh Byrne asked a very interesting question, namely, what was the Labour Party's contribution to this budget? Its contribution was the fact that there are €2.5 billion in cuts as opposed to €3.1 billion.

Senator Thomas Byrne: It is €3.1 billion.

Senator Aideen Hayden: The Labour Party's contribution-----

Senator Thomas Byrne: The Senator has not read the Minister's Budget Statement yesterday.

Senator Aideen Hayden: -----is the fact that there is no cut to the basic rates of social welfare. There has been no increase in the universal social charge. There have been many measures in this budget-----

(Interruptions).

Senator Aideen Hayden: -----to protect the weak and the most vulnerable. That is Labour's contribution to this budget.

(Interruptions).

An Cathaoirleach: Senator Hayden to continue without interruption. Has the Senator question for the Leader?

Senator Aideen Hayden: I call for a debate on this budget. A number of issues were raised

last night in statements but we have all had more of an opportunity to digest the budget and its contents and it would be very helpful if we had a more considered debate. A good point was raised by Senator Byrne yesterday in terms of the Living City initiative and he suggested that would-be cities like Drogheda and Dundalk should be included in this initiative. I support him on that. From my perspective, I very much welcome the safeguarding of the homeless budget. However, I am concerned that the home renovation initiative, which will provide a tax credit to homeowners who carry renovations, does not include, for example, rented properties. Four out of ten people in Ireland are living in rented properties, particularly in urban areas. I am concerned about matters of fuel poverty and poor standards in rented housing. I would like to see this type of initiative extended to people in rented housing. I would like if we could have a further debate on the specifics of the budget.

Senator Mary M. White: It is important to put on record that last week I and other colleagues pleaded with the Government not to increase the VAT rate from 9% to 13.5% and I am glad it listened to us. As my colleague, Senator Byrne said, other than that, there is very little in the budget for small and medium sized businesses. Some issues covered in the publication, budget 2014, are farcical, one being the trade finance initiative. The document states, “Work with the European Investment Bank (EIB) in developing a tailored and customised trade finance initiative to support the growth of the export sector.” These are the words of the measly bureaucrats in the Department of Jobs, Enterprise and Innovation. They amount to a cover-up, if I may say so. There is no promise of when this will happen other than a reference to discussions and there is no timeline of delivery. It is just hot air and it means nothing.

I wish to put on the record this morning that I would like the Minister for Jobs, Enterprise and Innovation to let us know why he has reduced the budget for Enterprise Ireland. As a small open economy we are totally exposed to trade with other countries. The only way we can earn any income to support the economy is to grow companies that export, but the budget for Enterprise Ireland is significantly down. The devil is in the detail and one must spend time looking at the figures to see what in reality is happening.

The other issue which we should have a debate in the House is the other cut in Enterprise Ireland. The level of staff is down by 16% since 2009. We are dependent on the entrepreneurial staff in Enterprise Ireland - they are certainly that, indeed they are missionaries. We cannot be totally dependent on foreign direct investment or multinationals. We must develop our own indigenous industries. This trade finance initiative is a farce and it is pathetic. The devil is in the detail and the budget for Enterprise Ireland is significantly down.

Senator Colm Burke: I have listened to those in the Opposition this morning and if there was a degree course in negativity they would all get A1 grades.

Senator Diarmuid Wilson: We were listening to it for long enough.

Senator Colm Burke: I remind those in Fianna Fáil that in the last three years they were in government, there were 7,000 jobs per month lost. We are now creating 3,000 per month. That is positive and is the way forward. This budget plans to increase that number to over 45,000 jobs per annum and that is what we intend doing.

I wish to comment on the health budget because it is an important issue. When people talk about cuts in the budget they are automatically talking about cuts in services. One of the things we must do in the health budget is create efficiency. One of the problems I have with the health

budget at the moment is that of the €13.3 billion total, over €3.4 billion is going out to agencies which are not under the control of the HSE. I have received several calls during the past two to three months from people in respect of these organisations. In one case I was told that a chief executive is earning €340,000 per year in an organisation where there have been no changes made in real terms, whereas all HSE staff were asked to take pay cuts. That is something I want examined. I have the matter before the Joint Committee on Health and Children scheduled for tomorrow morning. This is one area we need to start looking at to ensure we are getting value for money from the organisations to which we are paying out over €3.4 billion from the health budget. It is true that they are providing a very good service but I want to ensure that we are getting value for money. I am keen to ensure that taxpayers' money is used in a proper way and this is something that this budget is, hopefully, able to achieve.

Senator John Gilroy: To take €2.5 billion out of the economy in tax and expenditure savings is a very difficult task. To find €1.6 billion in expenditure cuts has also presented difficulties. I suppose it is the job of those in the Opposition to oppose policies by the Government but I wish they could do it with a little honesty. I do not say fairly because we do not expect fairness from the Opposition but we do expect a little honesty from time to time.

I will quote from the Fianna Fáil national recovery plan for 2014. This would be the budget those in Fianna Fáil would introduce if they were in power today - thank God they are not. The national recovery plan from Fianna Fáil proposes to take €1.5 billion out of the social protection budget for 2014. Yet, the entire budget savings in expenditure amounts to €1.5 billion. Fianna Fáil would do it at a stroke and decimate our public services. Yet its party members come to the House this morning with their hang-dog faces shouting about fairness and care for those most vulnerable in our society. We could argue over different things in the budget but if someone criticises a particular measure and that person was in a position to be able to actually do something about it but did not do it, then I contend that amounts to a gross and crass hypocrisy.

Unfortunately, we have found it necessary to reduce jobseeker's allowance for those under 25 years but we have created places in training and education, where these people should be. We have reduced one payment to €100 per week. Those in Sinn Féin have been the most vocally critical about this. I point out that where Sinn Féin is in government, in the North, and always has been, the same allowance is actually €67 per week. When people from Sinn Féin come to the House and criticise the €100 per week payment when they are in a position to do something about it in the North but do not, it amounts to hypocrisy.

I call on the Leader to organise a debate on mental health. I welcome the €20 million increase in spending for mental health community development. I call on the Leader to arrange for the Minister of State, Deputy Lynch, to come to the House to discuss the best use of that resource.

Senator Paul Bradford: My apologies for missing the initial part of the debate. I trust most of it was a rerun of yesterday's budget debate. It is fair to say that during the course of the finance Bill and the social welfare Bill we will all have ample opportunity to go through the measures in more detail and make whatever suggestions we believe are appropriate. Perhaps in his reply the Leader might indicate to the House whether he knows when the social welfare Bill and the finance Bill will come before the House.

I support what Senator Burke has said in respect of the health budget. All of us know and it is fair to say that there are and have been serious problems in the Department of Health for

many years. It is not the current Minister or his immediate predecessor who have the substantial questions to answer because matters started going out of control in the Department more than a decade ago. I supported the establishment of the HSE because I believed the centralisation of administration seemed a good idea at the time. However, it has not worked as effectively as we had thought. Therefore, we need a debate on the Department to which the taxpayer is giving over €13 billion every year but which is not delivering the services that our citizens need. I look forward to that.

The €100 dole money for young people is something which will have to reflect on seriously during the social welfare debate. I appreciate all of us must try to ensure that a culture or welfare dependency does not keep hold. However, it has taken hold and perhaps this measure is designed in some small way to try to address that. There is some sign of a deportation order for certain categories of young people arising from this €100 payment.

There is another figure we should reflect on. I understand it costs, on average, approximately €100,000 to educate a child to the end of second level, which is a modest cost. Let us ignore third level costs for now. Up to 70,000 or 80,000 of those children or young people emigrate almost on an annual basis. I see this as a net loss to the State of €7 billion per annum. Emigration is not solving the problem or, if it is, it is only doing so in a short-term way. We have invested €7 billion in people who are flocking out of the country on an annual basis. We need a substantive debate about young people, their future in this country and emigration. I am keen to know when the finance and social welfare Bills will be debated.

Senator Michael Mullins: Generally speaking, the tone and emphasis of the budget has been particularly positive. There are three areas where it is very positive, including the area of job creation. Despite what Senator White has said, most business organisations have welcomed it.

Senator Mary M. White: As I have said, the devil is in the detail.

An Cathaoirleach: Senator Mullins, without interruption.

Senator Michael Mullins: They have welcomed the positive job creation measures in the budget.

Senator Mary M. White: The devil is in the detail.

Senator Paul Coughlan: The devil is in the Opposition measures as well.

Senator Michael Mullins: One area that is very positive is the area of tourism. The retention of the 9% VAT rate has been universally welcomed and has the potential to create significant jobs.

The position is likewise in the agricultural sector, where significant investment will be made. I call on the Leader to organise a debate with the Minister for Agriculture, Food and the Marine, Deputy Coveney, in the near future to see how we can leverage the agri-food sector to create even more jobs in future. I would also like it if the Minister for Transport, Tourism and Sport came to the House because we need to look at and build on the successes of The Gathering and see how we can leverage the retention of the 9% rate and the abolition of the air travel tax. It was significant that last night Ryanair announced that it would provide an additional 130,000 seats in and out of the country from Knock international airport this winter. There is a real op-

portunity for us to market our tourism product in the UK.

One area about which there has been much discussion in the media over the past 24 hours is the threshold for medical cards for over-70s. I would ask whether it is wrong for our wealthier pensioners to contribute a bit more so that the under-fives and vulnerable families can have access to medical cards. I think there is nothing wrong with that and that it is fair and balanced. One thing this Government achieved is a potentially job-rich budget that is fair and balanced and addresses many of the difficulties that have faced this country for a number of years. The real proof of its success will on 15 December when this country exits the bailout and we will stand on our own two feet again still facing many challenges but with a country back in reasonable shape after a very difficult period. We will not attempt to apportion blame this morning.

Senator Mary M. White: An international crisis.

An Cathaoirleach: Senator Mullins is way over time.

Senator Michael Mullins: Our international reputation will be restored and, hopefully, people who have emigrated over the past five or six years will start to flow back again.

Senator Martin Conway: One element of the budget about which I was unhappy was the fact that the cost of a packet of cigarettes went up by only ten cent. The Minister had scope to increase the price of cigarettes significantly. There is a serious public health issue with cigarettes and smoking which is costing a serious amount of money in terms of health care and we must tackle it as if we were in a war with the tobacco industry. I was disappointed that the increase was only ten cent. It should have been €1.

However, all other aspects of the budget were very positive. I am delighted that the Minister took on board the submissions from the hospitality, hotel and tourism industry and retained the VAT rate at 9%. That has certainly given people involved in the tourism industry a significant shot in the arm and will help this country build on what has already been achieved through The Gathering and other important tourism initiatives.

I must also commend the Minister's actions in trying to ensure that the construction industry gets back on its feet. The tax credit system of 13.5% for people who renovate their homes will certainly jump-start the construction industry. That coupled with the fact that people with construction skills on the live register will get a tax holiday for two years if they set up their own businesses will certainly deal with the issues around the black market in the construction industry.

What has been done with the suckler cow scheme for farmers is very welcome. We are now looking at a situation where €40 million will be invested in this area. It is a good budget for tourism and rural Ireland. It is a balanced and fair budget. There are many people who will be disappointed by the fact that it has been such a good budget and that it has been so well received. Even this morning, KPMG, which is one of the leading accountancy firms in the country, wholeheartedly welcomed the various initiatives. Many other businesses and interest groups have come out in support of the budget.

Senator Darragh O'Brien: You are always good at protecting the wealthy.

An Cathaoirleach: Senator Conway, without interruption. Has Senator Conway a question for the Leader?

Senator Martin Conway: What we need to do is get behind this budget. I suggest to the Leader that Seanad Éireann gets behind and promotes this budget and injects the confidence into our economy that this budget is clearly designed to foster.

Senator Diarmuid Wilson: On a positive note, I commend the Minister for the Environment, Community and Local Government for the second day in a row for his initiative in respect of the pyrite problem, which has been raised by the leader on this side of the House since this Seanad came into existence. I am glad that this will come to a satisfactory resolution. I also take the opportunity to pay tribute to the work of the former Minister of State at the Department of Agriculture, Food and the Marine, the late Shane McEntee, in respect of this problem and the progress he made.

I did not get an opportunity to speak about the budget last night. The decision to increase the prescription charge fivefold is a mistake and will cause hardship to many people. Travelling to work this morning, I listened to an individual who will find it very difficult to cope as a result of this measure and is in a desperate state.

The decision to cut €113 million from the budget for medical cards is another retrograde step at a time when we will give free GP care to all children under five years of age. I welcome that measure but it should be means-tested. People who are in a position to pay for medical expenses for their children should pay for them. It should not be at the expense of more vulnerable people, particularly elderly people.

In respect of the decision to remove the bereavement grant, I spoke to an undertaker from the country last night. I was shocked when he told me that a large percentage of the people with whom he deals depend on that grant to pay funeral expenses. I understand that the average funeral down the country costs between €2,500 and €3,000 and that the cost of a funeral in Dublin is far more expensive. At a time when so-called well-to-do families who find themselves in a financial crisis must bury a loved one, the grant of €850 is no longer available to them. This will cause hardship and could cost the State far more because the State will have to subsidise funerals in the future. That is a fact.

Senator Catherine Noone: I agree with comments from the other side that the devil is often in the detail. There are certainly difficult cuts in this budget. I do not think anyone expected that it would not be a difficult budget. At the end of the day, there were serious cuts to be made and there is no doubt that everyone will be affected in some way.

I welcome many of the positive stimuli, particularly in the area of job creation. VAT is something about which I have campaigned since I was elected. I campaigned to have different businesses in the industry embrace the VAT rate in the first place. It has been hugely successful. It is an initiative that the Minister for Finance implemented without being lobbied and the industry has responded very positively to it. I am very happy to see that it has been retained.

I also welcome the initiatives in the construction area. This should also have a very positive effect on the construction industry and both the tourism and construction industries have wide-reaching effects. Many people are affected by employment in those two industries so the initiatives are to be greatly welcomed.

Senator Maurice Cummins: Senator Darragh O'Brien, who is the leader of the Opposition, mentioned the social welfare Bill. On my way to the House I had been informed that the Bill would be debated in the House in mid-November. However, I have now received

a note that the Bill will be completed in the other House next week and that we are expected to complete it by the end of October. If that is the situation, it means that the House will sit during the week in which it was supposed to be in recess and during which the Dáil will be in recess. I must find out the exact position as I have only learned about this in the last few minutes. Senator O'Brien also mentioned the €13.2 billion budget for health and called for a debate on the service plan once it is published. I will try to arrange such a debate.

Senators O'Brien, Coghlan and Wilson welcomed the pyrite remediation scheme that the Minister for the Environment, Community and Local Government is due to announce. I have asked the Minister to publish the legislation for the scheme as a Seanad Bill. As he is amenable to doing this, I hope the Bill will be introduced in early course.

Senators Bacik and MacSharry called for a debate on third level education and funding. I will request that from the Minister for Education and Skills. I note Senator Barrett's points in regard to Údarás na Gaeltachta Bill. I will see what we can do in that regard.

Senator Clune and others referred to the budget, and small businesses in particular. Members on this side of the House welcome the many measures introduced to support small businesses and create jobs, whereas Opposition Members claim there are no initiatives in this regard. A tax package of €500 million is being introduced, alongside 25 new measures to support entrepreneurs and small and medium enterprise, and create jobs. All of us unreservedly welcome the retention of the 9% VAT rate on tourism and hospitality products, which also supports small and medium enterprises. We have been told that the reduced VAT rate has created 15,000 jobs and it will continue to create jobs in the future. The Senators opposite do not think this measure is aimed as protecting small businesses but I disagree with them. The air travel tax rate, which the previous Government introduced, is being reduced to zero. That will also support the tourism sector, which is important in terms of attracting finance to this country.

Senator Mary M. White: We want to support exporters.

Senator Maurice Cummins: Clearly the Senators opposite do not want to know about the good measures. They want to dwell on the negative. I do not blame them for so doing given that they have little to say about the budget other than picking out negative elements. I will not continue to outline the good measures contained in the budget.

Senator Ivana Bacik: They will not listen.

Senator Maurice Cummins: Senator Ó Murchú referred to this evening's Private Members' business and his Bill on the 1926 census. I cannot at this stage predict the Government's position on the Bill but I am sure we will hear it this evening. I commend the Senator for bringing the Bill before the House.

Senator Harte called for a debate on enterprise and employment. I have asked the Minister for Jobs, Enterprise and Innovation to come to the House but I have not yet agreed a date with him. I will continue to press him for a debate on jobs and job creation.

Senator Cullinane made a number of points regarding medical cards for the over-70s. Couples with an income of more than €900 per week will lose their medical cards. Senator Gilroy rightly drew our attention to the amount that young jobseekers receive in Ireland. The rate in the North, where Sinn Féin is in power, is €67. Senator Cullinane should put that into perspective and start considering what his party is doing in government in the North. He tends to forget

these figures when it is convenient to do so.

Senator Henry spoke about the ongoing difficulties that publicans face and called for a debate with the Minister of State at the Department of Health, Deputy White, on the below cost sale of alcohol. I will try to arrange a debate with the Minister of State, who has indicated that he will come into the House.

Senator Byrne spoke about the budget and the question of social housing. It is the intention to build or refurbish 500 houses for social housing next year. More are needed but we have to start somewhere. Senator Hayden referred to the construction sector and called for the scheme for principle private residences to be extended to houses that are rented. I am sure that point will be made when we debate the issue further. Senator White spoke about the budget and job creation. I have outlined some of the measures that were announced in that regard.

Senator Colm Burke spoke about the health budget and expressed concern about the amount of money being paid to agencies outside the HSE. Certain CEOs are being paid incomes in excess of €300,000 from the health budget. The Senator intends to raise this issue with the Joint Committee on Health and Children. More than €3 billion out of the overall health budget of €13.2 billion is being spent on areas outside the HSE. These areas should come under the same scrutiny as the HSE. I ask Senator Colm Burke to revert to us with the outcome of the joint committee's deliberations on the matter.

Senator Gilroy reminded Opposition Members of their promises and the cuts they introduced to social welfare.

Senator Darragh O'Brien: That is a bit rich coming from Senator Gilroy given how the Labour Party broke its promises.

Senator Maurice Cummins: We will not get into it this morning. Senator Bradford spoke about welfare dependancy and the Social Welfare Bill. I have already indicated when that Bill is likely to come before us.

Senator Mullins called for the Minister for Agriculture, Food and the Marine to come to the House. The Minister will come into the House for a debate next Wednesday. The Senator also called for a debate with the Minister for Transport, Tourism and Sport on the marketing of tourism and measures such as the air travel tax. I will ask the Minister to come to the House. I remind Members that our economic sovereignty will be restored on 15 December. That is something all Irish people will welcome.

Senator Conway spoke about the tobacco industry. He had hoped that the price of tobacco would increase by more than 10 cent but the Government is also taking steps on the plain packaging of cigarettes and other measures to address the concerns he raised. Senators Conway and Noone referred to measures aimed at supporting the tourism and construction sectors. Senator Wilson spoke about the bereavement grant and the prescription charge, which has increased from €1.50 to €2.50. I understand, however, that a cap of €21 applies to multiple prescriptions. The bereavement grant is being removed but an exceptional means payment is still available.

Order of Business agreed to.

Taxi Regulation Bill 2012: [Seanad Bill amended by the Dáil] Report and Final Stages

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy Kelly, to the House. This is a Seanad Bill that 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 of State 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 Senators’ convenience, I have arranged for the printing and circulation of the amendments. The Minister of State will deal separately with the subject matter of each related group of amendments. I have also circulated the proposed grouping to the House. A Senator may only contribute once on each grouping.

Senator Barrett and others have tabled a number of amendments that arise from the changes made to the Bill by the Dáil. In view of the number of amendments and to avoid repetition of debate, I propose that amendments made by the Dáil and related amendments tabled by Senator Barrett will be debated together in related groups. Decisions on the amendments tabled by Senator Barrett will be taken when discussion of all groups of amendments has concluded. I remind Senators that the only matters that may be discussed are the subject matter of each grouping of amendments made by the Dáil and amendments tabled that arise out of the amendments made by the Dáil.

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

An Leas-Chathaoirleach: I call on the Minister of State to address the subject matter of the amendments in group No. 1.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): Age is creeping up on me - I must put on my glasses.

Senator Pat O’Neill: It is a dark morning.

Deputy Alan Kelly: It is good to be back in the House. I am delighted to have commenced the Bill in this House, as we have held some good debates.

The most substantive of this group of amendments is amendment No. 20, relating to the revocation of licences where there is a change of control of the company holding the licence. While the transfer of a small public service vehicle, SPSV, licence is prohibited under section 14, this restriction is capable of being circumvented where the licence is held in the name of a company rather than an individual by transfer of ownership of the company. Some 929 SPSV licences and just under 23,000 vehicle licences are held by companies, representing some 4%. Provision for the grant of further licences to companies is contained in section 9(7). All applicants for licences are required to meet the suitability requirements set out in section 10, subsection (2)(e) of which contains specific measures relating to the suitability of members of companies.

The two key policy principles underlying the prohibition of transfers are that a licence should not have a value, an idea that I fundamentally believe in, and that a licence should determine a person’s suitability to carry out a function. However, where a company that holds a taxi licence is sold, there is a potential to realise a value relating to that licence and there is a possibility of entering the taxi business without the suitability checks envisaged in section 10.

This amendment provides that, upon a change in control of a company that holds a licence, that is, where the person in control of the company changes or there is a change of half or more of its shareholding in one or more transactions, the SPSV licence stands revoked. The exception is where the change in control is as a result of death. Therefore, this new provision ensures parity between all SPSV licenceholders in terms of the prohibition on transferable licences whether a licence is held by a company or an individual.

Amendment No. 1 is a technical amendment. Amendment No. 3 is a consequential drafting amendment. Amendments Nos. 21 to 24, inclusive, and 46 to 51, inclusive, are less substantive or drafting amendments. I ask the Senators to support these amendments.

Senator Sean D. Barrett: I welcome the Minister of State and thank him for originally introducing the Bill in this House. We engaged in a number of very good debates on the relevant issues on previous occasions. I welcome to the Gallery the next generation of transport economists. Perhaps the Minister of State and I might have a word with them after this debate.

Deputy Alan Kelly: Those to whom the Senator refers should know that he and I get on very well. We are very fond of one another.

Senator Sean D. Barrett: I thank the Minister of State. I will not be opposing the amendments in this group. However, where they are not issued in sufficient quantities, licences acquire a value. As the Minister of State is aware, licences are worth \$1 million in New York and \$400,000 in Boston. I understand that the former President and Prime Minister of France, Mr. Jacques Chirac, tried and failed to deregulate the taxi industry in Paris. Taxi people are pretty good at achieving regulatory capture over the authorities. Once this occurs, licences obtain a value. While I appreciate the Minister of State's efforts to ensure that they should not have such a value, I am of the view that the solution to this problem would be to reconsider the statutory instrument introduced in 2010. Professor Paul Gorecki and others have indicated that the latter has had a substantial impact in the context of establishing barriers to new entry.

I share the Minister of State's concerns that licences should not have value. Much of the wisdom of Members and that of the officials from the Department will have to be dedicated to ensuring that they will not acquire value. Licences were worth €130,000 in the past and the courts, quite rightly, ruled against that. I wish the Minister of State success in ensuring that licences will not acquire value. I am concerned that once they become scarce, lawyers will start selling people pens and licences. The pen will be worth €129,000 and the licence will be worth the balance. Lawyers are pretty good at doing that. I commend the Minister of State on attempting to reduce the size of the market in this regard to the greatest degree possible.

Senator Pat O'Neill: On the transfer of licences to companies, section 15 deals with the circumstances in which a licence can be transferred following the death of the holder. The Minister of State may not be in favour of it but what is the position with regard to inheritance? If a father and son are operating a taxi company together and if the father, who owns the licence, wants to retire, he is not entitled to transfer that licence to his son. Perhaps the Minister of State might comment on this matter.

Deputy Alan Kelly: I thank Senators for their comments. These provisions are designed to ensure that a standard will be established and that licences will have no value. I am sure everyone agrees that the scenarios which existed in this area in the past were completely ridiculous. The provisions in question will ensure that applications for licences will be judged on the basis

of the suitability of the individuals involved. The amendments in this group will ensure that the provision will apply to companies as well as individual licence holders. The latter comprise the majority of those who possess taxi licences and concerns were expressed with regard to the existence of a loophole in respect of companies. Those concerns have been addressed.

We engaged in a fairly detailed discussion with the associations that represent taxi drivers - particularly the taxi committee - and they argued, quite convincingly, that upon death there should be an exemption with regard to the transfer of licences. I accepted their argument but I am not willing to put in place further exemptions. This is a regulatory process and taxi drivers should be obliged to undergo that process and an inspection in order to obtain their licences in the first instance. Any additional exemptions would affect the rigidity of the system. While I take on board what Senator O'Neill says - others have made the same point previously - unfortunately I am not in a position to make a change in this regard.

An Leas-Chathaoirleach: Group No. 2 comprises amendments Nos. 2, 4 to 7, inclusive, 15 to 19, inclusive, 30, 31, 33 and 41 to 45, inclusive. I call on the Minister of State to address the subject matter of these amendments.

Deputy Alan Kelly: These are purely technical drafting amendments. Amendments Nos. 5 to 7, inclusive, relate to the general provisions of section 3 concerning the making of regulations and orders that must be laid before the Houses of the Oireachtas, which will have the option to pass a resolution annulling a regulation or order. These are drafting amendments which involve many cross-references in order to ensure that the provisions of section 3 will apply in respect of all relevant provisions under which the licensing authority or the Minister will have powers to make regulations and orders. Amendment No. 6 relates to section 6, which provides for the Minister to transfer licensing responsibilities from the Garda Síochána to the NTA. An order under section 6 will now be subject to the requirement in section 3 and will, therefore, have to be laid before the Houses.

Amendments Nos. 15 to 19, inclusive, provide greater clarity concerning the process and procedure for decisions of the licensing authority to refuse to grant an application or to suspend or revoke a licence and for appeals and representations under section 13. The purpose of these amendments is to ensure legal clarity. Amendments Nos. 2, 4, 30 to 33, inclusive, and 41 to 45, inclusive, provide minor clarifications and are drafting amendments.

An Leas-Chathaoirleach: Group No. 3 comprises amendments Nos. 8 to 13, inclusive, 14, 32 and 34 and Seanad Report Stage amendment No. 11.

Deputy Alan Kelly: Amendment No. 8 provides that the authority can specify in regulations under section 7 the period within which a renewal application must to be made before the licence expires. Amendment No. 10, which relates to section 9, provides that the licensing authority can determine the documentation, information and fees that constitute a complete application. The authority can also refuse to grant an application for renewal if such documentation, information or fees are not submitted within the prescribed period. This is a necessary provision that addresses the problem of incomplete licence renewal applications, which can result in a licence continuing in force for a number of months until the licensing authority can successfully pursue the licence holder for the necessary accompanying documentation, information or fees.

Amendments Nos. 9 and 11 are minor drafting amendments. Amendment No. 12 clarifies

that an application under section 9(14) means an application that is complete with documentation, information and fees. Amendment No. 13 provides for the definitions of the terms “appropriate fee” and “tax clearance certificate” which are required under the section. Collectively, these measures are intended to ensure that the licensing regime is operated in a fair and coherent manner.

Amendment No. 14 arises from action 3 of the taxi regulation review report 2011 and is designed to ensure, in the case of part-time drivers, improved compliance with working time legislation. This issue came under the spotlight in the “Prime Time Investigates” programme in May 2011 - of which Senators are well aware - whereby part-time SPSV drivers were found to be engaged in other employment, namely, driving public service vehicles and were driving excessively long hours at a risk to the safety of passengers, themselves and other road users. While the policy principle underpinning the section concerning regulation of SPSV drivers’ hours for the purpose of passenger and road safety is sound, I am informed by advisory counsel from the Attorney General’s office that some aspects of section 11, as passed by this House, could depending on how it is interpreted and applied, give rise to legal challenge concerning a person’s rights. Amendment No. 14 will provide for an obligation on the part of a licence applicant or holder, in the case of all other employments and in respect of other employment which involves the driving of a vehicle, to inform or show evidence to the authority that his or her employer has been notified. I am assured by advisory counsel that such a provision will not raise any difficulties in terms of constitutional rights or rights under the European Convention on Human Rights. It is entirely reasonable that the Oireachtas can require that an employer, where the other occupation involves driving, be aware of the fact that an employee may be driving a taxi so that the employer in question can be satisfied that the employee is capable of safely discharging any driving activities connected with his or her employment.

The section 11 provisions relate to the NTA powers under section 19 to make SPSV regulations concerning the period of time for which a driver may drive an SPSV - which applies to both whole-time and part-time taxi drivers - and the intervals of rest between driving an SPSV after having driven a vehicle in the course of other employment. In addition, under subsection 11(4) it will be an offence to fail to provide to the licensing authority the information concerning other occupations that is required under section 11. Amendment No. 32 is technical in nature. It will facilitate the inclusion of the proposed offence under subsection 11(4) under the demerit scheme in Part 5. Subsection 11(4) relates to the contravention of the requirement to inform the licensing authority of information in respect of another occupation as required under the proposed section 11. Amendment 34 is also a technical amendment which provides for the inclusion of the proposed offence under subsection 11(4) in the demerit table in section 33.

I am sure Senators will agree that we have taken on board the advice provided by the advisory council in respect of this issue. We also took on board comments made in this House.

Senator Sean D. Barrett: I welcome the Minister of State’s comments. On the previous occasion on which the House debated this matter, we were concerned with ensuring that the rights of part-time workers would be protected.

12 o’clock

In respect of both the Goodbody and the Gorecki reports, part-timer drivers fulfil a very important role in an industry that is heavily peaked at weekends. We were more pro-part-timers than the original version of the Bill. I am glad the Minister of State has accommodated that. I

may have been one of the people who objected to the version passed by the Seanad. Part-time work is a feature and part-time workers have their rights. They perform a very valuable role and that role is protected in human rights legislation and European legislation. I will not be moving my amendments and I welcome what the Minister of State has said here this afternoon.

An Leas-Chathaoirleach: Does the Minister of State wish to respond or is he happy with that?

Deputy Alan Kelly: I thank the Senator for his comments. As I said previously, we took on board the advice of the advisory council. We must always do that. When we discussed this issue again, we took on board comments made in this House as well.

An Leas-Chathaoirleach: We will now move on to amendments Nos. 25 to 29 and Seanad Report Stage amendment No. 24 in group No. 4, which relate to prohibition on providing, offering or advertising SPSV services without a licence.

Deputy Alan Kelly: Amendment No. 25 provides in subsection 21(1) of the Bill for the exclusion from the prohibition on operating without an SPSV licence under section 21 for a person driving or using a bus and a person driving or using a mechanically propelled vehicle under the proposed new Part 7, namely, a community car service or other non-taxi service specified under that Part. Amendments Nos. 26 to 28 are drafting amendments.

Amendment No. 29 inserts a new provision in section 26 of the Bill making it an offence to promote, offer or advertise an unlicensed SPSV. This issue was raised with me by a number of Members. The NTA has received a substantial number of complaints in respect of persons offering unlicensed vehicles for booking online, in newspapers and publications and at venues such as wedding fairs. This is a source of very significant frustration for licensed operators in these market sectors who operate fully licensed vehicles. In particular, in the case of wedding cars, such cars are displayed at wedding fairs and bookings for them taken on the day of the fair. However, at the time of booking, the vehicle is not licensed. If operators are unlicensed, the NTA enforcement officers have no rights to examine their records and see what bookings they have taken. Up until they provide the service, they have done nothing illegal. This makes it virtually impossible to enforce the matter. Without knowing what bookings were taken, the NTA enforcement officers cannot know where and when the service will be operated in order to confirm the contravention - notwithstanding the practical issues with stopping wedding or funeral vehicles which would obviously be an issue given the occasion. On a policy level, this practice of being permitted to advertise while unlicensed and take booking for services which are, in general, regulated from a public safety perspective, is encouraging unlicensed activities and is detrimental to the operation of the regulatory system. It is a purely practical amendment and I would ask for that to be supported.

An Leas-Chathaoirleach: Does Senator Barrett wish to comment on group No. 4?

Senator Sean D. Barrett: The purpose of my amendment, Seanad Report Stage amendment No. 4, is to ensure that the authority ensures that passengers do not face a shortage of licensed public service vehicles thus reducing the potential market for unlicensed operators. It goes back to the earlier point that regulatory capture does take place. We put up bans on new entrants because the incumbents are always more powerful than new entrants. One creates a market for the outsiders. There has been a blanket ban on new entry to this sector since 2010. Should it not be part of the brief for the authority with advice from people like the Minister of

State to note that tourism is starting to increase and that consumer expenditure is growing? We have taken about 5,000 taxis out of the business since 2010. I know the Minister of State does not want the licence value to increase either. The longer we delay the prospect of new entry, the greater the demand for unlicensed people who say they can make money from this business because there are never any taxis in location X, Y and Z and who will try to get into it. I am concerned the 2010 statutory instrument which was not debated in the House, which is still in force, makes incumbents high-cost and ignores the services for customers. This is why the court cases were won in the first instance in 2000. How can we ensure that there is no market for the unlicensed operators the Minister of State is trying to keep out? How can we stop pressures from incumbents to keep banning new entrants? In Paul Gorecki's latest article, he states that he is seriously concerned about that. He wonders whether there was ever excess supply. The longer the Minister of State delays this decision, the more the licences acquire a value so people stay in the industry hoping they will be able to sell the licence.

My amendment deals with how we facilitate new entrants and I would be very interested to hear about when we can expect new licences to be issued again and how can we ensure there is an adequate supply to prevent the licence value increasing, which the Minister of State is against, and to prevent the growth of unlicensed operators, which the Minister of State is also against?

An Leas-Chathaoirleach: Does the Minister of State wish to respond?

Deputy Alan Kelly: We have been around the houses on this one a few times. I understand Senator Barrett's thought process and views on this. Obviously, I do not agree with his opinions on it. I will not accept this specific amendment to section 26. I am not sure if this is the right place to even put it. The proposed amendment seeks to impose an obligation on the NTA to ensure that there is no shortage of licensed services. According to this logic, if 20,000 people were looking for a taxi on a Saturday night in Dublin, there should be 20,000 vehicles. I am not sure this is practical. In fact, I know it is not. It is not appropriate for inclusion in the Bill which provides for qualitative regulation of the small public service vehicle industry with free market entry to persons who meet the required standards.

There are no quantitative controls. I know we have debated this around the houses on a number of occasions. The NTA cannot ensure that there will not be a shortage of services but the operation of market forces should ensure that any instances of either undersupply or oversupply are corrected. The NTA is subject under section 19 of the Bill to a general obligation "to promote the provision and maintenance of quality services by small public service vehicles and their drivers". The NTA is examining the possible introduction of a rural hackney licence as a means of responding to instances where services are not being provided. Indeed, there is market failure in rural Ireland. Where I live in Tipperary, there is market failure. We do not have the required provision of taxis. It is as simple as that. We are trying to address that market failure in this Bill.

I will not be accepting the amendment. The specific area under which it has been moved is probably not the area I would have thought it would have been moved under as the issues being addressed are slightly different. I hope Senators would accept the Dáil amendments in this section because they are quite practical in nature, particularly in respect of unlicensed vehicles.

An Leas-Chathaoirleach: Is group No. 4 agreed?

Senator Sean D. Barrett: Is SI 250/200 now dead? The Minister of State said the authority does not impose any quantitative limits. Is the statutory instrument now finished? If the authority will take all qualified applicants, I am very pleased but this is the statutory instrument that stops it from doing so now.

Deputy Alan Kelly: We have been down the road on this before. The Senator is fully aware that new applicants come under the wheelchair accessible vehicles, WAV, licensing process. Anyone can apply for a licence under that. We have specific issues relating to that area which virtually everyone in this House agrees needs to be addressed. That is the process by which we are doing so.

An Leas-Chathaoirleach: I do not want to let Senator Barrett in as on Committee Stage, but I will allow him to briefly tease that issue out.

Senator Sean D. Barrett: If the Minister of State insists that they must have wheelchair accessible vehicles, that involves a capital cost that is 71% more than that for the incumbents and running costs that are about 23% more than those for incumbents so it is a barrier to entry, which I am trying to prevent. I regret that we have not made progress on the removal of barriers to entry. Paul Gorecki correctly pointed out in the latest issue of *The Economic and Social Review* that we are reinventing problems that existed previously. The requirement to pay 71% more than the incumbent for a vehicle constitutes a hefty barrier to entry. I want open competition. I realise I have not persuaded the Minister of State but I must make my point nonetheless.

Senator Pat O'Neill: I am not sure if it is appropriate to speak on the issue of enforcement now or to wait for the next group of amendments. Am I correct to say the Bill provides that an unauthorised person may inspect a vehicle but he or she is not entitled to stop it? Will the Minister of State consider introducing amendments at a later stage in this regard given that the Garda has enough to do without enforcing taxi regulations? We could give appropriate powers to authorised people and appoint more of them.

Deputy Alan Kelly: As we are on the Final Stages of the Bill, I will not be introducing further amendments but I will show some latitude, even at this late stage, to address Senators' concerns. I, too, have concerns about the cost of entry in respect of wheelchair accessible taxis but I am addressing that issue separately. The legislation makes provision to help me in that regard but the issue of specifications must be addressed because vehicles are too costly. I am also considering other measures that can allow a package to be put together to reduce the cost of entry to a fraction of the figure set out by Senator Barrett. Ultimately, however, we need to facilitate a significant increase in the number of wheelchair accessible taxis. It is unacceptable that we do not have enough wheelchair accessible taxis. I recently appointed a young man with special requirements for wheelchair taxis to the wheelchair taxi advisory group. He is a fascinating and excellent young man and, along with other groups, he was a strong motivator in persuading me to address this issue. I assure the Senator that the issue is being addressed separately from a regulatory point of view. We are investigating measures to deal with the current high costs which, as he rightly points out, constitute a barrier to entry.

In regard to enforcement, this Bill provides significantly greater powers of enforcement to the Garda and others. Vehicles can be inspected thoroughly in different locations and authorised persons will be able to work closely with the Garda in a number of areas. It also makes provision for increasing the number of enforcement officers, which will ensure the regulations in the Bill are enforced. I am determined to ensure that the regulations are enforced subsequent

to this Bill being enacted.

An Leas-Chathaoirleach: Group No. 5 comprises amendments Nos. 35 to 40, inclusive, relating to duties of authorised persons.

Deputy Alan Kelly: Amendments Nos. 35 and 39 aim to ensure that records are among the items that can be secured for future inspection by an authorised person under subsections (4)(a) and (3)(e). Amendments Nos. 36 and 39 give greater clarity regarding the role and functions of a Garda or authorised person accompanied by a Garda in stopping and inspecting an SPS vehicle or a vehicle purporting to be such.

Amendment No. 39 provides for the replacement of section 39 on seizure and detention of vehicles and equipment. The amended subsections (1) and (4) set out more precisely what constitutes a contravention of the prohibition on the use of vehicles under section 39 for which a vehicle and its signage can be seized and detained. These include: where the vehicle is not roadworthy, defective or unfit for the carriage of persons; where there is no approved policy of insurance; where the vehicle is not licensed; or where the vehicle is carrying SPS signage which is forged or does not relate to the vehicle. The amendment will enable the NTA to seize the roof sign and the tamper proofed disks when it finds a vehicle operating without a licence. The powers currently provided under an amendment to section (43)(6) of the Taxi Regulation Act 2003, as inserted by Schedule 1 to the Public Transportation Act 2009, are infrequently invoked by the NTA. To ensure proportionality in the treatment of persons under the section, provision has been made in the amendment for a procedure whereby a person can apply to a judge or the District Court to have his or her vehicle or items returned. The amendment also provides a process whereby the authority can dispose of seized vehicles or items and the costs associated with this. I ask Senators to support these amendments as they have previously been well received.

An Leas-Chathaoirleach: We will now discuss group No. 6, amendments relating to fixed payments of offences and payments of fixed amounts and service of summonses. This group comprises amendments Nos. 52 to 58, inclusive.

Deputy Alan Kelly: Amendment No. 52 is a technical amendment to provide for the inclusion of offences under the proposed subsections (11)(4) and (16)(4) on fixed payment offences under section 46. Subsection 11(4) relates to the contravention of the requirement under section 11 to inform the licensing authority of information relating to another occupation. Subsection 16(4) relates to the contravention of the requirement under section 15 to notify the licensing authority of a change of address.

Amendment No. 53 is a technical amendment providing for the inclusion of the offence under the proposed subsection 26(2) as a specified fixed payment offence under section 46. Subsection 26(2) relates to the contravention of the prohibition on promoting, offering or advertising unlicensed SPSV services. Amendments Nos. 54 and 55 are drafting amendments to clarify that a licence holder has 28 days commencing on the service of a fixed payment notice within which he or she must make a fixed payment under section 46. Amendment No. 56 provides for a second payment period in the case where a person has not made a fixed payment within 28 days of the service of a fixed payment notice under section 46. The second payment period is a further 28 days and incurs a payment that is 50% greater than the prescribed initial fixed payment amount. The advantage of the second payment option is that the enforcement of offences can be dealt with outside the courts system. The amendment will bring the SPSV fixed payment system into line with the fixed charge system administered by the Garda under

the road traffic legislation.

Amendment No. 57 is a technical amendment to clarify the different levels of fixed payments that can be specified in regulations by the authority, particularly in regard to contraventions of SPSV regulations under subsection 19(4)(b). Amendment No. 58 inserts a new section 47 to the Bill. The new section provides that where a person is served with a summons for an offence specified under section 46(1), a notice shall be issued with the summons allowing a further period of seven days within which a fixed payment can be made. The payment will be double the amount specified in the original fixed payment notice. The effective third fixed payment option mirrors the provision under section 44 of the Road Traffic Act 2010 with regard to fixed charge offences for contraventions of road traffic legislation. It is envisaged that the proposed provision will commence at such time as the third payment option comes into effect under the road traffic legislation. The purpose is to avoid bringing matters before the courts where it is more appropriate to settle them elsewhere. This facilitates greater clarity regarding SPSV offences that are in future to be specified as fixed payment offences under section 46 as fixed charge offences to be enforced by the Garda as provided under section 61.

An Leas-Chathaoirleach: Group No. 7 comprises amendments Nos. 59 to 59, inclusive, and Seanad Report Stage amendment No. 25, relating to community transport services and other exceptions from SPSV licensing requirements.

Deputy Alan Kelly: Amendments Nos. 59 to 69 constitute a new Part of the Bill to provide for the application and grant of exemptions from the prohibition on the operation of an SPSV service without a licence under section 21. This will remove any ambiguity concerning the continued operation of services such as community transport service and other non-taxi services in the context of the licensing requirements under the Bill. This issue has been raised with me by virtually every corner of the political spectrum in the country.

Chapter 1 provides for the process of application and grant of the exemption by the authority. The criteria for the grant of an exemption are set out in Chapter 1. For example, community transport services are differentiated by their operation on a not-for-profit basis. Many such services are operated under the rural transport programme, which is administered by the National Transport Authority, NTA, under my guidance.

Chapter 2 provides for the exemption of other non-taxi services from the small public service vehicle, SPSV, regulations, as specified in regulations by the NTA setting out the conditions for the grant of such an exemption. The chapter sets out the conditions under which such exemptions can be made, those being, the vehicle is not being used in the course of carrying on a business and the driver is in receipt of no reward or gain or is not operating the vehicle under a contract of employment for the carriage of the person who owns or is in possession of the vehicle, for example, chauffeur services.

Chapter 3 provides for the administration of the exemptions, including a process of representation and appeal with regard to decisions of the NTA concerning exemptions for fees, a register of exemptions and for the power of authorised persons to enforce the exemptions so as to ensure that the holder of the exemption is operating services in accordance with the exemption, as granted by the NTA, and its terms and conditions. This proposal has been welcomed by everyone who has contributed to this debate. The issue needed to be addressed, particularly in respect of community car and transport services in rural Ireland.

Senator Sean D. Barrett: I welcome the Minister of State's remarks on those services. My amendment No. 25 would relax restrictions on the Minister regarding the period of time and the area within which the vehicle may be operated in providing the service. I would leave it to local community groups. I made my two suggestions to the Minister of State. I wish the scheme well. If flexibility is necessary, I will support that measure.

Deputy Alan Kelly: I thank Senator Barrett for his comments. I will not accept the amendments, but I appreciate his remarks on this matter. This is a commonsensical amendment. We must have the capacity to ensure that these services are regulated properly. This issue should have been addressed many years ago. I wanted to do so. Every Member has a great affinity with many of the services that are being offered, but some changes to the regulations are necessary. This measure provides for that.

An Leas-Chathaoirleach: Group No. 8 is on the preparation and review of the integrated implementation plan regarding the SPSV industry, the subject matter of amendment No. 70.

Deputy Alan Kelly: This is purely a drafting amendment to remove a reference to section 12 of the Dublin Transport Authority Act 2008, which is not relevant to the considerations of the taxi advisory committee under section 59.

An Leas-Chathaoirleach: Group No. 9 comprises amendments relating to public service contracts and the extension of power of authority to the whole of the State, the subject matters of amendments Nos. 71 and 72 and Seanad Report Stage amendments Nos. 1 to 3, inclusive, and 31 to 34, inclusive.

Deputy Alan Kelly: Amendment No. 71 provides for the NTA to grant a public service contract for the provision of public transport services by direct award to transport operators other than State transport companies. This is with a view to the granting of such contracts by way of direct award for the provision of transport services under the rural transport programme. It is necessary and is linked with a conversation that we held previously. A number of operators under the rural transport scheme provide services using their own vehicles rather than on a contracted basis. Amendment No. 71 ensures that there is legal certainty for the basis on which these payments are made. This is necessary to provide a secure legal framework for the existing arrangements under the rural transport programme and does not change the *status quo* for direct award contracts with the State transport companies.

Specifically, the proposed new Part amends the Dublin Transport Authority Act 2008 to extend the definition of "public passenger transport service" to include ancillary transport services, those being, passenger transport services of general economic interest provided to the public on a non-discriminatory and continuous basis that are neither rail passenger services nor public bus services, and for "public transport operator" to include a person providing public passenger bus services in accordance with a licence under the Public Transport Regulation Act 2009.

The amendments to sections 48 and 52 of the 2008 Act relate to the direct award of contracts for public transport services to include transport services other than those already provided for by the State bus and rail companies in accordance with EU Regulation (EC) No. 1370/2007.

Amendment No. 72 provides for a new section 44A to be inserted in the 2008 Act. This new section will empower the authority to invest in bus infrastructure and cycling facilities in the State and to engage in concessions, joint ventures or public-private partnerships for this purpose. This is to facilitate new bus routes that may be provided under directly awarded public

service contracts, for example, rural transport passenger services, as well as to facilitate other transport provision such as cycling facilities. The section also amends sections 57, 62, 66 and 73 of the 2008 Act to make adjustments that are consequential on the new section 44A in terms of giving new powers to the NTA outside the greater Dublin area.

Senator Sean D. Barrett: There are serious concerns among economists about this section. There should have been separate legislation for buses. The fact that they appear on page 60 of the Taxi Regulation Bill demeans what we are doing. This is a major issue as far as economists are concerned. The end of page 69 and page 70 refer to the exclusive rights of Dublin Bus and Bus Éireann, respectively. This indicates anti-competitive behaviour. I gather that Comecon, the group of economists who deal with competition issues, have sent a submission to the NTA within the past week. If we pass this provision, it may negate the consultation in which the economists and the NTA are engaged.

This would be a major anti-competitive measure. “Direct award contract” is shorthand for no competitive tendering. The current contracts run out in November 2014. They were introduced in rushed circumstances by the Minister of State’s predecessor in a guillotined Bill that former President McAleese was given no time to sign. Deals were done on 1 December on this exclusive basis.

We are trying to build a competitive economy. There are shoals of economic evidence to the effect that competitive tendering is better than exclusive contracts and that direct award contracts merely reinforce monopolies. These are such major issues that there should have been a separate bus Bill. I may have tried the Minister of State’s patience during our discussions on taxis, but how we configure the bus business is too major an issue to try to get through in our last five or six minutes on a taxi Bill. I gather that the NTA would need to advertise in the Official Journal within one month to open this area up to competition, but we are shutting off that possibility until 2016 or even later.

I am concerned by how this matter has arisen as part of a taxi Bill and by the anti-competitive implications of exclusive rights and direct award contracts. I do not know whether the Competition Authority or the National Competitiveness Council, NCC, examined this proposal. We should not go this way when planning the bus business for the years ahead. Is this to be policy for five years or will there be competitive tendering? I gather that an EY report to the NTA was in favour of competitive tendering, yet the NTA replied that it did not have the staff to operate a competitive tendering system.

I recall how the Department and Bus Éireann were in court for many days against Mr. Pat Nestor, who wanted to run a bus service between Galway and Dublin. Happily, he was successful. When there was a monopoly, there was only one service per day on this route, via Mullingar. There are currently 59 services operating in each direction on that route. I would be seriously concerned if monopolists were to be afforded protection in legislation.

The NTA has stated that it has limited time and staff resources to prepare and undertake a large tendering process. It favours direct award contracts. During the recent debate on the abolition of the Seanad, some people, not including the Minister of State, Deputy Kelly, criticised this House in terms of its rubber-stamping of legislation. This is a request for a rubber stamp. The direct contracts expire in 2014 and must be advertised in the *Official Journal* in November 2013. This is what should happen. EU regulation 1370/2007 requires that prior to the launch of an invitation to tender procedure, a notice must be placed in the *Official Journal*. Ernst &

Young has stated that competitive tendering would provide better value for money for taxpayers and lead to improved quality of services, which has been the case in regard to services between Dublin and Galway. We must question these exclusive rights in the context of the type of competitive economy we are all trying to create.

The Minister of State might explain the reason it was necessary to include the bus provision in the Taxi Regulation Bill 2012, which we all recently harmoniously agreed to. He might also explain the reason we continue to be attached to exclusive rights and direct award contracts in light of what we are trying to do in terms of developing the economy, increasing employment and improving the quality of public transport.

Senator Feargal Quinn: I do not understand this. Debate on this legislation in the Seanad was lengthy and included a substantial number of amendments in relation to taxis. Following completion of the Seanad debate on the Bill it was then returned to the Dáil. The Bill has now been returned to the Seanad with an additional provision, which has nothing to do with taxis. Senator Barrett has outlined the situation very well, in particular in terms of his description of what happened between Dublin and Galway. I can recall when only one bus service operated between Dublin and Galway. There is now a selection of bus services on that route. This is a reminder of the benefits of competitive tendering.

I do not understand the reason for the inclusion of the word “exclusive”. Senator Barrett has explained the benefits of having a bus service in terms of every other aspect of what we are doing. Why not include airlines? I am sure that like me all Senators remember the time when only two airlines, one British and one Irish, operated between Dublin and London and no competition was permitted. Competition in this area was subsequently introduced, leading to the reduction from £290 to, in some cases, €5 in the cost of a flight from Dublin to London. I do not understand the reason for the inclusion of bus services in taxi legislation. I also do not understand from where the idea of not having competitive tendering has come. It is against everything we stand for. It is akin to soviet Russia when the State ran everything. Let us ensure we do not go in that direction. If this step is necessary, it should have been done openly and argued for under bus transport legislation.

Deputy Alan Kelly: I thank Senators for their contributions. Senator Quinn’s reference to Russia was interesting. I was involved in a trade mission to Moscow last week, where there are great possibilities for us. Russia has learned from its history. From a capacity and trade viewpoint, Ireland needs to look towards Russia, which is only four hours away. It would be fantastic if direct flights between both countries were available.

Senator Barrett referred earlier to the rubber-stamping of legislation. I am not seeking a rubber-stamping of this legislation by the Seanad. I purposely introduced this Bill in the Seanad. I am proud to have been first elected as a Member of this House. I have engaged as much as possible on this Bill. I do not propose to accept the amendments proposed. I have set out the rationale for the Dáil amendments to the Bill, which are narrowly based. The proposals put forward by Senators would undermine that process. It is important to remember that this legislation is primarily a taxi Bill, although not exclusively so. Some further legislative changes that are necessary and appropriate in relation to wider public transport matters are included. It is not unusual to include provisions such as those proposed into a Bill of this type. One only gets a certain amount of time in each House within which to do so.

It is not appropriate at this stage of the process to seek to develop the scope of the Bill to

encapsulate any other significant new policy changes resulting from the acceptance of amendments. Regulation of the bus market is being considered separately, led by me. New intentions in this space will be announced before the end of this year. It is an area that needs to be looked at from the bottom up. I am pro-public service obligation. I do not believe current public service obligations meet our requirements. By its very nature public transport is not necessarily profit making. However, we must set public service obligation routes for a modern Ireland. Ireland has changed considerably in a short space of time.

It is important I emphasise a couple of points at this stage. We need to secure a firm legal framework for the existing arrangements in respect of the rural transport programme. This is the reason for the inclusion of the provision at issue. Previous Governments proposed the abolition of the rural transport programme, for which I bear responsibility. As somebody who is pro-rural Ireland, I do not accept this. However, we need to change it and I am in the process of doing so. I have published a report on the matter. It is proposed to consolidate the groups operating in this area. To move forward and ensure flexibility in this area we need to make the changes proposed in this Bill. This is not only about direct award. Many of the services that will be operated under the rural transport programme will be tendered. We need flexibility to enable the changeover. Many rural transport operators own their buses and some services are, in the main, accessibility orientated. Senators and Deputies from all parties, including Ministers, are passionate about this issue. I need the legislative backup to proceed in creating a better coming together of rural transport services and other services, including school transport services which does not come directly within my remit.

This Bill also extends the powers of the NTA outside the greater Dublin area in terms of infrastructural changes for cycling. The NTA does a great deal of work in the area of cycling and motorcycling, which often requires investment in areas outside the GDA. It is critical there is joined-up thinking in this area. While I take on board Senators' queries, there is an honest reason for the inclusion at this stage of the provision concerned in the Bill.

Senator Sean D. Barrett: As stated by Compecon: "This raises the question of why the NTA has allowed a situation to develop where competitively tendered contracts cannot be introduced upon expiry of the existing direct award contracts." In this regard the NTA quotes a lack of staff and so on. I believe this provision is regressive. I support the Minister of State's proposals in regard to the rural transport programme. However, the proposed provision defends the rights to exclusivity of Dublin Bus and Bus Éireann. Dublin Bus definitely does not service rural areas. If Bus Éireann were servicing the routes, the Minister of State would not have had to introduce this initiative. The Minister of State will recall that we supported his proposals on the integration of school transport in communities during the times when children are at school and after they have been brought home. This idea of the Minister of State's was endorsed by the House. It is not, however, what I see before me. According to Compecon, the National Transport Authority consultation paper and associated documents provide no economic evidence to support the conclusion that the continued adequacy of a public bus service can only be guaranteed by entering into new direct award contracts with Dublin Bus and Bus Éireann. The Minister of State and the National Transport Authority are not shopping around. The Compecon report also notes that NTA monitoring of Dublin Bus and Bus Éireann performance gives rise to perverse incentives and states a more independent monitoring regime should be introduced.

The bureaucracy fought in the courts with two sets of lawyers, one for the Department and a second for Bus Éireann, against what developed on the Dublin to Galway bus route. They should come out with their hands up and admit there are now 59 buses running daily on the

route whereas only one bus was running on it when they sought to prevent competition. I fear that this anti-competitive mentality is still alive in the section of the Department with responsibility for bus services.

Arguably, the intention of the Legislature was to have services put out to tender unless direct contract awards were the only means by which the continuation of services could be guaranteed. This appears to be assumed rather than proven. Nowhere in the consultation paper or any of the documents is there any economic evidence to support the finding that the continued adequacy of bus services can only be guaranteed by entering into such direct service award contracts. Ernst & Young, which was working for the National Transport Authority, stated competitive tendering would provide better value for money for taxpayers.

I do not know what we can do at this stage given the necessity to publish a note in the *Official Journal* next month. Failure to give one year's notice when such contracts run out results in one being stuck with them. These contracts are not being subjected to proper assessment, to use the words of those who have examined them from the competition point of view. The consultation period of the NTA is still open as the document was submitted to the authority on 11 October. This means that while a consultation is being held outside the House, we who are inside the House are being asked to endorse direct award contracts and exclusive rights. There is a contradiction here in that the whole system needs to be assessed because it is not working and the Minister of State wants to achieve value for money.

I humbly and respectfully submit that direct award contracts have a case to answer against competitive tendering. I am not sure the National Transport Authority has advised the Minister properly on the reason it has opted out of competitive tendering and is sticking with direct award contracts, especially in light of the concerns expressed by the economists who have examined the issue. They are worried that this is what tends to happen in the Department of Transport, Tourism and Sport. Producers are all-powerful and, until the Minister of State's appointment, consumers tended not to get much of a look in. We, in this House, represent consumers. We have a model that is working well, including, for example, the service between Dundalk and Dublin operated by the Matthews company, the service between Waterford and Dublin provided by J.J. Kavanagh and Sons and the new bus service between Dublin and Limerick. How much evidence must we produce to show these services work? We have run up against a Department and permanent government which is committed to direct award contracts. Those companies that have performed successfully as far as customers are concerned have come up against exclusive rights. I do not know what we can do at this stage.

It is wrong to have this measure come before us given the Minister of State's intention to do something else. The success on our roads, particularly since the motorways were built, shows that a significant business could be developed in the area of bus transport. I do not understand the urgency with which this measure was produced. I appreciate the Department does not receive a sufficient number of slots in the Oireachtas and has appended this provision to the Bill for this reason. Why is the measure urgent, especially given that it could cause damage until 2016, when none of us may be here? To shut off competitive tendering on the basis that we must place advertisements in the *Official Journal* in a matter of weeks would be an important decision.

Deputy Alan Kelly: I have been as honest as I can be on this issue. We can have a broader debate but, as the Senator acknowledged, a timing issue makes the introduction of this measure necessary. We are approaching a pivotal period in respect of the provision of rural transport

services. That is, by and large, the motivation for this measure. The broader issue, namely, contracts with Bus Éireann and Dublin Bus, is completely separate. While I accept the provisions as regards the requirements and powers of the National Transport Authority and Minister are restated, this measure is to address specific issues. A separate process is under way to address bus contracts, about which Senators are well aware. These are separate issues.

An Leas-Chathaoirleach: Group No. 10 comprises amendments related to the Metrology Act 1996, the subject matter of amendments Nos. 73 and 74.

Deputy Alan Kelly: Amendment No. 73 extends the definition of the word “user” under section 2 of the Metrology Act 1996 to include the holder of a small public service vehicle licence to drive or in respect of a vehicle in which a taxi meter is installed or the unlicensed operator of a mechanically propelled vehicle in which a taxi meter system is installed in a public place for the carriage of persons for reward. This amendment will ensure greater accountability by operators of taxis with regard to contravention of the rules applying to taxi meters under the Metrology Act 1996 and the responsibilities to ensure the taxi meter is verified in accordance with the requirements under section 14 of that Act.

Amendment No. 74 is a purely technical amendment to make reference in the Bill’s Long Title to the proposed amendments in section 2 of the Metrology Act 1996 and the Dublin Transportation Authority Act 2008.

An Leas-Chathaoirleach: That concludes our discussion of the groups. There is a total of 34 amendments, some of which are out of order and some of which have been dealt with. For this reason, no further debate will be permitted. If any Senator, I refer specifically to Senator Barrett, wishes to formally move an amendment and have it seconded in order that it can be pressed, he or she may do so. Unfortunately, I cannot allow further debate. Amendment No. 1 arises from amendments made by the Dáil and has been discussed with Group No. 9. Is the amendment being pressed?

Senator Sean D. Barrett: No.

Amendment No. 1 not moved.

An Leas-Chathaoirleach: Amendment No. 2 arises from amendments made by the Dáil and has been discussed with Group No. 9. Is the amendment being pressed?

Senator Sean D. Barrett: I move amendment No. 2:

In page 7, line 10, after “2008” to insert the following:

“to confer exclusive rights on Dublin Bus, and Bus Éireann and to allow the National Transport Authority to enter into direct award contracts without competitive tendering for the provision of public transport services with Dublin Bus, Bus Éireann and Irish Rail”.

I propose to press the amendment in view of what is taking place in the bus business.

Senator Feargal Quinn: I second the amendment.

Amendment put:

Seanad Éireann

The Seanad divided: Tá, 14; Níl, 32.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Byrne, Thomas.	Brennan, Terry.
Daly, Mark.	Burke, Colm.
Leyden, Terry.	Clune, Deirdre.
MacSharry, Marc.	Coghlan, Eamonn.
O'Brien, Darragh.	Coghlan, Paul.
O'Donovan, Denis.	Comiskey, Michael.
O'Sullivan, Ned.	Conway, Martin.
Ó Murchú, Labhrás.	Cullinane, David.
Power, Averil.	Cummins, Maurice.
Quinn, Feargal.	D'Arcy, Jim.
van Turnhout, Jillian.	D'Arcy, Michael.
White, Mary M.	Gilroy, John.
Wilson, Diarmuid.	Harte, Jimmy.
	Hayden, Aideen.
	Henry, Imelda.
	Higgins, Lorraine.
	Keane, Cáit.
	Kelly, John.
	Landy, Denis.
	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Naughton, Hildegard.
	Noone, Catherine.
	O'Donnell, Marie-Louise.
	O'Keefe, Susan.
	O'Neill, Pat.
	Ó Clochartaigh, Trevor.
	Reilly, Kathryn.
	Sheahan, Tom.

Tellers: Tá, Senators Sean D. Barrett and Feargal Quinn; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

1 o'clock

An Cathaoirleach: Amendment No. 3 has already been discussed under group No. 9. Is the amendment being pressed?

Senator Sean D. Barrett: No. We have had long discussions on the Bill and the importance of buses. The House has been most considerate. I thank the Leas-Chathaoirleach as well. We will not push the amendments. They have been discussed and the Minister of State has taken the points on board. I intend to withdraw all the amendments. We have made our points about the industry and the need for a competitive bus business and the Minister of State has noted them. I will not be pressing any of the amendments.

An Cathaoirleach: Senator Barrett, are you withdrawing all your amendments?

Senator Sean D. Barrett: That is correct.

Amendment No. 3 not moved.

An Cathaoirleach: Amendments Nos. 4, to 10, inclusive, are out of order.

Amendments Nos. 4 to 11, inclusive, not moved.

An Cathaoirleach: Amendments Nos. 12 to 23, inclusive, are out of order.

Amendments Nos. 12 to 25, inclusive, not moved.

An Cathaoirleach: Amendments Nos. 26 to 30, inclusive, are out of order.

Amendments Nos. 26 to 34, inclusive, not moved.

Bill received for final consideration and passed.

Sitting suspended at 1.05 p.m and resumed at 3.35 p.m.

County Enterprise Boards (Dissolution) Bill 2013: Report and Final Stages

Acting Chairman (Senator Marie Moloney): Before we commence, I remind Members that a Senator may speak only once on Report Stage, except for the proposer of an amendment, who may reply to the discussion on the amendment.

Government amendment No. 1:

In page 4, line 5, to delete “The Minister may” and substitute the following:

“The Minister may, after consultation with the Minister for the Environment, Community and Local Government,”.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): This is a technical amendment to section 2(3) of the Bill. Section 2 of the Bill defines the functional area of a city or county council for the purposes of this legislation. One local enterprise office will be created in each local authority area with some exceptions due to the merging of some local authorities under the reform programme of the Department of the Envi-

ronment, Community and Local Government such as, for example, in counties Waterford, Tipperary and Limerick. Section 2(3) allows for a possible reorganisation of these areas at a later date should it be deemed necessary and this would be done by way of an order by the Minister for Jobs, Enterprise and Innovation. The amendment makes provision for consultation with the Minister for the Environment, Community and Local Government prior to the issuing of any such order.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I wish to take this opportunity to thank everyone involved during all Stages of the progression of this Bill through the House. This legislation is extremely important and I am delighted to see it pass through the Seanad. The reform constitutes a major commitment in the programme for Government and is a core element of the Action Plan for Jobs. In reaching this point, I thank in the first instance the Cathaoirleach, the Acting Chairman and all the staff of the House for the orderly passage of the Bill through the House. I also thank Members of the Seanad for their valuable contributions to the debate on each Stage. Finally, I thank my departmental officials for their great commitment and work on this Bill.

Senator Jimmy Harte: I thank the Minister of State for bringing this Bill through the Seanad. It is an important day for enterprise in light of the budget yesterday and the measures put in place. Obviously, however, to use the cliché, the proof of the pudding will be in the eating. It is important that areas such as counties Donegal and Sligo with which the Minister of State will be very familiar must get the jobs boost that is being experienced on the east coast. However, I hope the new local enterprise offices, LEOs, will be able to do that. I spoke to a young software engineer in Letterkenny last Monday who has developed an app. He has got it to the stage at which he has travelled to Japan to get software installed and is at the final stage of its development. It is unique and represents the type of industry, company or small business that could benefit in this regard. I have advised him to contact the enterprise board because his training is in software engineering, he is working at the same time, and is spending his own savings on getting the project this far. People like this individual need the help and I am sure the new LEOs, like the old enterprise boards-----

Deputy John Perry: I apologise for interjecting but as there is huge support available for that type of industry, I strongly advise him to contact the current enterprise board.

Senator Jimmy Harte: Exactly. County Donegal has the people with such expertise and they just need that additional leg-up to get their products onto the markets. Consequently, I welcome the passage of the Bill and look forward to continued help from the LEOs.

Senator Deirdre Clune: I thank the Minister of State, who has been very informative. In particular, I refer to the importance of his circulating the service level agreement to Members last week. This Bill marks an important first step in the changes that are being introduced. The particular emphasis in this regard is to ensure there is a better service to the consumers, namely, those people who are interested in starting up their own businesses. The expertise of Enterprise Ireland, the local development boards and the local authority will now be in a single one-stop shop for would-be entrepreneurs or business people. This streamlining process is most wel-

come and as the Minister of State noted, is part of the programme for Government. It is great to see it come to fruition and I thank the Minister of State for his advice, assistance and the explanations he gave during the course of the passage of this Bill.

Senator Kathryn Reilly: As the Minister of State is aware, Sinn Féin supported this Bill and the enhanced role for local authorities in economic development. I have three brief questions to which the Minister of State might be able to respond now or alternatively on which he could revert to Members later. Can he indicate what will be the budget for the LEOs or the county enterprise boards next year?

In addition, the Joint Committee on Jobs, Enterprise and Innovation recently considered an audit report which stated that Enterprise Ireland faced severe pressure due to the moratorium on recruitment. Does the Minister of State believe the moratorium will be lifted to make available to Enterprise Ireland additional resources to take on the additional role with regard to oversight of the LEOs?

Finally, the Department set a target of 4,500 jobs to be created by LEOs next year. Are these gross or net figures?

Acting Chairman (Senator Marie Moloney): We really are not debating the Bill now, as it has been agreed.

Senator Kathryn Reilly: Perhaps the Minister of State could come back to me on these issues.

Deputy John Perry: I will send the Deputy a direct reply to those questions on which I can give clarification.

Senator Sean D. Barrett: I agree with the comments of Senators Harte, Clune and Reilly and wish the Minister of State well. He is always a welcome visitor to this Chamber and in itself, the circulation of the service level agreement was a nice innovation. We are always looking for enterprise and the 3,000 jobs per month that have been generated over the past 12 months are most welcome and this represents a good change. They are in exporting industries, are not dependent on fiscal stimulus or boosts within the economy and that is the way forward. While progress is slow, we must keep at it.

I also welcome the boost to tourism announced yesterday both in respect of the abolition of the travel tax and the retention of the 9% VAT rate. It is to be hoped that many jobs will come on stream as a result and that the airlines will respond.

As a brief point and to assist the Minister of State, the question is whether it is possible to design a banking system other than one based on property speculation. Did the banks lose the ability to know anything about small or medium-sized enterprises? I think they did and simply became property speculators. Senator Quinn and I made some progress on the upward-only rents renewal Bill when it passed one of its Stages here. The objective was for the property sector, pension funds and insurance companies to bear some of the brunt thus not leave it to small industries, small shops and so on who rent the premises. We will seek that consensus again.

What the Minister has in mind is exactly right, we must build enterprise in society that is not based on an artificial stimulus in the construction sector or seek massive recruitment campaigns for the public sector, like in the past, that eventually bankrupted the country. The Minister is

going in the right direction and I am sure that he has the support of all Senators in his endeavours. I thank him for bringing the Bill to the Seanad and wish him well in his endeavours.

Deputy John Perry: I thank the Senator.

Senator Mary M. White: I formally congratulate the Minister of State for delivering this important legislation. I think it is a *fait accompli* which my party does not support. I felt that it was pointless to screen it, yet still wish that a good job is done. Please God, I hope that the enhanced role of Enterprise Ireland will play a significant role in LEOs.

This morning I said that the devil was in the detail of the budget. The enterprise boards have received an extra €2 million.

Deputy John Perry: It is €3.5 million.

Senator Mary M. White: Yes, €3.5 million. I was disappointed that the budget for Enterprise Ireland has been significantly reduced, even though it has lost 16% of its staff since 2009. How will it do its job?

Deputy John Perry: This year's outturn will be the same as last year.

Senator Mary M. White: No, it is down.

Deputy John Perry: The outturn will not be finished until year end.

Senator Mary M. White: We have said that is a serious problem.

Deputy John Perry: We are now in October but the 2014 budget will be based on this year's budget and productivity will be up.

Senator Mary M. White: The Minister of State has made a very good point and I accept his fact. I noticed it myself in the local authorities.

Deputy John Perry: I think that we assess outturns and not inputs.

Senator Mary M. White: Yes. We have said that an entrepreneurial culture in the new LEOs is good but it is critical that they are adequately funded for them to do their job. They are the two key points.

Deputy John Perry: I wish to make a final point even though I should not intervene. There is a ring-fenced microfinance fund of €90 million. In addition, one no longer needs a refusal from the bank before applying for funding which was a big issue.

Senator Mary M. White: Only 46% of people have had their applications for microfinance accepted and I believe that figure is very low.

Deputy John Perry: Up to now one had to have been refused by the bank before applying.

Senator Mary M. White: I know that.

Deputy John Perry: That requirement has been removed.

Senator Mary M. White: That is good.

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Deputy John Perry: A person can now apply direct.

Senator Mary M. White: At present interest rates are very high so we must help people to get going. As I said here this morning, we cannot just rely on foreign direct investment and must encourage indigenous business.

Deputy John Perry: The Government has focused on small companies and start-up companies and the budget was totally devoted to entrepreneurship and start-up companies. I can assure the Senator that the Government's focus is on the domestic economy and its actions over the next 12 months will be very clear.

Senator Mary M. White: I ask the people from the Department to please excuse my next comment. The trade finance initiative is a weaselly bureaucratic statement and meant nothing but encouraged the European Investment Bank to invest. The initiative is pure discussion. If one did not know anything about the matter but read the statement, one would think that something was happening. The initiative did not promise to deliver anything, it was discussion only. That is fact. We need delivery.

Last week I fought for the 9% VAT rate for the tourism industry to be retained. The initiative is significant. To me, its retention was the greatest achievement in the budget when it comes to jobs and I disagree with the Minister of State.

Acting Chairman (Senator Marie Moloney): We are not debating the budget now.

Senator Mary M. White: Tomorrow morning I shall lead the debate and raise the matter on the Order of Business. Finally, I wish the Minister of State the best of luck.

Question put and agreed to.

Sitting suspended at 3.45 p.m. and resumed at 4.30 p.m.

Statistics (Heritage Amendment) Bill 2011: Order for Second Stage

Bill entitled an Act to amend the Statistics Act 1993, in relation to the first census of population of Ireland taken since the establishment of the State; to afford that census a special heritage status and to have such released to the public for genealogical, historical and other research.

Senator Labhrás Ó Murchú: I move: "That Second Stage be taken today."

Question put and agreed to.

Statistics (Heritage Amendment) Bill 2011: Second Stage

Senator Labhrás Ó Murchú: I move: "That the Bill be now read a Second Time."

I welcome the Minister of State, Deputy Paul Kehoe, to the House. In bringing forward this proposal, I take the opportunity to thank Mr. Michael Merrigan, general secretary of the Genealogical Society of Ireland. I declare a special interest in this issue as chairman of the Irish Family History Foundation. The Bill is particularly timely given the tens of thousands of people from all over the world expected to attend the largest genealogical event in Ireland, Back to our

Past, in the RDS next Friday. In addition, October is family history month in both the United States and Canada. This debate is also timely in the context of the success of The Gathering. What I am proposing will help us to sustain and strengthen our ties with the Irish diaspora.

The Bill is essentially a technical proposal to amend the Statistics Act 1993 in order to assign special heritage status to the 1926 census of population. If enacted, it will enable the Minister to continue to make regulations as to how the archived material would be accessed by the public. The 1926 census was the first following the foundation of the State. The censuses of 1901 and 1911, which were digitised and made available online in recent years, have been accessed by millions of people throughout the world. This is an indication of the huge interest there is in tracing one's roots. Apart from their role in strengthening the bonds people feel to their homeland, there is also a benefit for tourism in making available census data - particularly cultural tourism, which is a major aspect of our economy. The people who will come to the RDS next Friday will be keen to know how they can discover further information about their families and trace their family tree more comprehensively.

The 1926 census is particularly important and deserving of special consideration, and not just because it was the first census in the history of the State. We are currently involved in a decade of commemorations of events of great significance to the history of this island. We are all aware of the impact of the 1913 Lock-out, which was not just about a workers' strike in Dublin but about the plight of an impoverished people and their difficulties in securing rights. The forthcoming centenary of the First World War from 1914 to 1918, in which some 49,000 Irishmen lost their lives, marks another momentous event in our history. Likewise, the Easter rebellion of 1916, which gave us the Proclamation, was another major event in one of the most important periods of Irish history. The same decade saw the general election of 1918, the establishment of the first Dáil in 1919, the War of Independence from 1919 to 1921, and the Civil War of 1922 to 1923. It is important, if we are to understand how the events of that intense period impacted on people, that we have access to the information contained in the 1926 census. I have received correspondence from all over the world in recent years and met many genealogists who have travelled here from North America and elsewhere. Their strong appeal is that the 1926 census be treated in a special way.

The 1993 legislation stipulates a closure period of 100 years. However, the 1901 and 1911 censuses were accessible after 50 or 60 years, because the data in question were compiled when we were still under British rule. The 1993 legislation was brought forward by the then Minister of State, Noel Dempsey. At the time, the highly respected former Senator, Mr. Maurice Manning, expressed grave concern in this House regarding the 100-year closure provision, arguing that 50 years would be sufficient. Mr. Dempsey gave Mr. Manning an undertaking to consider a closure period of 70 years. Even back then, there was concern that the 100-year rule was too strict and would have implications for the 1926 census in particular. It certainly would diminish the possibility of understanding the challenges we had and how we responded to those challenges. Dr. Maurice Manning, who is still a very active person in many ways, would have been quite surprised that the 70 year closure was not accepted, but I presume there was not sufficient subsequent debate. It is interesting that we are here 20 years later bringing up the same item in the same House.

The Minister of State should look at the period of time that is involved in other countries before one can access information. Census information in the US is available up to 1940, so it is not 100 years or anything like that. They are currently working on the 1950 census, which will also be made available online. If there is any country that is more in need of access to

this information, for the reasons I have outlined, it is Ireland. So much happened in the 15 or 20 years preceding the 1926 census that it almost encapsulated the whole history of Ireland in many ways. There will always be a gap in our understanding of that period until that census is made available.

I was provided with an interesting anecdote, although it is not necessarily central to the debate. It has often been stated that the Protestant population was driven out of Cork by the IRA during the War of Independence. Articles were written on it and television programmes were made about it, but because there was no access to the 1926 census, it would not take into account how many of that Protestant community might have gone to the First World War and how many might have been killed in that war. It would not have been about them being driven out of Cork for any reason whatsoever, but without that information, it is not possible to get a full picture. Therefore, the vacuum is being filled by unsubstantiated information which does not help anybody. We are not talking about a vested interest, political programme or partisanship. I do not think genealogy has anything to do with that. I have often heard people remarking that there is no Border when it comes to genealogy. When people are tracing their family, they do not suddenly stop when they come to the Border. It is the whole island, and likewise with the diaspora. When we are making a case based on the anecdote which I am telling, it is not done for any politically partisan reason, it is done to point out the weakness that results from not having access to that information.

We are going to be commemorating the 1916 Rising in 2016. It would be a great pity if we were not able to assess what happened in the subsequent period. There is a ten year window that can give us an idea how Ireland responded after 1916. It is not possible to complete many of the programmes of commemoration in that decade while that big gap exists. With an eye on 2016, we should start preparing the opportunity for access to this information, which is why I am putting forward this Bill.

There are several reasons people trace their roots. Some of us leave it a little bit late when we take an interest in it. There is often a huge gap and we are disappointed that we did not speak to our parents when they were alive about these things. My mother was English, from Birkenhead, but my father fought in the War of Independence. I often said it was like being the product of a mixed marriage. We are depending too much on hearsay when statistics are available. What do we find in a census? We find out from where people came, where they were born and their status at the time. All of this must be very relevant, but it is also very important from a tourism point of view. We have a cultural centre with a genealogy service in Cashel, and a number of people come to it who are hungry for information. I saw a case one time in County Clare where people returned looking to find where their family was born. There was nothing left, other than the stones of the house, but they were crying and putting some little bits of the stone in their pockets. They could not leave the spot. There are 75 million people of Irish extraction throughout the world. That is a huge number.

I hope we can move this Bill forward. The 100 year closure is written in legislation but it is not written in stone. At the end of the day, it gives the Minister the opportunity to regulate. We are not changing the 100 year closure. We are looking for a special heritage status for the 1926 census because it was the first census after the foundation of the State and because the Irish diaspora has been crying out for it for years. We are closer to that 100 year period and I hope it will be possible for this Bill to be accepted.

Senator Marc MacSharry: I commend Senator Ó Murchú on bringing forward this Bill.

There is no reason-----

An Cathaoirleach: Is the Senator seconding the Bill?

Senator Marc MacSharry: Yes, I second the Bill. There is no reason we cannot accept this Bill and I hope the Minister of State will be in a position to accept it, at least on Second Stage. The Government can make amendments on Committee Stage if it feels some technical improvements need to be made.

Senator Ó Murchú has outlined the background to this Bill. The inability to access this information from the 1926 census removes many of the pieces of the jigsaw of Irish history, such as cultural issues, an analysis of the First World War, or any other issues that took place in that decade. It would be important to make this information available to us. One understands things like Cabinet confidentiality, where there is a need for information to be kept private rather than secret for a period of time and for a variety of reasons. As we get older, the 30 year rule does not seem to be quite a long time at all. I think of many of the papers that were released last year going back to the GUBU period and things that many of us remember as news items and how the Cabinet of the day dealt with certain things. Of course it is important that these things are kept private for a period of time. However, 100 years seems ridiculous in the extreme, especially when we consider the benefits of the release of that information, including for those people of Irish descent all over the world who can put in place some pieces of their jigsaws. Senator Ó Murchú mentioned that when the Statistics Act was under consideration in 1993, the great former Senator Maurice Manning put forward an amendment to have a 70 year rule applied to this. He withdrew the amendment on the basis of an understanding to the effect that the then Minister, former Deputy Noel Dempsey, would press ahead with his 70-year rule. Unfortunately, the legislation was passed into law on 7 July 1993 and the 100-year rule stood. If the former Senator Manning had known that nothing was going to happen, then the amendment to which I refer could have been pressed.

I understand that it is possible to source information from US censuses up to the 1940s and that the release of data from the 1950s is under consideration. The information in question has been a tremendous resource for people of Irish extraction - including members of my family - seeking to trace their heritage. The Gathering is something which the Government and all of Ireland can celebrate. It has given rise to many benefits and has captured the imagination of the Irish across the globe. As Senator Ó Murchú stated, there are many genealogists worldwide who would like access to the information contained in the 1926 census in order to complete the picture.

Another matter of importance is the displacement of people following the 1916 Rising and, in particular, the War of Independence. In that regard, there were allegations that what could be described as ethnic cleansing took place in respect of Protestant people living in the west Cork area. There is no question that atrocities of which none of us is proud took place and there is no doubt the statistical information which can be gleaned from the 1911 census does not provide a true picture of what happened post-1916. Let us consider the example of a Protestant family living in west Cork during the period in question. Two of that family's three sons enlisted to fight in the First World War and while one returned and moved elsewhere, the other died in the conflict. The third son married a Catholic woman and they went on to have seven children, all raised in the mother's faith in line with the terms of the relevant 1908 decree. What happened in this instance would distort the picture that would have become apparent from the 1911 census and by 2026 only one of the five members of the Protestant family in question would be trace-

able. This example would also lead one to believe that serious displacement - perhaps even ethnic cleansing - of people occurred following the War of Independence. However, this might not be the case. I am not trying to explain away the atrocities which might have occurred, I am simply making the point that there are details within the information relating to the 1926 census which could provide a great deal more clarity in respect of the events which took place and the culture which obtained at the time. Such detail could also paint a picture with regard to the position of the Irish language at the time, particularly in respect of the counties in which there were active Gaeltacht areas.

We could obtain a wealth of knowledge from the 1926 census. As Senator Ó Murchú correctly stated, it has been 20 years since we visited the legislation relating to statistics. The position in this area is written in law but not in stone. Perhaps we should modernise our approach to the information in question and acknowledge the assistance it could provide in respect of so many other aspects of Irish life. Perhaps we should resurrect the great Maurice Manning's 70-year rule or even go further by introducing a 50-year rule. Let us be honest, 30 or 40 years is a long period. I accept there is a necessity to protect people's privacy in the context of personal information, etc. When a number of generations have passed, however, it should be possible for individuals to access information which could be of benefit to them.

I commend the Bill to the House. I accept that some of the legislation brought forward by those on this side of the House cannot be embraced by the Government. I am of the view, however, that the entire Oireachtas could embrace the Statistics (Heritage Amendment) Bill 2011, particularly as it could contribute something positive to our society in the future.

Senator Eamonn Coghlan: I welcome the Minister of State. I lived in the United States for approximately 20 years. I worked with the then Irish tourist board for a number of those years and promoted Irish tourism. I realise the importance of genealogy and its contribution to the tourism industry here. Many of the people I met in the United States during the period to which I refer and since then - those who are, and those who wish they were, Irish - always longed to trace their roots in Ireland. I recall coming across one individual recently who informed me that his grandfather emigrated from Dublin in the 1920s. The person in question states that the family name was O'Connell and asked if I might know any members of it here. I replied that I did not think I knew any O'Connells from Dublin who were here in the 1920s. In recent weeks I received an e-mail from a gentleman in Canada who goes by the name of Eldon Coghlan and who informed me that his family emigrated in the 1920s. He spells his surname the same way I do and he wanted to know if we were related. I wrote back and said "No". I also informed him that he should make contact with Fine Gael's Chief Whip in the Seanad, Senator Paul Coghlan, who might be able to provide assistance. I understand how important it is for some people to be able to trace their roots back to Ireland.

Senator MacSharry stated that there is absolutely no reason why the information relating to the 1926 census should not be released. However, a reason does exist. Releasing the data from the 1926 census prior to 2026 would require a change in the legislation which governs the gathering of statistics. According to the Central Statistics Office, CSO, this is not possible. One of the main reasons for this relates to the ongoing work being carried out to prepare the data from the 1926 census for publication. Existing legislation guarantees that there is a 100-year delay before details are published. Data from the most recent census shows that there were some 400 people aged 100 years or more living in Ireland in 2011. The 2011 census also shows that some 58,000 persons aged 85 years or older were then living here. Details relating to most of these individuals would more than likely be included in census returns from 1926.

Releasing the 1926 census might be seen as reneging on the statistical guarantee given to those persons who are still alive today and whose details are included in the data relating to that census. According to the CSO, the information provided by them or on their behalf in 1926 is confidential. I agree that the 1926 census is of great historical significance, particularly in view of the fact that the census returns made in the 1800s were destroyed by fire and explosion in 1922. The 1926 records have significant heritage value because they provide a valuable insight into people's lives during that period of our country's history. The census records from 1901 and 1911 have been already published. However, the 1926 census covers the period from 1911 to 1916 and beyond.

The Statistics Act 1993 stipulates that census data must be withheld for 100 years. If the records were to be released early and in time for the 1916 centenary commemorations, a change in legislation would be required. The Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan, with the approval of the Cabinet, has established a 1926 working group. This working group considers that releasing the 1926 census data early would prejudice and undermine the ongoing collection of national statistical data. However, the Minister is of the opinion that the extensive preparatory work required to facilitate the release of the data can commence in advance of this legal restriction being resolved. The CSO and the National Archives have agreed to begin this work on the census records. There will, however, be costs associated with the said work, particularly in the context of the need to employ additional staff and to fit out of accommodation for the project because the National Archives' premises in Bishop Street is not suitable.

The 1901-1911 census project was carried out on a co-operative basis and cost approximately €5 million. The material from these censuses was, for the most part, available in microfilm format. This made it easy to convert to digital format for publishing. The cost to digitise and publish the 1926 census data is expected to be higher because this material has never been microfilmed and the individual return sheets would have to be scanned and cross-indexed. In light of the current economic climate, the director of the National Archives is considering alternative models of digitisation.

5 o'clock

The Minister, Deputy Deenihan, will revert to the Government in this regard. The publication of the 1926 census records 12 or 13 years early is a complex and sensitive matter. It is the considered view of the working group set up by the Minister, Deputy Deenihan, and of the CSO that the early release of the 1926 census data would prejudice and undermine the ongoing collection of national statistical data.

Senator Jillian van Turnhout: I welcome the Minister of State to the House. As I have stated on the floor of the House previously, I am a very keen genealogist. I fully commend Senator Ó Murchú and I support the Bill before the House. I was a little taken aback by some of the things Senator Eamonn Coghlan said. The programme for Government includes a commitment to enable the publication of the 1926 census. As there was no 100-year rule at the time of the 1926 census, the people filling out the census did not have an expectation that its contents would not be released for 100 years. I would feel differently if there had been such a rule at the time, but the rule in question was introduced in 1993. Like Senators Ó Murchú and MacSharry, it is clear to me after reading the transcripts of the debate that took place in 1993 that agreement was reached in this House, on foot of an argument made by the then Senator Maurice Manning, that the then Minister, Noel Dempsey, would reduce the relevant time period to 70 years, rather

than the 50-year period being proposed by Senator Manning, when the legislation was considered in the Dáil. An idea like the 100-year rule that was introduced in 1993 is quite new as far as genealogy is concerned.

Anybody who is a genealogist will have an understanding of the examination of records. As Senators will appreciate from my name, I have looked at many Dutch records. There is an outstanding system of records in the Netherlands. I can access digitised records of births, deaths and christenings from that country. The records in the United States are amazing. Excellent records are also available in the United Kingdom, right down to parish register level. Ireland has many holes in its records. Genealogy brings tourism to this country. Ireland experienced many upheavals between 1911 and 1926, which is the time period we are discussing, including the Easter Rising, the First World War, in which 50,000 Irishmen lost their lives, the War of Independence, the Civil War, partition, the 1918 general election, the establishment of the First Dáil, the Treaty of 1921, the establishment of the Irish Free State, economic depression and emigration. I am sure Senators can imagine the richness of the data that will be available when we are able to compare the 1911 census to the 1926 census. These primary sources will be of use for genealogists, historians and sociologists, etc. Many people will benefit from the richness of this data.

In Canada, the rule is that records are closed for 92 years after they were first compiled. The results of the 1921 federal census of Canada are being released this year. The UK introduced a 100-year rule in 1961, but the UK information commissioner found in 2006 that records could be released before 100 years had elapsed. The UK authorities have started considering which records can be released. As there is a 72-year rule in the US, I can deal with the 1940 census records for my ancestors in that country. I am familiar with the richness of those statistics. I know how much my ancestors earned per month. Even though it was compiled just after the Great Depression, the data one can get from the 1940 US census is amazingly rich. I could bore the House with the details, but I promise not to do so.

It was confirmed earlier this year, following a thorough investigation, that the 1926 census records for Northern Ireland have unfortunately been destroyed. It is really important that we have a searchable online database that will encourage people to make the link back. As Senator Ó Murchú has said, many people wait until later in life to get involved in looking at their ancestry. We need to get details about the next generation after 1911 because that is too far back for many people who are doing genealogy. This area offers great potential for roots tourism.

There have been more than 400 million hits on the section of the website of the National Archives of Ireland that deals with census information. Those involved with any website with such a hit rate would be considering how to market their product and make it better. The authorities in the UK and the US have changed their model of funding the release of census information. I understand what Senator Eamonn Coghlan said about the costs associated with releasing the 1901 and 1911 census information, but that has changed. The private companies that are used in the UK and the US charge fees, before the information is made available to the public free of charge after a number of years. A small fee has to be paid to access the census for the first few years in the UK and the US. One of the websites used in the US is *ancestry.com*. Another website, *familysearch.org*, which is based in Utah, uses a really interesting community-sourcing model, whereby people like me download a census document and transcribe it. I sat in my kitchen in Dublin transcribing the 1940 US census to help to make it available to the public as widely as possible. There are different models that can be used. Companies like *eneclann.ie*, *ancestry.com* and *findmypast.ie* would love to work with the National Archives as

a partner in this project. I do not necessarily think the cost argument is really true at the moment. Genealogy is an expensive hobby to be involved in. Those of us who are interested in it are used to having to pay for information.

I would like to put this in perspective. The oldest man in Ireland was born in 1906. At present, the average life expectancy in Ireland is 80 years, which is the age that will be reached this year by somebody born in 1933. This is what we are talking about. We are trying to go back one generation. I support this Bill even though it will retain the 100-year rule because it will make the 1926 census an exception on the basis of its special heritage status. As I have said, there was no 100-year rule when people were filling out the 1926 census, which was compiled at the end of an eventful period in Irish history. Having looked at the categories covered in that census, I cannot see the potential for any embarrassing material to emerge. I am aware that the column relating to illnesses was withheld by the UK authorities when they agreed to the early release of the 1911 census. Individual categories can be redacted if it is felt that people will have a difficulty with the information provided in them. I support this legislation fully. I could say a great deal more about it. If necessary, I can provide much more information to the Government on how this can be done in a cost-effective manner that would bring revenue to the State.

Senator Lorraine Higgins: I thank the Minister of State for coming to the House to discuss this interesting Bill, which has been introduced by our colleague, Senator Ó Murchú. He must be commended for showing such an interest in this topic. I understand the Senator is seeking to propose amendments to the Statistics Act 1993, which would mean that the provisions of the Act would no longer apply to the 1926 census. As many of us in this House know, the 1993 Act precludes the release of census information for a period of 100 years. If this Bill is passed, all information pertaining to the 1926 census will be released for consumption by interested parties. As a result of these amendments, all information pertaining to the period between 1911 and 1926 will be brought into the public domain. The 1926 census will be referred to as the first census undertaken by the Irish Free State and, consequently, the 1911 census will be referred to as the last one taken on the entire island of Ireland by the UK authorities.

In the 19th century, there was a common trend that a census of population was carried out in Ireland every ten years. Despite this, there was no census in Ireland in 1921. There is a further dearth of census information for the 19th century because the census returns of 1821, 1831, 1841 and 1851 were in the Public Records Office when it was destroyed by fire and explosions in 1922. Hardly any of those records survive today. To add to this sorry episode in our genealogical history, the census returns of 1861, 1871, 1881 and 1891 had been destroyed well before 1922. As a result, our rich genealogical heritage is pretty much unrecorded, which is regrettable.

I started to do some research after I was asked to lead this debate on behalf of the Labour Party group in this House. Having looked at the 1911 census online and discovered some new information about my grandfather and his family, I am intrigued to know more. That is not possible, unfortunately, because the 1926 census is subject to the 100-year rule. I also learned that October is family history month in the United States and Canada. Senator Ó Murchú mentioned that an annual genealogy event, Back to our Past, will take place this Friday in the RDS. The wonderful success of The Gathering, which led to thousands of additional people visiting these shores, has created a new interest among the diaspora in developing further links with this country, particularly in individual counties. Is there a better way of doing that than by acquiring family information?

The 100-year rule that was set out in section 35 of the Statistics Act 1993 precludes us from knowing more. No census information can be imparted until 100 years have passed. This is a pity in the context of the diaspora-focused events like The Gathering that are nearing an end and the events of national significance that are approaching. For example, the centenary commemorations of the 1916 Rising will bring renewed focus on the country and the need to find out who we are will become more pressing so a change in legislation would be required to allow for their early release. That forms part of the reason Senator Ó Murchú is bringing this Bill before the House this evening. As a consequence of the foregoing, the 1926 records have a significant heritage value and provide a unique and much-needed snapshot of life during the period from 1911 to 1926 in Ireland's history. We can imagine what a valuable resource this would be for genealogists and social historians. We must remember that most of the significant events in our country's history happened in this period, including the First World War, the Easter Rising in 1916, the general election in 1918 which led to the establishment of the first Dáil, the declaration of independence and the War of Independence. When the new Irish Free State held its census in 1926, it was at the height of the economic depression and emigration, which could shine more light on us as a people.

I know the Minister of State has shown a large amount of goodwill towards the idea of opening up the 1926 census through the establishment of a 1926 census working group comprising officials from his Department, the National Archives and the Central Statistics Office, which is tasked with investigating how best to enable the publication of the census records within the current parameters. I urge the Minister of State to be mindful that census returns in the US are all available online from the late 18th century right up to 1940. Indeed, work is ongoing to prepare the 1950 census for release shortly. Senator van Turnhout referred to other countries as well where one can find a plethora of information relating to genealogy online. I ask the Minister of State to make a submission to the working group that all censuses be available after a shorter period - perhaps 50 years - in the interests of providing a greater opportunity for Ireland to promote an awareness, appreciation and knowledge of our ancestry among our diaspora. I understand there could be legal implications or restrictions but it is something that is worth doing if it can be done within the legal parameters. I understand there is a crux in the wheel of progression on this matter given the difficult job of all Ministers in the financial climate in which we find ourselves. The cost of digitising and publishing the 1926 census is expected to be higher than that of the 1911 project because the 1926 census has never been micro-filmed and the individual return sheets would need to be scanned and cross-indexed, which would be quite labour-intensive and expensive.

The release of the 1926 census would not only provide a much-needed shot in the arm for Irish genealogy and family history research but one for Irish tourism in general. We see how successful The Gathering has been. There has been a renewed interest in genealogy as a consequence. It would certainly spark a growth in the industry. I urge the Minister of State to look at every avenue to see if it can be made a reality.

Senator Sean D. Barrett: I welcome the Minister of State. I compliment Senator Ó Murchú on introducing the Bill. Every hurling match I ever saw between Tipperary and Wexford always ended with people shaking hands as the best of friends. The matches were hard enough fought but I hope this will be an occasion when the unity of the two great counties will be manifest.

We are faced with the 130-year rule because, as every speaker this afternoon has so eloquently said, we could not have a census in 1916 and 1921 so we need to get at the 1926 census

because of the gaps that are there. The historians are effectively held off between now and 2026. When we discuss statistics and the Minister of State comes to the House, the name of Garret FitzGerald comes up. He was there working on who was speaking Irish in what counties and so on and used the assets of the Central Statistics Office to write most interesting articles.

The question raised by Senator Ó Murchú related to west Cork during that period and that question has been raised in respect of other parts of the country. How much of the decline in the Protestant population was due to various events? Steve McDonagh wrote the most interesting account of the departure from Offaly of the ancestors of what is now the Obama family. He goes through the different parts of the US they were found in. At the end, he is pessimistic. He wonders how a population that was 10.3% in 1911 ended up at 3% today. The Orange Order visited this House. It is assumed as part of the order's view of history that this community was burnt out or forced out and that is part of the problem with marching. The Orange Order is trying to reclaim territory in Northern Ireland through marches. Perhaps the census will show that these were voluntary unions between people and that people voluntarily transferred their families and businesses to Canada and large parts of the US because there is a huge Scots-Irish dimension there - a larger one than the southern Irish one. Discovering these things - the history of the Kearneys and Healys who were the ancestors of President Barack Obama; the work of people like Peter Hart and David Fitzpatrick; the very pessimistic work referred to by Senator Ó Murchú in west Cork; the importance of us understanding that there was a strong Loyalist population in Dublin alongside a Socialist one, an element that always features in the plays of Seán O'Casey; and Senator Gilroy's account of Athboy and how he found some folklore which people had communicated to Proinsias Ó Conluain and other archivists - is fascinating. It comes in the context of Friday's meeting, the interest in genealogy, the success of The Gathering and so many people coming back.

Could it be sponsored? We have a very large and prosperous IT sector and it would be a great project for it to undertake. It would be good for the sector's image. In respect of the diaspora meetings organised by the Government recently - I understand there will be another one soon at Trinity College - we have a fascinating history. I found papers by John Kells Ingram in the Public Record Office of Northern Ireland. It is regrettable that, as Senator van Turnhout noted, so much of that material has been destroyed. There does not seem to be any breach of faith involved or a prospect that we would embarrass people. I am sure the Minister of State will be most sensitive if it was to cause distress. Having no census in 1916 and 1921 and following the events of the Civil War, people wanted to put a good deal of history away because they did not want to divide the country and its people any further. We are at a sufficient distance now and have made so much progress through things like the Good Friday Agreement and the coming together of all the people on the island, with immense credit due to the former British Prime Minister, Tony Blair, and the former US President, Bill Clinton, for the help they gave us, that it is time to look at what really happened in Ireland between 1911 and 1926. I commend Senator Ó Murchú on bringing this Bill forward and his most helpful notes. We are willing to face up to things we did not face up to before in the spirit of friendship and in the spirit of what Senator Ó Murchú organised recently in Derry where the UK city of culture was also the site of the Fleadh Ceoil and where apparently everybody got on splendidly. There might have been things relating to the 1926 census and the period between 1911 and 1926 of which people were afraid.

We were almost there in 1993 when, according to Senator Ó Murchú's very helpful note, it appeared that former Minister, Noel Dempsey, and Dr. Maurice Manning were virtually *ad idem*. The only difference between the Minister and another very eminent scholar was whether

the period of closure should be 50 or 70 years. We are finding out more about ourselves and modern historians and archivists have much to offer. There is interest from outside Ireland such as from Irish people in Canada, the US and the UK. How many people discovered their Irishness through Jack Charlton and were delighted to play on our national team? There is a significant coming together there. I hope the Minister of State will be able to facilitate that. If there are disadvantages we might, as Senator MacSharry proposed, look at them on Committee Stage. This would be a wonderful way to celebrate the centenary of so many historic events and I ask the Minister of State to support the Bill.

Senator Catherine Noone: I commend Senator Ó Murchú on this Bill. As someone who is interested in history and, in particular, our social history, I welcome the proposed amendment to the Statistics Acts so that the Statistics Act 1993 will no longer apply to the 1926 census. This in turn would allow the 1926 census results to be released immediately so that the first census undertaken by the Free State would be available in time for the centenary commemorations. It is a sensible and worthy proposal. I appreciate that we must be mindful of the drawbacks such as the 100-year rule, which is intended to ensure that the vast majority of those listed in a census have passed away by the time it is published. The publication of the 1926 census may have the effect of revealing personal information about people in their late 80s or 90s. However, the 100-year rule does not make sense to me in the context of international norms. I listened with interest to Senator van Turnhout describe her own experience. She put my knowledge of these matters to shame but she also enlightened me about the possibilities. I do not wish to be cynical but from an economic point of view, The Gathering has revealed the level of interest in visiting this country, particularly among American people. We should be making it as easy as possible for them to do so.

I understand the extensive preparatory work required to facilitate the release of the data into the public domain can commence in advance of the legal restrictions being resolved. The CSO and the National Archives have agreed to facilitate this preparatory work. For reference, the 1901 and 1911 census project cost approximately €5 million. There are, therefore, serious cost implications. An enabling strategy for an approach that would keep costs down has been accepted by the Cabinet. The current staffing level of the National Archives is insufficient to meet the demands imposed by this task. It is envisaged that the Department of Public Expenditure and Reform will identify new resources by the redeployment of existing clerical staff and the use of JobBridge programmes. Similarly, the Department has been working with the OPW on fitting out accommodation for the project as the National Archives premises on Bishop Street does not have the facilities required.

There is great benefit in opening up the census despite the potential costs. We would see economic gains over the relatively short term. This was an important period, including as it did the 1916 Rising and the general election of 1918. Although I appreciate the difficulties to which others have alluded, I think it would be a good idea to release the results of the 1926 census.

Senator Barrett spoke about philanthropy, which is being encouraged by the Department of Arts, Heritage and the Gaeltacht. Surely this is an ideal project for a philanthropic donor.

Senator Thomas Byrne: I am delighted that Senator Ó Murchú has introduced this Bill. He is performing the function of a Senator, which is to propose legislation rather than simply discuss it. This Bill is both simple and eminently sensible. It will create a major opportunity for historians and society at large. I have studied the published census details online and they are fascinating to behold. The Cathaoirleach will be interested to learn that my family on my

father's side is listed as living not far from the Cathaoirleach's home in County Mayo. The Bill enjoys widespread support and it would be remiss of the Seanad to prevent it from progressing beyond Second Stage. I hope there are no major objections to the legislation. If technical issues arise, they can easily be addressed on Committee Stage.

This would be a huge prize for the genealogy industry in particular. There is considerable interest among Americans and others in investigating their Irish ancestry but, for various reasons, information is lacking for certain periods of our history. This Bill would greatly add to our store of knowledge and benefit tourism. The publication of this census will encourage more people to visit the country.

We can overstate the problem of personal information on census forms but they only hold a small amount of such information. I understand that the questions asked in the 1926 census are not as thorough as those asked in more recent censuses. I do not know whether the remaining few people who are still alive would object but I do not see a problem. I am sure they would be interested in looking back at their own families' circumstances in 1926.

Senator Ó Murchú has introduced this Bill at an opportune moment and the Seanad should consider it further on Committee Stage and send it to the Dáil. That seems to be everybody's wish.

Senator John Gilroy: I welcome this Bill as something which all of us should support. For a change, I am able to speak on an issue related to the basis of my election to this House. I was nominated through the cultural and educational panel because I am an author.

I recently published a book about a murder that took place in Athboy, County Meath, in 1913. The ability to use the 1911 census in researching for that book was unbelievably useful. One of the protagonists in the book, Peter Farrell, lived on Lower Kevin Street and we could find him in the 1911 census. Not only did it illuminate the personal details of the protagonist but it also demonstrated the horrible conditions that obtained in Kevin Street. For example, No. 85 Kevin Street was a 17-room house accommodating 97 people. When we read about these figures we are put into the milieu in which people lived. One can read their handwriting and the care they took to get their details right. It was fabulous to read these details. What made the 1913 census important from a social point of view was the ability to compare it with the 1901 census. If we could further compare it to the 1926 census we would find a fantastically rich texture in social history.

More than 437 families lived in 87 houses on Lower Kevin Street in 1901. Only 30 of those same families were living on the street in 1911. The information to be drawn from that comparison is more important than the census itself because it shows a society on the move. We know about the unrest that occurred in 1913 because of the Lock-out and other events. Given the sheer poverty and hopelessness in which a considerable number of people lived, as well as the transience of the population, it is amazing that the lid on social unrest did not blow completely.

Senator Byrne noted that his roots are in County Mayo. My own family moved to Athboy, County Meath, from County Mayo in 1901. It was great to find my great-grandmother listed as living on Connaught Street in Athboy in the 1901 census. She lived just up the road from the fabulously and appropriately named Mr. Christopher Proudfoot, Athboy's shoemaker at the time. These are the social historical elements.

The census is a complementary rather than absolute source for genealogical research. The

record of deaths, births and marriages is probably more important for anyone wishing to trace his or her lineage to 1865, when it became a requirement to register such events.

It is fantastic that Senator Ó Murchú has introduced this Bill. It needs to be supported. Senator Barrett hinted at certain events that allegedly happened in Cork, where I live, and that have been written about by the late Peter Hart and, more recently, Gerald Murphy. I am referring to the movement of the Church of Ireland population from Cork. Instead of trying to use a macro view to establish what happened, the 1926 census might be able to show more details in a micro view.

It is unfortunate that many of the census returns from the late 19th century no longer exist, but I came across some fragments of the 1831 census of some of the baronies of upper Navan, County Meath, that made for fascinating reading. Pre-Famine, they show the social dynamic of massive land clearances as the form of agriculture changed from tillage to pasture. This is important information, particularly when we do not have a clear picture of the societal changes that led to or exacerbated the hardships experienced in the 1840s. For example, no one was living in the upper Navan area, particularly out towards Trim. There were what we would now call ranches of several thousand acres devoted purely to the rearing and fattening of cattle. This is important information.

The 1926 census will open up opportunities for comparisons with other censuses and present a rich source of research, not just for genealogy, but for all elements of social history. I commend Senator Ó Murchú on introducing this Bill. I could discuss this subject all day long, as it is one in which I have a particular interest, but I have said enough. I hope to be able to support this good initiative.

Senator Feargal Quinn: I welcome the Minister of State to the House. There has been a great deal of reference to the 1993 legislation and Dr. Manning. I voted in the Seanad that day and remember it well. There was much enthusiasm for what we were trying to do. We certainly had the impression that the Minister of the day, a County Meath man, would do something about it, but it never happened. Senator van Turnhout has explained that there is no breach of privacy, as no one in 1926 knew that there would be a constraint on the census. We should not be embarrassed about making the change.

I had the pleasure of having a mother-in-law who died almost two years ago at the age of almost 100-----

Senator Jillian van Turnhout: What a choice of words.

Senator Feargal Quinn: Not the pleasure of her dying. I am sorry - I worded that incorrectly. My mother-in-law died almost two years ago, but I had the pleasure of her company for many years. She was born in 1909 and was able to describe 1926, 1916, 1914 and so on. She could remember them well. Luckily, I was able to record her and get much of that information on record.

Interestingly, I visited the archives office a few years ago and was asked by the people there to give them a challenge. My father-in-law was born in 1899 and was two years of age in 1901. His mother was 25 years of age at that time. The people in the office asked whether I wanted to see the 1911 census, when he was 12 years of age. Instead of being 35 years old, however, his mother was only 33 years of age. It may just be a woman's thing of reducing her age, but the people in the office believed it was a most unusual step to take, as most people had gained rather

than lost in age. The old age pension was introduced in 1904 and people wanted to reach 65 or 70 years of age, whatever it was at the time, earlier than they would have otherwise. I mention this example, given how strongly Members have spoken about this matter today, particularly Senator Ó Murchú. He has such commitment to the idea.

I listened to Senator Gilroy discuss what he had discovered. We are discussing information that we knew, learned and are interested in, given the insight it provides. One of Senator Barrett's comments acted as a reminder, namely, this can pay for itself. I was in Salt Lake City some years ago and saw the Mormon Tabernacle. The Mormons keep a vast, global genealogy. I gather that it is a big money-spinner for them following their investment in it. It should be possible to get some Internet companies to sponsor our initiative, given the benefits that they would derive on that basis.

I grew up in the tourism business. My father ran Red Island holiday camp in Skerries. Approximately 40 years ago, a woman mentioned that she would love to join me on my way to Dundalk. She went with me because she knew that her father had come from there. I was to take her back afterwards, but when she returned to me that evening, she told me that she was not going back, as she had discovered relatives. Her father and mother had run away from home in the 1920s and had never kept in touch with people in Dundalk, but she knew her father's surname and that he had come from Dundalk. She had come across cousins and other relatives, but had missed out on meeting her grandfather by only a few weeks. Before he died, he had wondered what had happened to his son. These are the types of history that people would give anything to learn, but we are in danger of closing the door on them, particularly from a tourism point of view. Given the diaspora, there are many potential tourism and promotional benefits to a release of the 1926 census.

The 1926 Northern Ireland census, which was recorded on the same night as the census in the South, will sadly not follow suit, as it was pulped during the Second World War. I do not know whether the Minister of State knew that, but I had been unaware of it until I investigated. It is sad - we could have had census information on the North and the South from the same day. The Northern census would have been an amazing counterpart to and resource for the South's.

On a related issue, our archives are important. I have advocated for greater investment in the National Library, the National Archives and the Irish Manuscripts Commission. They face great challenges in terms of storage and inadequate facilities. Some of those facilities are not even fire-proofed to protect vital documentation on our history. This is a shame. Given the fact that we are approaching the anniversaries of the 1916 Rising and the foundation of the State, it is sad to consider how lacking we are in this area.

On looking to the future, we need clarification. Despite the era of electronic communication, we do not have departmental records. For instance, who superintends the Departments' archival records and chooses which documents to keep? Is it normal for Departments to move their papers regularly? Decisions like these should be made professionally and adequately, if possible. Electronic storage of files poses enormous problems on several levels. I recall a senior civil servant telling me when I asked how her Department managed things, that while she places printouts of important letters on the files, record keeping generally in the Department was slack. I would like to know who supervises the electronic archiving of records and chooses which documents are kept?

I support the Bill and urge the Government to grasp the economic opportunities afforded

by it and to realise the cultural and historical importance of accepting it. I commend Senator Ó Murchú on the introduction of this Bill, which is novel and capable of achieving great things both in terms of tourism and culture. I urge the Minister of State to give serious consideration to acceptance of the Bill.

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): I am grateful for the opportunity to discuss this important topic in the Seanad. I wish to put on the record my firm belief that the census of population is one of the most important sources of information for policy making and planning in Ireland and is widely used by all sectors of society.

The census in Ireland enjoys great support from the public who trust the Central Statistics Office, CSO, to gather and store their data in a professional and proper manner. The census of population undertaken in 1926 was the first undertaken by an independent Irish State and is an historical collection of great value and interest for historians, researchers, the general public and the diaspora. The debate this evening demonstrates this.

Following the release of records from the 1901 and 1911 censuses, there is a greater appreciation and understanding across society of the value of these important historical documents. I would encourage anyone present who has not checked out the 1901 and 1911 censuses to do so. In 2013, the year of The Gathering, significant numbers of our diaspora returned to Ireland, many with an interest in tracing their roots and Irish ancestry. In this context the question of enabling the publication of the 1926 census returns is important and timely.

While I welcome the debate this evening I do, however, speak in opposition to Senator Ó Murchú's Bill. The question of publishing the 1926 census ahead of schedule is a complex legal and technical one. The Government is of the view that early publication, before vital preparatory work has been undertaken, is premature and that there are a number of issues requiring further consideration before a decision to publish could be made. As the Senator will be aware, the programme for Government refers to the publication of the 1926 census to stimulate genealogical tourism. Release of the 1901 and 1911 censuses generated great interest. The Government understands the particular importance of the 1926 census.

The 1901-11 census project, which was carried out as a co-operative project on a repayment basis by Library and Archives Canada with the Irish National Archives cost approximately €5 million. The 1901-11 census material was, for the most part, available in microfilm format. This made the digitisation process relatively cost effective and enabled relatively efficient delivery. The 1926 census has never been microfilmed and I understand that a significant level of work is required to scan and cross-index the individual return sheets. The Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan, has established a 1926 census working group, which comprises officials from his Department, the National Archives and the CSO to consider how best to enable the publication of the 1926 census. The CSO and National Archives have agreed to facilitate the preparatory work on the census records.

For the information of this House, it is worth noting that this census was undertaken under the 1926 Statistics Act, which did not permit access to census records at any time. The 1993 Act repealed the 1926 and 1946 Acts and provided for the release of census forms 100 years after the date of the relevant census. This applies to censuses from the 1926 census onwards. When the 100 years access was debated in the Seanad in 1993 the view was expressed that the time period for confidentiality should be reduced to 75 or even 50 years. On the other hand, the retrospective introduction of the 100 years exemption was seen by some as undermining the

original guarantee given to householders that the information would not be released. However, it was generally accepted that 100 years was a reasonable compromise given that relatively few people would still be alive after that length of time. This means that under the current legislation, the 1926 census records will be open to the public by the National Archives in the year 2026. By that time, almost all of the persons covered in the 1926 census will be deceased.

The 2011 census results showed fewer than 400 persons aged 100 years or more. There were, however, some 58,000 persons aged 85 years or older, most of whom would be likely to have been entered on a 1926 census return. Releasing the 1926 forms might be seen as renegeing on the guarantee given to the significant number of persons still alive today. It is, therefore, a delicate issue that requires to be approached with great sensitivity and caution. Some have suggested releasing only information for those born prior to 1912. However, the situation is that the 100 years rule refers to the relevant census forms in question and not the age of the individuals recorded on them. Therefore, regardless of the age of the individual in question, the data cannot be released until 100 years after the date of the census.

Of the pre-Independence censuses, only the 1901 and 1911 census returns remain intact today. The census records for the years 1821 to 1891 have been destroyed, many as a result of the destruction of the Public Records Office during the Civil War. The 1901 and 1911 censuses were undertaken under legislation which made no provision for the confidentiality of the information recorded on them. These records were deposited in the Public Record Office in 1929 and were made available as public records in 1961 via a warrant made by the Minister for Justice under the Public Records (Ireland) Act 1867. They are now among the most frequently used records in the National Archives.

To put this debate in a comparative context, it may be helpful to note the position in a number of other countries. Public access to census records only after a lengthy period is the practice in many countries. In the UK and New Zealand, a 100-year rule applies. In Canada, census returns are released after 92 years and, accordingly, its 1921 census returns are being gradually made available this year. In Australia, a 99-year rule applies and in the United States returns are released after only 72 years. In considering the publication of the 1926 census, the Government must also bear in mind any possible impact that early release might have on the confidence of the public in the guarantees of confidentiality given by the CSO to its respondents. For example, the people who completed the 2011 census understood the 100-year rule would apply. To change this could, therefore, be damaging to the confidentiality and collection of the census. Independence, objectivity and the guarantee of confidentiality are the core values of all official statistics produced by the Central Statistics Office. The CSO has a long-standing reputation for protecting the information it collects. Confidentiality and privacy are correctly issues of great concern for members of the public. The legal guarantee of confidentiality that comes with the census and the untarnished reputation enjoyed by the CSO for upholding this guarantee in practice are important factors in persuading the public to disclose private information on the census form.

In a broader context, the Central Statistics Office conducts vitally important work in producing and publishing official statistics across a range of indicators. As such, further consideration is required of the confidentiality issues and their potential impact before an amendment could be agreed to the 1993 Act in the manner proposed. Great care must be taken to ensure any change would not undermine public confidence in the Central Statistics Office in a manner that could have the potential to seriously damage the return of data by respondents.

16 October 2013

I thank Senator Ó Murchú for bringing the Bill to the House. As Minister of State with responsibility for the Central Statistics Office, I note the Government's appreciation of the important public service role of the office. The CSO serves Ireland well and publishes a vast range of statistics on the economy, society and other important topics. This information is used by Departments and public bodies, as well as European Union institutions, the International Monetary Fund, the OECD and other international bodies. I am committed to developing official statistics to support effective policy and planning. For the reasons I have outlined, however, the Government is not in a position to support the Bill.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire. Ba mhaith liom ard mholadh a thabhairt don Seanadóir Ó Murchú as ucht an Bille seo a thabhairt chun cinn. Tuigim an dúthracht pearsanta atá aige don ábhar seo agus an cúis faoi leith atá aige. Tuigim gur rud eisceachtúil atá i gceist agus nach é go bhfuil sé ag iarraidh an dlí ar fad a athrú maidir le cúrsaí staitisticí agus an chaoi a bhfuiltear á bhailiú. Baineann sé seo le tréimhse an speisialta i stair na tíre agus mar gheall go bhfuil muid ag teacht suas go dtí comóradh 100 bliain Éirí Amach 1916, tá an t-eolas seo fíor tábhachtach. Sin ráite - aisteach go leor - tuigeann muid freisin taobh an Rialtais don scéal, ó thaobh an cás atá á chur chun cinn ag an Aire maidir le cúrsaí sonraí pearsanta agus go bhfuil gá ann go gcaomhnófaí sonraí pearsanta daoine agus go dtabharfaí aire faoi leith dó sin.

Sinn Féin welcomes the spirit of the Bill and acknowledges and recognises the historical significance of the 1926 census. In that vein, we fully support the proposal to give special status to that specific census.

Sílim gur sin an pointe tábhachtach anseo. Ní hé go bhfuil muid ag caint faoi gach daonáireamh. Táimid ag caint faoi daonáireamh faoi leith a bhfuil tábhacht speisialta faoi leith ag baint leis. Is gá eisceacht speisialta a dhéanamh dó.

Sinn Féin has a number of concerns regarding the provision to make the 1926 census publicly available. Our concerns relate to issues of confidentiality and privacy. With regard to the latter, the 100 year rule serves an important function in guaranteeing in law that personal data given by members of the public to the State for the purposes of the census remain confidential. I listened intently to the contributions of other Senators and note, in particular, Senator van Turnhout's point that the 100 year rule was not in place in 1926 when the census information was gathered. As such, those who took part in the 1926 census did not sign up to any such rule.

The census is an exceptionally valuable and vital tool for the State in planning for future and long-term policy development. The 100 year rule is specifically designed to ensure the issue of confidentiality is adequately addressed. To put it another way, it ensures that virtually all of those who give data or information to the State on census night will be deceased when 100 years have passed. Confidentiality is thus ensured.

Sinn Féin's main concern with the proposal to release the 1926 census to the public is that the guarantee of anonymity which underpins the collection of census data will be called into question. Releasing the 1926 census to the public has the potential to set a precedent and could result in historians and others shifting their focus to the 1936 census and so forth. The State needs to be able to collect data to guide policy and future planning. For this reason, members of the public are entitled to know the information they provide is confidential and anonymous. Moreover, given that people generally live longer than in previous decades, the 100 year rule is very important. Nevertheless, my party fully understands the significance of the 1926 census

and the useful window it would give us into the revolutionary period if it were made publicly available. This information would also be a very useful tool in that it would pull back the veil on the spectre of emigration and the thousands of people who essentially turned their backs on the Irish State.

I note the interesting points made by Senator Feargal Quinn on the Government's policy on archiving. This is a relevant issue and one the Government should consider given that data and documentation surrounding previous censuses have been lost. This gives rise to questions about the security of the archives currently being built up, the locations at which they are being kept and so forth.

Sinn Féin notes the commitment in the programme of Government to make the 1926 census data available. The Government parties obviously realised, when drawing up their programme, that the 1926 census provided unique information and that the 100 year rule was not introduced until 1993. In the spirit of Senator Ó Murchú's proposals, Sinn Féin will support the Bill, albeit on a once-off basis because we have concerns around the 100 year rule. Our concerns do not hinge on the fact that some people who were living at the time of the 1926 census are still alive but on the fact that releasing the 1926 census sends out a message to those who will be asked to fill in census forms in future. We must guarantee members of the public anonymity to ensure they do not hold back on information.

I bprionsabal, táimid i bhfábhar an Bille. Dar linn go bhfuil sé dá thabhairt chun cinn le iontaoibh agus le dea-chroí agus go bhfuil cúis an-mhaith le seo a dhéanamh, go háirithe agus muid ag comóradh Éirí Amach 1916 agus 100 bliain uaidh sin agus go háirithe i dtaobh an t-eolas iontach speisialta a thabharfadh an daonáireamh dúinn. I ndáiríre, tá amhras orainn i dtaobh na himpleachtaí, ach síleann muid go bhféadfaí déileáil le sin le leasuithe dá dtiocfadh an Bille go dtí an chéad Céim eile. Dá bhrí sin, impímid ar an Aire agus an Rialtas athmhacnamh a dhéanamh ar an méid a dúirt an Príomh Aire agus tacaíocht a thabhairt don Bhille agus é a scaoileadh ar aghaidh go dtí an chéad Céim eile.

Senator Susan O'Keefe: I apologise for my absence when Senator Ó Murchú introduced the Bill. I was attending a committee meeting.

As with Senator Ó Clochartaigh, I welcome the spirit and intent of the Bill. The Seanad had a useful debate previously on the valuable work done by the Central Statistics Office. I share the Minister of State's views on the splendid work done by the CSO. We are not in a position to undermine the commitment that was given to people at the time. While we make favourable comparisons with the 1911 census, the 100 year rule did not apply to it and it was not so confined. We live in an age where we are surrounded by Google and Facebook and there is much discussion about the invasion of privacy. We are always encouraging people, especially the young, to appreciate the value of privacy settings. The issue of privacy echoes in our discussion of this Bill.

Speakers have eloquently outlined the reasons for publishing the 1926 census and I share the view that we love to dig around in our past. It is important to people to have a better understanding and an ownership of history. It is ironic that the Internet and our alleged connection to a cyber-world helps us find our real roots and connections. Senator Ó Murchú has been dedicated to this issue, particularly through his involvement with the Irish Family History Foundation and the work done by county genealogical offices, which have shown the enormous interest people have in trying to trace who they are and where they came from. Many types of records

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come into play, for example, church and school records and in some cases prison records. All of these show that we are desperate to reach out to our past. As such, I fully understand the intent behind, and reasons for, the Bill.

The gap between the 1910 and 1926 censuses was long.

6 o'clock

The years in that gap are so important given that our country changed so much in such a short space of time. Bearing in mind the upcoming 2016 commemoration, that we are still waiting to be allowed access to this information seems almost cruel. However, as we wish to protect the reputation of the CSO, we find ourselves unable to agree to the Bill even though on the face of it, we would like to.

Given programmes such as “Who Do You Think You Are?” the area of genealogy has become something we can all enjoy. It is no longer left to specialists. Those involved in county genealogy work very hard to make it something people can access and enjoy. Many people have discussed The Gathering and we have had great clan gatherings. In recent months we have had the Gallaghers in Donegal, the O'Rourkes in Sligo and the O'Haras in Leitrim. Those looking back to try to find their families and so forth have found the experience enormously interesting. While perhaps in the mid-1950s many people might have preferred to have forgotten and wanted to put in the past what was the past, in a new century people are now leaning towards looking to the past and trying to reinvent and enjoy it.

I applaud the spirit of Senator Ó Murchú's Bill but unfortunately I cannot support it.

Senator Paschal Mooney: I compliment Senator Ó Murchú on introducing this very significant legislation. I am disappointed that the Government does not see fit to support it. However, I compliment the Minister of State, Deputy Kehoe, who has given a very interesting analysis for the record of the context in which the debate is taking place. There seems to have been a modern view since 1961 that successive governments are not against the principle of releasing records. In my opinion they are hiding behind the old confidentiality clause that was inserted into the 1926 Act.

Unfortunately I have not had time to look back on those debates to ascertain why, in contrast with the British Administration where the 1901 and presumably all the previous censuses were not subject to any confidentiality clause which allowed the release of the 1901 and 1911 censuses as being the only ones available, the fledgling Irish Government, presumably because it was only five years in office after the foundation of the State following the signing of the treaty in 1921 acted differently. Perhaps there were all sorts of sensitivities and there may have been a general distrust among the population about big government at that time. Here we had a Government agency that was seeking information on a household and individual basis so perhaps the spirit or atmosphere at the time did not lend itself to anything other than adding a confidentiality clause.

The 1993 Act repealed the 1926 and 1946 Acts. There was a further loosening of the bonds in 1961. The records of the 1901 and 1911 censuses were deposited in the Public Record Office in 1929. They were made available as public records in 1961 following the warrant by the then Minister for Justice under the Public Records (Ireland) Act 1867 and they are now among the most frequently used records in the National Archives. The Government at that time obviously felt there was a need to change and loosen the bonds that had been very tightly bound

around the 1926 Act regarding that census by responding to requests to open up the 1901 and 1911 censuses.

In 1993 Mr. Noel Dempsey, a predecessor of the Minister of State, Deputy Kehoe, in introducing the 100-year rule for the first time, resisted reducing it to 70 years which, as Senator Ó Murchú and others mentioned, was an initiative of the then Senator, Dr. Maurice Manning. Senator Ó Murchú is correct to point out that the 15-year period between 1911 and 1926 is the most significant in the history of Ireland, both prior to and subsequent to independence. I am sure he has already made reference to one of the aspects of this debate, the anecdotal evidence of alleged ethnic cleansing in areas of west County Cork during the War of Independence and the Civil War. The comprehensive 1911 census would have shown the religion of those who had made a return and by 1926 the suggestion that there had been ethnic cleansing of the Protestant minority in the South of Ireland could be questioned if those censuses were released. Unquestionably it was not just about the political transformation of this country, but was also about the First World War and the huge numbers of Protestants and Catholics - but predominantly Protestants - who joined the British Army at the time. Unfortunately because the building in London was bombed by the Germans in 1941, the records of Irishmen serving in the British Army in the 1914-18 War are incomplete. The release of the 1926 census would open up that statistical route so that there could be at least some closure brought to what happened to many of those whose details were in the 1911 census.

As Senator O’Keeffe said, 1926 was then, and 1993 was then; we are now living in a world of Facebook and Twitter. We are in a world of total transparency where the younger generation have no inhibitions about putting their personal details up for the world to see. Not only that, they are also happy to express all sorts of opinions for the world to see *ad infinitum*. Given that we are in a changed environment I strongly believe the Government should reconsider this. I am particularly pleased that the Minister, Deputy Deenihan, has been charged with a review of this area.

Reference has been made to the €5 million relating to the 1901 and 1911 censuses, which was repaid. There is a question that this would be very costly because the 1926 census has not been microfilmed. However, all the genealogical offices throughout the country have already digitised the local newspapers, mainly through FÁS schemes. They did it in my county with the *Leitrim Observer* and the *Leitrim Guardian*. It is not beyond the capacity of the Government to ensure there is not an undue charge on the Exchequer in digitising and putting on microfilm the 1926 census.

Senator Labhrás Ó Murchú: Once again the Seanad has proved its importance and relevance. I do not believe such a debate could have happened in the Dáil.

Senator John Gilroy: Correct.

Senator Labhrás Ó Murchú: We have people here who are prepared to be reflective on an issue that may not be a high priority but, on the other hand, is exceptionally important to us as a people. Each contribution today added something to the debate and to our understanding of the potential of the 1926 census.

Sometimes when there is a counter-view - as with the counter-view to the Bill before the House - it relates to a single issue. However, when I see a multiplicity of reasons put forward as to why something cannot be done, little alarm bells start to go off in my head. In other words

if the issue was merely one of confidentiality, we would discuss confidentiality.

There have been some very good contributions up to this point, including those by Senators O’Keeffe and Mooney. When I hear a cost factor, the CSO and so many other issues coming in, I begin to think that an opportunity is being lost in not allowing the Bill to proceed to Committee Stage. This is for the simple reason that on Committee Stage we would be helping the working group and helping to advise the Government. This was the purpose of what we were trying to do today. We could have teased out on Committee Stage each of the points which were put forward in a nicely balanced way by the Minister of State. We could have teased all of those out on Committee Stage because that is what happens on Committee Stage. An opportunity may be lost if we do not do that. It would represent an opportunity lost for the Government and for the country and that is important.

We need to listen to people outside the Chamber a little more. I imagine the discussion that will take place in the RDS next Friday. Tens of thousands of practitioners will be present at the genealogy event. They will be aware that this Bill is in the House and they will be debating this in a big way. They will be coming at this in a focused and experienced way. It could be the case if they take the time to read the contributions from today that they see that perhaps an opportunity was lost and that will not do us much good.

The point was put forward by Senator Mooney that all the parish records in the country have been digitised. Most of them have been digitised under FÁS schemes. When an audit was carried out on the records, it was found that the error rate was less than 3% although the acceptable error rate is far higher. Eneclann Limited carried out the audit and found that it was less than 3%, showing the accuracy of what was being done.

Let us consider what this would have meant. It would have meant that the very schemes which were being discussed in the budget yesterday could have been availed of and used for this same purpose. Certainly, it would have involved training; there is no question about that, but it would have been real training for those people. An opportunity has been lost and the €5 million is not necessarily an argument in that regard.

I have explained that we could help the working group by proceeding on Committee Stage. From the contributions I have heard today, it is clear many Members could sit on that working group because of the knowledge they have. I maintain we should still allow the Bill to go forward and I would like to think that is still possible. We have come through a referendum. This is one of those occasions when we show independence, that we are different and that we are being helpful and positive. In fact, there was not one negative or destructive comment made about the Government and there was no partisanship in the House today. There was no politics. This was the argument made during the referendum in favour of why the Seanad should be retained. We proved it today by the subject we selected and by the contributions.

I have no doubt that we are reflecting the views among the people interested in genealogy and those who want to trace their roots. This is a great opportunity to salute, acknowledge, recognise and show gratitude to the 75 million people of Irish extraction. We are sitting in this small Chamber. They are sitting throughout the world. It is not a matter of the *Skibbereen Eagle* telling the tsar what to do but I know for a fact that, surprisingly, they will be listening closely and they will read what happened in the House today. We had an opportunity to do the right thing for them, for our ancestors and because we have survived all the challenges that have come our way and we are still here, a strong proud and positive nation.

Question put:

The Seanad divided: Tá, 14; Níl, 27.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Byrne, Thomas.	Brennan, Terry.
Daly, Mark.	Burke, Colm.
Healy Eames, Fidelma.	Clune, Deirdre.
Heffernan, James.	Coghlan, Eamonn.
Leyden, Terry.	Coghlan, Paul.
MacSharry, Marc.	Comiskey, Michael.
Mooney, Paschal.	Conway, Martin.
Ó Clochartaigh, Trevor.	Cummins, Maurice.
Ó Murchú, Labhrás.	D'Arcy, Jim.
O'Brien, Darragh.	D'Arcy, Michael.
Power, Averil.	Gilroy, John.
Quinn, Feargal.	Henry, Imelda.
van Turnhout, Jillian.	Higgins, Lorraine.
	Keane, Cáit.
	Kelly, John.
	Landy, Denis.
	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Naughton, Hildegard.
	Noone, Catherine.
	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.
	Whelan, John.

Tellers: Tá, Senators Mark Daly and Marc MacSharry; Níl, Senators Ivana Bacik and Paul Coghlan..

Question declared lost.

An Cathaoirleach: When is it proposed to sit again?

Senator Maurice Cummins: 10.30 maidin amárach.

Adjournment Matters

Syrian Conflict

An Cathaoirleach: I welcome the Minister of State at the Department of Foreign Affairs and Trade, Deputy Costello.

Senator Fidelma Healy Eames: I thank the Minister of State for coming to the House. He is the right man in the right place at the right time. I spoke to the Tánaiste and Minister for Foreign Affairs and Trade on this issue recently and he told me I certainly would get a decent response. This request is somewhat unusual and is to ask the Tánaiste and Minister for Foreign Affairs and Trade whether the Government would facilitate short-term fostering of Syrian refugee children by Irish host families until the position in their homeland improves. Obviously, such an arrangement only would be considered where there is the consent of Syrian families and parents. I raise this issue because a number of families have approached me in this regard. They noted this crisis has gone on for too long, that more than 1 million children are refugees in or from Syria and that they are in dire straits. I thought this proposal from the aforementioned families was interesting and is akin to extending a humanitarian hand of friendship and stating that perhaps we could help. I spoke to the non-governmental organisations, NGOs, last week at a meeting of the Joint Committee on Foreign Affairs and Trade and before going through the facts and outlining my proposal, I am deeply conscious the aim always and ever should be to keep families together.

However, this proposal is only applicable to extreme circumstances, which I believe are now arising. Syrian refugees in Lebanon are becoming increasingly reliant on child labour to earn money for families which are now desperate to maintain basic necessities. For example, children are working as street vendors by selling food, toys or flowers and have become a common sight in Beirut. More than 2.1 million people are displaced at present, 1 million of whom are children. It is expected that more than 3 million Syrians will have left their country by the end of 2013 and women and children make up three quarters of the refugee population. The vast majority of refugees are dependent on aid and arrive with little more than the clothes on their backs. Nearly all of them will have experienced trauma in the form of death in the family, physical violence, kidnapping and home destruction. I am concerned about the effect that has on children. As I have said, we now have children in child labour and as child soldiers. They have been inducted as child soldiers by some of the fundamentalist groups.

UNICEF has already termed the children as the “lost generation” who are displaced and living in makeshift shelters. They have little or no education and have little access to education. For example, the number of Syrian refugee children in Lebanese schools has risen from 1,500 to 30,000 in the space of one year, that is from 2011 to the beginning of 2012. Three out of four children who are school age do not attend because they lack books or clothes, are afraid of being harassed by other children on the way to and from classes or because they do not see the point, as said in the UN report.

I could go on but instead shall give some background information. Ireland has a history of

sheltering refugees. During the Second World War, 21 refugee children were brought to Ireland in 1946 from Germany, France and Austria as part of a Red Cross initiative known as Operation Shamrock. Last Saturday they were reunited at Glencree Centre as part of The Gathering 2013 and their reported effects of shelter were very good. One of the 21 refugee children attending the event said, “We were raised like we were their own, I have very happy memories of Ireland”. This country has an excellent reputation in this regard. However, I do not liken short-term fostering, that might last anywhere between three months to a year or however long a crisis lasts, to adoption.

I shall outline my proposal in a nutshell. An agency like UNICEF or Médecins sans Frontières which works in an area could identify families who would like help and want to have their children fostered. Then the Defence Forces could deal with the logistics and transport the children to Ireland while the Department of Justice and Equality organises temporary visas. Of course such an initiative would draw on public services in both health and education. We could cap the number involved to say, for example, 500 children which is only a drop in the ocean when one considers the number of refugees in the world. Most of all, Ireland could play a leading role in promoting the measure as an EU initiative while at the same time send a message to the Syrian regime to sort out its conflict, which is key.

I am studying human rights law at the National University of Ireland, Galway, and the Syrian crisis has been examined as part of the course. There is a view that every crisis lasts a certain length of time but in the meantime Syrian children must face cold and very wet winters. The children who live in the mountains will experience extreme cold, many of whom will not survive the winter, never mind their lost years of education, etc. Clearly there is a need for services here to be utilised. Some of the children will suffer difficulties such as sleep disturbance, speech problems and behavioural issues so there will be a draw on the HSE and school places. Do we say “No” because everything is a bit of a draw? It is worth examining the matter. The UN must change the way that it works because of the situation in the world today. My proposal is a humanitarian solution and will provide humanitarian assistance. I look forward to hearing what the Minister of State has to say about the matter.

As a matter of interest the UN has called the crisis in Syria the single most complex situation that it has ever come across and humanitarian corridors are not able to operate as they were designed to. There is no doubt that things are in a bad shape in Syria and my proposal is an interesting one to come from Irish families.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): Earlier today I reported to the Oireachtas Joint Committee on Foreign Affairs and Trade on my visit to the Middle East last week. I saw at first hand the plight of the Syrian refugee population in Lebanon. The humanitarian catastrophe that has hit the Syrian population is indescribable in its scale and its atrocity. The mere figures of well over 100,000 dead, 4.25 million internally displaced people and 2.1 million refugees, almost a third of Syria’s pre-war population, give scant indication of the devastation that the appalling conflict has wrought on Syria and its people. Terrible crimes are committed incessantly against a civilian population in the conflict.

Children are especially badly affected by the conflict. More than a million refugees are children, 70% of whom are without access to education. More than 2.25 million children inside Syria are without schools and over 4.5 million Syrian children are victims of the war.

Ireland has contributed almost €14 million in humanitarian assistance to the victims of this

conflict as well as a commitment of €200,000 to the Organisation for the Prohibition of Chemical Weapons effort to eliminate Syrian chemical weapons. We remain committed to working for peace in Syria and are supportive of the international efforts to resume peace negotiations, that were endorsed under the Security Council resolution 2118 on 28 September. The UN Secretary-General has called for a conference to be held in mid-November and we appeal to all parties to the conflict to participate sincerely in an effort to bring an end to the tragedy.

Ireland has contributed heavily to the humanitarian relief of the Syrian refugee population, much of it specifically assisting refugees. Clearly, the vast majority of this assistance is delivered to the populations in neighbouring countries where the refugee population is concentrated. It is clearly the case that the resources made available by the State can assist a far greater number of refugees in the Middle East than could be assisted by the same resources in Ireland.

We have also supported a smaller number of Syrian refugees and asylum seekers in Ireland. This country joined the UNHCR-led Resettlement Programme following a Government decision in November 1998. Since 2000, 1,066 refugees from 29 different countries have been resettled in Ireland under the programme. The focus of the programme for the remainder of this year and next year is very firmly fixed on persons displaced by the conflict in Syria.

In 2013, 91 persons will be admitted to Ireland as programme refugees from places such as Somalia and the Democratic Republic of the Congo where the conflicts are ongoing since the mid-90s. Four persons, a medical case and immediate family members, were also admitted in July from Syria and a further 31 persons displaced by the Syrian conflict will also arrive in Ireland in the near future for permanent resettlement under the 2013 resettlement programme. Ireland has offered 90 places for persons displaced by the Syrian conflict in 2014.

The HSE provides care for separated children seeking asylum in Ireland, of whom there are under 100 in total from all countries. Foster care is arranged by the HSE for such cases where appropriate homes can be found. At present the HSE has no separated Syrian children in its care. However, in cases where Syrian children apply to Ireland they will be treated with full sympathy and consideration.

It is also possible for private charitable organisations to arrange foster care for Syrian children, along the lines of the laudable efforts that Irish families have made to welcome and care for children from the areas affected by the Chernobyl disaster. There are specific measures set out under Irish law to enable and support private organisations to provide short-term foster care.

I can assure the Seanad that every effort to assist any Syrian children who seek refuge here from the terrible war raging across their country will be made by Irish authorities.

An Cathaoirleach: Does Senator Healy Eames have a question for the Minister of State?

Senator Fidelma Healy Eames: Yes. Is the Minister of State saying that he will look on the matter favourably? Will there be a whole of Government response? I have interpreted his comments as being positive. Is he saying that my proposal is a good idea?

Deputy Joe Costello: I am saying that we have a resettlement programme that we negotiated with the United Nations. That programme enables us to take refugees on an annual basis. Already, in the latter half of this year, we will take Syrian refugees exclusively and 2014 will be devoted exclusively to Syrian refugees. At present we are talking in the region of between 25 to 30 refugees this year and 90 or thereabouts next year.

The Senator raised the issue of taking children on a temporary basis. If we were to do so then it would be a matter for the Department of Justice and Equality to decide whether to extend the current programme. Only yesterday I think there was a debate in the European Union on the whole area of resettlement and it transpired that 12 countries in the EU are taking refugees for resettlement.

Senator Fidelma Healy Eames: Is that whole families?

Deputy Joe Costello: It could be individuals or whole families, but not children specifically. I am not aware of any programme specifically geared towards taking children on their own. I understand what the Senator said in that children are the most vulnerable and need education. Many children are not getting that education in the Syrian context, so it is a very serious matter. The message I got from the Lebanese people and political leaders when I was there last week was that they want not only humanitarian aid to be made available to the refugees or displaced persons but that countries get resources to allow them to maintain their services, to provide educational facilities for children coming in and to provide other services which might be needed. That would probably be a better approach to ensure the host countries in the surrounding area have the necessary resources to provide those educational services. It is a matter which should be looked at but currently there is much flux in regard to the resettlement programmes.

Senator Fidelma Healy Eames: If one was to pursue it, would it be with the Department Justice and Equality?

An Cathaoirleach: The Minister of State has given a good response.

Senator Fidelma Healy Eames: I am just looking for advice.

Deputy Joe Costello: My advice would be that the Department of Justice and Equality would be the next port of call.

Senator Fidelma Healy Eames: I thank the Minister of State and the Cathaoirleach.

Non-Principal Private Residence Charge Exemptions

Senator Mark Daly: I welcome the Minister, Deputy Hogan. This is a fairly specific issue in regard to councils issuing certificates of discharge and exemption so that people have certainty as to whether liability arises for non-principal private residences, in particular derelict properties. Local authorities will issue a certificate when a sale goes through. However, people might believe they are exempt but the council could take an alternate view. As the Minister is well aware, there are severe penalties for people who do not pay the non-principal private residence charge.

I know the charge is being removed but if one has not paid it over the past number of years, it adds up every month. If people sell properties in ten years time in the belief that they are exempt, there is no way for them to be certain unless they sell the property by which time it is far too late if the council is of the view that they are liable for the charge.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Charges) Act 2009 broadened the revenue base of local authorities by introducing a charge on non-principal private residences. The charge was set at €200

and liability for it has fallen, in the main, on owners of rental, holiday and vacant properties. The charge has operated on a self-assessment basis and 2013 is the final year of operation of the charge.

The 2009 Act places the charge under the care and management of the local authorities and application in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation may be a matter for legal advice in individual cases and, ultimately, may be a matter to be decided by the courts.

Under the 2009 Act, as amended, “residential property” is defined as a “building that is situated in the State and that is occupied, or suitable for occupation, as a separate dwelling”. As such, a property which is not suitable for occupation does not fall within the definition of residential property and is not, therefore, liable for the charge. There are a number of indicators as to what makes a property suitable for occupation for the purposes of determining liability to the charge. The indicators include the structure of the property, whether it has a roof, whether it is so affected by dampness as to render it unsuitable for habitation and whether it has sanitary facilities, including a water closet and water supply.

It should be noted that certificates of exemption and certificates of discharge are issued solely in respect of residential properties, as defined by the Act. Therefore, a local authority is not in a position to issue a certificate of discharge in respect of a property which is derelict such that it is deemed to be uninhabitable on a given liability date for the charge.

If there is uncertainty as to the potential liability of a property to the charge, the owner is advised to contact the relevant local authority to determine liability. Naturally, if informed by an owner that an otherwise liable property has been uninhabitable, a local authority should require evidence demonstrating the condition of the property on the relevant liability dates for the charge. If a local authority is satisfied that a property was uninhabitable, it is open to that local authority to provide written confirmation to the property’s owner stating that no non-principal private residence charge liability is outstanding in connection with that property.

I trust that clarifies the situation. I do not know of the individual case to which Senator Daly is referring but he might want to enlist my support in having a look at it.

Senator Mark Daly: The Minister’s support would be more than welcome in the particular issue. I am sure he would be able to persuade the local authority in Kerry to issue the certificates. I understand there is no reason it cannot do so in advance of a sale. If someone looks for an exemption, the local authority should be able to issue a certificate regardless of whether the property is sold. Is that the Minister’s reading of the legislation?

Deputy Phil Hogan: Maybe the Senator will send me the details.

Senator Mark Daly: I thank the Minister.

The Seanad adjourned at 6.50 p.m. until 10.30 a.m. on Thursday, 17 October 2013.