



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Céadaoin, 23 Deireadh Fómhair 2013*

*Wednesday, 23 October 2013*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator Colm Burke that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Health to consider extending the time period for the issuance of emergency medical cards from six months to 12.

I have also received notice from Senator Catherine Noone of the following matter:

The need for the Minister for Health to put a procedure in place for the cancellation of a medical card number when issuing a death certificate.

I have also received notice from Senator Marie Moloney:

The need for the Minister for Social Protection to issue a reminder that recipients of carer's benefit will be reviewed after 12 months to avoid total stoppage of payment.

I have also received notice from Senator Lorraine Higgins of the following matter:

The need for the Minister for Finance to confirm if senior management of all State-owned banks, including AIB, PTSB, Bank of Ireland, the EBS and the Irish Nationwide Building Society, converted any of their variable mortgages to a tracker mortgage in the six month period before the date of the Government-funded banking guarantee or immediately thereafter.

I have also received notice from Senator Mary Moran of the following matter:

The need for the Minister for Social Protection to address the situation of a person (details supplied) who has been denied a back-to-education allowance with only three modules left to complete a course and who also suffers from a condition (details supplied).

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Colm Burke, Catherine Noone, Marie Moloney and Lorraine Higgins and they will be taken at the conclusion of business. Senator Mary Moran may give notice on another day of the matter she wishes to raise.

### **Order of Business**

**Senator Maurice Cummins:** The Order of Business is No. 1, statements on Seanad reform, to be taken at 2 p.m. and conclude not later than 4 p.m., with the contributions of all Senators not to exceed five minutes and the Taoiseach to be called on to reply not later than 3.50 p.m.; No. 2, statements on the Common Agricultural Policy, to be taken at 4 p.m. and conclude not later than 5.30 p.m., with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes and the Minister to be called on to reply not later than 5.20 p.m.; and No. 48, Private Members' business, motion No. 9 re system of direction provision, to be taken at 5.30 p.m. and conclude not later than 7.30 p.m.

**Senator Darragh O'Brien:** Although it is not customary to do so, I express my deepest sympathy to the family of Councillor Gary Wyse who, being from his area, was known to the Leader. He died yesterday prematurely at the age of 50, leaving behind four children. He was an exceptional councillor and would have had a bright future in politics. No doubt he would have served in the Dáil after the next election. I offer my sympathy and that of the Fianna Fáil Senators on the loss of an excellent colleague well before his time.

With regard to the statements on Seanad reform, I understand the Taoiseach will respond at 3.50 p.m., but will he also be the first to speak?

**Senator Maurice Cummins:** Yes, briefly. I understand he will speak for two or three minutes.

**Senator Darragh O'Brien:** Can we have a debate on health insurance and the reduction in tax relief for private health insurance policies? When the Minister introduced this measure in the budget, he used the phrase "gold-plated health insurance policies" and led everyone to believe that the measure would only affect a minority. He suggested it would only affect a minority of gold-plated, high net worth individuals who could afford these exorbitant policies. However, we now know that the Department of Finance has stated that 577,000 private health insurance policies will be affected, with increases in premiums. The insurance industry says the figure for those affected is closer to 1.2 million.

This measure has already come into effect as it was voted on in the Lower House to take immediate effect. Health insurers will now write to all policy holders telling them what the increase will be on their policies. I remind Members on the other side of the House that we have raised this issue over the past two years. In the past two and a half years, more than 300,000 people have given up their private health insurance. This year alone, 110,000 have given up health insurance policies and many of these are young people with young families. This drives the cost of health insurance higher. I would like the Minister for Finance to come to the House

to debate this issue so that he can explain to us how he came to believe this measure would only affect gold-plated policies.

Perhaps he was mistaken on the day of the budget. I take it he was mistaken and was misinformed. He obviously acted on information that was incomplete. Otherwise, he would not have stated that the measure would only affect a minority. His Department says the measure will affect 600,000 people. What will happen now is that tens of thousands more of policy holders will give up their private health insurance. Perhaps this is the drive towards universal health care and to getting rid of our two-tier health system. However, what this measure does is put further pressure on a health system that is completely broken. I do not understand how the Minister could implement this on the basis of the information he had. Therefore, I request the Leader to arrange a debate on the issue in the next couple of weeks.

I remind the House that yesterday almost 10,000 people demonstrated outside Leinster House. It was interesting to listen to these people, mainly old age pensioners and senior citizens, speak about the cuts made in the budget and the attacks made on them in the past two and a half years. I looked back over the record to see what happened in 2008 when a similar protest against a Fianna Fáil measure - which was wrong - was held. I found it really interesting that in 2008 the current Taoiseach said he rejected the then Government's proposal to remove the right of people over 70 to a medical card. He said: "The cheek of them, shame on them". The current Tánaiste, Deputy Gilmore, said those people had worked hard all their lives and paid high taxes and only wanted the peace of mind of having a medical card if unwell. This is what the two heroes said in 2008. However, they were not outside yesterday. They did not even go out and meet the protesters or discuss the issues with them. No wonder there is such cynicism in politics.

**An Cathaoirleach:** The Senator is way over his time.

**Senator Darragh O'Brien:** No wonder there is such cynicism when these two most powerful men in the country were able to go out and court political favour in 2008 and have now completely changed. If anything, they are making the situation much worse.

**Senator Ivana Bacik:** No wonder there is such cynicism in politics when Fianna Fáil accuses the Government of presiding over a broken health service, when it was a Fianna Fáil Government that presided over the formation of the HSE and the establishment of its bureaucratic structure which is proving extremely difficult to dismantle - a structure which has had a very negative effect on our health care system. Therefore, it is hard to accept this sort of criticism from the Senator. I am aware we had a robust exchange on the issue of the health care system yesterday. I am sure the Leader will respond to the Senator.

I call for a debate on a specific aspect of health policy, the minimum alcohol price policy. I understand a decision was made on this at Cabinet yesterday. A range of measures is required to tackle the problems associated with alcohol abuse and it appears a package of measures was agreed at Cabinet. It would be good to have a debate in the House on the issue. We have had debates on the issue previously, but if there is to be a genuine move towards minimum alcohol pricing and more restrictions on alcohol advertising, it would be good to have the opportunity to debate this here, particularly in light of the constructive report we produced in the public consultation committee on lifestyle factors that affect cancer. Alcohol was a significant factor in those hearings.

I would like to support Senator D'Arcy with regard to an issue he raised yesterday concerning a change made in the budget to the one-parent family tax credit which is to be replaced by a new single person child care credit from January 2014. In recent days, quite a number of people have expressed concern about the unforeseen consequence of this. The proposal is to restrict payment to the primary carer only. This may cause great difficulties where separated parents have an arrangement for shared custody, where there are two primary carers. It is important we take another look at this measure to ensure it does not have the consequence of adversely affecting amicable, working arrangements for child care between separated parents. It is important to tease out the implications of this measure and, if necessary, to look at amending it.

Finally, will the Leader arrange for debates on two reports of the Oireachtas Joint Committee on Justice, Defence and Equality which are on the Order Paper for debate? These are the report on penal reform which was produced earlier this year and the report on changes to prostitution law. The committee is currently engaged in drafting a response to the Minister for Justice and Equality on the latter so perhaps that debate cannot take place until the new year. However, it would be good to have the debate on penal reform before Christmas.

**Senator Marie-Louise O'Donnell:** Yesterday, I pointed out that outside our gates were members of our older generation who had lost pensions, phone, light, heat, VHI and bereavement and funeral expenses. Individually, these were small amounts, but they add up. These people were outside protesting yesterday. Young second time mothers have lost money, young families and the jobless have lost money.

At the same time, and it is right to do this, we are giving €10 million to deal with the problem of Priory Hall and to help the families who have been out of their homes there for from two to three years. However, not one construction company, county council, architectural or engineering company nor any planner or builder has been brought to book over this. On the one hand, we expect people to take the budget measures on the chin, to understand and get involved in the fact the country is on its knees. We expect them to take all these cuts and decreases on the chin. On the other hand, these people see nobody being brought to book. A Senator spoke here yesterday about the banks. I would like to separate this issue from the issue of the banks and that ongoing investigation.

The construction, engineering, architectural, planning and building sectors have brought this country to its knees in the context of ugliness and homelessness. I cannot understand how we as Senators, even those of us on the Government side, can sit here and expect and argue that these cuts are necessary while there is no sense of justice or fair play for the people with no cuts being applied to the people who caused the problems. I want the Minister for the Environment, Community and Local Government or the Minister for Public Reform and Expenditure to come to the House to tell me what is being done about the construction companies, county and city councils, architecture and engineering companies, planners and builders who signed off on Priory Hall. It did not just happen as a fantasy. Somebody signed off on it, somebody said "yes" and okayed it. Somebody erected the building and then went home. We are paying for that.

It is right we should pay those people, but this is €10 million that could have been used for the jobless who are now almost criminalised for not having a job. I have traversed the country to talk to young people who are trying to find a way forward. At the same time, on the cynicism the Senator is talking about, those young people do not see an example of fair play and justice. I just want to find out who is responsible. Could a Minister, or two or three, come in here and tell me that? I will keep saying this until something is done about it.

**Senator Feargal Quinn:** I brought a topic up here some weeks ago and Senator Mary White brought it up last week as well. It is becoming urgent. This is the question of Russian adoptions. It probably only applies to five adoptive couples. There is an anomaly that has occurred. These are couples who have been to Russia, have met their adopted children, have bonded with them, have spent time with them and have come home knowing that there was a six month delay before they could have the babies. It turns out that there is now a 12 month delay before they can have them. That is not a significant problem, except the Adoption Act 2010 states that any adoptions from non-Hague countries such as Russia would have to take place before 31 October.

These five couples - maybe there are more than five but there are at least five - have been in Russia and have bonded with their children. I have spoken to two of the families. They have met the children. They were waiting until the time came and the Russians have introduced legislation to say they need to wait until 29 December. We have a law which states we must get it done before 31 October. That is only a week away.

The Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, is sympathetic to this. She is understanding and she is made of stuff that would show that sympathy. She is having difficulty with the technicality of moving that 31 October deadline to a later date. It is easy to do. I gather, from the advice available, that all she need do is put down a motion stating that it is her intention to do that and that would be sufficient to enable the children to be adopted before the time runs out. I urge the Leader to use everything in his power to encourage the Minister to move on this without delay. The future of these children, and adoptive parents, depends on this to a large extent. It is almost like having one's own baby taken away, given that they have met the children, have bonded with them for days. It would be regrettable if, because of a technicality, they would not be able to proceed. There may be difficulties but I am sure it is possible. I urge the Leader to ensure the Minister understands the importance and the urgency of this.

**Senator Michael Comiskey:** I am concerned about reports in the newspapers yesterday where a major construction company working in the south of Ireland in Kerry is not paying its subcontractors. This construction company is carrying out public works. These are large jobs and the company is employing many subcontractors. If subcontractors will be left unpaid, it is worrying and serious. I wonder at what Stage is Senator Quinn's Bill to protect such subcontractors' payment. It is important that this Bill be enacted because we do not want to see a series of subcontractors getting into difficulty in the future.

**Senator Paschal Mooney:** I note from today's newspapers that the Government has finally decided to take action on below-cost selling of alcohol, which I welcome and, I am sure, all sides of the House will welcome. Speaking as somebody who comes from a Border county, the difficulty is that the recent increase in excise on wines and spirits will have a detrimental effect on cross-Border trade. Whenever an opportunity might arise, if the Minister of State at the Department of Health, Deputy Alex White, who is responsible for this area, is coming into the House, I ask that the Leader include on the agenda for discussion this matter and whether he is in discussions with his counterpart in the United Kingdom. According to the media reports, a basket of alcohol items, which costs €220 in the South, costs €160 in the North. That is a substantial difference, way above what would be the norm in terms of the North-South balance. With Christmas fast approaching, it is inevitable that there will be long queues going into Newry and Enniskillen coming out of my county and the north west as a result of this significant differential. I wish it were otherwise. I wish consumers were a little more responsible about the

manner in which they consume alcohol but, unfortunately, the reality is the opposite.

It is a serious issue. It is not only serious in terms of the health implications of people consuming too much alcohol - it is a drug, the same as tobacco, and consumers do not seem to realise its potency. It is also about the impact it will have on cross-Border trade, particularly in counties all across the southern end of the Border which at retail level have been struggling in the recession over the past number of years. I would ask the Leader whether he would include that item as an agenda item in the context of the Minister of State, Deputy Alex White, coming before the House.

**Senator Denis Landy:** I add my voice to that of Senator O'Brien in expressing sympathy to the family of Councillor Gary Wyse, whom I knew quite well. He always played the ball, and did not play the man, in politics. It is something I admired about him.

I join Senator Bacik, and Senator Jim D'Arcy who raised it yesterday, on the one-parent family tax credit issue. The proposal in the budget is to cut the tax credit by €1,650. Those who are affected by this cut will also see €4,000 more of their income being taxed at 41% instead of the normal 20%. The loss of both of these will mean a net loss in real terms of up to €50 per week.

On top of this, many parents in this position must pay maintenance. We all will have received correspondence over the past 48 hours on this matter, in particular, some of them showing maintenance of up to €900 per month. In a recent study in Trinity College, it was accepted that 97% of separation cases deemed the mother to be the primary carer. In real terms, this affects males more than females, but this is not the full picture. All in the Chamber will know separated couples. Many fathers take children for full weekends, pay the cost of weekend activities, pay the cost of family events, such as birthdays, holidays, Christmas time, etc., and on top of this they face this cut. This needs to be revisited. I ask the Leader to request the Minister for Finance, in the finance Bill, to have another look at this and, above all else, to bring fairness into the mix.

**Senator Sean D. Barrett:** I welcome the free trade agreement announced on Friday last between the European Union and Canada. Ireland exports €2 billion in goods and services to that market. It is our 14th biggest export market. In April, we will have direct air services restored between Canada and Ireland by both Aer Lingus and Air Canada. There is much we could learn from contacts with Canada on the organisation of banking and the public finances. This could be the prototype for the big one, a free trade agreement between the United States and the European Union. The Minister for Jobs, Enterprise and Innovation, Deputy Bruton, has drawn our attention to a valuable development in foreign trade from Friday last.

By contrast, this is a sad anniversary, the 20th anniversary of the Shankill bombing in which ten people died and 57 were injured. It was followed by retaliation in weeks subsequent, when 14 people were killed, including eight in Greysteel, where 13 were also wounded. A memorial service will be held today and I suppose, in spirit, we will all be there. It is an opportunity for us to rededicate ourselves to the peace process, to support the best efforts of the First Minister and the Deputy First Minister to deepen and broaden the peace process, and to support Ambassador Haass. My suggestion to the Leader would be that, if Ambassador Haass feels that in any way we can assist in the process, we might invite him to visit this House. It is important, as we remember sad occasions and sad retaliations, that the peace process brings together all the traditions on this island and we all have a duty to sustain, deepen and broaden it.

*11 o'clock*

**Senator John Kelly:** I support Senator Landy's call for a reversal of the proposal to take away tax credits from what will be, in the main, separated fathers. As the Senator noted, and as I am well aware, there are many separated fathers who provide as much care for their children as the principal carer does. This would be a retrograde step. In recent times some separated fathers were granted the child dependant allowance on top of their jobseeker's allowance, but recently that has been withdrawn. They are taking enough of a hit already.

I ask the Leader for a debate in the House about our critical infrastructure policy on energy needs. This affects the Cathaoirleach too - I refer to the pylons that are to come all the way from Mayo to Flagford in County Roscommon. This is an issue in many other parts of the country; Senator Cullinane raised the matter yesterday in an Adjournment debate. In 1927 the ESB was given the right to erect electricity poles anywhere it wanted to throughout the country because we needed the power. However, now we are discussing pylons that are 40 and 50 m in height yet all we have is the same legislation. It is time to revisit that legislation and make it more appropriate to deal with such pylons, as distinct from ESB poles.

I have a problem with the consultation processes put in place by EirGrid. These were probably designed by the Government to tick all the boxes. People will be called in, told what the proposals are and asked for feedback. This is "liaison" with the people. There will be many hundreds of submissions from the public but none will be published and the Government will not act on any of them. When these power lines are introduced in the west of Ireland there will be "sensitive" areas. One such area is in my neck of the woods where a family with an autistic child lives. A proposed pylon may be erected within 40 m or 50 m from her home, which would seriously impact on her health. Will EirGrid listen to that point? It will talk about all the reports it has commissioned that say powerlines are-----

**An Cathaoirleach:** Is the Senator looking for a debate on this?

**Senator John Kelly:** I am not looking for an Adjournment debate because there was one yesterday and I did not learn anything from it. I am looking for a broad debate in the House, with the Minister. All Senators present can contribute. What EirGrid is doing-----

**An Cathaoirleach:** The Senator is over time.

**Senator John Kelly:** -----is a tick-boxing exercise. The sad thing is that when one comes to Dublin the place is alive and there is plenty of work but there is no work in rural Ireland. All rural Ireland is being used for is wind farms and pylons - nothing else.

**Senator David Cullinane:** I join my colleagues in offering condolences to the family of the late councillor, Gary Wyse, who was a friend of mine. I served on Waterford City Council for a number of years with Gary, sitting beside him for two of them. I was devastated yesterday when I received a telephone call from the city manager in Waterford informing me that Gary had passed away suddenly. He was one of the hardest working and most genuine public representatives I know and though he will be sadly missed by the people of Waterford obviously he will be most missed by his family. The Wyse family has lost a son, a father and a husband. I pass my condolences to his wife, Michelle, his children and the extended Wyse family. It is a terrible loss for them and also for the people of Waterford.

**Senator Mary M. White:** I raise the very sad fate of the Dublin-Derry economic road

corridor, speaking as a member of the committee on the implementation of the Good Friday Agreement, and as a passionate supporter of economic development North and South for the peace of the country. The reallocation of £115 million that was due to be spent on upgrading the Northern Ireland section of the Dublin to Derry economic corridor is another blow to the economic prospects of the north west and the Border counties along the route. The reallocation of £115 million, announced on Monday by the North's Minister for Finance, Simon Hamilton, MLA, was made without any reference to a target date, or date of expectation as to when the long-awaited upgrade of that strategic road corridor will commence.

It is a far cry from the commitment given in the 2006 St. Andrews Agreement when the Northern Ireland Executive and the Irish Government committed to jointly funding the upgrade of the road from the Border at Aughnacloy to Derry. The Irish Government's lack of commitment to upgrading the N2 road section between Aughnacloy and Clontibret on the southern side is appalling and reflects in turn a lack of commitment to the all-Ireland economy and the economic plight of the Border counties and the north-west region of Donegal and Derry. Monaghan County Council is seeking €1.5 million for pre-planning applications for the road but neither the Minister for Transport, Tourism and Sport, Deputy Varadkar, nor the National Roads Authority will authorise this funding or the necessary preparatory work. In consequence, the road journey from Dublin to Derry takes three and a half hours, more time than it takes to travel from Dublin to any other city on the island, including Belfast, Sligo, Galway, Limerick, Cork or Waterford.

**Senator Marie-Louise O'Donnell:** It takes four hours to get to Mayo.

**Senator Mary M. White:** As a result of the lack of action by the Northern Ireland Government and the Irish Government, the completion of this crucial economic corridor between Dublin and the Border counties and the north-west region of Donegal and Derry remains firmly in limbo.

**Senator Jimmy Harte:** I fully agree with Senator White's comments but not with her analysis. The record shows that this Government has the commitment but not the money, while the Northern Ireland Government has the money but not the commitment. I am sick and tired of listening to commentators from Sinn Féin telling us what this Government has not done for the A5 while its party is in power in Northern Ireland with its hands on the purse strings.

**Senator Darragh O'Brien:** Hear, hear.

**Senator Jimmy Harte:** I agree that the money should be spent. Obviously this Government does not have £500 million to complete the project. I have heard Sinn Féin complaining about this Government and the previous one, saying the money is there for the project. However, when it had the chance in Northern Ireland, being part of the Government and unable to run from the issue as it usually does and saying it is the fault of the DUP or the Unionists, Sinn Féin signed off on the reallocation of this money for the A5. As Senator White stated, rightly, counties Donegal, Cavan, Monaghan and Sligo are involved. I drive that road twice or maybe three or four times a week. It takes me three hours and 15 minutes from the port tunnel. I would love if it took me two hours and 15 minutes but I expect to be travelling for that time for many years, whether I am in Seanad Éireann or otherwise.

We must be aware there is a party in government in Northern Ireland that is also in opposition here - with a different story. Last week its members spoke about the pensioners' telephone

allowance and issued a postcard campaign. As often happens in “Dragons’ Den”, there is a big flaw in its project. It has not called for the pensioners across the Border to have a telephone allowance. The Administration of which it is part refused to sanction this in Northern Ireland. The pensioner in Castleterg in County Tyrone is different from the the pensioner in Castlefin in County Donegal, according to Sinn Féin. This is another part of the party’s hypocrisy in Northern Ireland to which we must point.

Will the Minister for Transport, Tourism and Sport come to the Chamber to talk specifically about the A5 road and its future? We want the facts and a timeline, The chambers of commerce and business people in Donegal were told by both this and the previous Governments that this road would be completed. The people who are preventing this are not in this Government; they are in government in Northern Ireland.

**Senator Brian Ó Domhnaill:** I thank Senator White for raising the issue of the A5 and Senator Harte for commenting on it. It is a deep regret that the Minister for Finance in the North of Ireland has decided, having had no consultation, to reallocate funding for a major road project which would link Dublin to Donegal. I would disagree with Senator Harte about the reason for the reallocation, in that it has been assisted in no small way by the decision of this Government not to allocate money to the A5 project. It was a political decision by this Government to play into the hands of the Northern Ireland Executive.

**Senator Maurice Cummins:** The Senator’s party made many commitments.

**Senator Brian Ó Domhnaill:** Given the commitment by the previous Government to the project to open up the north west, the ball was hopped. All the North had to do was jig it over the bar, so to speak. That is exactly what it did because there has been a total lack of commitment to a project that was so important to the north west of this country. We can and should blame the North. However, the Government cannot go without blame regarding the loss of €400 million-----

**Senator Maurice Cummins:** Money we do not have.

*(Interruptions).*

**Senator Brian Ó Domhnaill:** -----in respect of a project which would open up County Donegal and the north west. What has happened in this regard is outrageous. I hope the Leader will be able to facilitate an early debate on this issue, regional development and job creation. One of the reasons IDA Ireland only facilitated four site visits to the north west and County Donegal in the past 12 months primarily related to the lack of suitable road infrastructure in the region.

My final point relates to medical cards. This issue is a source of grave anxiety for elderly and disabled people. These individuals are concerned about the threat that they might lose their medical cards. There is a need for a debate, at the earliest opportunity, with the Minister for Health on the health budget and, more particularly, medical cards. There are other alternatives to cutting services for the most vulnerable. I hope the Leader will facilitate a debate on this matter.

**Senator Colm Burke:** Many of the problems relating to medical cards have arisen as result

of incorrect information being given and a great deal of exaggeration. I highlight the fact that over 1.9 million people have medical cards and that 254,000 additional medical cards were issued in the past two years.

**Senator Darragh O'Brien:** How many of those were GP-only cards?

**Senator Colm Burke:** I refer to an issue which has arisen with increasing frequency in the past four or five weeks. I have spoken to people who are considering running in the local elections, many of whom have asked me about the powers of local authorities. There is a general lack of knowledge of the real powers these authorities and the councillors who serve on them possess. It would be appropriate for the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, to come before the House to discuss how we might impart information to the public on the role of councillors, their responsibilities and the contribution they can make at local level. There is a need to get across a message in this regard because there has been a great deal of negative coverage on the part of the media for the past ten to 15 years of the role of councillors. As a result, those who are good leaders in their local communities are reluctant to go forward for election. This is resulting in a loss for our system of democracy and also for local communities. The House should engage in a debate on how to disseminate information on the exact role of councillors.

There is another issue with which we must deal, namely, commercial rates. There is a lack of knowledge of the amount of money being collected from the business sector through rates. People who are not involved in business appear to have a lack of knowledge of the contribution the sector is making towards funding local authorities. Information on this matter must also be made available to the public. We should engage in debates on both of these issues between now and the local elections.

**Senator Rónán Mullen:** The proposed introduction of minimum pricing of alcohol might make it seem that the Government is serious about combating the problem of drinking. However, this only seems to be the case. In reality, the Government is taking a very half-hearted approach to the issue as is evident from the fact that the proposed ban on the sponsoring of sports events by drinks companies appears to have been shelved. That is not a sign that the Government is taking this grave issue seriously. I was concerned to read earlier that there was a possibility that the European Commission would block the introduction of minimum pricing on the basis that it would be a barrier to trade. Many Irish people will be extremely concerned that the European Union, on the basis of its concerns about trade, might interfere with what is, in effect, a decision relating to public health in Ireland. This is a classic example of “competence creep” on the part of the Union and it should be resisted in every way possible.

I propose an amendment to the Order of Business in order that the House might engage in an urgent debate on the state of credit unions. I am particularly concerned about the position of Newbridge and Maynooth credit unions. As people are aware, both institutions appear to be having mergers forced upon them without any discussion with their members or boards. In recent days Maynooth Credit Union and the Irish League of Credit Unions took the Central Bank to court. People throughout the country are concerned about the state of credit union finances and reserves. An older person from Newbridge whom I met recently expressed concern about her life savings, which are held in the local credit union. She asked me whether they would be safe. She wants to leave her money in the credit union because she believes in the concept behind and values espoused by credit unions. Her local credit union has helped her out in the past, but she is now concerned about the safety of her savings. I would be gravely concerned

about the situation at Newbridge Credit Union, particularly if Naas Credit Union decides not to merge with it. Will the Minister for Finance come before the House to inform us whether, in the event that Naas Credit Union declines the merger, Newbridge Credit Union will face liquidation or whether the proposal from the Newbridge Credit Union Action Group will be taken up? The Minister needs to outline what is going to happen in the event that the merger fails. We must ask whether the Central Bank is on a mission to undermine the community credit system in Ireland.

**An Cathaoirleach:** Those points can be raised during the debate.

**Senator Rónán Mullen:** Does the Central Bank want to turn all credit unions into banks? Will people be left with no option but to turn to loan sharks? I call for a debate on this important matter.

**Senator Michael Mullins:** I support the call for a debate on the proposed alcohol strategy. It is welcome that the Government is considering tackling the issue of below-cost selling. Alcohol Action Ireland is not particularly happy about the fact that the issue of sponsorship is not being dealt with at this time. I understand it will, however, be addressed during the next couple of years when sports organisations have had the opportunity to make alternative arrangements with other sponsors.

Will the Leader arrange a debate with the Minister for Health in the coming weeks on the ambulance service? I am particularly concerned about media reports this morning to the effect that ambulance response times in the west are much worse than those in other parts of the country and that only 49% of ambulance call-outs meet the HIQA standards for response times. This is a matter of some concern, particularly to people in the west. There is a need for the Minister and the director of the ambulance service to provide an update on this matter and their plans to improve the service in order that the HIQA standards will be achieved as quickly as possible.

**Senator Paul Bradford:** I support Senator Feargal Quinn with regard to queries about Russian adoptions. I am aware of one case where the family involved is under extraordinary stress. If anything could be done from a legislative perspective - even at this late stage - it would be extremely useful. The clock is certainly ticking and we must use every possible parliamentary device to try to find a solution to this problem.

Senator Darragh O'Brien referred to health insurance. I appreciate that we will be able to address the tax relief issue in this regard in the debate on the Finance Bill. What is required - I have called for this on previous occasions - is a debate on the broader matter of health insurance. There is an aspiration that universal health insurance will be introduced at some point in the next number of years. If health insurance premia and medical costs continue to increase at the rate at which they have been rising in the past four or five years, it will be impossible to have a sustainable system of universal health insurance. We listened, almost until we became weary, to the argument to the effect that we should follow the Dutch health insurance model. I invite colleagues to examine what is happening in the Netherlands, where the system of health insurance is literally being dismantled because it is not affordable. We need to address in a mature fashion the matter of where we intend to go in the context of health insurance. The concept of a universal health insurance scheme sounds very nice when presented to a focus group. However, as we discovered recently in respect of another issue that was addressed via a focus group, the reality can be very different. I reiterate for the benefit of Senator Darragh O'Brien that we will have the opportunity to discuss the tax relief issue relating to health insurance during the

debate on the Finance Bill. We need to address the bigger issue of the cost of health insurance and the possibility, or otherwise, of having a universal system.

**Senator Jim Walsh:** I second the amendment to the Order of Business proposed by Senator Ronán Mullen.

I refer to what was said by Senator Colm Burke and the need to improve, enhance and empower local government. There are many fine exponents within the local government system who are hard-working councillors. With regret, I join Senator Darragh O'Brien in commiserating with the family of Councillor Gary Wyse who epitomised everything that was best about public representatives. I was with the Leader when he received word at lunchtime yesterday of his very sad passing and the thoughts of everyone were with his family. The respect people had for him as a councillor and the fact that Waterford city which needs champions has lost one of its most eminent and genuine public representatives make his death a cause for regret. He worked assiduously in the interests of the citizens of the city of Waterford by whom he will be missed, but more so by his family.

I agree with the comments of Senators Darragh O'Brien and Paul Bradford on health insurance. The haemorrhaging from the private health insurance market must be a worry. Most are leaving from the younger age groups up to 55 and 60 years. Out of necessity, the older age groups do not show a decline in numbers, but it has a consequence for the sustainability of the health insurance business. There is no underlying vision or philosophy behind taxation policy in this area. Of concern is the issue of pensions. Less than half of the population have pension provision and only a small proportion of women have private pension provision. There will be a major challenge in the area which policy should be underpinning. In fact, it is moving in the wrong direction. In the budget last year the Minister for Finance gave a clear commitment that the pension levy would be phased out in 2014, but now he has gone back on it.

**Senator Darragh O'Brien:** He has increased the levy.

**An Cathaoirleach:** Is Senator Jim Walsh looking for a debate on the issue?

**Senator Jim Walsh:** Yes, absolutely. Everyone is familiar with the phrase "lies, damn lies and statistics". Now we have "lies, damn lies and broken promises". The country is being run by headless chickens and bean counters. It is a serious issue. I ask for a debate on the deficiencies of our governance system and in the structures of the Houses such that we can hold these people to account.

**Senator Mary M. White:** Their qualifications to run the country should be questioned.

**Senator Martin Conway:** Will the Leader ask the Minister for Finance to examine the possibility of every citizen over the age of 18 years with a PPS number being required to make a tax return, even if it is a nil return? This works in other countries and would reduce the temptation to operate in the black market if people had to make a statutory declaration at the end of October every year. It would also create a system under which we could effectively means-test individuals. I have a major issue with universal measures such as universal child benefit for everyone, no matter how wealthy they are, or medical cards for children under five years, no matter how wealthy their parents are. Perhaps the Leader might arrange a debate on universal payments. All Governments are responsible for creating situations where they grant entitlements, irrespective of how wealthy an individual is. Some people are extraordinarily wealthy and do not need universal payments such as child benefit. To channel our limited resources effectively, we must

move away from that type of content.

Universal health insurance, to which Senator Paul Bradford referred, is a different matter. If such a system was workable, it would be great. I do not begrudge anyone under five years of age receiving medical care. The problem is that the Minister for Health will be challenged to find the further sums required for the health budget. We had the farce last weekend where the Minister for Health was disgracefully pilloried in the media. I do not know from where the spin and the leaks are coming, but it is worrying. They are trying to handcuff the Minister and prevent him from doing his job properly. We need a serious discussion on the idea of universal payments across the Government spectrum.

**Senator Catherine Noone:** I welcome news that minimum pricing for alcohol is to be introduced. Finally we are dealing with the issue in a serious way. Full details are to be released tomorrow. We were awaiting the result of the Scottish case in the European court that dealt with many of the issues raised by Senator Rónán Mullen. The more potent the alcohol, the higher the price. That will act as a disincentive and a deterrent in the case of beverages with a higher alcohol content. Large multiple retailers are using below-cost selling of alcohol to get people into their stores. A startling statistic is that they spend more than one fifth of their advertising budget on alcohol advertising. In a country where children born in the 1980s drank alcohol for the first time at 16 years and those born in the 1990s at 14 years, something must be done. There is potentially a huge cost to society, estimated at €1.2 billion every year. A huge volume of alcohol can be purchased and still have change from €10. The sponsorship issue must be addressed, but it is welcome that we are implementing this effective measure to address a serious issue. This is a country where 54% of children admit to being drunk before the age of 16 years. Establishing a minimum cost of alcohol-----

**An Cathaoirleach:** Is the Senator looking for a debate on the issue?

**Senator Catherine Noone:** I am always looking for a debate on it. I am looking for a debate in the context of what Senator Rónán Mullen said, that we debate the strategy. I know where the Senator is coming from, but it is welcome that we are clearly implementing a strategy.

**An Cathaoirleach:** Before calling Senator Fidelma Healy Eames, I welcome to the Visitors Gallery members of the Nenagh branch of the Organisation of National Ex-Servicemen and Women.

**Senator Fidelma Healy Eames:** We must face up to the fact that universal State provision of any benefit is a luxury. While it might be the ideal, in these times it is certainly a luxury. I listened to the debate on health service provision and free GP care for children under five years of age. We saw the folly of providing it for everyone over 70 years of age. Money should follow need, not the patient. If a child aged seven years has cancer or is in need, he or she should receive care, irrespective of the fact that he or she is older than five years. I support the call for a broad debate on the issue. Sometimes, it is not possible to have what is the ideal.

I agree with Senator Martin Conway that the Minister for Health was pilloried unfairly in the media last weekend. Let us think about the matter. Since the budget, a new report suggests maternity services must be benchmarked in a new way across every hospital in the country. That is right, but it is a new call on budgetary measures. There are also new measures for junior doctors. How could the Minister have planned for this? There is a call for extra money and, naturally, the budget will overrun. We must adopt a sensible approach to this matter, not just

call for someone's head when something is different from what was expected initially. I ask for a debate on universal State provision of benefits, in particular, health benefits for children under five years of age. I also want the wider issue of health insurance to be debated because the situation is getting out of control. It is very hard for families to afford health insurance. I was checking on the cost of health insurance and I find the only time one can get an improved deal is at the renewal date. That may not suit every family. They might have more time to do it at another stage. There should be flexibility from the health insurance companies.

**Senator Maurice Cummins:** Senator Darragh O'Brien and other Senators expressed their sympathy to the wife and family of the late Gary Wyse, a young councillor and a father of four young children who died suddenly yesterday. I join with those expressions of sympathy to Michelle and her family. His death was a deep shock and occasion of sadness for everyone. He was a young man going about his business and he was struck down so suddenly. It is a shock to everyone in Waterford, irrespective of their political leanings. Gary Wyse was an excellent, first-term councillor. He was working hard for the people of Waterford.

I refer to the issue of tax relief on private health insurance policies raised by Senator Darragh O'Brien. As he rightly points out, they have been voted in by the other House. The clear objective of the Minister for Health is to reform the current health system and to deliver a single-tier health service in which access to health care is based on need rather than on ability to pay. I believe all Members are in agreement with this objective. The Government is committed to the ongoing sustainability of the health insurance market as part of the transition to a market-based universal health insurance system. The tax relief given at source is the second most costly tax expenditure for the Exchequer, estimated to reach over €500 million in 2013. The cost has increased significantly in recent years, from approximately €400 million in 2011, to €444 million last year and €500 million this year. This is an increase of 24% in almost two years.

Despite the increasing costs of the relief, the numbers insured have reduced by approximately 170,000 over the same period while at the same time the level of medical cover in some of those policies has decreased. In 2008, the average premium paid by each insured person was €728.80 and in 2012 this had risen to €1,047, representing a 44% increase since 2008. The Minister has consistently raised the issue of these costs with the health insurers as a body and he is determined to address the costs in their sector, in the interests of consumers, in order to mitigate the need for any increases in premiums. By introducing an upper ceiling on this relief, it is intended to ensure continuing support by means of the tax system for those who purchase standard but good policies, while reducing Exchequer exposure to the more expensive policies. That was the point on which Senator O'Brien agreed to differ with the Minister for Finance.

Senators Bacik, Mooney, Mullen, Mullins, Noone and others raised the matter of the minimum pricing of alcohol or below cost selling of alcohol. I have invited the Minister of State, Deputy Alex White, to come to the House. I understand that policy will be outlined tomorrow. I hope the Minister of State will come to the House to debate the issue with Members.

Senator Bacik Landy and Kelly also raised the question of the one-parent family tax credit. I am sure that can be addressed in the context of the Social Welfare Bill. If not, I am sure we will find another avenue by which it can be discussed in the House.

Senator O'Donnell spoke about the lack of enforcement of building regulations which was clearly evident over the period of the Celtic tiger years when regulations were swept aside and

there was little or no enforcement. I certainly agree with the Senator that people are angry, not alone with banks but also with the people who were responsible for building substandard houses and apartments and the professionals who signed off on these structures. They should be held to account, in my view. However, there does not seem to be any movement in that regard. Local authorities have tightened up on the building regulations and on enforcement. However, the people responsible for many substandard homes, for which people paid large mortgages, are not being held to account. Action will have to be taken. The builders and the professionals who signed off on the buildings have a lot to answer for.

Senator Quinn spoke about the anomalies in Russian adoption cases. I have raised the question with the Minister for Children and Youth Affairs. She is very sympathetic. She has contacted some of the families in question and she is quite aware of the plight of these families. I am sure she will do everything possible and it is hoped the technicalities of the system can be acted upon. The window of opportunity is closing very shortly-----

**Senator Mary M. White:** The Minister should act.

**Senator Maurice Cummins:** Does the Senator wish to respond? She asked questions and now she is trying to give the answers.

**Senator Mary M. White:** I just think the Minister should act rather than talk and spin.

**An Cathaoirleach:** The Leader, without interruption.

**Senator Mary M. White:** I have been dealing with this case very closely.

**Senator Maurice Cummins:** I agree, but so have I.

**Senator Mary M. White:** The Minister is a brilliant spinner.

**An Cathaoirleach:** The Leader, without interruption.

**Senator Maurice Cummins:** Senator Comiskey asked about the construction companies and subcontractors. Senator Quinn's Bill on contractors has passed both Houses. I will find out whether it has been enacted. Senator Mooney spoke about the differential between the price of alcohol in the North and here and which is a problem for people on this side of the Border. This matter can be discussed further when the Minister of State, Deputy White, comes to the House. The minimum pricing of alcohol will further increase the differential between the North and here. An attempt to solve one problem may create a bigger problem elsewhere.

**Senator Paschal Mooney:** That is the problem.

**Senator Maurice Cummins:** We will need to examine that problem also. Senator Barrett spoke about the trade agreement between the EU and Canada and the obvious benefits for Canada. The Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, is pushing for a larger trade agreement between the EU and the US. I note the Senator's points about the 20th anniversary of the Shankill bombings. We will assist Ambassador Haass and we wish him well in his endeavours in Northern Ireland.

Senator Kelly spoke on infrastructure policy and energy needs. As he stated, the matter was addressed in a motion on the Adjournment. He is asking for a broader debate on the issue and I will certainly invite the relevant Minister, Deputy Rabbitte, to come to the House for such a

debate. His attendance is a matter for the Minister but I will certainly issue the invitation.

Senators White, Harte and Ó Domhnaill spoke about the Dublin to Derry road and the reallocation of funding by the Northern Ireland Executive, which is certainly regrettable. The Government has stated the commitment to the project exists, although the required money does not. I am sure that when the money becomes available in the jurisdiction, the finance will be made available for that much-needed road project. Senator Ó Domhnaill also mentioned that Fianna Fáil had made a commitment of €400 million for that road. The party made many commitments but there was no finance to back them up.

**Senator Paschal Mooney:** The Government made a commitment and withdrew it.

**Senator Maurice Cummins:** Senators Colm Burke and Walsh referred to the powers of local authorities with regard to commercial rates, etc. The Local Government Bill will come to the House before Christmas and that will provide an adequate forum for every Member to comment on those issues. Senators Mullen and Walsh spoke to an amendment to the Order of Business facilitating debate on credit unions in Ireland. I suggest the issues raised by Senator Mullen could be raised in an Adjournment motion and he could get the answers to the questions. It could also be raised in Private Members' time as I have no intention of amending the Order of Business to address the subject this afternoon.

Senator Mullins spoke of the ambulance service and response times in the west of Ireland. I suggest that the Senator puts the issue in an Adjournment motion to get all the facts and figures relating to it. Senators Bradford, Conway and Healy Eames sought a debate on health insurance and universal payments. It would be a wide-ranging debate but I will bring it to the attention of the relevant Minister and invite him to the Seanad to discuss the matter. Senator Conway also spoke about combatting the black economy, and I note his points in that regard. Senator Noone spoke about the alcohol strategy, and I hope to have more news on that tomorrow.

**An Cathaoirleach:** Senator Mullen has proposed an amendment to the Order of Business: "That a debate on the state of credit unions in Ireland be taken today." Is the amendment being pressed?

**Senator Rónán Mullen:** Yes.

Question, "That a debate on the state of credit unions in Ireland be taken today," put and declared lost.

Order of Business agreed to.

*Sitting suspended at 11.45 a.m. and resumed at 2 p.m.*

### **Seanad Reform: Statements**

**An Cathaoirleach:** I welcome the Taoiseach to the House and the large gathering in the

Press Gallery.

**The Taoiseach:** Go raibh maith agat, a Chathaoirligh. I come in peace, not war.

**Senator Terry Leyden:** Bearing gifts, I hope.

**The Taoiseach:** When I addressed the House on the last occasion during the summer, I made the point that the fate of Seanad Éireann rested in the hands of the people. Its fate was decided in the referendum conducted recently. The decision of the people was very clear and brought certainty to the future of the institution. I accepted that verdict and said so publicly. I now want to move on through this process to hear the ideas and propositions of Members on how this House can be made to work as effectively as possible within the process of change in politics we are trying to bring to the country. We will keep it open, transparent and accountable.

I informed the Leader that it was my intention to come to the House to speak with Members and, more important, to listen to them and get their ideas, propositions and plans on how they saw the House operating more effectively in the future, as they were the incumbents. I intend to meet the leaders of the Seanad and the Dáil in the near future to continue this process to make decisions on what is the best thing to do. That is why I felt that before I had that meeting it would be only appropriate that I should come to the Seanad to hear Members' views. I am also aware that in the recent period the House has taken statements on what Members think is appropriate and what might be done. The point was made on that occasion that while it was important and good to have an opportunity to discuss reform in the immediate aftermath of the referendum, it might be more appropriate to come back to it after some time when Senators had had an opportunity to consider the outcome of the referendum and to think a little more clearly and in detail about where the future lay. That is why I am glad to be back.

The two areas to which most references have been made in regard to Seanad reform are the electoral system and the functions that might be assigned to the Upper House. With regard to the electoral system, through a series of reports and, more recently, a number of Bills, various propositions have been put forward on how Senators or candidates for the House might be nominated or selected, who should elect them and how they should be elected. These are now matters of considerable importance in view of the clarity of the decision of the people. As an Oireachtas in the process of political change, both the Dáil and the Seanad need to transform these suggestions and propositions into workable, legally and constitutionally sound proposals. It is not as easy as it might seem, as I am sure Members will discover as they begin to delve deeper into the consequences of some of the proposals made, but I am happy to hear their views on this issue.

I have stated clearly my intention and belief the legislation to give effect to the 1979 decision of the people to extend the Seanad electorate to all graduates should be proceeded with and I would like the input of Members and their advice and views on how this can be achieved. The people have spoken on the matter. They gave their verdict clearly in a referendum and there is no impediment to it being followed through. One can argue the point about whether they spoke in the most recent referendum about the mechanics of how the Seanad in its broader context might work, the electoral system and so on and that is a matter for discussion with the Oireachtas. The decision made by the people guarantees the continuation of Seanad Éireann as an entity under the Constitution. The question for us outside the 1979 decision of the people is how best that might operate.

We also need to examine the functions assigned to the House. In doing so, we have to reflect on the parameters set out in the Constitution within which this House has to operate. How can Seanad Éireann add real value to the work being undertaken by the Dáil and the various committees? The constitutional responsibility to hold the Executive to account is vested in Dáil Éireann under the Constitution, but clearly the people's decision on the Seanad means that we have to devise a situation where this House can contribute more fully and effectively to the work of politics in general. It is timely that the House should look at how we conduct our business and to ask ourselves whether the current processes and procedures are fit for purpose in 2013 and, if not, whether they can be adjusted within the constitutional parameters that apply.

I am aware of the criticism and comment that always follow in respect of the way Dáil Éireann does its business or attempts to do its business. I also intend to continue my discussions with the party leaders in the Dáil on that issue shortly, but that is for a different day. This is an opportunity, therefore, for Members to speak their minds and reflect on what they think is most appropriate for the workings of the House in the future. I do not have any interest in some of the bombastic triumphalism I might have heard in various quarters in the past. The question was put and the decision made. I have moved on from it. I would like to hear from Seanadóirí in Seanad Éireann about its processes and functions and their ideas, views and proposals. As I said, I come in peace, not war.

**An Cathaoirleach:** I thank the Taoiseach. A number of Senators have indicated that they wish to speak on this very important subject.

**Senator Darragh O'Brien:** Cuirim fáilte roimh an Taoiseach ar ais go dtí an Seanad. Tá súil agam go dtiocfaidh sé ar ais go minic tar éis an lá seo. The Taoiseach is never one to engage in bombastic triumphalism and he certainly will not get it from this side of the House. I welcome his open remarks on the potential for the reform of a House that, in his opinion, apparently, three or four weeks ago was unreformable.

I wish to make a couple of brief comments on the campaign. The people rejected the Taoiseach's proposal. To use his own phrase, Paddy does like to know the story. Paddy knew the story and saw through some of the very cynical and dishonest methods used, in particular by the Fine Gael Party, in the campaign. I will not dwell on it, but I urge the Taoiseach to ensure campaigns in future referendums that he intends to hold will be honest and based on fact.

By way of reform, I ask the Taoiseach to look at the powers of both the Referendum Commission and the Standards in Public Office Commission, particularly the former. Should campaigning and posters be patently incorrect such as the reference to a saving of €20 million, something should be done about it. The Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, and others kept talking about it, but it was proved to be incorrect. The Referendum Commission had no power to ask any party in the recent referendum to remove incorrect information. I, therefore, ask the Taoiseach to, please, examine the issue. That is all I will say on the campaign because it is done. The Taoiseach will find partners in Fianna Fáil, through me, to assist in the reform of this House.

I was pleased when the Taoiseach mentioned he was talking about the reform of the Oireachtas because the Seanad as an institution has been treated as the sick man of the Oireachtas when patently it is obvious to those of us who have served in both Houses and watch politics that there are major deficiencies in the political processes for successive Governments. I do not lay the blame at the Taoiseach's door for this. We will engage in a real reform process but one that

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is more than what has happened in Dáil Éireann. Last Thursday the Government allowed 50 minutes to discuss the issue Dáil reform, which amounted to five minutes per speaker. Government backbenchers were excluded from the debate. I put it to the Taoiseach that if we want reform and to find the best ideas on how to run Parliament, we must be more inclusive than this. Being more inclusive is not coming forward with supposed reforms in the Dáil that are not allowed to be debated. My party had ten minutes to discuss the issue.

Neither is reform about publishing a Social Welfare Bill yesterday evening that will affect hundreds of thousands of people, debating it in the Dáil tomorrow and Friday and then guillotining the debate. People want to see an Oireachtas that works. How could the Oireachtas allow a situation where the primary Chamber for debate, Dáil Éireann, is closed following two days of debate on the Social Welfare Bill? I am pleased to inform the Taoiseach that there will be no use of the guillotine in the Seanad in the debate on the Bill. The Bill will be brought to the House on 5 November. That is the way it should be. We can play a positive role in that regard, as we have done. What irked a number of people was that the perception was that we had, in effect, been sitting around doing nothing for two and a half years, which was not true.

I am pleased the Taoiseach is going to initiate a process whereby we can examine EU directives and statutory instruments. Hundreds of pieces of legislation become law in this country without debate. This Chamber could do such work for the Taoiseach.

I ask the Taoiseach to allow additional time in this House for Private Members' Bills from individual Senators to be published and debated. We have 12 such Bills ready, but it will take me two years to get them through the House because of the amount of time allocated. That is something we could do. The relaxation of the Whip system could also be examined.

By whom and how the Members of the Seanad are elected is a major issue that requires to be examined. It is not one that can be decided today, but the Taoiseach will find partners among my Fianna Fáil colleagues to move forward with real reforms. I very much welcome his presence in the House today and hope we will see him here more regularly from now on.

**Senator Maurice Cummins:** The Taoiseach is very welcome to the House. I am delighted that he has taken the time to come to the Seanad to listen to the views of Members on the changes that could be made to enhance the contribution this House could make to the legislative and parliamentary process.

The main business of this House is legislation. That is and must remain our primary function. To date, the Government has initiated more than 40 pieces of legislation in this House, including some of the most important pieces of reforming legislation brought forward by it. It includes the Electoral Amendment (Political Funding) Bill, the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons Bill) 2012 and many other Bills. Extensive, insightful and detailed debates took place on these Bills, not to mention the lengthy debates we had on other Bills such as the ones on taxi regulation, animal welfare and the Gaeltacht, among others. Seanad amendments were accepted by Ministers and many Government amendments were made following the discussions that took place in this House. I have no doubt that the experience and expertise available in the Seanad will continue to be brought to bear on the legislation that will be brought before us in the future.

The purpose of this debate is to move on the process of Seanad reform which must be guided by a roadmap. For me, the question is how that roadmap should be devised, who should

devise it and when. A task force on Seanad reform should be led by the Taoiseach's office, with a mix of current Members, academics and experts with an established interest in Seanad reform. The focus of such a task force should be on three areas: first, to examine the reform proposals already before us in various reports, in addition to the recent Bills introduced in the House; second, to receive and consider public submissions; and, third, to examine best practice in other bicameral jurisdictions. The task force should distil these down to a set of recommended reforms and report within three months. Input from members of the public should be facilitated during a four-week window for receipt of submissions. These are some of my suggestions for moving on the process.

The 24th Seanad has initiated its own reforms. The Seanad Public Consultation Committee has facilitated greater engagement by the Seanad with the public, representative groups and professional experts. In addition, we have invited distinguished guests to address the House and inform us on measures that could feed into policy-making and assist in bringing proposals to Ministers and the Government as a whole.

The work of the Oireachtas would be enhanced by having a dedicated committee week, perhaps one week in four. Nothing annoys me more than Members saying they have to attend committee meetings here, there and everywhere, which means that they are not present in the Chamber for the substantive business of the House in plenary session. That would assist the other House, also.

The Order of Business in the Seanad should be more focused and reformed, but that is something we can deal with ourselves.

I suggest also that more reports by the various joint committees be formally referred to this House for examination. The debates on them would preferably be held in the presence of a Minister, but if one was unavailable, the relevant departmental officials could be present to clarify the issues involved and record recommendations made by Members. This type of focused debate could be of great benefit to the policy-making process. It would not in any way be intended to duplicate the work of committees but to support and enhance that work.

I agree with my colleague at the other side of the House that the scrutiny of EU directives is another area in which the Seanad could play a useful role. Giving the House formal authority to scrutinise all EU directives and other statutory instruments could greatly benefit the Government in identifying the implications for Ireland and any necessary action that should be taken. This would be a significant step in reforming the way business is carried out here.

In reforming the Seanad, we must go about our business in a professional and practical way that best serves the needs of the people who have chosen to put us here. I speak as Leader when I say we are here to work with the Government and use the skills at our disposal. Our fundamental principle of reform must involve ensuring the House is a Seanad of the people. It must represent minorities and other sectors of society that do not secure representation here. It must draw upon experts in various sectors and continue to be the vibrant legislative Chamber that it is.

**Senator Jillian van Turnhout:** I welcome the Taoiseach to the House.

For some reason, an infamous Irish saying springs to mind: "I would not start from here." However, here is where we are. We have a mandate from the people and I feel the weight of responsibility. What can be done immediately and within existing parameters? I welcome

and support the Taoiseach's proposal to introduce legislation to extend the Seanad franchise to graduates of any other institutions of higher education in the State, in line with the 1979 referendum. While the most recent referendum is still fresh in our minds, I ask that we redesign the ballot paper as governed by the Referendum (Amendment) Act 1984. There is definitely scope for us to bring clarity to a question being asked.

I note the Bills on Seanad reform tabled by Senators Zappone and Quinn and Senator John Crown, and I hope we can move soon to consider them in detail. I await the respective Committee Stages to deal with the elements contained therein.

I endorse the calls by the Leader, Senator Cummins, for a committee week. These kinds of initiatives could be implemented without delay.

I am concerned that the focus of reform is directed at the Seanad alone as if it operated in a vacuum. We do business in both Houses and we need to consider how best we can play to our collective strengths to ensure better outcomes for the people. We should be discussing parliamentary reform. George Bernard Shaw said the best reformers the world has ever seen are those who commence on themselves. This is a sentiment with which I fully concur.

Often, people are willing to talk about reform in the abstract and in the future. However, we need to talk about it now. This is what I am going to focus on. With regard to Private Members' motions, there has been much public debate on the use of the whip. However, it is all too often focused on the Government's use of the whip. My experience and the reality is that the Government and Opposition use the whip with equal vigour. On many occasions I came into the Chamber for a vote and my colleagues looked puzzled on my asking them what it was about. I call on all parties to start with Private Members' motions. We need to stop automatically following the agenda set by the Lower House. Let us set our own agenda and table motions that are not used to condemn or champion one side or the other. Let us suspend the whip for Private Members' motions. Then each Member would have to reflect and decide on how he feels and what he believes.

The Independent group raised a number of issues in my Private Members' time in order to make progress on them. In October 2011, for example, I secured cross-party support for a Seanad motion on the missing children hotline. The Government kindly gave us time for that debate. This initiative, by the Members of this House who came together, served as the impetus for Ireland's introduction of the missing children hotline.

The Seanad can play a role in dealing with sensitive societal issues using a constructive and robust approach. In October 2011, the Independent group brought forward a motion seeking to criminalise the purchase of sex. The Minister for Justice and Equality initiated consultation. In April 2012, we introduced a follow-up motion in the same issue, as a result of which the Minister called for the justice committee to hold consultations and issue a report. The committee has rightly given considerable consideration to this issue and the recommendations issued in July are in line with the motion we tabled and debated in this House. This is the type of process I would like to see more often. This evening, as the Taoiseach knows, we have a motion on direct provision. We sought to have all-party agreement on it and I thank the Government for not having tabled a counter-motion. It would be great if we could use Private Members' time to allow each Member to bring forward constructive proposals.

The Taoiseach referred to the functions assigned to the Seanad. It should be considered that

we could examine top-level appointments, statutory instruments and EU scrutiny. We should utilise the red and yellow cards system that has been given to us through the reforms introduced under the Lisbon treaty. We do not use them adequately.

It takes too long for Bills initiated by Members to be dealt with. We are still waiting to make further progress on the Bill introduced in May 2012 by Senator Crown, Senator Daly and me in regard to smoking in cars in which there is a child, and we are always told “soon”. There is a perception that the only role of the Seanad is the scrutiny of legislation. The assumption derives from outside the House and I challenge it. We have the ability and expertise to initiate constructive legislation. It ought not to be blocked for the sake of blocking. This equally applies to amendments tabled in our scrutinising capacity.

I would like to use my opportunity to voice my concern over the sense of closing down public spaces and opportunities for engagement by civil society organisations. We need to see more heads of Bills being brought to committee. For me, the recent decision by the Dáil Committee on Procedure and Privileges to remove Members’ rights to bring in groups and brief colleagues in the AV room highlights my concern. I am thankful that the Seanad Committee on Procedure and Privileges has decided not to be bound by this decision. However, there is increasing public concern. We are willing to engage. I have so much to say. To sum up, let us do what we have been paid to do.

**Senator Ivana Bacik:** I welcome the Taoiseach to the House. We are very glad to have him here, particularly in a spirit of peace and, dare I say, reconciliation following the very welcome outcome of the referendum. The outcome gives us more than a chance to reform. It was clear from the debate that there is now an imperative for us to reform not only Seanad structures but also, as colleagues have said, Dáil structures. I very much welcome the Taoiseach’s comments in that regard.

The reform process is not something we can kick to touch or delay. We must move swiftly on bringing in substantial reforms in light of the referendum result. It would be appropriate to ask the constitutional convention in the longer term to consider constitutional change to the structures of the Seanad but, in the shorter term, we need to move on legislative change without delay. There is fundamental and substantive change that can be made to the Seanad through legislation. We already have a good deal of preparatory work done. There have been a number of reports, and two Seanad reform Bills, by Senators Crown and Senators Quinn and Zappone, are on the Order Paper.

Plenty of work has been done. I endorse entirely Senator Cummins’s calls for a task force on Seanad reform, perhaps led by the Taoiseach’s office. It could comprise Seanad representatives on a cross-party basis, along with Deputies and academic experts. I strongly suggest there should also be parliamentary draftspersons. Thus, within three months, following some short public consultation, it would report back with an appropriate draft of legislation, perhaps combining the best elements of existing reform proposals.

Having read through existing proposals, I believe there are some obvious reforms we might seek to include in the legislation. I propose four specific changes that I envisage being made through legislation without any undue delay. First, as the Taoiseach announced, we should have legislation on the University Panel in accordance with the 1979 referendum. I suggest that there be one panel with six university Senators, the electorate for which would comprise graduates of every third level institution in the State who are Irish citizens. We should retain the current

principle that there is not a residency requirement for eligibility to vote on this panel, therefore preserving the principle of representation for citizens resident outside the State.

The second aspect the legislation should address is the composition and electorate for the five vocational panels. There are some very practical suggestions in existing legislation, including the aforementioned Bills. The process for nominating to panels should be altered. This could be done without constitutional change. We could allow, through legislation, for existing nominating bodies to retain power of nomination but we could also allow popular nomination, perhaps by 500 persons, as per the Bill introduced by Senators Quinn and Zappone, and by local authorities. I do not think we need any sort of judicial assessment to ensure that those nominated would be appropriately qualified in accordance with Article 18.7.1°. It would be sufficient and far easier to require that those who make the nominations should themselves be satisfied that the persons they nominate are sufficiently qualified. I agree with the proposals in the two existing Bills that the electorate should comprise all of those resident in the jurisdiction, that is, those who are entitled to vote in local elections. This would ensure greater diversity of electorate and hopefully also of representation.

I do not think voters should have to opt for one of the five vocational panels. I do not see why we should not have five votes per elector so that each person would have a vote on each of the five panels. Indeed, those qualified to vote on the university panel could opt to vote on that instead of one of the other four - most obviously, the education panel.

**Senator Ned O’Sullivan:** Is that the Labour Party position?

**Senator Ivana Bacik:** These are constructive proposals that any task force should consider. It might also be worth considering, in accordance with Article 19 of the Constitution, reservation of one panel for election by councillors to preserve existing links with local government. We should also see provision made for gender balance on the panels.

Third, we might look at the timing of the Seanad election. Clearly, Article 18 sets certain parameters for that but there is no reason why Seanad elections could not be held much closer to Dáil elections to try to break that somewhat inevitable link - I speak as a failed Dáil candidate myself - between Dáil and Seanad elections.

Finally, we need to see legislative change in terms of the functions and work of the Seanad and other colleagues have referred to that already. Some of this can be done through our own internal procedures but we should also be given powers to scrutinise EU legislation, as has been suggested, as well as statutory instruments and high-level appointments. Changes such as these would enhance transparency in our democratic process and provide for greater accountability. In the longer term, we should be prioritising the core constitutional function of the Seanad, as per Article 20 of the Constitution, to initiate and amend legislation. There would be merit in adopting a trimmed-down version of the Seanad, with 60 Senators elected in a more democratic way, paid much less and with greatly reduced sitting times, whose key function would be the scrutiny of legislation. In the shorter term, we need to move towards making better use of our existing resources and ensuring that Senators are given the sort of high-level tasks that I and other colleagues have set out.

The task force we have recommended should report speedily with proposals for legislation, with some despatch or even some wallop.

**Senator Feargal Quinn:** When I was running my business, I remember asking a success-

ful businessman what the most important thing was for achieving success. He said “If the boss thinks it’s important”. That is why I am delighted the Taoiseach is here today. I know from his being here and from his words today that he believes it is important to reform the Seanad. His presence today is quite magnanimous and will be of benefit to the reform agenda. Reform is needed to modernise our politics and to make the way Ireland is governed much more responsive to the needs of its citizens.

The Taoiseach’s decision to come here today is a measure of the man and it underlines the dignified manner in which he has accepted the people’s verdict. The recent referendum campaign was a worthwhile exercise in so far as it challenged and raised key constitutional issues. Although hard-fought by both sides, the campaign was not personalised. On 4 October, the Irish people voted for a reformed Seanad Éireann. It is now incumbent on all of us in the Oireachtas to ensure we have a national Parliament that is efficient and effective and that will underline better politics. As the Taoiseach acknowledged on the night of the referendum count, the result brought clarity. It brought clarity to the issue of the future of Seanad Éireann and the people, in the Taoiseach’s own words, have now undoubtedly “decided and confirmed that the Senate is retained as part of our constitutional institutions”. The Taoiseach also pledged, as head of the Government, to reflect on the best way to make the Seanad an effective contributor to the change in politics.

The Taoiseach has my full support in the objective of reforming and improving Seanad Éireann, but this must happen without delay. I want to put on record that I was very pleased to see the Taoiseach move so swiftly in the aftermath of the referendum and to give a commitment to introduce legislation to extend the Seanad franchise to all graduates right away. The Irish people voted strongly in favour of this measure in 1979 and it really is an indictment of all Governments since then that this sovereign decision was never given effect. It is to the Taoiseach’s credit that he is now going to address the issue. However, as he acknowledged himself, this is only a small first step.

Possibly the Seanad’s greatest difficulty is that it is perceived as being remote from the public because so few of our people have a say in its composition. I have been convinced for a long time of the need to open up the Seanad and to give every Irish citizen a vote in Seanad elections. The outcome of the referendum offers the Government a great opportunity to bring about the wholesale reform of the Oireachtas that is so badly needed. We have heard that already today. It would be worthwhile and would make our politics more democratic and more representative if we had a Seanad in which every Irish person had a stake.

The Taoiseach will be aware that Senator Zappone and I have already brought forward a comprehensive Bill that was passed unanimously to Committee Stage here in Seanad Éireann and is now on the order paper of the Dáil. This legislation offers a credible means to effect a radical transformation of how members of Seanad Éireann are elected and of how the House functions. By means of legislation, which would avoid the need for another costly referendum, this Bill proposes to extend the vote in the elections for Seanad Éireann to everybody on the island, North and South, and to our diaspora abroad. I know that our proposal is not the only reform proposal on the table, but the existence of a number of reform options is not a bad thing. It shows what is possible and demonstrates the commitment and sincerity of those who urge reform.

There are immediate reforms of the business of the Seanad that could be implemented under Standing Orders, particularly the scrutiny of statutory instruments. However, more fundamen-

tal reform could be achieved via the changes envisaged in our Bill. Senator Crown has also published a separate Seanad reform bill which is informed by precisely the same reforming principles as the Bill by Senator Zappone and myself. Indeed, both Bills overlap in many respects and both herald major and positive reforms in how the Seanad is elected and operates. The finer technical differences between the two could easily be resolved during a Committee Stage debate. Indeed, this reinforces the purpose and strength of the Seanad as a forum for reaching consensus.

I was very impressed to hear the Leader, Senator Cummins, talk about the task force today. I think everybody must have a stake in a reformed Seanad. Devising reform proposals should not be the sole preserve of the Civil Service or current Members of either House. It should involve a mixture of Members along with academics and other experts, especially those with an established interest in Seanad reform. We must also listen to the voice of the wider public.

Regarding the Bill that Senator Zappone and I brought forward, it must be stressed that we are in no way proprietorial about the Seanad Bill 2013. If the Taoiseach wished to introduce this legislation in his own name or in the names of Fine Gael and Labour Senators in this House, I would be most happy to support that. The most important thing now is that the people get the reformed Seanad that they voted for.

I am convinced that the Taoiseach is in a unique position. He has grabbed hold of this challenge and can now achieve something that many of his predecessors, including Éamon de Valera, were unable to achieve. He can give us a new Seanad and a new Oireachtas that is both effective and robust. I wish him well in that.

**Senator Deirdre Clune:** I wish to share time with Senator Hildegarde Naughton.

The 2004 all-party committee which produced a report on Seanad reform found that the exact role of Seanad Éireann was not obvious to the general public, and that is probably true. Its primary role is legislative. What goes on in this House is part of the legislative process. Legislation is initiated in the Dáil or the Seanad; it then goes on to the other House and from there to the President. There are three stages in the passage of every Bill, as the Taoiseach well knows. It is very important to bear that in mind. Members of this House are legislators. We have been elected or selected to deal with and enact legislation. It is a primary function which is very important and should not be glossed over. However, there are many other functions that this House can perform. I note from the Taoiseach's contribution that he wants to allow for that, but within the constitutional parameters. I fully support the proposal from the Leader that a task force be developed to examine all aspects of the Seanad electoral process and of how the House performs its duties on a daily basis. That would be a very important step forward because there is a lot of information available and many reports have been published. The vocational panels and the nomination process are dated and do not suit today's way thinking or our society. Dáil and Seanad elections could be held on the same day, thereby preventing people from standing for both. Like Senator Ivana Bacik, I stood for the Dáil unsuccessfully and I am now in this House. However, I believe individuals should not run for both.

Enacting the result of the 1979 referendum on the Seanad franchise is very important. Extending the franchise to graduates of all third level institutions would also encompass many of our emigrants, many of whom are in constant touch with Irish society through the Internet and other media. Therefore, they do not see themselves as emigrants in the true sense, rather they see themselves more as being away on a temporary basis.

I thank the Taoiseach for attending the Seanad and look forward to developments on Seanad reform. The 60 Members, both elected and selected, want to contribute and play a role in this process

**Senator Hildegarde Naughton:** I welcome the Taoiseach to hear our views on reform of the Upper House. On Friday, 4 October the people voted to retain the Seanad. There is broad agreement in the House that we have a duty to work to reform the House. While not taking from the reform proposals outlined by other Members, I see a role for the Seanad in examining and scrutinising EU legislation before it is passed in the Dáil. There is an ever-increasing amount of EU legislation which has a direct impact on Ireland. The Upper House should allocate two days each month to examine and debate this legislation.

There is also a body of opinion that the Constitution is no longer fit for purpose. Drawn up in 1937, it is no longer representative of our modern society. For example, it contains provisions on the role of women in the home. Today, more women work outside the home for a variety of reasons. The Constitution has a definition of “family”, but it needs to take cognisance of today’s family units which could be made up of a single parent. Property rights, upward-only rent reviews and officeholders’ pensions are other issues that need to be reviewed. Rather than changing the Constitution in a piecemeal way by going to the public every few months, the Seanad is in an ideal position to lead the way in drafting a new constitution that would represent a modern republic that would serve the people for the next 70 years. This should be done through extensive public consultation in which the Seanad would sit in various locations across the country to elicit the views of citizens to help shape a new constitution. I see this as building on the good work carried out by the Constitutional Convention, the work of which will expire early next year. The Seanad should have the legal supports necessary to assist Members in the consultation and drafting process. We have a unique opportunity for this House to pave the way in drafting a new constitution.

**Senator Labhrás Ó Murchú:** Cuirim fáilte roimh an Taoiseach. Is dóigh liom go dtugann an díospóireacht seo seans dúinn machnamh a dhéanamh ar éifeachtacht agus athchóiriú an tSeanad. Tugann sé seans dúinn freisin ár dtuairimí a nochtadh i dtreo is go mbeidh tuiscint níos fearr ag an Taoiseach ar na féidearthachtaí atá romhainn anseo.

I compliment the Taoiseach on his gracious contribution. Seanad Éireann should respond with exactly the same spirit. Nothing focuses the mind like knowing one is going to be hanged in the morning. There was an element of this during the referendum campaign. As we waited for a reprieve, it gave us a chance to do some soul-searching. We are not political saints, but neither are we political devils. I would like to think the pendulum is veering towards sainthood. We are having a two-hour debate on Seanad reform. With each speaker having a few minutes, we will not achieve a consensus today on what the reforms should be.

The Taoiseach can be very proud of the Seanad Leader, Senator Maurice Cummins, and glad that he is leading this House because he does it so effectively and fairly. He is correct about the roadmap for Seanad reform. I hope we will not have knee-jerk reactions to reform but a methodical approach. There have been various reports during the years on Seanad reform, several of which I contributed to. I am disappointed that having given personal thoughts on reforms these reports are now gathering dust. However, that is not the fault of this House. We brought the ball as far as we could. If we want to develop a partnership with the Taoiseach and his Department to make this House more effective, we need to plan out the steps, even before we get to the shopping list of ideas.

The first step should be to establish an all-party committee, including Independents, to work methodically and in a determined manner on all the Bills and reports on Seanad reform. We must get back to basics. We should not let all of that documentation decide the outcome but, instead, use it as resource material. Even since the last report, society and the world have changed, as well as the economy and the attitude to politicians. The jury is still out to some extent on the public's attitude to the Seanad. I do not believe we should be triumphalist in any way about the referendum result. The public are still watching to see what we will do next. Senators are hard working. However, the follow-up question is: are we effective? The jury is out on that issue also. If we are not effective, we must ask why. It is not because of a lack of commitment, dedication or time.

One highlight of my time in the Seanad was when the Orange Order addressed the House and engaged with us, breaking an historical mould. That is an example for the Seanad in the future. No Unionists will engage in Dáil Éireann. However, there is no reason they could not engage in this House. The peace process is fragile and worrying. We can see it in the body language of Northern Ireland's First Minister and Deputy First Minister, with elements of the North's programme for government being thrown to one side. It would be wonderful if the Seanad could play a role in ensuring we do not go back to the bad old days. I cannot think of any Chamber that is more appropriate for engaging with Unionists.

I believe the Taoiseach is prepared to go on the road of Seanad reform with us. If that is the case, even the referendum and the debate will have been worthwhile.

**Senator Aideen Hayden:** I welcome the Taoiseach for this important and significant debate. I supported the holding of the referendum on Seanad abolition and I welcomed the debate which ensued in the public domain on the future of the Seanad and the wider political system. This debate would not have occurred had we not put a Bill before the people on Seanad abolition. I am very clear the Irish people voted to reform Seanad Éireann and not to have business as usual.

Our job is not just to make Seanad Éireann more effective but to make the Irish political system more effective. There have been numerous reports on reform of the Seanad and Bills proposed, as has been stated. These reports and Bills present a number of options, some of which involve constitutional reform and some of which do not. Most recently, as has been stated, we have had Senator Crown's Seanad Electoral Reform Bill and the Seanad Bill 2013 sponsored by Senators Quinn and Zappone. Most of the proposals, with the exception of Senator Crown's Bill, involve the Seanad having additional powers, and I welcome the Taoiseach's comments at the beginning of the debate in this regard. There are many different views in the proposals, some of which require constitutional change and some of which do not. Most support the direct election of Senators. There are many different views on the type of electoral systems we should have, whether constituencies should be geographical or vocational, the application of gender and other quotas and the timing of elections to ensure there is no overlap with Dáil elections. Many of these proposals emanate for very good reasons.

Any reform can be incremental and I understand reform which does not require a constitutional referendum is attractive. In my opinion if we are to be true to the people's mandate, the way to approach the issue of reform is to decide what type of Seanad we need and want as a nation and then decide on the structure to achieve it. In this context I was struck by the debate on electoral reform which has already taken place at the Constitutional Convention. The holding of the Constitutional Convention was one of the commitments in the programme for Government,

as was holding a referendum on Seanad abolition. It is my understanding the Government did not rule out, certainly on reading the programme for Government, the possibility the convention would discuss the abolition of the Seanad. The Constitutional Convention was weakened by not being able to discuss how we elect those who govern us with the broadest possible remit. I do not believe at this point in time we should rule out the immediate transfer of the issue of the Seanad and its future in the Irish political system to the Constitutional Convention.

I was very impressed by the standard of debate at the Constitutional Convention where every strand of society is represented. The debate on political reform which took place, albeit without discussion on the Seanad, has been very critical of the political system. There was a generally expressed view the current political system is dominated to too great an extent by the largest political parties. The convention voted for larger constituencies to ensure a more representative Dáil by a majority of 83% of its members. Clientelism was seen as a distinct feature of Irish politics and members voted that Dáil Éireann should be permitted to appoint non-members of the Oireachtas as Ministers by a majority of 55% to broaden the field of expertise available to Cabinet. Members of the convention also expressed a majority view that Ministers on their appointments should resign their Dáil seats on the grounds, as expressed in the debate, it would allow them get on with the job and not spend their time fixing potholes and looking after their constituencies. The convention clearly expressed dissatisfaction with the electoral process.

**Senator Mary M. White:** This is terrible. What about Senator Hayden herself?

**Senator Aileen Hayden:** Reform of the political system should be taken as a whole of which the Seanad is a part as determined by the Irish people in the highest opinion poll possible, a referendum. There is a very meaningful role for the Seanad in considering reform and the critical issues raised by the Constitutional Convention and how they can be addressed. A reformed Seanad should not be clientelist in its nature and the system for electing Senators should take this into account.

One of the main factors which came out of the debate on the abolition of the Seanad related to access to expertise. Any system of electing Senators should reflect the people's desire in this field. We should focus on electing a Seanad which is not parochial in its nature and which brings forward expertise to the greatest possible extent. I do not believe it is good enough to elect people to listen to panels of experts brought in before committees, excepting the role of arbitrator. Senators should be elected as experts. They should be people committed to the electoral system and the people of Ireland.

The Constitutional Convention has concerns about diversity in Irish politics. Diversity in ensuring representation of minority groups must be a component of any reformed Seanad. In this respect, one group I am particularly concerned about which is not represented in the current Dáil or Seanad are those who suffer from economic disadvantage.

A first step in deciding what type Seanad we want and need should be to decide how the Seanad should look and what it will contribute to the political process. In this regard I ask the Taoiseach to seriously revisit the idea of bringing the Seanad within the overall context of political reform at the Constitutional Convention.

**Senator Katherine Zappone:** I thank the Taoiseach for taking time out of his schedule to be with us today. His presence demonstrates a willingness to accept the strong voice of the people as expressed at the ballot box in favour of reform. There can be no doubt the Irish people

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voted for a new and reformed Seanad on October 4. If the previous general election gave the Taoiseach a mandate to hold the Seanad referendum, which has brought clarity on this Chamber's future, the recent referendum gives him a mandate for its comprehensive reform. He now has an opportunity to do, as Senator Quinn already identified, something which no Taoiseach has done since the enactment of Bunreacht na hÉireann more than three quarters of a century ago, namely, to go ahead and deliver substantial Seanad reform. The referendum showed there is a huge appetite for political reform and many people I have met subsequent to the result have told me to get on with reform.

Senator Quinn and I and our colleagues and volunteers spread throughout the nation are of the firm view our job is only partly done. We did not set out on the referendum campaign journey with the objective of simply winning a referendum. We started out on our journey with the sole objective of achieving Seanad reform. We are still on this path. The first step was to retain the Seanad so it could be reformed, and reformed it must be.

I was delighted to hear in the aftermath of the result, the Taoiseach, accepting the decision of the people, gave a strong commitment to reforming the Seanad and to making it more fit for purpose. The Taoiseach and many others referred to the many proposals for reform, and I welcome the fact the Taoiseach is reviewing them. I remind the Taoiseach that Senator Quinn and I reviewed them following a comprehensive process of public consultation over a lengthy period, and came to the view legislative reform of the Seanad has a chance to incorporate change which will make a significant difference to the Seanad's effectiveness and to democratise the Seanad. Significantly, this can be done all the while avoiding the need for another referendum.

The Bill Senator Quinn and I sponsored had the input of some eminent well-known and respected legal people and should inform our deliberations. It could short-circuit much of the work. I also want to acknowledge the legislation produced by Senator Crown, which incorporates many of the same key principles for reform, and I know it will also be a prime resource for the Taoiseach.

It is important none of us is possessive about the reform process. A new Seanad will belong to everyone. I sincerely believe a reformed Seanad must be underpinned by a number of principles and those identified by Senator Cummins are inspiring and realistically can find a way into legislation. It must be a Seanad of the people which represents minorities of other sections of society. I agree with what Senator Hayden stated with regard to those who are economically disadvantaged. It must have no element of elitism; let this never be a charge brought again against the Seanad. It must not be an unnecessary blocker or obstacle to legislation and must not merely replicate the role or composition of the Dáil. Some of the reforms before the Taoiseach are able to effect this. These are the principles we need to keep faith with what the people voted for. Equally important, a new Seanad established on these foundations would provide the maximum potential for it being effective. I cannot believe the Taoiseach would not want to settle for anything less because he has already identified this.

*3 o'clock*

The people have spoken and called for reform. Like Senators have said, the Taoiseach, as Head of Government, should lead the reform initiative. I both echo and agree with the Leader and Deputy Leader's call to establish a task force on Seanad reform that has defined deadlines so the public can be assured that the reforms that they voted for will happen within a tight time-frame and on schedule. It is in all of our interests that a working group - perhaps made up of

senior civil servants and some academic and legal experts - liaises with Senators, along with the Office of the Attorney General, to finalise legislation within the coming months, a measure that would significantly advance the process.

The House and the public have a high expectation of reform. The public has voted for fundamental change and I hope and expect that the Taoiseach will respond positively, without delay, to this clarion call. I can assure him of my constructive support in that process.

**Senator Colm Burke:** I welcome the Taoiseach to the House. A number of people have referred to EU legislation. I have spent a short number of years in the European Parliament. One of the things that struck me when I returned home was the lack of scrutiny that takes place in Ireland about what happens at European level. It was one of the matters that I raised at a Fine Gael parliamentary meeting about three or four months after entering the Seanad. I want time to be set aside for such scrutiny. I agree with Senator Naughton's suggestion to set aside two days a month and do not believe that it needs to be any longer.

The problem with EU legislative directives is that they are not media friendly and are technical in nature but they are very important. Let me give a simple example. Yesterday the European Parliament in Strasbourg held a major debate on an EU directive on medical devices. One might ask whether we had an input but we did not. Should we have had? Yes, we should because 26,000 people are employed in the industry in this country.

Let me give another example of the medical devices directive that came before the Oireachtas Joint Committee on Health and Children a number of months ago. The committee was asked to rubber-stamp it but during the meeting, I asked whether we had consulted the industry. It turned out that no consultations had taken place yet we were prepared to rubber-stamp an EU directive. I clearly made my view known to the committee that unless we consulted the industry that we should not approve the directive and, as a result, we did not grant it approval. The industry was consulted and we discovered that it was unhappy with certain aspects of the directive. It is important that we keep track of what happens at European level, especially when 26,000 people are employed in the sector here. That means over 200,000 people are affected, directly and indirectly.

Cross-border health care is another area that I dealt with at European level. A directive on such health care went through in February 2011 and must be transposed into Irish law within the next few months. The directive is very important because it deals with the co-ordination of health care across European countries, especially when a country does not have the necessary expertise. We must make sure that Irish citizens can avail of medical expertise if it is not available here. It is an important directive from Ireland's point of view.

I wish to mention a simple fact. The European Parliament has 20 committees and there is no reason not to set up a structure to monitor their work. A simple way to monitor what happens at European level would be to assign six Senators to monitor two committees each so that would mean ten groups of six people. That would be a simple means of monitoring what is happening at European level.

I also have an issue with the fact that every November the European Commission publishes its programme for the next 12 months. Is the matter discussed in this House? No, it is not. Is it discussed in the other House? No, it is not. I refer to the programme that the Commission has in mind for the following 12 months. We should have a role to play. We could examine the

programme, discuss it and focus on particular sections. Last year there were 129 items on the Commission's programme for 2013. Have we discussed any of the items? No, we have not but those issues, before the Commission, are extremely important.

I wish to touch on one other area that we have allowed to lapse in this country. The Law Reform Commission publishes a number of reports but they are left on the shelf. The Seanad could play a very useful role by publicly debating the published reports and ensuring they are followed up. I have published a draft Bill following a Law Reform Commission report on missing persons. Again, the work was parked because the relevant Department did not view the matter as a priority. The Law Reform Commission felt that it was a priority to such an extent that it produced a comprehensive report. The same applies for a number of areas where published reports are left on the shelf. It is time that we moved at a faster pace when dealing with proposals. We have the ability to deal with the available proposals and the Seanad could play a very useful role in the area.

**Senator John Crown:** I extend my personal welcome and gratitude to the Taoiseach. He has shown very considerable grace and statesmanship by coming here today and giving Seanad reform top priority so soon after the referendum. I am very grateful to him for doing so. He has also shown great wisdom and judgment in viewing the result of the referendum as a personal mandate to lead, as our leader, the efforts to reform Seanad Éireann and, hopefully, to institute some wider reforms in the way that the Oireachtas does its business.

Obviously there has been a certain element of repetition during the debate. I am sorry if there has been repetition. We basically know the core issues. We are concerned about reform in the way that we are elected, how the Seanad does its business, and reform of the business that we actually do.

In terms of the way that we are elected, clearly and in summary, there are three broad approaches. There is an approach that the Taoiseach has outlined, to immediately implement the decision of the people from the seventh amendment of the Constitution referendum of 1979 - one of the most clear cut referendum results that we have ever seen - and to extend the franchise to graduates. It should be noted that if we did that at a stroke we could extend the direct Seanad franchise to one third of the population of the country. Approximately one third of the population will probably qualify as graduates so such a minimal alteration of the current Statute Book would have a hugely democratising effect on the Seanad.

The more ambitious plan, and the one which I personally hope the Taoiseach will keep an open mind on, is the plan to extend the vote, through universal suffrage, to every citizen in the country, as per either the Quinn-Zappone Bills or my own legislation. I am sure that there will be other proposals. There may also be a proposal made by the Government parties.

I shall outline the first objection raised to the Bills, namely, that if we do so we will have a mini-Dáil. In truth, that objection must be dissected right now as it is not correct. If the Seanad was elected according to the existing constitutional mandates and through the panels system, it would give us one Chamber that was not elected directly. The people elected to the Seanad would not be the products of local constituency competitions. As such, we would elect people who would bring a different perspective to the body politic, a different set of experiences and a different set of personal and political priorities. As such, dismissing it as a second Dáil or a mini-Dáil is probably not correct.

Second, it is timely that we had the debate at a time when the United States appeared that it might melt down into complete anarchy over a gridlock between the Congress and the Office of the President. The suggestion has been made that if we had a second Dáil-like Chamber elected here gridlock would also exist. In truth, in the absence of a major constitutional change in the powers of the Seanad, that could not happen because the reality is that the Dáil has the primacy of power. In the relationship between the two Houses we would still be a revising Chamber but hopefully an improving and amending Chamber and very rarely a blocking Chamber whose block could be overcome by the wishes of the more powerful Dáil. That is appropriate. We do not want to set ourselves up for gridlock.

The third argument advanced against the Bills drafted by Senators Quinn, Zappone, myself and others is on our somewhat more radical proposal to extend the franchise outside of Irish citizens currently resident in the Republic of Ireland to Irish citizens who live abroad, to folks from Northern Ireland and also to legal residents of Ireland who are currently on the rolls for local government elections. The suggestion is sometimes made that perhaps somehow the democratic will of the people who live in the Republic would somehow be overruled or swamped by unrepresentative voices from outside of the jurisdiction. I do not believe that would happen and believe that we would be safer than that.

We also need to make reforms in this House. We need to make reforms ourselves in the way we do our business. We have heard people mention, correctly, the Whip system and the need for more Private Members' time. As I mentioned previously, we have had that near-death experience. We heard ourselves being asked to walk towards the light. Often that near-death experience makes people change their priorities in life when it happens medically, and I think it should change our political priorities here too. Members who are on panels should realise the constituencies they serve. The expertise they need to acquire is to do with the questions that are of concern to those panels and not those of concern to the mythical Dáil constituencies that they do not have.

I thank the Taoiseach for coming to the House. I hope we will have the opportunity for a chat at some stage about issues relating to Dáil reform. It is probably not the right agenda for today, but I thank him for his concern. I look forward to working with him and I hope we will have a chance to have some input into this process.

**Senator Denis Landy:** I welcome the Taoiseach. No more than his county footballers, he has a habit of coming back for more. We welcome the fact that he is in the House to discuss the outcome of the referendum. We appreciate that he has given us two hours of his time for an open and constructive debate. If we had not had a referendum on 4 October, we probably would not be discussing the matter today. The fact is that we did have a referendum and we are discussing reform of the House with the Taoiseach of the day in this House. That is a good thing.

As I am probably the fifteenth speaker, I will not go back on many things that have been said already. I will focus on one area, that of committees and their role. When I became a Member two and a half years ago, having spent almost a quarter of a century in local government, I slotted into a system that had been in place for many years. Under the current system a select committee can be set up by the Dáil to deal with particular legislation from which the Members of this House are excluded, despite the fact that it may be discussing a health issue on which Senator John Crown could contribute, a business issue on which Senator Feargal Quinn could contribute or an issue to do with journalism on which my colleague Senator John Whelan could contribute. That system is not using the expertise sent to this House. I ask the Taoiseach to

consider abandoning the whole idea of select committees.

Among the proposals for reform of the Dáil under the putative unicameral system, there was a proposal to set up a new system of committees. That system was to have four strategic committees to deal with public accounts, EU scrutiny, finance and social affairs. It was also to have seven other committees. As there is no mention in that system of the role of Senators, we must revisit the issue. The d'Hondt system was mentioned for the selection of chairmen, but again, there was no mention of Senators. If we are to work as a group who, without doubt, have the most recent mandate from the people, we must forget about many of the proposals that were on the table and start afresh. I see great scope for bringing the expertise of this House to the whole committee system. I should say also that in my limited experience of two and a half years, committees produce reports that go nowhere. We spend days and days downstairs in committee rooms and at the end of the process we do not see any outcome.

The primary purpose of this House and the Dáil is to legislate. I suggest putting all the expertise in this and the lower House to work to increase the volume of legislation going through both Houses to ensure better outcomes for the people. If the referendum process achieves that it will have done much. It will incorporate the Members of this House who are expert in particular areas and increase the volume of legislation. Of course we can deal with EU scrutiny. I spent six years on the committee of the regions examining EU legislation pertaining to local government. However, the wider area mentioned by Senator Colm Burke, which is extremely important, is passing it by. Members are available and willing to do it. We all have expertise in certain areas.

Again, I thank the Taoiseach for coming in. It is appreciated. I hope we can move forward.

**Senator Trevor Ó Clochartaigh:** Cuirim céad fáilte roimh an Taoiseach. Is breá an rud é go bhfuil na ceisteanna seo á phlé againn. Glacann muid ar fad leis go dteastaíonn athchóiriú agus leasú ó thaobh an tSeanaid de. Sílim nach fiú tráithnín an leasú sin muna dtugtar cothrom na féinne do gach saoránach má tá céim acu nó nach bhfuil; má tá said dubh, bán nó dath éigin eile; nó má tá airgead ina bpócaí nó nach bhfuil.

Níor chuala mé éinne eile ag caint faoi úsáid na Gaeilge sna Tithe seo. Tá sé fíorthábhachtach stádas na Gaeilge a choinneáil tríd an teanga a úsáid. Déanann an Taoiseach é sin, chun a cheart a thabhairt dó. Caithfear a rá, áfach, go bhfuil céimeanna tógtha ag an Rialtas le stádas na Gaeilge a laghdú ó thaobh Billí a fhoilsiú go comhuaineach, srl. Ba mhaith liom sa phlé seo go gcuirfear an teanga ar ais sa riocht céanna agus a bhí sé agus ba choir dó a bheith.

Any attempt at reforming the Seanad would be a sham and a scam unless it recognised the idea of universal suffrage to remove the elitism that has been mentioned. Whether or not one has money in one's pocket, whether or not one has a degree, or whether one is black, white or any other colour, every citizen should be treated equally, and talk of reform without taking that on board is not reform at all.

The current economic crisis has brought to the fore the gaps and failures inherent in our political system. That this should be the case is an extremely serious situation and one that any mature democracy would seek to address with the utmost urgency. As we speak, many people have lost faith in politicians. The political establishment is viewed as uncaring, dysfunctional, elitist and untrustworthy. For many of our people the political system is seen, with disdain, to be removed from the reality of their everyday lives. The dominant perception is that it is inca-

pable of solving our present difficulties or delivering for ordinary people. This is a shocking indictment of all of us who call ourselves politicians. Let us be honest. That this should be the case is no news to us. This has been the position for some time, yet this and previous Governments have failed to act to rectify it.

Ireland has one of the most centralised systems of government in Europe. With exceptionally weak local government, the institutional apparatus of government at every level is a throw-back to another era, to a time when we were under the foot of a colonial power. In the decades since Independence we have failed to develop and create a political structure and system that is capable of evolving with the uniqueness of Irish society. We failed to recognise that the work of nation-building is an ongoing process that evolves over time and that modern flexible political institutions are central to this task.

In the Ireland of today, power is concentrated in the hands of the Executive and the two Houses of the Oireachtas, which are not fit for purpose in 21st-century Ireland. To make matters worse, the Oireachtas lacks serious political oversight, scrutiny or democratic accountability. This has created an urgent need for real and genuine reform of our politics, our political system and its institutions.

Sinn Féin's proposals for reform are based on the party's objective of building a new Republic on this island based on equality and social justice. Sinn Féin would extend the right to vote in presidential elections to citizens in the North and those living and working abroad. We call on the Government to implement the Good Friday Agreement commitment of an all-Ireland civic and consultative forum as a new model of participatory engagement which informs the development of public policy and law-making. Sinn Féin also calls for a real debate on reform of the Seanad and possibly extending the remit of the Constitutional Convention, as has been suggested, to look at that issue. We call on the Government to give a commitment to introduce a comprehensive programme of political reform of our entire system, but such reform must be genuine. It must guarantee better democratic representation for traditionally excluded groups such as women, the unemployed, ethnic minorities, Travellers, the disabled and people from working-class communities. We must have better oversight and accountability for all organs of Government. We need better local government and better governance. On the latter, we can begin by capping ministerial salaries at €100,000 and Deputies' salaries at €75,000. We should also scrap freedom of information fees and allow the public to scrutinise public records. We cannot afford to delay root and branch reform any longer.

We have also made a number of other suggestions in our reform document, which I am sure Members have all read. One of these concerns the full implementation of the Good Friday Agreement. We also propose extending the right to vote in presidential elections to all citizens, reducing the voting age to 16, establishment of an independent electoral commission to oversee elections and the introduction of a partial list system for Dáil elections to ensure diversity of representation. We would like to see the Opposition permitted to introduce money Bills in the Dáil, to see a new select committee of Opposition leaders established to scrutinise the Department of the Taoiseach and the end of the use of guillotines.

Go pearsanta, ba mhaith liom go dtabharfaí ar ais an toghchán go dtí bord Údarás na Gaeltachta chun an daonlathas a chaomhnú ansin. Táim cinnte go dtógfaidh an Taoiseach na smaointe seo ar bord. Táim an-bhuíoch dó faoi éisteacht a thabhairt dom.

**Senator Catherine Noone:** I join others in welcoming the Taoiseach to the Seanad and

thank him for giving of his time today. We are particularly happy to have the Taoiseach here after our near death experience. I believe the Taoiseach should be congratulated for being the first Taoiseach to grasp the nettle of political reform and tackle the issue head on with a referendum which was always going to be divisive. The Taoiseach promised he would put the question to the people and he followed through on that promise. By doing so, he has started a meaningful national conversation on political reform.

The suggestion of referring the issue of Seanad reform to the Constitutional Convention, of which I am a member nominated by the Taoiseach, is flawed as the current remit of the convention is to report to the Government to help it to decide whether certain issues should be put to the people by way of referendum. Therefore, that is a redundant suggestion under the current remit of the convention.

Two weeks ago, I was happy to see the Taoiseach act decisively and immediately on the issue of the Seanad, by starting the process of implementing the will of the people as set forth in the 1979 referendum on third level voting rights for the Seanad. Successive Governments passively reinforced the *status quo* and actively ignored political reform. Like it or not, in two and a half years, the current Government has undertaken more political reform across the board than previous Governments over many years, in terms of wages, gender quotas, local government reform, reducing the number of junior Ministers and more.

When considering Seanad reform, we must talk about political reform generally. Financial political reform is important in this context, but there has not been significant focus on this area in the debate to date. We need to assert certain facts here. The Taoiseach is now paid 47% less than former Taoisigh Bertie Ahern and Brian Cowen were paid at the peak. During Fianna Fáil's time in government, the Taoiseach's salary increased by 105%, while under the current Taoiseach's leadership it has decreased. During the same period, Ministers' salaries increased by 94%, but these salaries have decreased by 26% in the lifetime of the Fine Gael-Labour Party coalition. This is the kind of reform that is most relevant in today's financially strapped Ireland.

As I said, two weeks ago I was happy to see the Taoiseach had seized the initiative and started the ball rolling on Seanad reform. Now we must discuss the next steps and whether we want to reform the panel system. I am interested in the comments of other Senators on reform, but the panel issue is a huge debate in itself. If we want to reform that system, what scale of reform do we wish to see? At the very least, I think it is time to reconfigure the focus and outlook of some of the panels or to divide them more finely. A cultural panel, an NGO panel and a technical panel could, for example, be panels that would allow the Seanad acquire an expertise it otherwise might not have. I would have no difficulty with voting for these panels being opened up to the voting public, but it seems we are constrained by the Constitution in this regard. We need to think about what kind of panel system would give us an outcome where Senators, like some of the current Taoiseach's nominees, could be elected. Subsequently, if the change in panels took place, we could then consider scaling back the number of Taoiseach's nominees in a renewed Seanad.

Besides electoral reform and access to the Seanad, we need to reform the way we do our daily business. Most Senators have put forward various ideas on this front. We need to review the Order of Business, the scrutiny of EU legislation and the scrutiny of our own legislation as there has been a reduction in the amount of legislation coming before the House. This is regrettable and needs attention. As other Senators have mentioned, dealing with legislation is the primary purpose of the Seanad.

I welcome the Seanad reform set forth so far and welcome the implementation of the decision taken by 91% of the people in the 1979 referendum. I welcome the presence of the Taoiseach here today as we debate what steps to take next as we seek to reform the Seanad in a meaningful way.

**Senator Marc MacSharry:** I welcome the Taoiseach to the House. It is good to have the opportunity to make a few brief points. Over the years, it has been the Taoiseach of the day who has prevented this House from performing to its potential. There is no question but that most of the blame in this regard lies with Fianna Fáil, having been in government for most of that time. It is a unique occasion for the Taoiseach to be here and it is unprecedented in my time for a Taoiseach to give two hours to a debate on this issue here. As someone who often subjected the Taoiseach to intemperate criticism throughout the debate on the referendum, I wholeheartedly apologise for any offence that may have been taken, although I am sure none was.

I do not want to repeat the issues mentioned by many people, apart from supporting a broader reform agenda. I support the Leader's suggestion in terms of taking a broader look at what is possible and what should be done. I have a few suggestions with regard to changes that can be made immediately. It would be a pioneering change to relax the Whip in this House. While this would pose a challenge to all parties, it would be a good change to make.

This House should also be involved in greater scrutiny of EU legislation, particularly in view of the opportunity afforded to parliaments now as a result of the Lisbon treaty to take a view on legislation at the embryonic stage. Ireland has only taken that opportunity once out of some 180 pieces of legislation and some 480 submissions made by other EU parliaments. This House could be and ought to be involved in that. There is no reason it cannot. I urge the Taoiseach to be the first Taoiseach to allow this House perform to its potential. He has a great Leader of the House and I have no doubt that in addition to the measures he has already introduced to increase the relevance and operating efficiency of this House, he should be allowed to do this. That would serve the country well. There are 67 pages of proposed legislation on the EU Commission's legislative programme. The set piece is that the civil servants here agree with the civil servants there and then all of a sudden we have a directive to transpose, which we can do little about in terms of what it will do in legislation. Let the Seanad take on this scrutiny.

The scrutiny of all public appointments is something the Seanad could embrace and this should be done. In regard to the broader reform agenda, we in Ireland have a great sense of community, but we have no sense of State. We have no sense of State because the people cannot identify with the national policy platform forum because their representatives in the Dáil or Seanad are strangled by the Whip system, where Parliament is subservient to the Taoiseach and Executive of the day. This needs to change. Today is not the day for that, but that should be debated.

To conclude, the Taoiseach has a great opportunity. Everybody in this House would support his endeavours to allow reform happen. No previous Taoiseach has been prepared to make reforms.

**Senator Thomas Byrne:** Gabhaim buíochas leis an Taoiseach as teacht isteach sa Teach inniu. I am grateful the Taoiseach has come to the House.

One issue in regard to the referendum on the abolition of the Seanad rankles with me, namely, the position of the universities in society. Unintentionally perhaps, during the referen-

dum the idea was put about that graduates of our main public universities were somehow part of an elite. I would like to think that higher education should be an aspiration for all. As we go through with the Taoiseach's commitment to extend the vote, as enunciated in the referendum in 1979, as a first step in the reform process, the idea should be put out that we value our universities and institutions of higher education and see third level education as an aspiration for all of our citizens and not just for an elite. It is something that should be an aspiration for everybody. We need to look at universities and their position, both in Ireland and throughout the world, and to place even greater emphasis on them as central drivers of the future development of the country and the economy.

**Senator Mary Moran:** I, too, welcome the Taoiseach and thank him for giving of his time to debate the issue of Seanad reform.

Prior to and since the referendum I looked at proposals for parliamentary reform, applicable reforms in other jurisdictions and have engaged with various groups and individuals on the issue. We all agree that we have much on our plate and plenty of choices in terms of the avenue on which we want to proceed. I, too, welcome the Taoiseach's words following the referendum, recognising that we need political reform right across the board. His statement that he will extend the franchise to all graduates of third level institutions is important and will go some way towards reducing the perception of elitism.

Many of the Senators present are on the same page and have spoken about how we could reform the Seanad. I will speak a little about reforming the Chamber. As stated previously, this issue should be brought to the Constitutional Convention at the earliest opportunity. Like many other Senators, I have been involved in all of its debates and its reflections and discussions would certainly bring us a long way in discussing the issue.

One of the misconceptions that I come across, both at the Constitutional Convention and in meeting people in my own area in County Louth, concerns the lack of clarity about what Senators do. This was one of the big issues that I came across before the referendum. There is plenty of scope for discussion in this regard. As I said, it is welcome that this is the start of the discussion of what we could do and to show the worth of the work we do in this House.

I propose that an independent commission, committee or forum be set up to bring together all of the relevant proposed reforms, as well as to discuss possible new ways of reforming the House. It is important that this commission, committee, forum remain independent and that there not be any political influence in its decisions.

My honest assessment of parliamentary democracy is that the Lower House would not easily relinquish its control or power to the Upper House if it thought it would adversely affect its authority. That is why I urge the Taoiseach and other Members to push for an independent set of proposals to be put to the Houses for consideration. In order to have a successful democracy as envisioned in the Constitution, we need to give the Seanad powers to delay legislation and for it to be devoid of political influence in order to have true checks and balances to the Dáil and the Government.

Whatever path of reform is chosen, we must recognise that, in order for it to be seen as viable, this House must provide for some form of democratic representation. We must better define the role of Senators and better harness the expertise of Senators who come from various backgrounds and professions. I wholeheartedly agree that it is very important to do this. We

must be a voice for those who have no voice and take the calculated step of providing for the representation of minorities in the State, as well as a section of the Irish Diaspora.

The business of the Seanad should be more rigorous to avoid the perception of it being a talking shop, as was bandied about before the referendum when, in fact, many of the debates held were constructive and helpful. We need to bring forward more legislation and push to have scrutiny of EU legislation take place in this House. We also need to have MEPs address the House more regularly. This practice has been introduced in recent months and it is important that we continue it. We need to provide value for money for the taxpayer and with these reforms, in conjunction with others, we could do so. Senators on both sides of the House will agree that we need to be our own advocates on the issue of reform. The push to have things done must come from us. We should see this as an opportunity to set aside political alignments and work together to do what is best for this House and the people. We should allow decisions on reform to be conducted independently and work towards securing an independent opinion and assessment, but we need to do this now.

**Senator Marie-Louise O'Donnell:** First, I congratulate the Taoiseach on his political and personal integrity, as witnessed throughout the entire referendum process. I include the Leader of the House in the congratulations. I use the word “integrity” wisely because it is difficult to take a difficult position. It is also difficult to hold on to a difficult position, especially on the abolition of this House.

I knew when the Taoiseach was appointing me that this was his position. Nobody had any doubt about it. Nobody across all parties had any doubt about it and nobody was surprised. Therefore, we all knew what was going to happen.

The people voted to retain the Seanad. The “No” vote was 20.2%, while the “Yes” vote was 18.6%, giving a margin for retention of the Seanad of 3.4%. Did we win well?

**Senator Paul Bradford:** A win is a win.

**Senator Marie-Louise O'Donnell:** Let me finish.

**Senator Brian Ó Domhnaill:** It was democracy.

**Senator Marie-Louise O'Donnell:** Did we win well-----

**Senator Brian Ó Domhnaill:** It was the will of the people.

**Senator Marie-Louise O'Donnell:** -----or did we just get across the line? We need to ask ourselves that question. The people decided and they are sacrosanct. It does not take, however, from the integrity of the Taoiseach in the way he handled defeat, nor does it take from the reason he put the question to the people in the first place, which is what he said he would do.

Among all the other reforms proposed, I suggest one. With the Taoiseach's nominees, Senators Fiach MacConghail, Mary Ann O'Brien, Katherine Zappone, Jillian van Turnhout, Eamonn Coghlan and Martin McAleese, whom I congratulate, I went into a room and imagined, articulated and developed the idea of the Seanad Public Consultation Committee which, thanks to the Leader, was brought to the House and delivered on. As one of the Taoiseach's nominees, I want it to be continued. I also want to take up the Taoiseach's idea of a task force on Seanad reform of outside vested interests to fuel our reforms.

**Senator Cáit Keane:** I wish to share two minutes of my time with Senator Pat O'Neill.

Ba mhaith liom míle buíochas a ghabháil leis an Taoiseach agus é i láthair sa Teach seo inniu. Níl mórán le rá agam chun cur leis an moladh atá curtha chun cinn ag an Seanadóir MacSharry. Ní fhéadfainn é a rá níos fearr ná mar a dúirt an Seanadóir é. Praise from the Opposition, when it comes, is real.

I thank the Taoiseach. As Senator Marie Louise O'Donnell said, we all knew what we were letting ourselves in for. We all knew that he would put the issue to the people and he was true to his word. I thank him for coming and being the first Taoiseach to instigate a debate on reform of the House which is what people have spoken about. The word that was used most in the debate was - I will say it in Irish for Senator Trevor Ó Clothartaigh - athchóiriú or reform. That is where we are headed.

I had the phrase "citizen involvement" written down. It would be an innovative step. We must include all of society in devising legislation in this House. A system of participative democracy and budgeting could be used in this House.

The committees are not working. I refer to the issue of Dáil and committee reform. On the select committees, I go along with what Senator Denis Landy said. Do they work? Will we get the best expertise if we hold on to the old system? I do not believe we will. That system must change completely and must use the expertise that exists in both Houses. In this House - not only among the Independent Senators - there are lawyers, teachers, entrepreneurs and business people, on both the Taoiseach's side and on the other side. In reference to the Independent Senators, every Senator should be on a level pegging in respect of research assistants, whether these are part time or full time. Let them choose where they want to go or what they want to do. Research assistants are invaluable and the Independent Senators have them in abundance. We have research assistants within the party and we have secretarial assistants. The relevant new Bill on vouched expenses was published today.

Senator Noone mentioned all the changes this Government has made since coming to office in respect of the Taoiseach's salary and ministerial salaries and cuts. I refer to corporate responsibility and Executive power. We in the Seanad should look at where the buck stops. Too often people hide behind the Department, asking who is in the Department and who is the Minister? There should be corporate responsibility within the Seanad to look at that and there is expertise here to do so.

I refer to innovative ideas-----

**An Cathaoirleach:** I must call Senator O'Neill.

**Senator Cáit Keane:** We should scrap the Order of Business.

**Senator Pat O'Neill:** The Taoiseach is very welcome to the House. I thank Senator Keane for sharing time. Much has been said on this matter. One thing we can say about the Taoiseach is that he is a reforming Taoiseach and this Government is a reforming Government. The result arrived at on 5 October has given a mandate to this House and to the Oireachtas as a whole to reform because it is in the people's interest for us to ensure this House works in a better manner.

Many people have made points; I will not go over old ground. The reforms I raise concern the way this House is elected and the way it does its business. I would welcome a task force on

the first issue. Our Leader in this House has introduced reforms and we can continue doing so. I welcome what the Independent Senators have done in respect of the Seanad Public Consultation Committee. An example from the present term was shown during the Protection of Life During Pregnancy Bill when the health committee brought in experts. The Seanad could do this, perhaps once a month, pick a subject and bring in experts over six months, and then bring a Bill, first to this House and pass it on to the Dáil. An example to be considered might be the issue of ethnic minorities or religious minorities. We could discuss with the people involved how they are being treated in this country. If we believe legislation is needed as a consequence we could bring it to the House.

The Taoiseach said he comes in peace; we say, “How”.

**Senator Sean D. Barrett:** I welcome the Taoiseach and thank him for his graciousness. We all came to the Seanad after 2008 to try to help this country to get back from the dreadful situation it faced. The Leader has implemented many reforms, inviting Nobel prize winners, the Orange Order, all the Irish MEPs, people from the United Nations and a European Commissioner. There has been reform and I hope the Taoiseach will appreciate and acknowledge this, as he too is a reformer. We have proposed 550 amendments - this is the hard slog that does not feature in newspapers. Some Ministers are willing to take them; some junior Ministers are not. I do not know if it is that they are afraid they will run the wrath of both the senior civil servants and the Minister when they go back to their Department. Where Ministers are willing to engage, however, we have done most useful work.

Parliament in Ireland needs to be strengthened. It has a great tradition. Burke, Grattan, Butt, Parnell, O’Connell and Redmond were never Ministers but they were great parliamentarians. Parliament has been downgraded in the Irish system. The Executive is too powerful and so is the permanent Civil Service *vis-à-vis* the Executive. We need more Parliament. The ideas in this House are extremely good. There was the statement by JFK, in which the President said he felt that Leinster House did not inspire the brightest ideas. In my two years in this House I have found it does inspire the brightest ideas. As Keynes said, in the end ideas are more powerful than vested interests. We have not taken on the vested interests. I have introduced Bills to deal with banking but there are the bankers, builders, accountants who prepared accounts for firms that proved to be fictitious, and auditors. We need much more accountability in Irish society and that is why the Taoiseach needs this House to assist him in that vital reform.

We must also look at what was termed “elitism” during the campaign. As the Taoiseach knows, 70% of school-leavers go on to third level and among the under 35 age-group about half the population has done so. The 1% posters that were around during the referendum campaign, which were not the Taoiseach’s, were completely inaccurate. The two university constituencies we inherited have played a most valuable role. In my case, a Senator who was both a predecessor and a friend, Trevor West, had an ability to relate to people in Northern Ireland which was absolutely crucial. I have tried to follow in those footsteps. Some 96% of Presbyterians on the island do not live in this jurisdiction; nor do approximately 66% of members of the Church of Ireland. It was vital for us to keep open the Northern Ireland links. These were threatened during the referendum campaign, as the Taoiseach knows, and would have been a serious loss had this happened.

I can bring to the House the wisdom - or the lack of it - of 64 academic departments. We need that. I see all sorts of legislation on health insurance, on buses----

**An Cathaoirleach:** I understand the Senator is sharing time.

**Senator Sean D. Barrett:** If I may, I would like to share a minute. That expertise is valuable. It should be brought here and we should take account of it. We should take account of minorities and we should increase accountability. We might look to the cultural and educational panel, which I believe accounts for eight Senators, to see whether a new constituency can be fitted in there that would represent the third level sector, as befits a society where 70% of school-leavers participate in same.

I thank the Taoiseach for attending.

**Senator Fidelma Healy Eames:** The Taoiseach is very welcome. I have two brief points. On 26 September, I and Senators Bradford and Norris tabled a motion on the Order Paper that in the event of a rejection of the proposed abolition of Seanad Éireann, a committee that was representative of all parties and groups would be established to prepare and bring forward proposals for political and electoral reform. It was to include the provision that all citizens of voting age would be eligible to vote in elections to Seanad Éireann and the report of such proposals was to be laid before this House no later than 20 February 2014. That ties in with what many other people have proposed here today.

I have a number of requests. The first is that written submissions be invited from all Members and from members of the public, within one month. These should be based on clear terms of reference and in report form would inform future legislation. My second request is that the Whip should be relaxed and that there should be more policy and less politics in this House. That would allow for more critical thinking, in particular on matters of conscience. We have seen how important that is.

I have a question for the Taoiseach. In his opening statement, he mentioned that we should consider how the Seanad might give real value to work undertaken by the Dáil. In that context, did the Taoiseach, when he appointed his 11 nominees, give consideration to appointing a Seanad Member to Cabinet, in view of current needs, for example, in the areas of banking or health administration? I would like to have an answer to that question.

**Senator Darragh O'Brien:** It is a bit late now.

**Senator Fidelma Healy Eames:** Expertise is always valuable.

**An Cathaoirleach:** Senator Leyden has two minutes. Will he give one minute to Senator Moloney?

**Senator Terry Leyden:** I thank the Cathaoirleach for his unfailing courtesy at all times. I welcome the Taoiseach back to the Seanad. Since he last spoke on 26 June, the people have spoken. That was on 4 October and now it is our duty to reform this House of the Oireachtas, as the Taoiseach noted. On Thursday, 5 July 1979, the Seventh Amendment of the Constitution (Election of Members of Seanad Éireann by Institutions of Higher Education) Bill was passed by 550,000 votes to 45,000 and was signed by the President in August 1979. That was 34 years ago but no Government has brought about the reforms required. The Taoiseach and I are the only Members of the Oireachtas who were Deputies on that day. Obviously we did not do much about it but we can make amends.

I wish to announce I have published a Seanad Bill, namely, the Seanad Electoral (University

Members) (Amendment) Bill 2013. The Taoiseach and I should work together to bring about this Bill, given that we are the last-----

*(Interruptions).*

**Senator Paschal Mooney:** This is a solo run.

**Senator Terry Leyden:** I thank those who have worked on the Bill. The timing is impeccable. The Bill was published today and I will hand the Taoiseach a copy when I finish my few words. I agree with Senator Byrne. This will give more than 500,000 Irish people a vote in respect of this House, which is an amazing step forward and an amazing reform on its own. It is not enough, however. I hope a group will consider complete reform of the House.

I hope the Taoiseach will return to the Chamber on a regular basis. He should consider the report compiled by Mary O'Rourke, the current Minister of State at the Department of Finance, Deputy Brian Hayes, John Dardis and Joe O'Toole. The latter would provide a very good start in studying how the Seanad might be reformed.

**Senator Marie Moloney:** I welcome the Taoiseach. I will be brief, particularly as everything I wished to say has already been said by other Senators. The Taoiseach asked us not to bask in the glory of the referendum result. How can we bask in that glory when 60% of the electorate are completely disengaged from the process? That has been the position in respect not just of the recent referendum but also of those that preceded it. I am of the view that a quorum should be necessary for referendums because the small numbers who vote in them can change the Constitution. Perhaps the Constitutional Convention might consider the establishment of quorums for referendums.

There is only one other matter to which I wish to refer, namely, the Taoiseach's nominees. We are lucky in that those nominated to serve in this Seanad are very good people. These individuals have voted independently, which is great. In the past, however, the nominees always ensured that the Government of the day would have a majority in the House and would dictate what happened here. In my opinion, there should not be any nominees. All Members should be obliged to gain election to the Seanad. Each constituency should elect one Senator to the House and a further 20 should come from the various panels. It is purely coincidental - we were all elected - but in the constituency in which I live, there are more Senators than Deputies.

**Senator Ned O'Sullivan:** We know who gets the work done.

*(Interruptions).*

**An Cathaoirleach:** The Senator should conclude.

**Senator Marie Moloney:** The whip should be removed in respect of Private Members' motions in particular. Many Senators, including myself, have been obliged to sit here frustrated because we were obliged by our party Whips to vote against good Private Members' motions. I ask the Taoiseach to ensure that the whip relating to such motions be removed in order that we might achieve cross-party agreement on many worthy issues.

23 October 2013

**An Cathaoirleach:** When winding up our debate prior to the referendum, I said it was over to the people. The people have spoken. Some 24 Senators spoke during this debate and a further 20 indicated a desire to contribute. Three Bills on this matter have been published, the most recent by Senator Leyden. I call on An Taoiseach to respond.

**The Taoiseach:** I do not need to labour the point now that a reflection has taken place and a number of propositions have been put forward by Senators on all sides. I value those propositions.

What is the mark of a good day in the Seanad? Is it the ritual row in the morning on the Order of Business? Is it getting one's name mentioned in the media? Is it the sense of achievement on the passing of a Bill? Is it the real engagement that occurs on Committee Stage or one's contribution to the analysis? Is it the attendance of some individual to address the House on a matter of national or international significance?

I wish to comment on the views which came across in respect of the three issues on which we reflected earlier, namely, reform of the Seanad electoral system, reform of the functions of the Seanad and reform of procedural and other matters. The Standing Orders of Seanad Éireann allow Senators to carry out elements of this reform themselves by means of agreement. When we consider what the Seanad does - particularly in the context of the issues to which I refer - it is important to consider the broader headlines relating to an analysis of the reports compiled in respect of the House over the years. Those headlines show that it is not easy to achieve consensus among the Members of this House or in the wider Oireachtas about what is needed. For example, with regard to the size and composition of the Seanad, the O'Rourke report of 2004 recommended increasing the membership of the House to 65, with 32 directly elected and 20 indirectly elected Senators and 12 Taoiseach's nominees. The policy document produced by the Fianna Fáil Party this year advocates reducing the membership of the House to 51, with 40 Senators to be directly elected, a further eight to be nominated by the Government with the approval of the Dáil and the remaining three to be directly elected from Northern Ireland.

In the context of elections, in 1967 the Committee on the Constitution stated that there should not be direct elections and that Senators should neither be elected on a geographic basis nor on the basis of party representation in the Dáil. The O'Keefe report of 1997 indicated that there should be a mix of directly and indirectly elected Members, with 21 directly elected - 15 from the European Parliament constituencies and six from single-seat higher education constituencies - and 28 indirectly elected, 14 by the incoming Members of the new Dáil and 14 by county councillors. The Lenihan report of 2002 stated that 48 of the 60 seats should be filled by means of the proportional representation-single transferable vote system from a national list, that the university seats should be abolished and that the Taoiseach should nominate eight Senators and four others - in a procedure to be specified in law - to represent citizens in Northern Ireland. The O'Rourke report also advocated a mix of directly and indirectly elected Members, with 32 directly elected - 26 through a national constituency under a PR system and six from a higher education constituency under a PR-STV system - and 20 indirectly elected, through a national constituency, by county councillors, Deputies and Senators under a PR-STV system. The O'Rourke report also stated that the electorate should comprise all those entitled to vote at Dáil general elections, excluding those who had chosen to exercise their franchise in the higher education elections and those entitled to vote in indirect elections. The Gormley report of 2009 stated that there should be direct elections and that these should take place on the basis of a sectoral panel system, with citizens in 32 counties over the age of 16 and those resident here for more than five years entitled to vote. Senator Crown's Bill on this matter ad-

vocates that the electorate should comprise those eligible to vote in local elections and citizens living abroad. The Zappone-Quinn Bill advocates that it should comprise those eligible to vote in Dáil, European and local elections, Irish citizens in Northern Ireland, Irish passport holders abroad and graduates of all higher education institutions. The Fianna Fáil policy document to which I referred earlier advocates that 40 Senators be elected directly, ten from each of the four European Parliament constituencies, and that the electorate should comprise all registered voters and the diaspora, as defined by the Constitutional Convention. A Green Party document produced earlier this year advocates that the Seanad should be elected by the people and that the franchise should be extended to the general public.

These are just a number of the issues raised in respect of elections. The reports, documents and Bills to which I refer also make observations on the term of life of the House, the timing of elections, the powers of the Chair and matters such as reform, functions and procedures. This is a matter in respect of which it is not really possible to obtain a quick and consensual response.

I do not want to deal with all of the individual contributions that were made. However, a number of underlying themes marked the debate. I refer, for example, to the scrutiny of EU directives and regulations. There is a river of information moving through the European arena all the time. The directives and regulations in question must be agreed by the participating countries. On one occasion when Ireland held the Presidency of the EU in the 1990s, I recall spending 17 hours at a trade meeting called to resolve a row between two countries in respect of where tractors were being manufactured. The contrived basis for the row related to the coefficient of rubber in the bumpers of the said tractors. One can be obliged to consider issues which emanate from the European Commission and the European Parliament in minute and complicated detail. Of course, we have an all-party Oireachtas committee which deals with European matters. The Seanad can, quite rightly, reflect on such matters now and those Senators who are committee members can carry its views to their committees. I note that the House is due to discuss a motion relating to this matter in the coming days. I must inform Senators that, as far as I can ascertain, very few if any of the propositions put forward in the past in respect of legislative change and reform have actually been followed through in terms of an analysis of what they mean from a legislative and constitutional perspective and how, in the context of how the Seanad is actually set up, they might work.

What I intend to do now is proceed as I have said. I will discuss with the party leaders in the Dáil the concept of Seanad reform as part of the process of political reform.

*4 o'clock*

We need to engage further on this. The question of a task force has also been mentioned. There is so much information available that it is necessary to have some structure by which it can be crystallised into coherent sections on which people can make their views known so that we can follow through.

There were a number of valid suggestions. Senator Healy Eames raised the question of me reflecting on Members who were nominated under the rule that applies at the moment, whereby the Taoiseach makes nominations to the Seanad. I remind the esteemed Senator that any one of the 60 Members is entitled to be considered for a nomination to serve at Cabinet, even Senator Healy Eames. That is a constitutional facility.

**Senator Diarmuid Wilson:** Has Paddy Power opened a book on that?

**The Taoiseach:** Senator Leyden has made that request on more than one occasion. I thank the Cathaoirleach for the opportunity to come here. I have taken notes on everyone's comments. We will proceed from here and engage with the party leaders in the House as part of the process of Dáil change. I would like to be able to reflect on a good day in the Senate, which should mean in the future that Senators elected and appointed will work diligently and assiduously in the interests of a reformed and revamped Senate, where they can feel part of the process of political change in the country so that their contributions here do not go off into the ether and gather dust. Let us suspend proceedings and I will take the comments in the knowledge that they were given from the perspective of Senators in the best interest of change in the Seanad. We will see how best we can put this into the mix for the future.

I received Senator Leyden's Bill but I have not yet had time to read it. It concerns the Seanad Electoral (University Members) (Amendment) Bill. Senator Leyden signed the Bill for me and, in time to come, it will be a record of authenticity of at least one Senator who put his words where his mouth was.

### **Common Agricultural Policy: Statements**

**An Leas-Chathaoirleach:** I welcome the Minister to the House. In this debate, the contributions of group spokespersons are not to exceed eight minutes and those of all other Senators are not to exceed five minutes. The Minister will be called on to reply not later than 5.20 p.m.

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I am happy to answer any questions Members have. It is hard not to be crestfallen when I walked into the Chamber and everyone else left. I take it that is not a reflection of the interest, or lack thereof, in agriculture or the Common Agricultural Policy, CAP. It is hard to follow the Taoiseach.

I wanted to put on record a statement of where the CAP is and then we can have a question and answer session for as long as Members want. I can get under the skin of some of the issues if Members want a deeper understanding. I am very pleased to have an opportunity to address Members on the state of play of reform of the CAP. I would first like to make some general comments on the outcome of the negotiations and refer briefly to some of the main features of the reform package before explaining where we currently stand as we move towards implementation in an Irish context. In overall terms, the agreement reached on 26 June is characterised by three broad themes. The first is a greater emphasis on sustainability through Pillar 1 greening measures and Pillar 2 environmental measures. The second is generational renewal through supports for young farmers under Pillar 1 and the option of supports for young farmers under Pillar 2. The third is a continuing move towards greater market orientation, with support measures and market intervention measures used only as a safety net. All three elements are in Ireland's interests as a country building markets for our products outside, and within, the European Union.

Moreover, the agreement includes a range of flexibilities that allow member states to pursue targeted policies suited to their individual circumstances and agricultural production systems. In addition to the method by which payments are redistributed within member states, these flexibilities include the options of a small-scale farmer scheme, a redistributive payment favouring small to medium-size holdings, coupled payments and additional supports for areas of natural

constraint.

Parts of the CAP agreement hinged on the parallel negotiations taking place on the multi-annual financial framework, MFF, for the next EU budget from 2014-20. Although the Heads of State and Governments reached agreement on the MFF at the European Council on 7 and 8 February, final endorsement of the MFF elements of the CAP package was only obtained from the European Parliament at the end of September. Under the MFF agreement, the expenditure ceiling for Heading 2 of the CAP was set at €373 billion. While this represents a reduction of over €14 billion in comparison to the Commission's proposal, Heading 2 has been protected to a far greater extent than other headings. For Ireland, the CAP will deliver in excess of €11 billion over the next seven years.

Turning to the main features of the reform package, the key issue for most member states, including Ireland, was of course the distribution of direct payments within member states, which we have discussed in this House on more than one occasion. We faced proposals from the Commission for a mandatory movement to a flat rate of payment per hectare. This could have had very negative effects on our capacity for sustainable growth and production. However, the institutions ultimately agreed that member states will have the option to apply a partial convergence model recommended by Ireland. Again, I would have discussed this with many interested parties, including in this House, in terms of how the alternative convergence model would work. The scheme will be subject to a minimum payment per farmer of 60% of the national or regional average payment per hectare by 2019. Member states will also have the option to limit to 30% of the farmer's initial payment the amount redistributed through convergence. In other words, there are two tools. First, one can limit the amount that any one farmer could lose. Second, one can simply apply the convergence model adding a guaranteed minimum payment for everybody, as the Irish model suggested.

This outcome is a reasonable and balanced compromise that has satisfied the demands of members states as well as accommodating the concerns of the European Parliament. It also represents a very good outcome for Ireland. The partial convergence model, combined with the minimum payment would lead to a redistribution of about one third of the amount that would have resulted from the Commission's flat rate proposal. This will allow us to achieve the twin objectives of making the direct payment system fairer for those currently on low payments, while not undermining the efforts of those on higher payments to develop their farm enterprises. Of course we are free to redistribute more if we wish.

I was pleased with the outcome of the negotiations on greening of the CAP. As Senators will know, I have always supported the Commission's desire to imbue the direct payment system with a stronger environmental charter or character. For this reason I warmly welcome the balance struck between members states, the European Parliament and the Commission on the practical implementation of the three proposed greening criteria in Pillar I.

I also agreed with the decision to ensure that there can be no double funding of the environmental measures under Pillars I and 2. I am particularly pleased that the option to apply the greening payment as a percentage of each individual farmer, as proposed by Ireland, instead of a flat rate as this will limit the redistributive impact of the greening on the new direct payment system. In other words, there was a proposal that the greening payments would be paid to farmers on the basis of an average flat rate per hectare. Instead, we have the option of taking 30% of a farmer's payment and making it the greening payment. That creates the same incentive for all farmers to adopt the greening criteria whether one gets high or low payments per hectare.

Farmers will also be assisted in getting used to the new system by the fact that penalties for non-compliance with greening will not be implemented until the third year of the new direct payments regime. In other words, everyone has plenty of time to adapt.

I was particularly pleased with the agreement to introduce mandatory top-ups for young farmers, which was an Irish objective from the outset. In fact, it was an Irish idea from the outset. I have argued strongly that it is vitally important that we encourage generational renewal in Irish agriculture. Ireland has been one of the first member states to propose such a payment. Irish voices were very much part of the debate and included Macra na Feirme and other farming organisations.

There were other important aspects to the agreement that covers the broad range of instruments applicable to the agricultural sector. Let me give an example. A new framework to draw up rural development has now been agreed. In addition, programmes must contribute to the achievement of three headline objectives which in turn must be pursued through a set of priorities that includes the enhancement of farm competitiveness and the support of a climate resilient economy. A minimum of 30% of funding must be spent on environmental measures. However, flexibility is again the watchword with member states able to choose from a wide range of measures.

I shall mention the ongoing move towards a greater market orientation of the CAP which characterises this reform agreement. This is highlighted by the abolition of sugar quotas by 2017 and by confirmation that milk quotas will cease in April 2015. In addition, market support measures, in general, are to be used as a safety net only. For example, export refunds are to be deployed in exceptional circumstances only. Greater flexibility is also given to the Commission to intervene in exceptional circumstances. A special crisis reserve will be availed of where conditions go beyond normal market developments.

One of the lessons learned from the past, particularly in 2009 when there was a collapse in milk prices, is that we do have to give the Commission the powers to intervene quickly and decisively to put a floor on prices in order to protect primary producers, namely, farmers, from a price collapse.

After the June agreement the European Parliament held out for further negotiations on multi-annual financial framework, MFF, related aspects of the CAP reform package. These were agreed with the Council and Commission at the end of September and endorsed by COMAGRI on 30 September. It remains for the European Parliament to adopt the package at its plenary session to be held on 18 to 21 November, before formal adoption by Council in December.

Similar arrangements are expected to apply to the adoption of the transitional regulation that contains measures that will allow the direct payments system and rural development measures to be implemented in 2014. In addition, it is expected that the European Parliament will also adopt the MFF at its plenary session in November.

In the meantime, we in Ireland have already turned our attention to the implementation phase. As I mentioned earlier, member states have been given considerable flexibility to implement the CAP reform agreement in a way that best suits their individual farming circumstances.

Last July I initiated a process of consultation with all relevant stakeholders and interested parties to ascertain their views on the most appropriate application of the direct payments regulation in Ireland. A total of 44 questions were put to potential respondents across a range of

issues, all of which I am sure the House is familiar with. They include things like the allocation of entitlements, the structure of the basic payment scheme and the convergence of payments, the implementation of greening provisions, voluntary coupled support, and the young farmers' and small farmers' schemes. A total of 46 submissions were received by the deadline of Friday, 20 September. My officials and I are currently giving careful consideration to all of the responses. They are quite varied and reflect the different positions and circumstances of the various representative groups and individuals who submitted them. Modelling of the various scenarios that have arisen is also ongoing in the Department.

I hope to be in a position to make decisions across a range of alternatives over the next few weeks. It is imperative that the shape of the new direct payments regime is clear by the end of 2013. We have a very challenging schedule to meet if we are to ensure efficient processing of applications for payment in 2015. Even though the new budgetary period commences on 1 January 2014 we will have a transitional arrangement. It is a carryover of the existing CAP policy that will have a new budget next year. The new policies will kick in at the start of 2015 for the next six or seven years.

As regards the rural development regulation, I mentioned earlier that there is a broad range of measures from which member states may choose. These include knowledge transfer, innovation, young farmers, forestry, agri-environment and climate schemes and Leader-type operations.

Work on the development of the next rural development programme is already well under way. An initial consultation process was launched in 2012, and written submissions were received from over 80 stakeholders. These submissions have been analysed by the Department and have fed into the development of a strengths, weaknesses, opportunities and threats, SWOT, and needs analyses. Last July a second consultation was held where stakeholders attended a full day workshop. Based on the outcome of these processes the drafting of a new programme is being advanced by the Department. It is intended that further stakeholder consultation will form part of this. I expect to make decisions by the end of the year and to submit a draft programme to the Commission in early 2014, if not before then.

To summarise, it is expected that the legal texts reflecting the various agreements of recent months between the three European institutions will be formally adopted in December. This will coincide with the finalisation of the Irish arrangements for the direct payments regime and the rural development programme, both of which need further lead-in times before becoming fully operational across the EU from the start of 2015. Those of us who were debating the issue 12 or 18 months ago would have been very worried at the potential outcome of the CAP as it was then proposed. Many changes were made, all of which were positive, in terms of support for young farmers making that mandatory rather than voluntary in terms of a sensible greening proposal for Pillar 1, a flexible greening model, that ensured all farmers will have the same incentive to meet a basic benchmark for environmental standards when they produce food and a reasonable balance in respect of market supports and market interventions, where necessary, but still moving Europe's farming and food production systems towards a more globalised market, which is what Ireland wants. The outcomes from the political deal at the end of June suit this country in terms of what we want to achieve in our Food Harvest 2020 plan. We are using the flexibilities within the agreement to design a system that is most suited for Ireland. We are seeking views from all interested bodies and stakeholders. As we have had a stakeholders consultation process nobody can say they have not been asked their view on this issue. At the end of the exhaustive process, which has taken three years, I hope we the outcome will be clear and

finalised by the end of this year. We will then have 12 months to plan for its implementation for the start of the following year. That time will be needed in terms of mapping, software systems, inspection programmes, design of new schemes and an information process to ensure farmers understand the schemes and the impact on their incomes.

The other big issue on which members may wish to ask questions is the budget for the rural development programme. What has been agreed under the MFF from an Irish perspective is that Ireland will get €313 million approximately each year for the duration of the next CAP. Of course it is the co-funding element of the rural development programme from the Exchequer that will determine how much money we have to spend on rural development programmes. If we were to maximise the EU drawdown, in other words draw it all down, when one looks at the minimum amount of co-funding the Exchequer has to make to draw down that funding versus matching that funding the gap is €400 million to €600 million. I suspect we need to make a case for an amount somewhere in between. There are some schemes that have 85% EU co-funding and some schemes that will be 100% co-funded and other schemes will only be 53% co-funded from Europe. Obviously that will determine in overall terms how much is spent through the rural development programme in the coming years. There will have to be a collective Government decision to approve an overall rural development package which I will bring to Cabinet at some stage. I look forward to questions from Members on any of the details.

**Senator Brian Ó Domhnaill:** It is always good to have the Minister in the Chamber because, unlike other Ministers, he comes in with a genuine agenda and is always willing to interact with members and answer questions. He has had a busy period in respect of the review of the Common Agricultural Policy and the Common Fisheries Policy which we are not discussing today. It is important that we have the opportunity to discuss the Common Agricultural Policy. The Joint Committee on Agriculture, Food and the Marine, discussed the matter in some detail yesterday while we prepared our submission for the Department on some of the key issues which are of concern. We all appreciate there were constraints in respect of the import and the reluctance of some member states to fund the multiannual financial framework and then the knock-on effect to the agriculture budget. It is regrettable that there will be a 3.3% cut on the Pillar 1 element to Irish agriculture under the new CAP. When inflation is added, given that it was running at the rate of 7% during the last period of the CAP, the relative cut to farmers is in the region of 11%. Even the real cut of 3.3% will mean a cut of €330 to a farmer on a single farm payment of €10,000.

I am glad the Minister mentioned Pillar 2 because it is important. Sometimes it is like playing football in the dark when one is trying to negotiate the payments for Pillar 1 without knowing what is available under Pillar 2 or how that money will be drawn down and what the co-funding availability and commitment from the Government will be because that will depend on the moneys available to various scheme under Pillar 2 whether agri-environment, the Leader programme, disadvantaged areas or whatever. I appreciate the Minister's closing remarks in respect of a Government decision on the co-financing of Pillar 2 but I hope there will be a real commitment to regional and rural development and that the Government will subscribe to 50% level of funding for Pillar 2. I am sure that is an objective the Minister will try to achieve. While I appreciate that some of the scheme may receive EU co-funding of 85% or 100%, on balance a real commitment must be shown by Government to rural and regional development. That can only be done where a meaningful co-funding mechanism is provided under Pillar 2.

In regard to Pillar 1, the Minister mentioned the budget which is a cause of concern. Any reduction in farm incomes against the backdrop of increasing prices and costs will prove nega-

tive for the industry. I have a number of questions for the Minister. Obviously a mechanism is built in for a voluntary capping of €150,000 on single farm payments. In reality that will have little impact in Ireland given that the vast majority of payments are under the threshold of €150,000. That is an issue on which I and my party would have a particular view. The cap should have been much lower and those funds should be redistributed within the sector. While the cap is voluntary in nature what are the Minister's view on it? I am aware it has been agreed at €150,000.

On the convergence issue, when the whole process commenced the European Commission was considering a flat rate system and the Department had different views. I felt there had to be a rebalancing of payments particularly to farmers in the west who suffered down through the years and smaller farmers who suffered due to the distribution of CAP on historical grounds. Farmers who reared and sold on stock for further grazing and the factory end were penalised by larger payments going to the bigger farmers and they were not able to compete. The movement is towards 60% of the average payment, where the average payment per hectare will be approximately €150 or €152. Therefore, by 2019, every farmer would be on 60% of the average. The question is whether the Minister then has the scope to consider introducing a ceiling on the hectareage payments and whether that ceiling should be at a certain level. What is the Minister's view on that? I am not sure that scope is available, but my reading of the documentation gives me to understand it is. Should that be considered? There are farmers on payments of well in excess of €1,000 per hectare, while others are on very low payments per hectare and that has been the crux of the debate, particularly over the past number of months.

The link between productivity and single farm payments in regard to the level of hectareage payments should also be examined. All of the figures, including the latest figures from the Department, indicate there is no correlation or link between farmers with stocking density and those in receipt of high single farm payments. A table from the Department on the figures relating to the most productive farmers was discussed at yesterday's meeting of the Joint Committee on Agriculture, Food and the Marine and my colleague, Deputy Ó Cuív, has studied it in some detail. The majority of Irish farmers are on payments below the average of €250, but there are approximately 40,000 farmers in the category between the average and €400 per hectare. One could argue that they have been underpaid, because their production levels are extremely high. Is the Minister thinking of introducing a cap at €400 or €500 or €600 per hectare? Has he a figure in mind at this stage? Perhaps we can tease that out further later.

We all welcome the young farmers scheme, which is excellent. There is scope within the CAP to introduce a scheme for small farmers, which will mean they can receive up to €1,250 per year. Is it the view of the Department that this will happen from within the national budget? There is no mechanism built into the new CAP proposals for retirement. However, is there any way we can incentivise farmers to leave agriculture? Given that only 6% of European farm managers are under the age of 35, is there anything we can do to encourage older farmers to retire?

**Senator Michael Comiskey:** I welcome the Minister, Deputy Coveney, and thank him for coming to the House. I appreciate this opportunity to put on the record my congratulations to the Minister and his Department on concluding successful negotiations on the Common Agricultural Policy. The new CAP was delivered on time and puts in place a policy that is fit for purpose for agriculture in the future and consistent with the Europe 2020 and the Food Harvest 2020 strategies for growth and recovery. I am satisfied that the priorities of sustainable intensification of production, environmental stewardship and promotion of vibrant rural communities,

which Ireland brought to the negotiating table, have been preserved with the outcome.

The CAP budget will represent close to 39% of the overall European budget, which means agriculture will remain at the centre of European policy initiative. As we know, Ireland will receive €11 billion from that budget over the term of this agreement. Under the new arrangement, direct payments will now be distributed to Irish farmers in a fairer manner than previously. Acceptance of the approximation model ensures a better compromise between smaller and larger farmers. The agreement strikes a difficult balancing act, ensuring uniformity between member states while allowing for a high degree of flexibility for them in the application of individual measures. This is a pragmatic approach in a complex system which relies on the co-operation of lot of actors. As the consultation process in respect of Pillar 2 continues, I know the Minister seeks to underpin the approach to rural development with the same level of fairness in outcome as was demonstrated in respect of Pillar 1. As we are all aware, Pillar 2 funding contributes in a significant way to the socioeconomic development of rural areas. This must remain the priority up to 2020.

It is important that the significance of CAP is not just viewed from an EU perspective. There are international demands in terms of competitiveness and safe food production. The new agreement provides a framework within which these aims can be achieved. Previous common agricultural policies have been responsible for modernising Europe and ensuring food security. The most recent package advances these policies, bringing with it new measures to encourage generational renewal together with enhanced supports for young farmers. It provides certainty of policy for years to come.

The new measures for young farmers are welcome, particularly given the low levels of agricultural land sales occurring annually. Young farmers hoping to expand must be given opportunities to achieve growth and to access land. The role of young farmers and small holders is emphasised in a number of welcome measures in the agreement. I note that the European Council of Young Farmers praised this package as the first reform to include a mention, not to mind a measure, for young farmers. I know that under Pillar 2 there is the prospect of further measures being provided for younger farmers by means of funding for business start-ups and for small farmers to avail of such start-up aid.

I welcome the role of the European Parliament in the process for the first time since the enactment of the Lisbon treaty. In giving the European Parliament a role in creating policy rather than the previous rubber stamp function, a more robust agreement has emerged. Once again, I thank the Minister for coming to the House today to discuss the agreement which is soon to be in place. It has been a long time coming, with the launch of public consultation on the future of EU farm policy commencing as far back as April 2010 and concluding during the term of the Irish Presidency.

**Senator Rónán Mullen:** Ba bhreá liom fáilte a chur roimh an Aire. I welcome the Minister and thank him for his good work in the negotiations. The good news for Ireland is that our portion of the budget or our national allocation will remain broadly the same under the reformed CAP. The key changes relate to how the money is distributed and it is on this issue that much of the debate here will focus.

The Commission has promised us a more efficient CAP by simplifying administrative mechanisms without losing efficiency. All farmers will welcome simplification of the processes involved and less red tape. However, the new CAP makes significant changes to the

distribution of single farm payments, affecting thousands of Irish families over the next seven years. Like others, I broadly welcome the changes that are being made. I come from a small farm background and see the need to protect life on the land and rural communities, but there is also a need to protect sustainable productivity.

Under the new system, support will be calculated on a per hectare basis, rather than linked to past productivity. The new CAP will see a number of countries, including eastern countries such as Romania and the Baltic states receive an increase in their entitlements as countries are brought towards a minimum payment. Now, for the first time, the greater part of EU money will flow eastwards as opposed to going to the traditional recipients. However, it is welcome that most of our allocation has been protected.

Individual member states will have to change the way they distribute payments. The report states that through the process called internal new convergence, farmers will be entitled to a minimum level of payment. I note what the Minister said in his speech, although I was not present to hear him.

It is the case that approximately half of Irish farmers who are currently on higher payments will see a dip while a slightly larger number, 60,000 farmers who are currently below the average, will see their payments increase. We await further details on how member states will manage the various rural development schemes, the Pillar 2 aspects which, of course, also form part of the Common Agricultural Policy. I join the call made by the IFA that the Government should commit to 50:50 co-financing of Pillar 2 schemes so that there can be a comprehensive package of rural development measures put in place for vulnerable sectors and regions and to encourage investment in agriculture.

I note that member states or regions may grant additional payments for areas with natural constraints, as defined under rural development rules, of up to 5% of the national allocation. This is optional and it does not affect the options available under rural development, but I hope the Minister can confirm that the Government will commit the maximum possible to assist farmers in marginal areas.

I take this opportunity to raise the issue of the recent EU Commission deal with the Government of Canada on a common free trade agreement. On 18 October, the EU and Canada reached a political agreement on the key elements of a trade agreement called the Comprehensive Economic and Trade Agreement, CETA. We are told that this agreement will remove over 99% of tariffs between the two economies and create sizeable new market access opportunities in services and investment. It should be noted that until the agreement is approved by the Council of Ministers and the European Parliament, it will not come into effect.

The concern I would have is that perhaps the EU traded away some of its and, by extension, Ireland's agricultural interests in order to protect other interests of the EU. In 2012, Canada was the EU's 12th most important trading partner accounting for 1.8% of the EU's total external trade. In the same year, the EU was Canada's second most important trading partner, after the United States, with approximately 9.5% of Canada's total external trade. Unsurprisingly, Canada is more reliant on the EU than *vice versa*. Thus, it would have appeared to any observer that the EU would have held the senior position in the negotiations.

If we look at the deal that was done, the pact would eliminate tariffs on almost all goods and services, set larger quotas for EU dairy exports and make it easier for EU car makers to export

vehicles to Canada and for European companies to invest in Canada's uranium sector. I can certainly see the benefit, for example, as quotas are removed in dairy, for export of dairy products from the EU and from Ireland but, for Canada, pork and beef farmers would appear to be the biggest winners. Such Canadian farmers, once they change production and processing to meet EU rules, have gained a bigger share of a significant market. As far as Canada is concerned, we can say that a powerful food producer is gaining powerful access to EU markets. The EU will eliminate duties on a range of Canadian agricultural products from wheat to maple syrup. Canada will be able to export 80,000 tonnes of pork and 50,000 tonnes free of duties to the EU.

Canadian cattle ranchers are gearing up to export an additional €426 million of beef annually into the EU from 2015. Significantly, there is no limit on the value of the cuts that are exported. Thus, it is reasonable to assume that Canadian exporters will target the higher end of the market with select cuts and steaks. This fear was articulated by the Meat Industry Ireland group which stated that allowed the Canadians to cherry-pick the EU beef and pigmeat market by targeting higher value segments. Those producers are rightly concerned that the European Commission seemed to use access to the EU meat market as a bargaining chip, thus sacrificing EU agriculture in trade negotiations for gains in other sectors of the economy. If Canadian beef processors target the lucrative EU steak cuts market, could this deal undermine European beef prices? I agree with the Irish Cattle and Sheep Farmers Association, ICSA, beef chairman, Mr. Edmond Phelan, that the likelihood in this deal was that there would be more pain than gain for Irish farmers. In contrast, the Canadian beef farmers are describing it as a really good outcome for Canada's 80,000 cattle farmers.

CETA is the first trade deal that the EU has done with a G8 country and it is widely regarded as a scene setter for trade talks under way between the EU and the US. That is what I want to ask the Minister about. Is there a danger - if there is, it must not happen - that the Commission might repeat the agriculture market access concessions to Canada in its forthcoming negotiations with the USA? I would welcome the Minister's response on that. We cannot know what negotiations are ongoing with the USA. Like all free trade negotiations conducted by the Commission, the EU-Canada negotiations were held in secret and, arguably, were driven by Canadian and European big business that want market access rather than the concerns of maintaining rural communities or our interests in the beef markets.

I agree with the IFA that the Government must be a strong voice in Europe to resist pressure to liberalise trade for sensitive products such as beef and pigmeat. The Wikileaks cables showed the enormous pressure that the US diplomatic service is exerting to compel one-sided deals in which large volumes of beef and pigmeat, and other agricultural products of dubious quality, are imported into the EU while they offer modest market access for EU exports. The Government must insist that any imports from Canada fully meet EU standards on production, food safety and the environment which, as one must bear in mind, put significant costs on Irish farmers.

Finally, I would ask what assurances the Minister can give the House as part of the implementation of this agreement that those farmers who are affected will be able to avail of supports at either EU or local level. In Canada, the economic development Minister stated that they had commitments from the federal Government to address the potential negative cost and economic impacts to the dairy sector, specifically, to cheese producers. Are there similar commitments and will there be similar protections for Irish farmers?

**Senator Jimmy Harte:** I welcome the Minister to the Chamber.

Coming from a rural part of Donegal, east Donegal, which traditionally was a strong farming area, I was always aware of the importance of farming. When I set up my own insurance business, I always knew that when farmers were doing well, everyone was doing well. Farming is so important to the local economy. My experience was that farmers usually spent the money locally and agriculture was one of the wealth generating areas of the economy in an area like Donegal. Europe, if it had its way, probably would want Ireland to be one big garden and not have the bother of having farmers in Ireland. They would rather have them based in large European farms.

We are fortunate that the Minister, Deputy Coveney, was taking over the Presidency when the CAP was being negotiated. People do appreciate it but they must realise the work he put into it, the input he makes and his knowledge of farming, the agrifood sector and the range of agriculture. It was important that we had him there at the right time, for instance, on issues such as the top-ups for under 35s. Only 6% of farmers throughout Europe are under 35. People might see it as good that people have moved away from agriculture but in Ireland we can specialise. We have the terrain and the expertise and we have marketed our food well. By having Deputy Coveney at the negotiating table, it was important for the future of agriculture in Ireland. If Lithuania had held the Presidency at the time, it may have had a different attitude to CAP. The policy has been negotiated in a fair manner. Given €1.5 billion is coming into the country annually, it is so important for local economies that are so dependent on welfare, farming or public service jobs. The cities, such as Dublin, Cork and Galway, are different where there are financial services and other sectors. For rural areas and the country as a whole, agriculture has provided the stable income for many communities.

Over the past 30 years, farmers have become much more environmentally friendly. The Minister probably will be aware, even though he is much younger than I am, of how farms were kept years ago compared to now. Nearly all Irish farmers have a very respectful knowledge of the environment and complied very well with regulations, even though some might have had to be nudged in that direction. It is a win-win. Current agricultural practice in this country has come a long way from that in the last century, when farms were perhaps not as well maintained. However, that was not the fault of the farmers concerned but was probably due to the fact that not enough of them were going to education colleges. The future depends on young farmers continuing in farming and, perhaps, making their own niche within certain areas of the market. Ireland has a massive opportunity to market itself. It has a worldwide image of having a clean food industry and I hope the CAP will encourage more farmers to bring their families into the industry and maintain it into the future.

I am not patronising the Minister, but we were fortunate that he was at the negotiating table at a very crucial time in the negotiations on the future of farming. I am sure previous Ministers, Governments and officials would say that when it comes to farming, all parties are as one. We are up against the European Union at times, but on this occasion it was positive and long may it last.

**Senator Sean D. Barrett:** I welcome the Minister and compliment him on his negotiations in achieving the figure of a minimum of 60% of the national or regional average per hectare. That is part of the social objective of keeping people in rural Ireland and the various industries that stem from it. Some €11 billion will come to this country.

Is it time to plan outside this figure of €11 billion? We hear about world shortages of food, the figure of 9 billion people, developments in New Zealand, the development of the Chinese

market and the substantial progress we have made in satisfying markets, as the export figures show. However, at what point does the €11 billion become the target, rather than customers? Do Irish farmers spend too much time chasing subsidies and too little time facing customers? Is there a contrast in that regard? I would like to see the commercialisation of Irish agriculture proceed apace based on the New Zealand model. My fear is that the subsidies are capitalised in higher land prices which, in turn, become an obstacle to young people getting involved in agriculture. When the New Zealanders pulled out their subsidies, land prices fell. We have high land prices and relatively low output per acre; perhaps, therefore, the relentless pursuit of subsidies accounts for that problem.

I disagree with my friend and colleague, Senator Rónán Mullen, on the Canadian agreement. Free trade is the way to go. We might learn things from Canada, perhaps not so much in agriculture but certainly in respect of banking and the public finances, in respect of which it has done rather better than us in recent decades. Much of Canada is under snow for three or four months of the year, yet we still say we are not competitive with Canada, that it pulled a fast one on the Minister and his colleagues in doing the deal and that this is a very bad model for the forthcoming deal on free trade between the United States and the European Union, which I also support. Either we are really good at this and can represent companies such as the Kerry Group and the Greencore Group or we are not. Saying we are good but that we want more subsidies, particularly in straitened circumstances for most Exchequers, including in Europe, is almost a schizophrenic policy. As we are good, we should not be afraid of the Canadians, the Americans or anybody else. We have set ourselves the target of being a leading world food producer; therefore, let us proceed in that way.

There is a report from an all-party UK committee on European reform which states scrapping the CAP and other measures to protect European agriculture could add 1.1% to European GDP. Part of the euro-scepticism on the neighbouring island is that there are too many subsidies and too little food production taking place. It is an issue we must confront. Will it ever end? Will there be an agriculture industry in Europe which can supply a rapidly growing demand for food competitively with the Americans, the Canadian and the New Zealanders, or will we always be on the subsidy trail?

There is also a fair amount of scepticism in many rural areas about the non-farming part. Many think I would be critical of public sector approaches, but the criticisms I have of some of the rural development and Leader programmes are that there is mainly bureaucracy and very little output. We must face up to this in a period of difficulty in the public finances. It raises the general question of whether this is ultimately for the good of Irish agriculture. We hopped on the subsidy train when we joined the European Union, but when do we become fully commercial producers? Do the subsidies delay this happening? My colleague, Professor Alan Matthews, in Trinity College Dublin is concerned that the subsidy has become more important than the market based income. Farmers are good in market conditions, as one will see if one visits a cattle market, but have we made subsidies, instead of market based activities, the *cause célèbre*? Any action of the Minister - I appreciate his goals in this regard - should be to turn farmers more towards serving customers and meeting food needs, rather than repeatedly demonstrating outside Leinster House for more subsidies. They are either commercial or they are not. We can look after the non-commercial farmers with the €11 billion, but some of the others must face up to the fact that it is a world of free trade. If they are as good as they maintain they are, they have nothing to fear. I wish them well in that regard.

**Senator Pat O'Neill:** I welcome the Minister to discuss this very important issue for the

economy. The CAP negotiations have been ongoing for the past two years since the Minister, Deputy Simon Coveney, took office. When the Commissioner and the Commission released the first proposals, Ireland was facing doomsday in respect of flat rate payments. Under the Minister, especially during the Irish Presidency of the European Union, we emerged with a deal based on an Irish model. That this deal has been done proves the skill of the Minister and the esteem in which he is held by the other Ministers in Europe. It is an excellent deal for Ireland. The next month or six weeks will be very important with regard to the announcement to be made. The Minister said he had sent 44 questions to people about how CAP funding would be redistributed and received 46 submissions in return. That shows how important agriculture is in this country. When the CAP negotiations have been completed, the Minister might be moving on to greener pastures, but we hope it is not Angola, as is said about certain other areas, because he has done an excellent job in the agriculture sector.

The budget is part of CAP reform, too. When one sees what we have had to confront in austerity budgets for the past few years, one can see that the Minister has defended agriculture. The introduction of the genomic scheme this year for beef and calves is excellent. We must support rural Ireland. Senator Sean D. Barrett spoke about rural Ireland and the supports it needed, but his theme went wrong with his description of them as subsidies. I do not call them subsidies. It is a single farm payment and it is made to support rural Ireland. Ireland has a tradition of having family farms. We do not have an English or New Zealand model; it is not a factory farm. We have family farms which must be supported to keep people in rural areas.

What has benefited the economy most in the past two and a half years has been the growth in the agriculture industry. Agricultural exports have helped our GDP. One also sees it in the innovation of companies such as the Kerry Group, Glanbia and Dairygold. They are now market and world leaders with different products and we can be proud of them. They are gearing up for the challenges that will be faced in the next five to ten years in agriculture.

One of the major aspects of CAP reform, leaving aside equalisation, is that some people believed they were hard done by under the last agreement.

*5 o'clock*

There were people involved in the sheep sector fattening heifers and people involved in the dairy industry who ended up with a small single farm payment. This new agreement will have to compensate them for what has happened as a matter of history. That is important. The ones who are producing are the ones who do not sit back and continue to produce. We have earned a reputation worldwide for the quality and traceability of our food, the sustainable way in which the agriculture sector is run and its safety. It is important for us to maintain this reputation.

Farmers should not be afraid of the greening issue under the CAP. Greening is part of the wider picture in the way food is produced. Let me offer an example. Last Monday, for the first time, I received a printout of emissions on my farm. There were four graphs showing what the national averages were and where my farm was in that context. This is something that was introduced as a reform under the Minister. The aim is to ensure that when we sell a pound or kilo of steak in Germany, we can say what the CO<sub>2</sub> emissions were in producing that piece of beef. That is something for which the world is looking because it wants to see what is happening.

To reiterate, this measure is being introduced to support family farms and rural Ireland. The milk quota subsidy will disappear in 2015 and the sugar quota in 2017. I congratulate

the Minister on the excellent negotiations that took place on sugar quotas and hope the sugar industry can again be successful in this country. We are going to see growth in milk production. Companies such as Glanbia and the Kerry Group have put their plans in place to deal with the issue of extra capacity. It is important and germane to these negotiations that young people enter agriculture. They are energetic and have new ideas as to how the sector can be run. They train in agricultural colleges. A few years ago being involved in agriculture was not sexy. Young people did not become involved; they went to college, trained or went into the building business. In the past three or four years, however, as the building industry declined, places in agricultural colleges have become very important. The Minister negotiated with the Minister for Education and Skills, Deputy Ruairí Quinn, to have more teachers employed in these colleges to train students properly. I reiterate that it is important to get young people to become in agriculture, as they are the ones with new ideas to drive us on in the 21st and 22nd centuries. There is a future for farming, a sector which has been well led by the Minister. I congratulate him on the CAP negotiations. I was not being disrespectful when I wished him the best in Angola, but I imagine he will be going somewhere.

**Senator Trevor Ó Clochartaigh:** Céad fáilte roimh an Aire. My apologies for not being present at the beginning.

I wonder if there is any money available in the CAP negotiations to clone Deputies and Senators who need to be in two places at the one time. I had to leave a committee meeting to come here, but I have read the Minister's speech.

**Senator Pat O'Neill:** There is only one of you, Trevor.

**Senator Trevor Ó Clochartaigh:** The same goes for the Senator. I appreciate and it is worthy noting that the Minister has had a particularly busy time. There was the fodder crisis, the horsemeat difficulties, the CAP negotiations and the Irish Presidency of the European Union. It is generally accepted that the Minister is very much on top of his brief and hard-working. This is something we recognise and it is important that we acknowledge it. Nevertheless, we are disappointed by the outcome of the negotiations on the new farm payment scheme. Sinn Féin argued for a cap on the high payments received by a small number of individuals and companies not directly involved in farming. We also proposed radical redistribution of payments to recipients to increase the viability of lower income farm households. The unfairness of the payment scheme is illustrated in the following figures. If one takes those who receive more than €100,000, 243 recipients received between them €32,840,000. For those in receipt of between €50,000 and €99,000, some 1,804 recipients received between them €118,368,000. If one compares these figures with those for recipients who receive less than €5,000, 52,193 recipients received between them €125,399,000. We believe there can be no defence of a scheme under which less than 2% of recipients at the top receive more than the bottom 40%. We, therefore, ask for a fairer redistribution for those who receive the lower amounts.

Much of the defence of the current single farm payment was based on the claim that it rewarded more productive farmers. However, statistics for stocking density prove there is little evidence to support this claim. Farmers with an average payment of €282 per hectare in 2010 had an average stocking density of 1.47. That compares with a stocking density of 1.92 for those with average payments of €1,180 per hectare. It is difficult to see how this can be justified. For the present we must accept conservative parameters agreed to by Ministers last June which allow for a degree of flexibility. We would argue for the greatest possible flexibility in the interests of those on lower payments.

Sinn Féin supports the use of 2% under the national ceiling for the young farmers scheme, which would amount to €24.3 million in 2015. We would retain a figure of 3% as a national reserve, which would amount to €17.5 million in 2015. We support the application of a redistributive payment, amounting to the maximum possible percentage under the national ceiling allowable. We agree with the definition of “active farmer” that would exclude from payment non-agricultural land such as airports, golf courses and so on. We also support the exclusion of agri-business the main activity of which is not actual farm production.

Sinn Féin called for an immediate cap of €100,000 on individual payments. Given that this has been ruled out, we now support the lowest possible cap under the agreed format. We support the allocation of payments to farmers who receive no single farm payment but who can produce evidence of being involved in active farm production in the reference year. Under the agreed framework, we support the maximum possible redistribution of payments. We believe the minimum payment ought to be the national average per hectare payment. We support the application of the lowest maximum per hectare payment allowed under the agreed framework. Sinn Féin does not support the reintroduction of coupled support schemes. We support the introduction of a small farmers scheme, with the inclusion of all farmers with annual payments of less than €1,250.

I welcome the reopening of the sugar production facilities which will be a very welcome element and offer an opening for farmers throughout the country. I note there are serious concerns in the farming community about the suckler cow herd and future production capacity. Perhaps the Minister might like to comment on this issue.

I have a particular interest in Leader funding supporting rural communities. There is a great deal of concern on the part of companies dealing with this funding about the alignment process. They believe the county councils are trying to get their mitts on the money and taking control of the way funding will be spent. There is a serious concern that there will be a lack of democratic involvement by local communities in the boards of these companies. I call on the Minister to speak to his colleague, the Minister for the Environment, Heritage and Local Government, Deputy Phil Hogan, on that issue. It is important that local decision-making be kept local.

I am also conscious that many coastal communities are dependent on income from a number of sources - fishing, farming and perhaps some other work. It is important that we try to maintain this. As the Minister also holds the brief for fishing, it is important that quotas and their redistribution nationally, from a fishing perspective, are fair across the island of Ireland and that we do not see certain geographic areas benefiting to the detriment of others. It is also important to state we are concerned about the cuts to rural services, including transport services, the closure of Garda stations, etc. These are dragging people from local communities that are already suffering heavily from emigration. Farming and fishing, particularly in rural areas such as Connemara, have been the stalwarts in keeping people in communities. It is all linked with the funding and support given under the likes of the Common Agricultural Policy. I realise the Minister has a very difficult remit in trying to balance all of the different vested interests, but coastal communities must be given special consideration, as must communities in mountainous areas such as those in north Connemara which have a particular difficulty when it comes to farming and fishing.

I will leave these thoughts with the Minister whom I thank once again.

**Senator Jim D’Arcy:** Ba mhaith liom, ar son muintir na hÉireann agus feirmeoirí na hÉ-

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ireann go háirithe, buíochas agus comhghairdeachas a ghabháil leis an Aire as an obair mhór a rinne sé ar ár son i dtaobh an Comhbheartas Talmhaíochta. It was a great achievement to have been able to sort out the Common Agricultural Policy during our Presidency. It went a long way towards restoring our reputation in Europe. I particularly welcome the initiative which has led to 2% of the total CAP budget being allocated in the form of premiums for young farmers. We need people involved in farming and we also need generational transfers. In addition, those in the sector must have the enthusiasm to develop their farms.

It is extremely important that the livestock sector should be supported. In that context, I welcome the measures introduced in the budget to assist suckler cow and sheep farmers. This sector of agriculture is worth €5.7 billion to the economy. It is important that the farmers who operate in it be given support in order that national herd numbers will not decline. The CAP allows for coupling of up to 8%. It may be intended to use coupling for that purpose but taking another 8% out of the budget for the purpose of making headage payments may be too much for other sectors to bear. I suggest that some Exchequer funds may be required in this regard. It might be better to restrict the figure for coupling to between 3% and 5%, with the balance being made up by the Exchequer. I would welcome the Minister's opinion on this.

In the aftermath of the foot and mouth disease crisis that occurred early in the last decade, farmers in the Cooley area of County Louth have been working very hard to build up their herds and to ensure the quality of their animals. The Cooley sheep show and sale is held every August and I invite the Minister to attend next year's event. He would be most welcome----

**Senator Trevor Ó Clochartaigh:** In Angola.

**Senator Jim D'Arcy:** -----if he attended. His presence would provide a great boost to those farmers whose livelihoods were decimated early in the millennium and who are now getting their confidence back and developing both the breed and the brand.

There is a need for a national agri-environmental scheme - this is a matter to which the Minister referred - with a specific element relating to mountain regions. The latter would provide higher payments to the farmers who operate in such areas, most of which are designated as special areas of conservation, and who are obliged to engage in a particular type of farming as a result.

We must also look forward to the next version of the CAP in the context of food security and achieving better market prices for farmers without increasing the cost to consumers. The Minister will be obliged to deal with this major job of work in the coming years.

**Senator Paschal Mooney:** I welcome the Minister and thank him for his presentation. I accept that I will be commenting on matters raised by previous speakers but it is important that emphasis should be placed on certain aspects of CAP reform.

On convergence, the key question for Fianna Fáil relates to where responsibility regarding paying for overall increases should fall. For example, farmers on over €400 per hectare are overpaid based on livestock criteria. I welcome the agreement negotiated by the Minister in respect of single farm payments. In the coming five to six years the 60% average should result in those who live in the county in which I and Senator Comiskey reside receiving increased payments. This does not just apply to those on the western seaboard. One of the suggestions made in the debate which took place prior to and during the CAP negotiations was that only those in severely disadvantaged areas would benefit and that so-called productive farmers would lose

out. I have never been able to find a definition but I presume the term “productive farmer” relates to the big grassland farmers who operate in the Golden Vale. Kilkenny is supposedly a very rich farming area. However, there are some 1,473 farmers in that county who are on incomes of less than €10,000. In the Minister’s county, Cork, the number of such farmers is over 7,000. The suggestion that the new average would only apply in certain parts of the country is incorrect. I am glad, however, that farmers in my county and similar counties will hopefully receive significant increases as a result of the new convergence arrangements. A question arises with regard to how the Minister intends to manage the system in the context of the flexibility built into it. What sort of levels will be imposed? Have matters reached that stage yet or are other issues still being addressed?

It is disappointing that the rural development budget under Pillar 2 was reduced even further to €85 billion during the final negotiations. The new figure represents a 14% reduction. What has happened in this regard highlights the need for the Government to match EU funding in respect of rural development schemes on a 50-50 basis. I am not sure whether the Minister has been vocal in respect of this matter but the IFA has certainly voiced its views. Perhaps he might outline his thinking on how the Government, in light of our current straitened circumstances, is going to match funding from the EU.

There are a couple of side issues which arise in the context of the overall CAP reform package. The first of these relates to the impact of the recently concluded trade agreement between the EU and Canada. The initial reaction is that this agreement will pose a threat to the pork and beef sectors in Ireland. I had the honour to be a member of the delegation from the Joint Committee on Agriculture, Food and the Marine which visited Berlin for International Green Week earlier this year. When we were out in Berlin in the evenings, we were struck by the number of restaurants highlighting the fact that they had Argentinian beef on their menus. That was the first occasion on which I had ever seen this. The beef in question was being sold at premium prices on the basis that it was an attraction. There were billboards and blackboards outside of the restaurants to which I refer proclaiming the availability of Argentinian beef. In other words, it was being used as a catch-all in order to attract customers. I am concerned that this might be repeated in Ireland in the near future, when we will see similar blackboards outside restaurants here advertising the availability of Canadian beef at premium prices and proclaiming the latter to be better than Irish beef.

My final question relates to the ending of sugar quotas. There is general agreement that a mess was made of the termination of the sugar industry in this country. To put it another way, and acknowledging that hindsight is 20-20 vision, if matters had been handled better we might still have a sugar industry. However, we will never know for sure whether the latter would have proved to be the case. The Joint Committee on Agriculture, Food and the Marine debated this matter at its meeting yesterday. I was not at that meeting but Senator Ó Domhnaill informs me that one of the conclusions arrived at is that a cost-benefit analysis or something similar should be carried out in respect of the viability of resurrecting the sugar industry here and that we should not just leap back in with our eyes closed only to discover that it is not viable. I understand that this is one of a series of recommendations which will be submitted to the Minister in the not too distant future. Perhaps he might outline his views on this matter.

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I will try to respond to as many as possible of the numerous questions posed. In particular, I will try to address the points raised by those who have remained in the Chamber.

In respect of what Senator Ó Domhnaill said, it is important that people get the context right. The idea that anybody would be disappointed that there will be a 3.3% cut in direct payments when six months ago a 30% cut was being discussed just does not stand up to scrutiny. Anyone who thought the CAP budget would remain untouched while the overall EU budget is being cut to quite a significant degree does not live in the real world. I agree with the Senator that farmers will see reductions in their direct payments. That is regrettable but I am of the view that we obtained an extraordinarily good deal in terms of the overall MFF and the priorities relating to agriculture. Ireland, through the Taoiseach's office, lobbied very hard in order to obtain the result that was eventually achieved. We supported other countries that were working with us in this regard, most notably France. To limit the reduction in Pillar 1 direct payments to 3.3% was way beyond the expectations of most people. From the point of view of the farmers, who do not care about the politics of it and just see a reduction in the direct payment, it is a cut, but people need to understand that limiting the cut to that extent was a significant achievement and should be noted. Anyone in the sector, including farm organisations, can recognise that.

With regard to co-funding, it is important to understand that we have been living for the past number of years under the terms of a bailout agreement. We have set expenditure ceilings year-on-year as required in the agreement. At the end of this year, and not before time, we will be leaving the straitjacket approach to the management of our economy, but we will still have to have financial discipline in terms of how we spend money and where we spend it. Expenditure ceilings will still be applied to every Department by the Department of Public Expenditure and Reform. I will have to negotiate, on behalf of the sector, a rural development programme that draws down full EU money and creates as big a fund as we can afford to spend on the rural economy. I will do so, as opposed to designing a rural development scheme that targets the maximum co-funding at EU level. We are required to have up to 30%, in terms of expenditure, of our rural development schemes as environmental schemes. All environmental schemes have 85% co-funding. The idea that we can have 50:50 co-funding without a significant extra contribution from the Exchequer, which is not required to draw down EU funding, is a question of the willingness of the Government to add significantly to what it needs to spend to draw down EU funds. It is a lot to ask in these times but I will make the case forcefully at the Cabinet table because rural economies are performing extraordinarily well. This is particularly true of the agrifood and fisheries sector in the past number of years. The figures prove it.

People talk about the Irish agrifood industry not being able to perform because of subsidies. I totally reject that concept. In the past three years, we have seen growth of more than 30% in the value of food and drink exports out of the country. It is partly driven by more efficiency at farm level, which we must continue. We must use the funds. Direct payments to farmers are about income stability, and we have attached those payments in the past to productivity. This is not about income distribution; it is about supporting sustainable, efficient and safe food production. There is a deal between European taxpayers and European food producers that we pay them for producing sustainable, safe, high-quality food because they must do that under conditions more stringent than in other parts of the world. They must also do so on family farms that are much smaller than in other parts of the world and we want to keep that structure intact. In return for direct payments, farmers must comply with restrictions that do not exist in other parts of the world.

In dairy production, Ireland has a natural competitive advantage against any other country in the world, including New Zealand, in terms of our climate and our ability to grow grass. The industry has not been allowed to expand since 1983 because of quotas. Farmers are not

getting money for nothing; they are getting money to comply with a production system that is politically designed in the European Union for all sorts of objectives including food safety, food quality and a certain amount of rural social engineering in terms of family farm ownership, the structure of rural communities and keeping farms on hillsides and mountainsides. This is the kind of farming that does not exist in much of the rest of the developed world in similar areas.

It is important to understand that it is not a simple question of farmers pursuing subsidies for the sake of it. We are trying to provide income stability for farmers in good times and bad but also to incentivise them to become more efficient at what they do. This is why we introduced the beef genomic scheme in the budget. We will spend some €40 million on the beef sector but we will receive a significant dividend from beef farmers, which will allow us to be the first country in the world to set up a national beef DNA database, matching it to the information we already have from our beef farmers in terms of performance indicators in the herd, such as ease of calving, performance, feed conversion efficiency, fertility and other measures. We will be the first country in the world to be able to tell a farmer, on the basis of a DNA sample from the calf, how the calf is likely to perform later in life.

The idea that farmers cannot become more efficient at how they produce food if they are getting subsidies does not match what is happening on farms in Ireland. Both can be done together. If we had a lazy approach from the Government, giving money to farmers without asking for anything in return, and if the CAP policy was sloppy and lazy, we would be paying people to remain on the land regardless of how they produce food. However, that is not how the deal works. Most farmers drawing down direct payments who are getting support from schemes in the rural development programmes understand that.

I want to deal with the EU-Canada trade agreement because I was involved in it. In response to some of the questions, Deputy Martin Ferris proposed that we advocate for a cap of €100,000. At the time, I agreed with him. We had to move heaven and earth to get agreement on €150,000, and it is not a cap. Countries such as Britain and Germany just want a 5% degressivity above payments of €150,000 for farmers. There are just slight reductions on payments above €150,000, but we have agreed that countries can apply a degressivity figure of 100% above €150,000. In other words, we can set a cap at €150,000 for any farmer. From my comments today and previously, Members may have picked up that I am quite sympathetic to it. I must look at the submissions from all organisations before we finalise an agreement.

We also have the capacity to examine capping payments per hectare. There is a major misunderstanding among many people who have examined the CAP debate but not the detail. People talk about higher earners versus low earners and big farmers versus small farmers. The only calculation that matters is the payment per hectare. Of course, a farmer with a lot of land will receive a higher payment than a part-time farmer with a small amount of land. To make the case that both farmers are in the same category, as if they are both full-time farmers with the same sized herds and land, with one receiving €3,000 and the other €140,000, is incorrect. The payments farmers currently enjoy have been brought about on the back of entitlements in the past that were linked to headage payments and integrated administration and control system, IACS, payments that depended on the number of animals on the land or the crops they were growing. They did not get payments out of thin air. In the past, farmers who could work the system most efficiently in terms of maximising throughput and getting payments linked to throughput were the farmers with the highest payments. There is a correlation between productivity on farms and the level of payment per hectare in general. The percentages are not as wide as the payments suggest. The highest-paid farmers, in terms of payment per hectare, are those

with the highest stocking rates but there is not a ten-fold gap in stocking rates, as suggested by one farmer getting €80 per hectare and the other getting €800 per hectare. That is why convergence was necessary. We are moving towards average payments and a guarantee of a minimum payment of approximately €146 to €150 per hectare. The more one earns per hectare the more one loses and the closer one is to the average payment, one will either gain or lose. The vast majority of farmers are somewhere between €200 per hectare and €500 per hectare. That group of farmers is not massively gaining or losing but they are all moving slightly towards the average payment over a gradual period of six or seven years. The agriculture sector does not want shocks to the system. The internal convergence model which has been agreed as an option and which Ireland intends to adopt, is a good result. I am unable to provide exact answers to some of the questions because we have not completed our consideration of them. If any Member wishes to contact me directly I am happy to speak to him or her afterwards.

I will speak briefly about the EU-Canada trade agreement. It is important to understand a number of factors. The reason this deal was not done eight months ago is because of countries like Ireland and maybe one or two others, but Ireland in particular. We are very sensitive on the issue of beef. There is really no other significant beef exporter in the European Union. We export nearly 90% of the beef we produce and the vast majority of that product goes to the UK and to the rest of the European Union. Any dramatic increase in tariff-free imports of beef into the EU will be a concern for our sector. Canada was looking for significantly more than 50,000 tonnes carcass weight which is about 37,000 tonnes of beef; it was looking for twice that amount under this deal. Canada was also looking for a fraction of the 15,000 tonnes of tariff-free dairy exports which we can now send into Canada. Anyone who understands the Canadian agri-food industry will know that it is an incredibly rigid, strong and protectionist dairy industry. It is almost impossible to get any dairy product into Canada. The agri-media in Canada are extremely concerned about the impact of this deal on the Canadian dairy industry. This deal is not one-way traffic. I think we have limited the damage of Canadian beef imports to the EU to the greatest extent possible. We have maximised the opportunities to the greatest extent possible for increased dairy access into Canada. However, some in the European Union would like to use beef as a form of Trojan horse to get these things across the line. We have made repeated strong representations, including by the Taoiseach, to the President of the EU Commission, on this issue, declaring that Ireland would not be steamrolled just because it was the only country in the European Union that was vulnerable to beef imports into the European Union. On the question of whether this agreement will set a precedent for the EU-US trade agreement, I hope not but I suggest it will certainly be part of the discussion because that is unavoidable. Likewise, this will be the case in any deal with Mercosur countries where beef is again the stumbling block and Ireland needs to be very firm.

We also need to be consistent with our own principles of trying to get Irish beef into other countries. I am going to Qatar next Saturday and on to the UAE and Saudi Arabia. We will be announcing partnerships between Irish food and drinks companies with partners in these countries to build up markets and to ensure consistent exports over the next ten to 15 years. It is hoped that before the end of this year we will get Irish beef into the very lucrative and exciting Japanese market which has a high consumer spend. As we try to break into new markets it is not reasonable to suggest that there will be no new supplier of beef into the European Union, that we can have some kind of protected market for Irish beef while we have uninhibited entry into new markets. We should not fear competition. The Canadian beef imports will be hormone-free which Canada does not have the capacity to produce in large volumes at the moment but over the next five or six years it may build its output to fulfil the potential of the agreement

from Canada's point of view. However, our beef industry needs to become more competitive during that period. We produce a different type of product to the Canadian product. We produce grass-fed beef which attracts a premium price.

I was also in Germany recently. Irish beef exports to Germany this year will increase by approximately 20%. The reason for the collapse in the Irish beef export trade to Germany some years ago was because of the BSE crisis here and that gap was filled by Argentinian beef. German consumers became used to big Argentinian steaks. Many of the steak houses opened during that period were Argentinian steak houses. Irish beef is replacing it in many cases. There is more Irish beef on menus in high-end German restaurants, with a premium price of 10% on top of what is paid for German or Argentinian beef, than has been the case for many years. The Senator is correct that we are competing with countries such as Argentina and we will compete with Canada in the future but we need to carve out a premium niche for our own product across the world. That is the way to guarantee the best price for our farmers, rather than trying to have this false policy of keeping everybody else out, creating an artificial market and an artificial scarcity for product which, let us face it, was the strategy of the CAP in the past. Our food industry is expansionist. We are looking for new markets at home, within the European Union and outside it. Our approach needs to be consistent while at the same time ensuring that we do not operate at a disadvantage whereby we allow food into the European Union which is not produced to the same standards and does not have the same rules about the use of hormones and GMO as pertain here. I hope I have answered some of the questions. I am conscious that I have run out of time.

**Acting Chairman (Senator Terry Leyden):** I thank the Minister for his attendance and for his contribution.

### **Asylum Support Services: Motion**

**Acting Chairman (Senator Terry Leyden):** I welcome the Minister for Justice and Equality, Deputy Alan Shatter, and his officials to the House.

**Senator Jillian van Turnhout:** I move:

“That Seanad Éireann –

notes the calls from civil society organisations, legal practitioners, academics, human rights activists and Members of the Oireachtas for reform of Direct Provision, the administrative system for accommodating asylum seekers;

notes that, according to the latest available statistics from the Reception and Integration Agency (RIA) Monthly Report June, 2013, there are 4,624 RIA residents ‘live on the system’ of whom 1,732 are children;

welcomes the commitment by the Minister for Children and Youth Affairs to meet with the Seanad Cross Party Group on Direct Provision, made at the meeting of the Joint Committee on Health and Children on 10 October, 2013; and

calls on the Minister for Justice and Equality to –

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- outline his response to the recommendations of the Government's Special Rapporteur on Child Protection, Dr. Geoffrey Shannon, in the Fifth Report (July 2012) for

- an examination to establish whether the system of Direct Provision itself is detrimental to the welfare and development of children and whether, if appropriate, an alternative form of support and accommodation could be adopted which is more suitable for families and particularly children; and

- the establishment in the interim of an independent complaints mechanism and independent inspections of Direct Provision centres and give consideration to these being undertaken through either HIQA (inspections) or the Ombudsman for Children (complaints);

- outline the legislative basis for payments to asylum seekers in direct provision accommodation and the effect on these payments, if any, of the Social Welfare and Pensions (No. 2) Act 2009 which precludes asylum seekers from being granted habitual residency status; and

- further to the Minister's announcement in January, 2013 that '[r]eform of the immigration system will be sustained in 2013 and I will be focusing on major

legislative and procedural measures such as the Immigration, Residence and Protection Bill', to debate with Members of Seanad Éireann how best to reform Ireland's reception and asylum system."

I thank everyone who has signed and supported this motion, particularly my Independent group colleagues for allowing group time to be used. I wish to acknowledge the years the Minister spent as the Opposition spokesperson for children. He demonstrated a real understanding and commitment to the promotion and protection of children's rights in Ireland and I am confident it has been continued under his remit as Minister for Justice and Equality.

I welcome the Minister's commitment to re-publish in revised form the Immigration, Residency and Protection Bill, which is currently stalled on Committee Stage in the other House and which has been eight years in production.

I welcome this opportunity to have an open and frank discussion about the direct provision and dispersal system and to make suggestions for its reform process. This is a sensitive societal issue and I appreciate that the Government has decided not to table a counter-motion, thus allowing the debate to continue in a constructive and inclusive manner. All too often we perpetuate a political environment where Government concedes little for fear of exposing itself to liability. I wish this were not the case but I understand that it is. My hope is that the Minister and the relevant Departments are listening to what we are saying in a spirit of constructive engagement. We are all striving to make the society in which we live a better place for all who live in it. I also note that a root and branch challenge of the direct provision system taken by three families, has been given leave to proceed by Mr. Justice Colm MacEochaidh in the High Court yesterday. It is very important that we as parliamentarians and legislators take ownership of the need to reform the current direct provision system rather than waiting and being forced into it by judicial imperative.

My entry point into the issue of direct provision is from a children's rights perspective. This perspective has been informed by my work on related issues as the former chief executive of the Children's Rights Alliance; the recommendations of the Government-appointed special rap-

porteur on child protection, Dr. Geoffrey Shannon; and the concerns raised by advocacy groups. On that note I welcome to the Gallery for this debate Sharon Waters from the Irish Refugee Council and Lassane Ouedraogo and Reuben Hamakachere who have personal experience of the direct provision system and actively campaign to bring about its end. I also welcome the media coverage of the issue and in this regard I would like to commend the Mary Raftery Journalism Fund, set up to advance ethical investigative media coverage of three key issues - mental health; immigrant rights and integration; and children and young people's rights. It has recently funded Tom Mooney, editor of the *Wexford Echo*, and his series "The Children of Operation Hyphen", which included an article on the state of mental health of people in direct provision. The Minister facilitated my own recent visits to two direct provision asylum accommodation centres, with my colleagues Senators Fiach Mac Conghail and Katherine Zappone.

It has taken me a long time to wade through the mire that is the political discourse on direct provision. It has been difficult to establish which features of the system belong to the Minister's remit, the remit of the Department of Children and Youth Affairs or that of the Department of Social Protection. I have struggled to understand the distinction drawn between children "cared for by the State", as is used to describe children in direct provision, and children "in the care of the State". I have argued strenuously that children are children, irrespective of status, and that it is a stretch in credulity to claim that children in direct provision are in the care of their parents in circumstances where the parents' autonomy to make even basic decisions about their children's care - for example what and when to eat - is so limited as to render it absent. This is a concern shared by the Government's special rapporteur on child protection, Dr. Geoffrey Shannon, which I will refer to again later.

My overwhelming concern is that the administrative system of direct provision, which has been operating in Ireland since April 2000, is detrimental to the welfare and development of asylum seekers, and in particular the 1,732 children currently residing in direct provision accommodation centres throughout Ireland. I am also very concerned that between 2000 and 2010, the direct provision and dispersal system has cost the State an estimated €655 million in contracts to private companies which are operating the centres on a for-profit basis.

In a recent letter to me as part of ongoing correspondences between our offices on direct provision, the Minister stated that the current system allows the State to provide a roof over the head of those seeking asylum in a manner that facilitates resources being used economically in circumstances where the State is in financial difficulty. I am not convinced the current system is the most economical and my colleagues, Senators Trevor Ó Clochartaigh and Martin Conway, will elaborate on alternative models and cheaper options. Furthermore, the best interests of persons seeking asylum should outweigh financial considerations in the discharge of our international, regional and humanitarian obligations.

In my time as a Senator, I have identified and spoken on the Adjournment about a plethora of difficulties, including the dubious legality of the direct provision system, the lack of an independent complaints mechanism for residents, the absence of independent inspections of direct provision centres where children reside, the decision by Ireland to opt out of the EU directive to allow asylum seekers to enter the work force if their application has not been processed after one year, the fact that there are no prospects for post-secondary education for young asylum seekers, which is like hitting a pause button for an uncertain and doubtlessly lengthy period of time, the fettering and erosion of normal family dynamics and functioning and the lack of autonomous decision making. I do not intend to elaborate on each of these concerns but I will say a few words about the lack of specific legislation underpinning the provision of direct provision.

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I know the Minister is aware of this specific concern as we have corresponded in its regard. I note in the same letter I mentioned previously what I took to be a suggestion that since existing laws - and although it is unspecified in the letter I presume social welfare law would be a good example - would “otherwise specifically prohibit asylum seekers from being able to be provided with the basic necessities of life”, we should simply ignore said provisions and carry on regardless. I fully accept and welcome that Ireland has an obligation under international and European human rights law to meet the needs of asylum seekers while their application for refugee, subsidiary protection or leave to remain is being considered. However, this must be done in a manner that complies with our own domestic legislation.

Direct provision was introduced in a haphazard manner in 1999 and 2000, with little concern for its relationship with Irish social welfare law. For several years, direct provision was viewed as part of the supplementary welfare allowance system, and this is evidenced from extensive documentation obtained by Dr. Liam Thornton under freedom of information and which I have furnished to the Minister in previous correspondence. Concerns were expressed by officials in the Department of Social Protection that the payment of €19.10 per week per adult and €9.60 per week per child was *ultra vires*, and the payment advice slips to asylum seekers continue to view the entirety of the direct provision system as being closely aligned with the system of supplementary welfare allowance, with deductions for accommodation, as administered by the Reception and Integration Agency, RIA. As the Minister is aware, supplementary welfare allowance can be provided in cash or in kind, and it appears that RIA, the Department of Social Protection and the Department of Justice and Equality had until recently considered supplementary welfare allowance as the legal basis for direct provision. To state that this scheme is wholly administrative, or that the Departments of Justice and Equality or Social Protection can act since the introduction of the Social Welfare and Pensions (No. 2) Act in 2009 contrary to legislation that debar asylum seekers from receiving supplementary welfare allowance displays a worrying approach of both Departments, which seem to consider that law does not apply to them.

Ultimate the failing of direct provision is the length of time asylum seekers remain in the system waiting for their claims to be processed. It is important to remember that when first introduced 13 years ago, direct provision was viewed as a time-limited system that would be for a maximum of six months. If this was the case, I would not be standing here today and I could tolerate the inadequacies that would present in that time period rather than the outright failings that present in this system, where the average length of stay is four years and a significant number have remained in the system for between five and ten years. This is far too long and leaves asylum seekers de-skilled, institutionalised, vulnerable to mental health issues and socially excluded.

The impact on children is particularly worrying. According to the Government’s special rapporteur on child protection, Dr. Geoffrey Shannon, “the specific vulnerability of children accommodated in the system of direct provision [is] the potential or actual harm which is being created by the particular circumstances of their residence, including the inability of parents to properly care for and protect their children and the damage that may be done by living for a lengthy period of time in an institutionalised setting which was not designed for long term residence”. The long-term solution has got to be a streamlined status determination system where decisions are taken fairly and speedily, with quick recognition of those identified as in need of refugee or subsidiary protection or leave to remain, or a speedy human rights compliant removal or deportation process. I hope this will be delivered through the Immigration, Resi-

dence and Protection Bill. I will make some recommendations when summing up the debate.

**Senator Fiach Mac Conghail:** I second the motion before the House and extend a warm welcome to the Minister. I acknowledge that both he and his Cabinet colleagues have not set out the motion and it appears to have all-party support.

This is a challenging issue for all of us in Irish society, as an issue had arisen in the early 2000s which moved the Government to create a direct provision scheme in Ireland without a legislative or statutory basis. At the time, the Government hoped that it would resolve a temporary issue, although this ended up in a haphazard fashion, as noted by Senator van Turnhout. It was hoped the issue would go away; it was a case of out of sight, out of mind. Before my time as a Senator, I had no clue really as to what was involved in direct provision. I was a member of the middle class, although politically engaged and perhaps socially naïve. We speak sometimes about what the Seanad can contribute to or do for people and what it did for me is opened my eyes to the narrative of direct provision in Ireland 13 years later.

According to the latest statistics from the Reception and Integration Agency monthly report of June 2013, as quoted in the motion, there are 4,624 residents “live on the system”, of whom 1,732 are children. Statistics, rules and regulation tell one story but only when I visited two accommodation centres, one in Athlone and the other in Hatch Hall, did the reality become quite sobering. At this stage I owe a debt of gratitude to my colleagues, Senator van Turnhout and Zappone, who allowed this “gifted amateur” to join the ranks of the two visits. I was met by staff and officials from the Department who were open, courteous and polite. They answered all our questions. I did not know what to expect when I visited the centres but I saw nothing wrong or out of the ordinary or anything that broke a law yet a pallor of depression hit me on the way home. The three of us who on the way to Athlone on a snowy Monday afternoon last March were talking, debating and full of life, drove home in silence in an emerging realisation as we approached the M50 that what we had witnessed and experienced at the direct provision asylum accommodation centre in Athlone was lifeless. It is an institution devoid of community, history, colour, a homely atmosphere or the usual domestic mess and detritus one would imagine leaving behind in an apartment or house. I felt a lack of oxygen, atmosphere and joy as I left the mobile home site catering for 34 men, 71 women and 177 children.

Almost half of the residents in the Athlone centre have been waiting for their status to be processed for between five and seven years. The longest stay resident is six years and two months. The trick when one visits the accommodation is that one sees nothing wrong because one is there for three hours, not for three years or three months. Anyone who has ever gone on a caravanning holiday will know that the first week is full of excitement, especially if the weather is fine, but soon the lack of space, privacy and money become the dominant tensions. As Senator van Turnhout put it in proposing the motion, all children need to be raised in an atmosphere where care providers offer emotional protection and support. If nature starts the process, nurture should follow through. Are we hearing and bearing witness to the horror stories of the next generation of society, the next chapter of our nation’s narrative? It was reported today in *The Irish Times* that an emergency care order was granted for an eight year old asylum seeker in a direct provision centre where she was born. She was later reunited with her mother. In making orders in their case, the judge commented that the child had spent her entire life in direct provision which “seems inappropriate”. I do not make direct parallels with fiction but Emma Donoghue’s novel *The Room* comes to mind. In it, the child who was being protected by the mother felt normal in an abnormal situation. Habit becomes normal and becomes an invisible corner in Irish society. I will not repeat the litany of shameful examples in Irish history that

have been documented but we need to reform this inhumane provision.

According to the Irish Refugee Council report authored by Samantha Arnold entitled, *State Sanctioned Child Poverty and Exclusion*: “Parents in direct provision are unable to care for or govern the rules and customs of their family and the upbringing of their children due to the restrictions of living in centres. Direct provision is an unnatural family environment that is not conducive to positive development in children”. We all know the good memories we have or hope to have growing up in a home: making pancakes in the middle of the night; having pizzas as we watch football with parents and siblings at odd hours, day or night; the sleepover during which, as a parent, one tries to quieten giddy young girls; or meeting the boyfriend of one’s daughter for the first time when one pretends one is making a cup of tea 4 a.m. Those memories are impossible in Mosney, Hatch Hall or Athlone.

In a recent judgment on an application for judicial review in the Northern Ireland high court in Belfast, Mr. Justice Stephens outlined in detail his significant discomfort with the system of direct provision in the Republic. This ultimately led to a decision not to return a family of asylum seekers to the Republic. Mr. Justice Stephens clearly stated that the system of direct provision is contrary to the best interests of the child. Asylum seekers are not entitled to work. Adults are paid €19.10 weekly and denied their human rights to work and to protect and provide for their dependants. Three families have been granted leave to challenge the direct provision system of housing for the asylum seeker, as Senator van Turnhout mentioned. One of the families argued that the operation of the direct provision scheme is unconstitutional due to the lack of any originating legislative basis and the absence of independent or parliamentary scrutiny. This evening, I bear witness and give support to a more humane, child-centred and shorter processing system to resolving asylum applications in order that we can cherish all our children, including our asylum seeking children, all the time.

**Senator Martin Conway:** I commend Senators van Turnhout and Mac Conghail and their colleagues on tabling this important motion. I welcome the Minister to the House. Everybody wants a better system than what is in existence. Unfortunately, Ireland was probably caught with its eyes closed to this problem in the mid-1990s when asylum seekers travelled here for a better life and to escape torture and so on. The direct provision system that was put in place was the wrong answer to the problem but given many people were migrating here back then and Ireland was not prepared and did not have a structure, this was deemed to be the correct structure. However, the tales I have heard from people in direct provision centres and about such centres and the reports I have read in the media indicate otherwise.

I, along with Senator Ó Clochartaigh and others, visited two centres in Galway last week. One is the Great Western House off Eyre Square where we met management and officials from the Department and the RIA, all of whom were courteous, and residents. We also attended the Eglinton Hotel centre in Salthill where we met management and residents. There were a number of common themes and I noted a number of issues. The first was interesting in that everybody had the same story. The time they have spent in these centres is unacceptable. When one hears the harrowing stories of the people in these centres for more than ten years, it is inhumane, inappropriate and wrong and it does not do the great society we have any justice whatsoever. I heard stories of women giving birth to children who have not seen the outside of these centres at all. Luckily, some of them did the leaving certificate and benefited from our education system but they were unable to go on to college because there is no facility to enable them financially or otherwise. They cannot find the money anywhere because they are not allowed to work.

I refer to a contrasting issue between the two centres when we met the residents. In the Great Western House centre, we met the residents on their own and they were more amenable to telling us their stories. We heard about the conditions they have experienced and it was traumatic to say the least but when we visited the Eglinton Hotel centre, the manager decided to sit in on the discussion we had with the residents for whatever reason and the stories were muted. I am sure Senator Ó Clochartaigh will agree about this. There was no criticism of the facility or the food and the residents concentrated on the time they had been there. They were articulate people who were well able to make their case but, unfortunately, they were muted because the manager decided to sit in on our meeting with them. Senator Ó Clochartaigh and I, as guests of the Irish Refugee Council, visited a facility in Portugal, which is not without its flaws, but it is far superior to what we have here. Residents have an opportunity to engage and get to know Portuguese culture, benefit from the education system, integrate and build relationships in the communities in which they live.

*6 o'clock*

We asked about the longest time a person has had to wait to be “released”. My use of the word is considered. We were told 18 months would be considered desperate and totally inappropriate but it has been more than a decade here. The Portuguese example is one from which we could learn a lot, but it could be improved upon. As a country we should not need to look at international best practice; we should be able to set it.

The bottom line is that going back as far as the Famine our people have emigrated. They have had mixed experiences. They have been treated very well in some countries to which they went but they have also been treated appallingly in other countries. That can still happen. This country should lead the way in that regard. We should show that we will give back what our citizens have got elsewhere when travelling abroad.

I wish to reflect some comments that were made by the residents to whom we spoke. They said that if they were given a prison sentence, at least they would know they would be released by a certain date but at the moment they do not know. We have a moral and ethical responsibility to prioritise the issue. I acknowledge that these people have no votes, and perhaps that is why there has not been the political will to deal with the issue for the past decade. That does not make it right. They are citizens and human beings. We signed up to the UN Convention on Human Rights. We have a responsibility to do the right thing. This has been a useful and worthwhile debate. I look forward to the response of the Minister, whom I know is committed in this area. We have two and a half years left in government and we must deal with the issue so that the next Government, whoever that will be, will inherit a better system than we did.

**Senator Averil Power:** I welcome the opportunity to hear what Senator Conway had to say before rising to my feet. I thank Senators van Turnhout, Mac Conghail and Zappone for taking the initiative to table the motion during their Private Members’ time. I also commend Senators van Turnhout and Ó Clochartaigh for their work on the issue for some time. The two Senators approached me and other Members a long time ago to ask us to take part in an *ad hoc* group with a view to working on the issue in terms of research, consultation and visits before bringing it before the House. That is a great example of how this House should do its work. It is testament to that approach that we do not have a Government amendment because Senators of all parties and none have been working on the issue for a considerable time. I welcome also the comments from Senator Conway. I have no doubt the fact we do not have an amendment has much to do with the work he has done in terms of getting Government support.

This is an incredibly important issue. We have more than 4,500 people in direct provision, including, as has already been mentioned, more than 1,700 children. As has been said by other Senators, whatever about people living in such conditions in one room for three or six months, the extended period, which is the reality faced by asylum seekers, is frightening. More than 3,138 asylum seekers have been living in direct provision accommodation for more than three years and 600 for more than seven years. That is seven years of living in conditions that often involve up to five or six people in one room, including children and teenagers of different genders. It can be difficult enough to have them all in the one house let alone in one room. Communal bathrooms are also a feature. In some cases there are single parents. They cannot leave some children unattended so they must all go to the bathroom together if a small child needs to go, even in the middle of the night. Parents have no freedom over cooking or other arrangements, which undermines their authority in respect of building a parental relationship with their children. The fact that they cannot work is of concern. We heard personal accounts put forward by the Refugee Council of Ireland and others about the impact that has. Parents are not able to act as a role model for their children as they cannot go out to work and provide for the families. Instead, the role is filled by the State. Children see food and shelter as things that are provided by a State agency rather than by their parents. We are the only EU country that has an absolute ban on work. In other countries, parents are entitled to work after a year.

Much of the problem surrounds the time period that is involved because whatever about not being allowed to work for a short period, the fact that someone would be in a country for up to seven years and not have any ability to provide for themselves or any independence or opportunity to work leads to institutionalisation in the long term. In such circumstances, how could one expect someone whose application is successful to have any real chance of integration into society and an opportunity to participate in what is essentially their new home? We can do better.

It is timely to have the system reviewed. It was set up in 2000 as a panicked short-term response because the application numbers for asylum seekers at that stage were in excess of 10,000 and there were 11,634 in 2003. The numbers had reduced to 940 in 2012. If ever there was an opportunity to get it right and to change the system it is now while there are fewer people applying for asylum. I am aware the Minister is examining the broader issue in the context of the reform of the overall asylum application process. He intends to introduce a single application system. I hope that will address in particular the issues around speed because if people are fleeing persecution they are entitled to have their applications decided on as quickly as possible. It is one thing if their applications do not stand up but the decisions should be made much more quickly. Those who are successful should be given every opportunity to have a new, independent life as soon as possible rather than being stuck in an institution of the State.

Other speakers have referred to the concerns expressed about the system by a host of persuasive and independent people. The special rapporteur on child protection, Geoffrey Shannon, has spoken about the child protection risk, as has the former Ombudsman, Emily O'Reilly. Catherine McGuinness wrote a very moving article about how a future Government will have to apologise for what is going on because, as has been said today and previously in the House in the debate on the Magdalen laundries and other such issues in the past two years, child protection risks increase in such a system. The institutionalisation in many respects has parallels with what happened in the past. We have spoken about those issues and recent Governments have apologised for them, yet we know what is going on under our noses in the direct provision system. We cannot say we do not know. We have a responsibility to address it. The UN High Commissioner for Refugees has pointed out the mental health consequences of people living

for extended periods in what is essentially institutionalised care.

I welcome the debate. The motion is simple. The Senators responsible for it went to great lengths to leave it as unpolitical as possible. All it calls for is a review of the system, independent inspections and a complaints mechanism, and that child protection issues would be examined. I also welcome the fact that the Minister for Children and Youth Affairs, Deputy Fitzgerald, has agreed to meet with the *ad hoc* group. I hope the Minister, Deputy Shatter, will take on board the genuine concerns of Members on all sides and that it is something he will address.

**Senator Ivana Bacik:** I welcome the Minister for Justice and Equality, Deputy Shatter, to the House. I also welcome the opportunity to have this debate. I commend Senator van Turnhout and her colleagues in the Taoiseach's nominee group because it is an important debate to have. I further thank the Minister and the Government for not tabling an amendment. As Senator Power said, it is appropriate that we would take a constructive cross-party approach on the issue. This is exactly the type of issue we should be able to constructively debate in such a way in the Seanad. It is good to do so just after we have had a fulsome debate on Seanad reform with the Taoiseach. This is a model of how things might be done. It is particularly appropriate on an issue such as this that we do not take a partisan approach along party-political lines. It should be a matter of great shame to all of us that we have had a system of direct provision in place for 14 years, since November 1999, in which there may well be abuses. We are certainly conscious of inadequate facilities, at a minimum. There have been many reports and official criticisms of the direct provision system. The Minister, when in opposition, voiced criticisms also. Rightly, people are critical of the system. Former Ombudsman Ms Emily O'Reilly stated in July of this year that direct provision imposes a significant cost in terms of impact on physical and mental health, family, relationships and the ability to participate in society. She cited a particular case that she said would have been a major scandal had it happened in the case of an Irish citizen's family. It was a case involving the refusal by the HSE to pay supplementary welfare allowance to a mother of two in direct provision in a hostel. One of her children had attempted suicide. The child was put into care but the family remains separated because the woman was denied a welfare payment.

The FLAC report from 2009, which looks back over ten years of direct provision, states direct provision entails a flawed system and that it has failed to protect adequately the rights of those seeking asylum and protection in Ireland and should be abolished. It made practical recommendations as to how the system could be improved if it were to be retained. It is a matter of great concern and shame to all of us that the system continues to be in place. We need to examine practically how we can best reform it, if we are not to abolish it. The motion tabled by the Independent Senators is a really practical and constructive one because it seeks to address this very practical concern.

Let us examine the numbers. There has been a change and an improvement over the 14 years in that we now have much smaller numbers in direct provision. I am interested to note that the numbers have fallen since the figure in the Independent Senators' motion, 4,624 residents, was published. The figure is now 4,367 residents. Admittedly, it is not a very great reduction. The RIA report of 2012 states that in that year there were 4,841 persons accommodated in direct provision. This, in itself, marked a decrease of 11% from the same date in 2011. There certainly have been reductions in numbers, which is very welcome. However, the real concern, which the Minister shares and which is very honestly expressed in the report of the RIA, is the length of time for which people remain in direct provision. By the end of 2012, almost 60% of those in direct provision had been there for more than three years, as we have heard. The aver-

age length of stay, according to the report, is just under four years, or 45 months. The detailed figures suggest that over 400 people were resident in direct provision for seven years or more at the end of 2012. These are the really shocking figure on delay.

The motion very rightly pinpoints issues associated with children in direct provision. We know that approximately 1,700 persons in direct provision are children under the age of 18. The RIA figures suggest that one third of those in direct provision are single adults, but two thirds of the 4,300 people in direct provision, or 66%, are in family units. It is really the people in family units about whom the concerns must be most serious. The issues Senator Fiach Mac Conghail spoke about so eloquently, including privacy and normal family routines, are particularly at issue regarding children in direct provision. In the past, I have worked with groups that are particularly concerned about the plight of unaccompanied minors. I acknowledge there have been improvements in the conditions of unaccompanied minors, namely, children who are not living in a family unit and who are clearly the most vulnerable. Great efforts have been made to ensure that there are supports and protections for all children resident in direct provision centres. The RIA sets out in quite a lot of detail the measures that have been taken. However, we still should be examining in a practical way how we can address real concerns about inadequate supports and provisions for children who are currently in direct provision, many of whom have clearly been in direct provision for many years. A colleague alluded to the case highlighted in the newspapers today, that is, the case of the child who was born in a direct provision hostel and who, at the age of eight, was still there. These are real concerns about real children whose circumstances we need to examine now.

Is it possible, in the short-term, to consider moving families with children out of direct provision centres into independent accommodation? To be practical, we should at least examine the cases of those who have been in direct provision for more than three years. By way of pointing out an exceptional figure, the RIA says nearly 60% are in direct provision for over three years. Mine is a practical suggestion. Senator Power referred to the issue of the right to work of people who have been in the system for so long. Work would ensure they would not be a burden on the State. That could be a factor also.

The Minister stated a number of times that he will be introducing an amended immigration, residence and protection Bill. Clearly, in the longer term, that must be done to introduce a streamlined process for the resolution of asylum claims. The bigger picture, of which direct provision is just a part, is that we have a very poor record of positive decisions being made on asylum claims. A very low number of claims have been upheld over the years. There are serious problems with the mechanisms for determining asylum applications, which problems have been well publicised. A large number of judicial reviews of the process have been before the courts. Clearly, in the longer term, this matter needs to be addressed. I am delighted the Minister will be doing so. He is committed to it but there have been unfortunate and unavoidable delays in bringing forward the new legislation. In the short term, let us examine some practical ways to support and provide assistance to families with children in direct provision for a very lengthy period. If we do not do so, we will be facing future scandals and State apologies, as others have said.

**Senator Katherine Zappone:** I welcome the Minister to the House and thank him for being with us this evening. I welcome the motion, and especially the work of Senators van Turnhout and Conway and others, and I also welcome the eloquent remarks Senator Fiach Mac Conghail.

Having listened to the contributions so far, I believe we can all conclude that none of us, not least our colleagues in the Gallery, wants the system we have. It is true to say it is in our power to change it. It is not fit for purpose. Considering the system's extraordinary difficulties, several of the contributors have noted the importance of a human rights-compliant system. We need a system that enables and upholds the human dignity of the people who come to our country.

Let me make a couple of remarks on the direct provision system, primarily on Ireland's opting out of some EU directives, as this has a bearing on what we are speaking about. The EU directive on reception conditions lays down minimum standards for the reception of asylum seekers. That directive seeks to ensure that basic human rights are met in terms of accommodation, food, medical care and access to education. The directive also seeks to address delays in the system and the right to work. It provides that if a decision has not been taken within one year of an application for asylum, where the delay is not the applicant's fault, member states shall "decide the conditions for granting access to the labour market for the applicant." This is an attempt to encourage member states to ensure that their national processes are conducted in a timely manner and that applicants are given an element of certainty. As we are all aware, under the Treaty of Amsterdam Ireland can legitimately opt out of such directives.

In the other House, the Minister stated reasons for our opting out of the directive, citing concerns that granting asylum seekers access to the labour market would lead to an increase in the number of asylum applications. He referred specifically to an increase in applications in 1999. However, many of us are aware that organisations working in this area have taken issue with linking the right to work to an increase in application numbers. Those organisations instead attribute the spike in the figures in 1999 to Ireland's decision to accept 1,000 people from Kosovo in the wake of considerable civilian displacement in that region at the time. It is true to say that Ireland is now the only EU country that does not allow an asylum seeker to work after a designated period. It is in our power to change that. There is evidence that people become deskilled and demotivated after years of social exclusion and dependency on the direct provision system. Disappointingly, Ireland has opted out of the new directive on common procedures for granting and withdrawing international protection. This recast directive would have given certain vulnerable applicants extra protections on the basis of their sexual orientation, gender identity or experience of sexual violence. These protections will not be available to LGBT, lesbian, gay, bisexual and transgender, people, the survivors of sexual violence or human trafficking. Perhaps incorporating similar provisions into the forthcoming immigration residence and protection Bill might be considered.

Senators Fiach Mac Conghail and Martin Conway have spoken about conditions in direct provision centres. There are significant problems with the accommodation centres, including a lack of privacy, shared and cramped living spaces and toilet facilities. I remember well when we drove back from one visit to one centre and how awful we felt, as Senator Fiach Mac Conghail mentioned.

LGBT people often face specific problems in these conditions. Some of them have fled from situations of extreme homophobia and transphobia only to find themselves living in a shared space which can be a microcosm of the society they experienced in their home countries. Conditions here were a factor in a refusal by a Belfast court to transfer an asylum seeker to the Republic. It found significant evidence of physical and mental health issues for people living in direct provision accommodation.

Direct provision accommodation has also been identified as inappropriate for victims of hu-

man trafficking. There is a difference in the treatment of asylum seeking victims of trafficking and other suspected victims of trafficking. The Garda National Immigration Bureau does not identify people in the asylum process as possible victims of trafficking, nor does it grant them a recovery and reflection period or temporary residence permit, despite their co-operation with the Garda. The State's rationale for this is that residency permits are only given to potential victims of trafficking when they are required or regarded as needing permission to remain in the State. The State believes asylum seekers do not need residency permits because they already have temporary permission to stay in Ireland as asylum seekers while their asylum applications are being processed. This results in asylum seeking victims of trafficking having less access to safe and appropriate accommodation, education, training and work than other victims of trafficking, as well as to the possibility of acquiring long-term status in the State. This means that the State is operating a discriminatory system which may be in contravention of Article 3 of European Convention on Action against Trafficking in Human Beings and the UN Palermo Protocol under Article 14.

I know the Minister agrees that we need a system that is human rights compliant and respectful of the people involved. I have tried to raise several issues relating to EU directives in that regard.

**Senator Catherine Noone:** This debate on how best to reform Ireland's reception and asylum system is one of great importance. I commend Senator Jillian van Turnhout for her work in this area and bringing the motion before us. There is no question that those in direct provision accommodation are among the most vulnerable in our society. It is up to us to ensure procedures and facilities are in place to make sure their first months in Ireland are ones in which they will be treated with dignity and respect.

The latest statistics from the Reception and Integration Agency, RIA, in June 2013, indicate there are 4,624 RIA residents in the system, of whom more than one third are children. I noted Senator Jillian van Turnhout's efforts in this regard.

The direct provision system is unique and it is hard to directly compare it with any other type of accommodation. Some accommodation centres have more outdoor and indoor facilities than others. It seems children tend to have a variable quality of opportunity to participate in education and recreation. The RIA and centre management work with local schools, community groups, sports groups and NGOs, non-governmental organisations, to link children and families with community initiatives, sports and other activities to ensure access to the best available package of services. However, much like the quality of facilities available in any given community, these provisions can vary.

Direct provision centres are monitored three times a year, twice by the Department of Justice and Equality and once by an external company. These reports occasionally highlight weaknesses. However, they also provide a useful role and an assurance that minimum standards are being adhered to.

This debate is on how best to reform Ireland's reception and asylum system. We need to find a balance between practicalities such as costs and geographic considerations and the ability to provide for those who are in these centres. On reforming the system, it is best to focus on three points. What is international best practice? How can we adapt it? Is there a way to expedite the process? It strikes me as remarkable how long some people spend in the system. There over 4,600 people within it. This comes at a financial cost but also at a cost to the liveli-

hoods and liberty of those within it.

In an international context, it seems co-ordination is of particular importance. Despite the variety of structures in different states, a common feature is that while action takes place on the ground, it has to be connected to the broader decisions being taken at national level. This requires building institutional confidence, fully involving local networks, achieving a common understanding among all stakeholders about immigration and integration and providing the people who work at local level with information on the policies in place. For example, in Spain there is an information website, *integralocal.es*, in this regard.

Co-ordination is needed in reference to various levels and issues. In the first place, the concept behind the integration policies requires co-ordinated definitions to ensure a common understanding of the fundamental aims of integration policies. That is still far from being the case. Similarly, a different understanding of the aims of integration is apparent both across and within countries. Better co-ordination is not only necessary between the different levels of government but also between NGOs, various ministries and European institutions.

Despite these co-ordination problems, there has been general agreement that the system must remain flexible enough to allow for initiatives to be taken in the field. Action should come first and co-ordination should follow. Co-ordination should take place through the actors involved in the different processes. In addition, a framework agreement between the federal and regional levels could be beneficial for the coherence of integration policies at different levels. EU countries without a federal structure could also benefit from using elements of the Spanish fund structure in terms of co-ordination. Ireland should look to international best practice to see which elements should be trialled here.

The Health Service Executive has stated the concerns about the welfare, safety and well-being of children in direct provision accommodation are reported to the HSE children and family services in line with the Children First guidelines. Referrals include welfare concerns such as a parent being hospitalised, parental illness, a child unsupervised by an adult or mental health concerns about a parent, while a smaller number would relate to child protection concerns. There is a specific unit within the RIA, the child and family service unit, the role of which is to manage, deliver, co-ordinate, monitor and plan all matters relating to child and family services for all asylum seekers residing in the direct provision system. This unit directly links with An Garda Síochána, when necessary. The Minister is working with the relevant agencies to ensure children who reside in direct provision accommodation are afforded the same level of welfare and protection as their counterparts in the wider community. While conditions are difficult and not ideal and funding is tight, I welcome the motion. I welcome this motion, debate and the forthright discussion we have had on how we can improve the well-being of those 4,600 people in the system and those who come in the future.

**Senator Trevor Ó Clochartaigh:** Gabhaim céad fáilte roimh an Aire. The Minister has probably answered more Adjournment matters on this issue than any other in the last two and a half years between me, Senator van Turnhout and others, so he is aware that we are very concerned about the issue, not without foundation. I commend the Taoiseach's nominee Senators on bringing forward this debate, particularly Senator van Turnhout. I also commend the Fine Gael spokesperson on justice, Senator Conway, who has taken a proactive role in ensuring this debate has happened. This is probably the most significant debate I have been involved in since I have been here in the last two and a half years. We have a chance to make a real difference here tonight. The 4,600 people in direct provision are listening in and noting what is happening

here tonight and are very concerned.

The Minister inherited an appalling system and a backlog in the courts, which was part of the problem in that it was taking so long to process asylum applications. He has taken steps on that issue and I recognise that he has decreased the backlog, but he has acknowledged there is a long way to go. A number of forces are coming together on this debate on direct provision. We are examining the legal scenario where the High Court challenge has come forward. We have seen the Northern Ireland High Court decision not to return a Sudanese family to direct provision in the South because it was not in the best interests of the children. That is a damning indictment of the system.

I am a member of the Oireachtas Joint Committee on Public Service Oversight and Petitions and have heard first-hand the former Ombudsman, Ms Emily O'Reilly, express concerns about the system, particularly on the lack of independent oversight. People have said there are visits and a certain amount of oversight but that is seen as the people who are administering the system investigating themselves. Her concern was that there needs to be an independent complaints system for people within the system and independent oversight.

One of the major flaws of the system is that it was privatised from day 1. I do not condemn any individuals in the system but I was struck recently when I noticed an advertisement by one of the companies involved in direct provision. It was talking about a completely different line of work, pitching for cleaning contracts in State organisations. The ethos of many of the people running these centres is not about looking after the people in the centres but about running a facility. As Senator Conway said, we visited two centres in Galway and the Department officials and people in the centres were very courteous to us but we were all struck by the previous careers of the people involved. Two people running one of the centres are former bank managers and somebody running the other centre is a former hotel manager. That tells us much about the type of system we have.

It would be more appropriate if the centres were State-run or if there were an NGO involvement in running the system. I am concerned that the people running the system are dealing with people who may come from a war-torn or a very difficult background and who may have serious mental or social issues. The people running the centres are not given enough training and are not equipped to deal with the complexity of the situations they are in. It is a serious issue that there is no legislative basis to the system. I welcome our guests in the Gallery.

As has been previously stated, Senator Conway and I visited Portugal to examine the Portuguese system. We could not transpose the Portuguese system to an Irish scenario but it shows there is a different way of doing things. It dispelled many of our fears that if we had a different system, a flood of people would come in. That has not been the Portuguese experience.

From listening to the testimony of people in direct provision there is a sense that people who come into the Irish asylum system are guilty until proven innocent. It is quite combative and they feel interrogated as soon as they arrive. On questioning people in the Portuguese scenario, the NGOs and department of justice officials work together on point of entry from day 1. The system is much more about hearing the stories of the people coming. Quite a large number of people are turned away at point of entry, which seems fair, but people are given leave to stay if it is felt that their case is plausible.

We need to dispel a number of myths about the people in asylum in Ireland. I have heard

horror stories saying people are milking the system, most of them do not have bona fide cases, many of them are troublemakers who have been involved in criminality and they get involved in criminality here, etc. This is the kind of rhetoric we hear. I was happy that the people from the Reception and Integration Agency, RIA, and the management in the centres dispelled that. They said the vast majority of people in the system are model citizens, never give any trouble and are not involved in criminality, and they are very supportive of them.

Serious issues have been raised about adults sharing rooms, the uncertainty of the system and the length of time people are there. Some of the people have great skills. I have met physicists, musicians, bank managers and vets who have been in asylum. The fact that they are not upskilling or using the skills they have is soul-destroying for them. It is important to quote some of the asylum seekers I have met and what they have said to us about the system. One lady I met last week said:

We did not commit a crime. We came here seeking help. When you are an asylum seeker you are a nobody.

There are situations where a mother, father and three children are in the same room. I have been on holiday with my children and I find it very difficult over a weekend to spend that much time in the same room with my children, but people have been six, seven or eight years in that situation and that is very difficult. There are also issues around the conjugal rights of a couple in such a situation, and how they can have their own privacy. Children ask their parents, “Why are we here?” “Why can we not go?” “We have seen other people move on; why are we not moving on?” People are saying they have suffered enough. Children are being bullied and called names in schools.

One lady said, “We all have our dreams, but this is killing our dreams.” Many people are dying inside and they are traumatised by the wait. There are major issues here and the Minister is aware of them. The single males in the system also have their issues. One can imagine being a 25 to 35-year-old single person who has to share a room with three other people for years on end. Major issues have been highlighted.

I welcome the cross-party support for this motion. We have a chance to do something. I would welcome immediate action on this issue. We must examine the EU reception directive, the right to work and the right to education. The Immigration, Residence and Protection, IRP, Bill must be brought forward more quickly. We must examine issues of integrating asylum seekers from the point of entry, the role of NGOs in individual cases and being in a support role. Funding from many NGOs has disappeared in the last number of years and that independent oversight is a very important issue. I could go on all night and I will certainly bend the Minister’s ear again, as I have done to most of the Ministers who have come in here, and I will continue doing so unless we see action.

**Senator Aileen Hayden:** I congratulate the authors of this motion, which has received cross-party support. I have spoken on it on a number of occasions. We all take different perspectives and have different expertise to bring to bear on this. Senator van Turnhout has emphasised child protection in the direct provision system. I echo some of Senator Ó Clochartaigh’s words on the right to a home. I have an entire speech that can go back over all the statistics on the number of people in direct provision, the amount of State money spent on it, how utterly ineffective the system is, how many years people are spending in it, the number of people who have committed suicide in direct provision and the number of allegations of child

abuse in direct provision. A society that claims to value the individual and family, protect children and advocate the idea that we all have a right to a home cannot stand over our direct provision system. I agree with Senator Ó Clochartaigh. The fact of the matter is families live in one room. The normal type of family scenario is to have space to have family time with children, to cook for the family and to provide for it, and, as was rightly pointed out, space to have a relationship between two partners and between those partners and their children. The bottom line is this does not exist in direct provision and this is a scar on the face of this country. We are all very much agreed across the board this must be a priority for the Government. I do not want to sit down in this Chamber in two years' time and have the same debate again. We cannot hold our heads up as a country if the situation continues. We cannot talk about what we have done for the survivors of the Magdalen laundries and in a number of other instances if we do not tackle direct provision.

I want to approach this from a practical perspective. We need to make a statement here today we will deal with it on a gradual and integrated basis. To start with the State could guarantee to those who have been in direct provision the longest a home in which they can live, have a proper family life and lead a dignified existence in this country, which is the reason they are here in the first place. I would like to see an initial commitment that anybody who has been in direct provision for longer than a period of three years will have their housing situation met within six months. I would then like us to commit to dealing with the housing situation of anybody who has been in the system for between a year and a half and three years within a further period of six months. Therefore, within a year anybody who has been in direct provision for a period longer than a year and a half will have been housed appropriately. This does not mean I am willing to stand over direct provision as it exists. I am not. Direct provision is no different from the type of hostel system provided for homeless people which is also hopelessly inadequate. It is part of a wider picture and does not just apply to people in direct provision. It also applies to those living in long-term homeless accommodation, but this is an issue for another day.

We must work towards a situation where nobody is in direct provision and nobody is inappropriately housed. No family should live in direct provision in one room. There should be appropriate family housing, appropriate means to cook a meal, appropriate means to spend time with one's children and appropriate means for children to have study and recreational facilities. This must be our bottom baseline and it behoves us as a society to fight to protect this. All of the long-term inhabitants of direct provision should be housed in the community as a matter of urgency and we need a time commitment for this to happen. Within direct provision nobody and no family should live in inappropriate accommodation.

We can speak indefinitely about the situation. I ask the Minister to state today we are prepared to end this and that we will do so. We have all read the reports on the circumstances in which some of these families live, and they are quite astonishing. It is unbelievable and we should not stand over it. To really progress we need timescales and a direct commitment to end this and move the people in such accommodation into the community. There are wider issues which I am sure Senator Bacik dealt with. People's applications for asylum must be turned round within a decent period of time. It is not the fault of somebody living in direct provision for eight years they are living there. We need to move on from this. I congratulate the Senators for bringing forward the motion and it is something with which we can all agree.

**Minister for Justice and Equality (Deputy Alan Shatter):** I thank the Senators who proposed the motion and all of those who have spoken on an issue of great importance in which

I have had great personal interest for a considerable time. This important debate coincides with some events which have taken place over the past 48 hours in the State, which are not directly related to the direct provision issue but are related to the welfare of children.

I want to say to the House, and it is important I have an opportunity to say this, two children were removed from two families in the State in the past 48 hours in circumstances in which An Garda Síochána had serious concerns about the welfare of the children. Normally I would not address any specific cases which arise, and up to now when asked I have stated these are matters to be dealt with by the courts, but I want to report to the House the concerns which arose relating to the children have been proved to be groundless. I understand the two children concerned are children of the parents concerned and there is no reason for any doubts in this regard.

I am conscious An Garda Síochána has a very important role in dealing with child protection issues, particularly under the child care legislation of 1991 as amended, and circumstances do arise where for the protection of children it is necessary that An Garda Síochána intervenes and takes them to a safe place. I have no doubt the gardaí in this instance acted in good faith in the intervention which took place. However I have concerns with regard to each of these matters and I will ask the Garda Commissioner for a report on the background to each of these instances with a view to reviewing the procedures which applied in a manner which ensures An Garda Síochána continues to perform the very important role it must play for the protection of our children while also ensuring the type of situation which has arisen in each of these cases, which impacts on family members, mothers, fathers and children, can be avoided in so far as it is possible

I am conscious these events took place in a background or backdrop of events which have taken place outside the State, but it is very important in ensuring the welfare of all children is safeguarded and that every child in the State is afforded, where necessary, the protection of the State, that no group or minority community is singled out for unwarranted attention or suspicion with regard to child protection issues.

**Senator s:** Hear, hear.

**Deputy Alan Shatter:** It is important that events which take place off this island in other states are not automatically assumed to be replicated in this State or in other states throughout Europe to the detriment of any particular group or minority being singled out. I am not suggesting this in any way was a motivation of the members of An Garda Síochána who in good faith acted in a manner they deemed appropriate in the interests of children, but it is important we do not get caught up in some of the concerns and the media spotlight which have arisen in the context of cases in other states about which there are genuine causes for concern. One case elsewhere, which is very high profile, is still a matter of investigation and a matter to be dealt with in the courts of another jurisdiction. I hope Senators will forgive me if I have taken this opportunity. As I sat here, Members may have wondered why, on occasion, I was accessing my phone. It was not out of a discourtesy to anyone but because the results of certain tests were coming through to me and I was anxious to ensure I knew as soon as possible. The families concerned are being informed and, indeed, the court and the HSE are being informed. I believe these matters are sufficiently serious to warrant being mentioned in this House. I am conscious there is a very substantial interest in these matters outside this House, across the country and, indeed, elsewhere across Europe. It is important that the record on these matters be addressed.

I now want to return to the issue we are dealing with this evening and perhaps the House will

give me some latitude by way of time to address these very important issues.

**Acting Chairman (Senator Michael Mullins):** Yes. The Minister will have an extra five minutes.

**Deputy Alan Shatter:** As I said earlier, I welcome this debate and the opportunity to respond to the points raised by Senators, and to speak, if I can, more generally about the subject in order to assist Members gain a fuller understanding of all the issues involved. At the outset, as Members will be aware, I have on several occasions in this House and in the other House responded to many, if not all, of the points referred to in this motion, and one of the earlier speakers referred to the number of times I have addressed this issue in this House. I am, of course, happy to address these issues again in the course of my contribution to this debate.

In saying this, it is important that I state that, for the avoidance of any doubt or misunderstanding and as has already been referred to, the issues under discussion here are currently being litigated through a judicial review application in the High Court, which essentially challenges the legal validity of the direct provision system. An application for leave for judicial review in that Mundeke case, so named after the applicants seeking the review, was formally heard in the High Court on Monday of this week, and the likelihood is that a full hearing of the case will take place early next year. I mention this with no purpose other than to ensure that all Members are aware of the most recent developments in this highly contested area of public policy. This can give rise to sharp differences of opinion among the wider community and, on occasion, is discussed in simplistic terms and in the colours of black and white when, unfortunately, in the complexities that arise, there are various shades of grey.

I do not know, and it may not be the case, whether this motion is being co-ordinated with developments in the case that is taking place in the courts as part of what is obviously an ongoing campaign against direct provision. Regardless, the House will understand that I cannot say anything here which will pre-empt the State's response to the legal challenge that is taking place.

In the context of legal challenges generally, it is worth noting that a substantial number of those residing for long periods within the direct provision system are adults living with their children who have challenged in the courts, by way of the judicial review process, decisions made refusing applications for asylum and-or permission to remain in the State and whose cases await hearing or determination. There are presently approximately 1,000 such cases pending before the courts. Indeed, in many of the direct provision homes and accommodation I have visited, an overwhelming number of those being so accommodated, either themselves or their spouse, are engaged in litigation by way of judicial review, having been refused asylum. I believe that is an important statement to make. I am not challenging their right legally to bring judicial reviews but it is important to make the case clearly, as someone who comes from the perspective that, where someone is a genuine political refugee he or she should get refuge in this State, that there are many who claim to be political refugees who are not. I can say this having read the papers and seen the files.

These judicial reviews are taking place notwithstanding the existence of a detailed system of examination of asylum claims involving two bodies statutorily independent of the Minister, namely, the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal. These bodies are to fulfil the State's obligation to distinguish between genuine asylum seekers and economic migrants who have not obtained the appropriate visas for permission to remain in the State or work permits to obtain gainful employment.

I am aware that some of the strongest critics of the direct provision system outside of this House have said all that is required is “one last push” to have it brought down. They have been very slow to explain what they will replace it with. It is, of course, their right in our democratic system to take such an approach. However, in opposing the system of direct provision, which I have already freely admitted has many faults, I have yet to see any proposals, or at any rate, proposals grounded in the reality of the economic conditions we face, as to what could replace it without, in short order, recreating the crisis which led to its establishment in the first place. There is no gainsaying that truth, and anybody who believes otherwise is, at best, simply not prepared to face reality.

I listened with great interest to Senator Hayden telling me we should provide housing for practically everyone in direct provision and every future person who comes to the State seeking asylum. I do not know where I am to obtain the funding to do that. There is no reality in that. We have people born and living in this State who are currently in difficult financial circumstances but for whom the State cannot afford to provide housing because of the parlous financial circumstances of the State. We have to discuss these issues with a degree of realism. What would be the effect if we were providing a house for every applicant for asylum in the State? How many tens of thousands of people who are economic migrants would arrive in the State and say, “Hello. Could I have a house, please?”

**Senator Aideen Hayden:** That is not what I am suggesting.

**Deputy Alan Shatter:** Could we have some realism in this discussion? We must provide properly for those who are genuinely seeking political asylum, coming from some parts of this world where people are treated appallingly. However, let us not fall into the trap of believing that everyone who claims asylum is always, in all circumstances, telling the truth. Sadly, they are not.

The system of direct provision in this country is *sui generis*. There is no real comparator with any other form of accommodation being provided by the State. To understand the system, as well as its strengths and weaknesses, one has to take account of the circumstances which prevailed when it was first set up. The number of asylum applications in Ireland increased dramatically in the late 1990s. In 1998, some 4,426 asylum seekers applied for refugee status. In 1999, this figure rose to 7,724. On the basis of these trends, it was anticipated that between 12,000 and 15,000 would claim asylum in Ireland during 2000. At that time, the majority of asylum seekers arrived in Dublin, and still do, and the provision of accommodation for asylum seekers was handled, in the main, by the then Eastern Health Board, which treated the asylum seekers as homeless. In late 1999, the shortage of accommodation reached crisis point and the Eastern Health Board, understandably, could not cope. There were reports of asylum seeker families sleeping in parks because no accommodation was available for them. We have now forgotten that.

In November 1999, the Government decided to deal with the crisis by having the needs of asylum seekers met by a system of direct provision which also involved dispersal throughout the country. The Government’s decision was also made in the context of measures taken in other EU countries to control illegal immigration and to process large numbers of asylum applicants. The body set up under the auspices of my Department to carry out the Government policy was the Directorate of Asylum Support Services, DASS, which later became the Reception and Integration Agency, RIA. It was an important objective of the policy to ensure the availability of accommodation for all asylum applicants while their applications for asylum and

leave to remain in the State were being processed and determined.

Since then, RIA policy has been to procure commercial properties such as hotels, hostels, boarding colleges and so on, from private operators through public advertisements seeking expressions of interest. This procurement policy is reflected in the current RIA portfolio. Of the 34 current centres, only seven are State-owned and, overall, only three are “system built”, that is, built specifically to accommodate asylum seekers. In terms of room capacities and facilities, RIA centres operate in compliance with relevant legislation. In regard to determining minimum room capacities, RIA relies on the Housing Act 1966, with particular reference to section 63 thereof dealing with the definition of overcrowding. In regard to shared bathroom and toilet requirements, RIA relies upon the Tourist Traffic Acts 1939 to 1998.

Where a family member, already in RIA accommodation, reaches ten years of age, RIA offers that family alternative accommodation which is deemed suitable for their needs.

*7 o'clock*

In many cases, where the family profile has changed on the basis of age or a newly arrived family member, the Reception and Integration Agency can only offer alternative accommodation at another centre to keep within these rules. A family may, however, choose to refuse the offer of a transfer to an alternative centre because it prefers the current arrangement or wants to await a better offer. Where a family refuses an offer of alternative accommodation in such circumstances, the RIA keeps the family details under review and further offers are made as deemed suitable. The key point is that the Reception and Integration Agency must adapt existing premises for the purposes of accommodating asylum seekers. It is not realistic to expect bespoke accommodation for asylum seekers in accordance with what one may ideally wish to have in a centre.

In the current campaign against the system of direct provision there can be a tendency at times towards extreme claims which do little to help the residents involved. Regardless of how many times it is refuted, the canard continues to surface that asylum seekers in centres resort to suicide as a matter of course. Claims are also made that residents resort to prostitution in centres. Such claims have been investigated by the Garda in the past and found to have no basis. Any such allegation will continue to be investigated by the appropriate authorities in accordance with the law. Assertions about suicide, child abuse and prostitution among residents in asylum accommodation centres are still made by purported supporters of asylum seekers who would not dare to make such assertions in respect of any other identifiable group of persons in society.

While the direct provision system is not ideal, it facilitates the State in providing a roof over the heads of those seeking asylum or seeking to be allowed, on humanitarian grounds, to stay in the State. It allows the State to do this in a manner that facilitates resources being used economically in circumstances where it is under financial difficulty.

No Government can afford to ignore the likely consequences of a change to the system of direct provision. The system was examined in considerable detail in the 2010 value for money report which found there were no cheaper alternatives. If we were operating a system which facilitated asylum seekers in living independent lives in individual housing with social welfare support and payments, the cost to the Exchequer would be double what is currently paid under the direct provision system. I remind Senators that Ireland has still not exited the troika pro-

gramme and even when we do, the State will next year spend €10 billion more than it receives through the many ways in which it obtains funding. If the State was to allow all asylum seekers to avail of full social welfare supports, including rent supplement, the immediate impact would be for all asylum seekers, including those not currently in accommodation provided by the Reception and Integration Agency, to avail of this financial support. As matters stand, not all asylum seekers live in direct provision accommodation as they are not compelled to do so. Accommodation is provided for those who cannot provide accommodation for themselves and do not have friends, family or others in the State who are willing to provide accommodation for them. Some asylum seekers live with friends or family or provide, from their own resources, for their accommodation needs.

A further concern is what is known across Europe as the “pull factor”. While the State has an important obligation to provide refuge for those in genuine need of protection and asylum and it is crucial that we comply with our international obligations in this regard, it is also appropriate to acknowledge that a significant number of those who have during the years sought asylum here have been economic migrants evading our immigration and visa requirements whose personal narratives have ultimately proved to be both untrue and unreliable. The State at this time cannot afford to provide supports and accommodation for individuals who so behave.

The decline in the number of those applying for asylum arriving in Ireland, from 11,600 in 2002 to 1,000 in 2012, is bucking the generally upward trend in the European Union. It must be borne in mind that the common travel area between Ireland and the United Kingdom, which for many decades has delivered immeasurable economic, social and cultural benefits, would possibly be abused by those using the asylum system simply to avail of better economic advantages in a context where Ireland provided better social supports and housing than are available in the United Kingdom.

No asylum seeker has ever been left homeless in the State. Unfortunately - it gives me no pleasure to say this - the same cannot be said by the public authorities responsible for homelessness issues among the indigenous population. Asylum seekers receive nourishment on a par with and, in some cases, superior to that available to the general population. They receive a health service on the same basis as Irish citizens and it is, in many cases, far superior to what is available in their countries of origin, rightly so. Children of asylum seekers are provided with primary and secondary education in the local community on the same basis as the children of Irish citizens.

The direct provision system remains a key pillar of the State’s asylum and immigration system and I have no plans to end it at this time. I accept, however, that the length of time spent in direct provision accommodation and the complexity of the asylum process are issues that need to be addressed. I have visited a number of asylum accommodation centres, most recently last Friday when I visited the Ashbourne centre in Glounthane, County Cork. I am concerned at how long people spend in the system. My resolve, therefore, is to deal with the factors which lead to delays in the processing of cases in order that asylum seekers spend as little time as is necessary in that accommodation system.

As with other states, Ireland has individuals and families who apply for asylum and have genuine grounds for seeking asylum under the relevant international provisions in place and our domestic laws. Of those granted citizenship in the ceremonies in which I was engaged on Monday last in the convention centre in Dublin, 195 were political refugees. A substantial number of people who are economic migrants present with stories seeking asylum which turn

out to lack validity. There are individuals who adopt false identities and pretend to come from troubled parts of the world when they do not. There are also individuals who will claim to have been in war zones and when the matter is further investigated, it transpires they were in London, Birmingham or elsewhere when they alleged they were in Sudan, Somalia or some other troubled region. This is a real problem in dealing with the asylum system. Many also play the system by instituting one legal challenge after another to delay the inevitable, sometimes to the point of launching legal challenges as they are about to board an aircraft to be returned home. That is their right, but we should not lose sight of the fact that the right of easy access to the courts in this respect is almost without equal in the world.

There is a need to bring balance to the discussion on asylum seekers. In the context of the wider community and those campaigning, there is an assumption that every single individual who applies to seek asylum is giving a truthful account of his or her circumstances and is a genuine asylum seeker. On the other side of the debate, there are small numbers of individuals who doubt whether any applicant for asylum ever tells the truth. We must adopt a balanced approach and ensure no individual who truthfully documents events or circumstances in respect of which asylum should be granted is refused the protection he or she seeks, while also ensuring those who deliberately abuse the asylum process to evade our immigration laws do not benefit or, by their conduct, undermine our asylum system and the basic humanity it is right to afford to those in need of protection. We must ensure the integrity of the asylum and immigration system is upheld in order that assistance is afforded to those who genuinely seek asylum, while not allowing the system to be undermined by those seeking unfair advantage.

Having made these general points about the direct provision system, let me deal with the various points raised in the motion, the first being the view of the Government's Special Rapporteur on Child Protection, Dr. Geoffrey Shannon, in his fifth report in July 2012 that the system should be examined with a view to establishing whether it is detrimental to the welfare and development of children and, if appropriate, an alternative form of support and accommodation should be adopted which is more suitable for families, particularly children. The Reception and Integration Agency affords the highest priority to the safeguarding and protection of children through the full implementation of the Children First guidelines. It has a fully staffed child and family services unit, the head of which is seconded from the Health Service Executive. Any review of the type proposed would have to take account of the wider purpose of the direct provision system in the overall context of the State's response to the issue of asylum seekers and immigration control generally.

The accommodation system cannot be in place solely in its own context. It is inextricably linked with the surrounding international protection process. An amended immigration, residence and protection Bill will be published, the purpose of which will be to substantially simplify and streamline the existing arrangements for asylum, subsidiary protection and leave to remain applications. It will do this by making provision for the establishment of a single application procedure in order that applicants can be provided with a final decision on all aspects of their protection application in a more straightforward and timely fashion. I had wished to bring forward this legislation much sooner. It has been one of my great frustrations that it has not yet proved possible to publish the legislation in its final form.

However, as Members will be aware, by necessity, troika-related legislative requirements have had to trump all other proposals, no matter how meritorious. The available pool of legislative drafting expertise is quite small and is subject to the same resource restrictions as all other areas of the public service. However, I expect that this situation will be alleviated shortly and

that the Bill will definitely come before the Oireachtas next year. It was originally my hope to have seen it in 2012 but that proved impossible. Everything possible is being done on the legislative drafting side to bring about publication by 2014.

In relation to the establishment of an independent complaints mechanism through the Ombudsman for Children and independent inspections of direct provision centres undertaken through HIQA, it is not clear from the rapporteur's report that he was aware of how these issues are actually dealt with. I see no basis for HIQA involvement. Reception and Integration Agency, RIA, centres are already subject to inspections three times a year, twice by Department of Justice and Equality staff and once by an independent company called QTS. Indeed, the media reports last week about shortcomings in some RIA centres came about from the release under FOI of inspection reports carried out by RIA which showed that the inspection system was indeed working. Where problems within direct provision accommodation are identified, I ensure that these are addressed. RIA will publish on its website all completed inspection reports on its centres undertaken since 1 October 2013. In future, anyone seeking these reports will not have to make any application under freedom of information legislation. I want these reports to have maximum transparency.

Although not stated explicitly in the report, the rapporteur appeared to be making an analogy with the HIQA inspections of children's detention centres but there are several distinctions to be drawn. Senator van Turnhout had some difficulty with some of these distinctions but they are valid distinctions. First, only a small number of children are at present in detention while approximately 1,200 children are in the 34 RIA centres around the country. Second, HIQA carries out the inspections on a contract basis for the Department of Children and Youth Affairs, and not under the specific HIQA legislation. The inspections are based on the standards drawn up by the Department of Children and Youth Affairs, not by HIQA. Third, the inspection standard of the Department of Children and Youth Affairs takes into account that these children are in the care of the State, that the State acts *in loco parentis*, in the context, in most cases, of proceedings having been taken in respect of child care matters. While the RIA has, of course, a duty of care to all its residents, both adults and children, in no case is it acting *in loco parentis* in respect of children in the centres.

On the recommendation to extend the remit of the Ombudsman for Children to direct provision centres, I see no basis for changing the law in this regard. Section 11(1)(e) of the Ombudsman for Children Act 2002, provides that the ombudsman shall not investigate any action taken by a public body where the action was taken in the administration of the law relating to, *inter alia*, asylum. While the office currently does not have the power to investigate asylum-related matters, the Irish Naturalisation and Immigration Service, INS, including RIA, has administrative arrangements in place with the office to assist and provide information and to help resolve any matters brought to its attention. The rapporteur's report also does not make clear that the ombudsman does not serve as a first instance appellant authority for day-to-day administrative complaints mechanisms. It is a requirement that a person who wishes to appeal to the ombudsman must first try to solve the problem with the public body concerned using formal local appeals mechanism.

With regard to the legislative basis for payments to asylum-seekers in direct provision accommodation, asylum-seekers cannot work under section 9(4)(b) of the Refugee Act 1996, they cannot access rent allowance under section 13 of the Social Welfare (Miscellaneous Provisions) Act 2003, nor are they entitled to a range of benefits, including child benefit, as they are deemed to be not habitually resident under section 246(7) of the Social Welfare Consolidation Act 2005.

The Minister for Social Protection has already responded to Dáil questions on this matter, to the effect that under the direct provision system asylum-seekers are provided with full board accommodation and other facilities such as laundry services and access to leisure areas. To take account of the services provided, a direct provision allowance of €19.10 per adult per week and €9.60 per child per week is payable in respect of any personal requisites required. Following the introduction of the statutory habitual residence condition in May 2004 and subsequent legislation, asylum-seekers are not entitled to receive most social welfare payments. The payment of the weekly direct provision allowance is made on an administrative basis by the Department of Social Protection on behalf of my Department. It continues to be open to any asylum seeker to seek assistance for a particular once-off need by way of an exceptional needs payment under the supplementary welfare allowance scheme as contained in section 201 of the Social Welfare Consolidation Act 2005. There is no automatic entitlement to an exceptional needs payment as each application is determined based on the particular circumstances of the case.

With regard to the final issue raised concerning a debate with Members of Seanad Éireann as to how to best reform Ireland's reception and asylum system, only someone unfamiliar with parliamentary affairs would think that there has been little or no debate about the merits or otherwise of the direct provision system. I have answered over 50 parliamentary questions on the topic this year, as well as five Seanad Adjournment debates, not including this one. RIA has facilitated three visits by Members to asylum accommodation centres. Senators are welcome to visit any further centres they wish to visit. It is one of my practices as I travel around the country and without media attention to quietly visit our prisons and our courts and to meet with members of An Garda Síochána. Quietly and without any great fanfare I have visited a number of our asylum-seeker accommodation centres and met and talked to many of the people residing therein. I intend to continue this practice. In its previous iterations, the Immigration, Residence and Protection Bill has been extensively debated in the Oireachtas and no doubt will be debated again when finally I can introduce the new Bill which we hope to publish.

I wish this were an issue with an easy resolution but this is not the case. It is a challenge, not just for Ireland but for the EU as a whole and the issue is discussed at practically every Justice and Home Affairs Council meeting at the various locations. The direct provision system is a necessary feature of this country's asylum and immigration system. It is a system which ensures a roof over the head of every asylum-seeker. However, I would prefer to have a system where asylum seekers spend less time in that system. That is where my energies will be devoted. I want to see the new Bill published. I want us to get to a position, which we have not as yet achieved, where all the applications made by those seeking asylum, including all the different applications that can be made, are dealt with in one application. I want to have an appeals system which is to the satisfaction of everyone so that in the future, those seeking asylum do not feel the need to make multiple applications to the courts.

In conclusion, after we have enacted our legislation, which I hope will meet with a widespread welcome, which will ensure that we are fully meeting all our international obligations and which will address issues of concern to some, I will then revisit the possibility of our becoming parties to some of the EU measures to which Senators have referred. There is merit in looking at a system which ensures that we treat those who are genuine asylum-seekers as best we can, with the caveat that in all contributions on this issue, I urge Senators to take note of what I have said that many people are genuinely seeking asylum but, unfortunately, others are economic migrants masquerading as asylum-seekers. This is a problem right across Europe. We live in a State that does not have an open-ended fund into which we can simply dip to pro-

vide ideal accommodation and supports for everyone who arrives at our borders. We cannot provide the ideal within the current economic climate for all of our citizens. There are limits to what we can do. We need to take a reality check when debating this issue.

I am very conscious, in the context of those who are currently within the direct provision system, as well as those still involved in the process but living with friends, relations or in their own accommodation, of the welfare of children resident in this State for many years. It is an issue that will have my continuing attention, and Senators should notice that the number of people currently in direct provision is a smaller than it was on 9 March 2011.

**Acting Chairman (Senator Michael Mullins):** I thank the Minister for the comprehensive response. There are approximately ten minutes remaining and a number of speakers are indicating a wish to speak. Perhaps if they could share time we might be able to get in everybody.

**Senator Brian Ó Domhnaill:** I will be as brief as possible in order to allow other Senators to contribute. I commend the Minister for his very comprehensive response to the Private Members' motion and although I do not find myself very often agreeing with the Minister, his response was both sensible and welcome. He has taken on board the very valid concerns being put forward with the motion by the Independent Senators. I also acknowledge the response by the Minister this evening with regard to the very regrettable position in which two families in the State found themselves. As the Minister rightly points out, child protection is at the core of what we all believe as public representatives. The circumstances of both these families this week are regrettable but I am pleased the Minister has given an update to the House this evening and that the children have been returned to their lawful and biological parents.

Everybody in the House, along with the Minister, has indicated that direct provision needs reform. The independent appeals office that has been mentioned would be welcomed on this side of the House, together with the legislation that is due to be published some time next year. It is the right way to go and there are many discussions to be had, not least the debate on the cost to the Irish taxpayer of any changes. We cannot just subscribe to a particular position overnight where there is a change to the €62 million availed of by the Reception and Integration Agency, RIA, in 2012. The Minister correctly pointed out that there are 100,000 Irish citizens waiting for social housing and people living under direct provision should be in more permanent accommodation. It is about finding a balance and solution that political parties and taxpayers can live with.

There are human rights issues at the core of what is being brought forward in this motion. They have been highlighted by Independent Senators and many other Members of the House, as well as the Ombudsman, Ms Emily O'Reilly, before she departed for her European post. They have highlighted cases where asylum seekers have been in direct provision hostels for more than three years, as well as the constraints placed on those people. There are cost implications for the State, and we cannot suddenly find 3,000 or 5,000 houses to accommodate families or individuals who are here as asylum seekers. The issue is a bit more complicated than that, and when the legislation is published next year, we will have the opportunity to deal with the matter. I know the Minister is committed to the issue as he has spoken on it even in opposition in the Dáil. He has highlighted the need to reform direct provision and the process must be updated. Nevertheless, recognition must be given to both the financial constraints and the dire position of some legitimate asylum speakers.

I will say no more other than to thank and commend the Independent Senators for putting

the issue on the agenda and having the discussion. It is important to have discussions on human rights issues like this ahead of legislation being published and the debate on such legislation when it comes to the House.

**Senator Mary Moran:** I will not waste any time. I thank the Minister, Deputy Shatter, and commend the Independent Senators for bringing forward this topical human and children's rights issue. I am grateful for the Minister's comprehensive response and speech, as well as the fact that he has recognised the problem, although due to unfortunate constraints relating to drafting expertise, the important Immigration, Residence and Protection Bill is not ready for publication.

I will cut to the chase and it is reasonable to ask somebody who is seeking refugee status to await a decision in temporary accommodation for a maximum of 12 to 18 months, as Senator Hayden mentioned. It is abusive and cruel to ask people to wait, in some cases, for five to six years. Some people have been waiting for up to ten years in these substandard arrangements. Having worked with some of my colleagues, I have seen the lack of privacy and appropriate conditions in rooms, which is appalling.

I will throw away my notes because I only have two minutes, but I will raise an issue that has not yet been aired. The Minister spoke of the 2010 value-for-money report. Today I read an article about a company netting a profit of over €90 million providing accommodation for asylum seekers. I know we are nearing the end of the debate but perhaps this could be discussed further. Considering what these people are being given - we all recognise that the position is difficult and the point has been made that there are bad apples in every barrel - we must weigh up both sides of the equation. Somebody is making money. The Minister commented on the 2010 report but perhaps the Minister could comment further on the figures, some of which are astronomical.

**Senator Jillian van Turnhout:** I will first deal with the Minister's statement on the events of the past 48 hours. I thank him for his honesty in sharing his concerns and the plans for the proposed review. I agree the Garda Síochána has an important role to play as part of the child protection system. Nevertheless, I am concerned about the amount of detail that went into the public domain with these cases, and I support the Minister's proposal for a review.

I have plenty of food for thought arising from this evening's debate and I thank all colleagues for the contributions. I assure the Minister I am fully aware of the separation of powers, and the motion today is a culmination of my work as a Senator and that of my colleagues. Senator Moran raised the 2010 value-for-money report, which clearly indicates that the social welfare option costs are the same as direct provision, so I am finding it quite difficult that we are being played against each other. Examining the current funding of some providers, it seems many have moved to unlimited companies to hide profits. I would happily sit down with colleagues to work on an alternative model that would be based on human rights and be economically sound, if we felt it would get a fair hearing. I have been careful with my wording on this issue and I am disappointed at the response. I wanted to have a constructive debate; instead the Minister's response has added bricks to the wall. I do not want to table Adjournment debates and use up departmental time going back and forth. I would like to sit down to talk about how we reform this system. I do not want to ask questions about this case or that case. That is why I worded the motion as I did. Along with my colleagues, civil society organisations, legal practitioners, academics, human rights activists, I am calling for reform. I am sure Senators would be happy to co-ordinate with a grouping to sit down to talk about the solutions if we believe they will get

a fair hearing.

The Minister mentioned Dr. Geoffrey Shannon's report. Why not ask him to conduct the examination he proposed in his special rapporteur report if he is so assured of the facts? There is merit in doing a report on the effects of direct provision on the welfare and development of children.

I worked to have a constructive debate but I feel like I have had a few wallops. The Minister said "No" to any independent mechanism and to investigating conditions for children and he refuted the economic arguments, even though the value for money report defends what we said. There has to be a better way for us to reform policy. We are here together and we want to work with the Department. I read what the Minister said when he was in opposition. His comments were much stronger than mine during this debate. Why can we not find a way to sit down to reform this system? The difficulty when it is all boiled down that is my colleagues and I can put faces to the many figures that have been provided in this debate. I realise what we are doing and I do not want in ten years' time to stand anywhere and say, "Well, we knew that was happening but we did nothing". We have to do something.

Question put and agreed to.

**Acting Chairman (Senator Michael Mullins):** When is it proposed to sit again?

**Senator Martin Conway:** At 10.30 a.m. tomorrow.

## **Adjournment Matters**

### **Medical Card Eligibility**

**Senator Colm Burke:** I welcome the Minister of State to the House. I wish to raise a matter that was mentioned at a meeting of the Joint Committee on Health and Children last Thursday, which has been on my agenda for a while. It relates to emergency medical cards. The advantage of divisions being called in the Dáil during health committee meetings is that HSE and departmental officials are available to Members and we can have detailed discussions with them. I encourage the Dáil to call divisions regularly on Thursday mornings from now on. The issue I raised with Mr. Tony O'Brien, which was also raised by Senator van Turnhout, is my experience in working to secure emergency medical cards for people. I get a great reaction. In some cases, I have to fight for a week or two - in one case it took two months - for a card. The people on whose behalf I advocate are under a great deal of pressure. For example, the last application I dealt with was on behalf of someone with a brain tumour who had also been diagnosed with other cancers. When the medical card was approved and issued for six months, I wondered whether officials had come to the conclusion that he would not even live that long.

I propose that emergency medical cards approved on medical grounds should be issued for 12 months to provide stability. The financial issues should be reviewed in that period, as well as the question of whether the health issue has been resolved. We need to examine this because successful applicants do not have the card that long before they suddenly find they must furnish

all their financial details and go through the entire process again, which can create anxiety and pressure for people who have serious health conditions. This should be examined.

**Minister of State at the Department of Health (Deputy Alex White):** I thank the Senator for raising this issue. Under the provisions of the Health Act 1970, the assessment for a medical card is determined primarily by reference to the means, including the income and expenditure, of the applicant and his or her partner and dependants. As set out in the Act, medical cards are awarded to people who are unable without undue hardship to arrange general practitioner, GP, services for themselves and their family, typically where their means are below the HSE's income thresholds.

Discretionary medical cards are awarded to people who are unable without undue hardship to arrange GP services for themselves and their family even though their means exceed the HSE's income thresholds. In these cases, social and medical issues are taken into account when considering whether undue hardship exists for the applicant. However, the HSE can provide medical cards in emergency circumstances to patients who are in urgent need of medical care that they cannot afford. Medical cards can be issued in emergency circumstances within 24 hours of receipt of the required patient details and letter of confirmation of condition from a doctor or consultant. Medical cards issued due to an emergency are generally requested by a manager in a local health office or a social worker. A medical card can be requested in response to an emergency from the central office in respect of a person in palliative care, who is terminally ill; a homeless person in need of urgent or ongoing medical care; a person with a serious medical condition in need of urgent or ongoing medical care; a foster child in need of urgent or ongoing medical care; or an asylum seeker with a serious medical condition in need of urgent or ongoing medical care. An emergency medical card can only be issued to an individual named person - that is, no dependants will be included, unless a case is made separately for any other member of the family on medical emergency grounds. With the exception of those for terminally ill patients in palliative care, all emergency medical cards are issued for six months on the grounds that the patient is eligible for a medical card on the basis of means or undue hardship and will follow up with a full application, along with all the normal documentary evidence required to assess eligibility, within four weeks of receiving the emergency card.

It can take a day to physically produce the plastic card and a further day in the post, but the medical card number can be provided to the local office or social worker within 24 hours if requested. Once approved, any primary care contractor can validate the entitlement of a customer through the online system. Where a doctor or consultant certifies that there is a terminal illness, the nature of the terminal illness is not a deciding factor in the issue of a medical card and no means test applies. The HSE monitors such cases and can renew a client's eligibility, if necessary. In such circumstances, again, there is no assessment of means.

I am satisfied that, given the nature and urgency of the issue, the HSE has appropriate escalation routes to ensure a person receives a medical card as quickly as possible. In addition, the individual is afforded time to furnish the requisite follow-up documentation, as required. As the HSE ensures the system responds to the variety of circumstances and complexities faced by individuals in these circumstances, there are no proposals to extend the six month period to 12 months. However, I have listened carefully to what the Senator has said and as he and the House will be aware, there has been much discussion recently about this entire area and observations or insights Senators have in respect of the operation generally of the medical card scheme, including the discretionary and emergency aspects of it, will be taken carefully into account by me in the discussions, contacts and deliberations we will continue to have with the

HSE on the administration of the schemes. There is considerable interest in and some concern on the part of colleagues about certain aspects of the schemes. The insights of Senators, including Senator Colm Burke, will be taken on board and considered by me in the discussions. There is no intention or proposal to extend the period, as suggested by the Senator.

**Senator Colm Burke:** The Minister of State has said terminally ill patients in palliative care are an exception. In the case concerned, the person was deemed to be terminally ill. It took time to get the medical card and it was only valid for six months. Where it is clearly indicated that the person is terminally ill, I do not understand why a medical card would only be issued for six months because it is causing anxiety. I suggest that in the case of a person with a terminal illness a medical card be issued for 12 months rather than six. I urge the Minister of State to examine the issue.

**Deputy Alex White:** We will note what the Senator has said. Perhaps I might contact him separately to elaborate further on the thinking behind this approach.

### **Medical Card Administration**

**Senator Catherine Noone:** I wish to ask the Minister for Health to put a procedure in place for the cancellation of a medical card number when issuing a death certificate. It is a simple concept. Recent reports in the *Irish Independent* highlighted the problem of GPs claiming more than €1.5 million a year in fees for people who were dead or did not exist. Even prior to that there was a clear need to establish a work practice to increase efficiency. Given that the Minister has said there is no more fat left to cut, this seems to be a simple procedure which could help to us save money. I discussed the matter with the Minister and it was also discussed at today's meeting of the Fine Gael Parliamentary Party. The Minister mentioned that sanctions could be put in place for doctors who did not take people off their medical card lists when they knew a person was deceased. That was in the context of negotiations to allow GPs put babies on their lists. In a sense it was a *quid pro quo*, in that they would be given discretion to put people on their lists, but they also had to be seen to take them off them at the other side, for want of a better phrase.

There is a much wider debate whereby we could receive more information in-house. There is a responsibility on families when a person dies to return pension books and provide Departments with various information. There is even an onus on them to return medication for safety reasons. One can understand why there might be a difficulty between Departments. A well known comedy show springs to mind in this context where a girl sits opposite the person asking a question and the response is "Computer says no." In this case we are talking about one Department that has all of the information at its disposal. One organisation, namely, the HSE, issues death certificates and medical cards. Surely to goodness we need some joined-up thinking in this regard.

**Deputy Alex White:** I thank the Senator for raising this issue. Medical card processing was centralised at the Primary Care Reimbursement Service, PCRS, office from July 2011. This central processing is single national governance, with a central office location to replace the 100 locations used in the past. This national project provides for an enhanced service delivery to clients and a consistent and equitable national assessment process. The system now facilitates standardised, homogeneous and equitable assessment of all applications, irrespective of the origin or nature of the application.

Since centralisation, the HSE has in place a system for the processing of death information based on the death event publication service, DEPS, operated by the General Register Office. Under the systems applying, the HSE obtains a file of deaths each week which is uploaded to the medical card database. While there may be a delay in recording a death with the General Register Office, amounts paid to GPs after the date of death are recouped from them.

It is important to note that the HSE does not rely solely on the death event publication service. One of the enhancements to the processes introduced by the HSE was an agreement with GPs that allows them to manage their medical card panel more proactively. In this regard, they can confirm that their medical card panels are, to the best of their knowledge, correct on a quarterly basis. In addition, they can remove a medical card holder from their panel where they are satisfied that the individual has passed away or is no longer resident in Ireland. Individuals can also contact the HSE directly to notify it of the death of a family member and the HSE's own staff monitor these matters.

Legislation which came into effect in March 2013 - the Health (Alteration of Criteria for Eligibility) Act 2013 - allows the sharing of data between the Revenue Commissioners, the Department of Social Protection and the HSE. The introduction of these additional controls will strengthen the risk management framework for schemes and provide additional support. Overall, the centralisation of the medical card system and the new measures, involving verification by GPs of their medical card lists every three months and the removal of deceased individuals from panels, ensures payments are not being made to GPs for people who are deceased or no longer eligible due to their having emigrated.

**Senator Catherine Noone:** It seems that when the information is available in-house, it is unnecessary to put the onus on doctors to be responsible for making sure their own lists are in order when we have the information available when a death certificate is issued. I am not convinced on the issue, but there is no point in pressing it.

**Deputy Alex White:** I thank the Senator. The opportunity GPs have to update the system is just one of the methods used to update the system. As I indicated, the HSE has the DEPS system in place and it should work. The involvement of GPs should be an additional safety net. The Senator is correct that the system should ensure updating occurs and that we should rely on GPs and others involved in the system to ensure everything is done properly.

### **Carer's Benefit Payments**

**Senator Marie Moloney:** I thank the Minister of State, Deputy John Perry, for coming to the House to address this issue. Although it is not within his remit, I am sure he has been well briefed. I know he will have a good answer for me.

I have a number of clients who are in receipt of carer's benefit. However, payment of the benefit stopped after one year. When the persons concerned contacted the Department of Social Protection, they were told they needed to fill in a new form and provide updated documents, in particular one from their employer indicating how many hours they had worked during the year. That is fine, but I urge the Department to notify recipients of carer's benefit four weeks in advance of the review of the documents required to ensure continuation of payment. The Minister of State will appreciate that carers have enough to do without running around trying to find out why their payment was stopped or why no money is going into their bank account.

They visit me, their local social welfare office or call the carers section of the Department only to be told they need to fill out a form. Just as one is sent a letter saying one's illness benefit will terminate in two months, for example, the carer's benefit section should adopt the same procedure, write to recipients stating the information required and that there is a deadline in four weeks. Sometimes, the benefit is the only income carers have. It is sometimes coupled with a small income from 15 hours work or less. Carers are, therefore, left high and dry without money for a number of weeks until the payment is reinstated. I welcome the response of the Minister of State on this.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):** I thank the Senator for raising this. On behalf of the Minister for Social Protection, Deputy Joan Burton, I welcome the opportunity to outline to the Seanad the range of entitlements available to carers from the Department of Social Protection. One would imagine, based on the issue raised, that the intelligent approach would be to give the notification such that one would not have to reapply. I will raise that with the Minister.

The existing entitlements include carer's benefit, carer's allowance and the half-rate carer's allowance, which is payable in addition to most other social welfare entitlements. In addition, the Department pays an annual respite care grant in respect of each care recipient, and carer's allowance recipients may be entitled to the household benefit package. In 2012, the Department spent in excess of €670 million on payments to carers, appreciating the key role they play in society.

One of the schemes entails the carer's benefit, a payment made to insured people who leave the workforce to care for a person or persons in need of full-time care and attention. Carer's benefit is available for a total period of 104 weeks for each person being cared for. This may be claimed as a single continuous period or in any number of separate periods up to a total of 104 weeks.

If one is caring for more than one person, one may receive carer's benefit for each care recipient for 104 weeks whether consecutively or concurrently. In common with all social welfare schemes, reviews are carried out on carer's benefit claims as appropriate to ensure recipients remain eligible for the payment. That is related to the Senator's point although it still does not answer her question. It is not the case that carer's benefit claims are routinely reviewed after 12 months. However, carer's benefit will expire after a period of 104 weeks spent caring. Carer's benefit recipients whose benefit is due to expire are written to well in advance of expiry and advised of their options. The personal rate of payment for carer's benefit is €205 a week, plus €29.50 for each qualified child. There is an increase of 50% of the personal rate for those who care for more than one care recipient at the same time. The value of the annual respite care grant is €1,375 in respect of each care recipient. These rates of payments have been maintained in budget 2014.

Carer's leave complements the carer's benefit scheme. The relevant employment legislation ensures that those who are entitled to carer's leave will have their jobs kept open for them for the duration of the leave. Carer's leave from employment may be taken irrespective of whether a person qualifies for a carer's payment from the Department once the person being cared for is in need of full-time care and attention.

**Senator Marie Moloney:** We spent two hours today speaking about reform of the Seanad, Dáil and Oireachtas procedures. The first step we could take is reformation of the replies to

questions raised on the Adjournment. I did not ask for the information given in the reply provided by the Minister of State. All I heard was what carers are entitled to. I know well what they are entitled to, as do the Minister of State and all my colleagues. I asked why the Department could not send out a reminder. There is one line in the reply that refers to this: "It is not the case that carer's benefit claims are routinely reviewed after 12 months." Why are my clients having their payments stopped? The Minister of State may not be able to answer as he is not in the Department of Social Protection. Why are payments stopped because individuals need to send in further documentation? A form needs to be filled out. It is sent to the individuals, who must take it to their employer. The reply, presumably prepared by an official in the Department, is saying it is not the case that carer's benefit claims are routinely reviewed after 12 months but I contend they are because my clients' payments continue to be stopped because of the form not being filled out. Somebody is getting the message wrong. I did not need to be told about carer's leave or the respite care grant, the half rate and the full rate. I know all about them. We could start by reforming the way in which Ministers answer questions during Adjournment debates. To be honest, this reply is a load of rubbish. I am not getting at the Minister of State-----

**Deputy John Perry:** Not at all.

**Senator Marie Moloney:** I am just telling him that there is but one line in the whole reply that refers to my question, and it is not even right.

**Deputy John Perry:** I fully appreciate the Senator's view and respect the integrity of her case. In fairness to the Minister for Social Protection, Deputy Burton, she is very much a reforming Minister and has made many changes regarding the automation-----

**Senator Marie Moloney:** I am sure she did not prepare the reply and that it was her Department that did so.

**Deputy John Perry:** Perhaps the Senator might be hitting on a bad-file case. Fundamentally, the Department states it is not the case that carer's benefit claims are routinely reviewed. They may be in some cases. I suggest that the Senator contact the Minister's office regarding the cases in question. I have no doubt the problem will be rectified. I will raise the point with the Minister. It would make no sense and involve a massive workload for the Department if all the information had to be refurnished after 12 months. It is really about cutting back on the paper trail. The objective of the Government is to remove the red tape associated with obtaining entitlements. I will pass on the Senator's view to the Minister and seek clarification on the particular question asked.

### **Banking Sector Regulation**

**Senator Lorraine Higgins:** I thank the Minister of State for taking this matter on the Adjournment. It is important that we establish whether any staff in senior management in all the State-owned banks, including AIB, Permanent TSB, Bank of Ireland, EBS and Irish Nationwide, converted any of their variable mortgages to tracker mortgages in the six-month period before the date of the Government-funded bank guarantee or immediately thereafter. This, as we all know, was a very important time in Ireland's economic history. It was a time at which Irish banking debt was tied to the ordinary taxpayer, a decision that my party, the Labour Party, was rightly opposed to. The reality is that, at the time, the people of Ireland bailed out the bankrupt banks of the country and were left with numerous austerity budgets as a result. I commend

the Minister of State and all his colleagues in government on the work they have done in trying to strike a difficult balance and to ease the burden on the people. Did the management or employees of the banks now owned by the State try to seek a benefit for themselves by converting their mortgages from variable-rate mortgages to tracker mortgages, which have transpired to be a cheaper option? I look forward to the Minister's response.

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** I thank the Senator for raising this matter. I am deputising for the Minister for Finance, who is abroad and consequently unavailable.

In the period before the bank guarantee of 2008, the then Minister had no involvement in the oversight of the banks. The current Minister is not aware of any instances of senior management in the banks converting from variable rate mortgages to tracker mortgages in that period. It is important to realise the mortgage market at that time was very different from that of today in that the variation between variable and tracker rates was small. In some instances, moving from the standard variable rate to the tracker rate would have resulted in a higher interest rate, but it was possible to switch from a variable rate to a tracker rate should a customer so request. However, regardless of what rates individual mortgage holders are on, the Minister, even if he wanted to, would have no access to the details of individual personal accounts.

I refer the Senator to two parliamentary questions on this topic that were answered in the Dáil on 15 October. Responses were provided from the two State-owned banks Allied Irish Banks and Permanent TSB.

*8 o'clock*

AIB advised the Minister at the time that for confidentiality reasons it is precluded from discussing or divulging details of individual customer accounts. AIB has informed the Minister for Finance this applies to staff who are bank customers.

Tracker rate mortgages operate by fixing a set margin over the European Central Bank, ECB, rate for the period of the mortgage. With a tracker rate mortgage, a customer's repayments rise or fall in line with ECB interest rate movements. Until 2008, it was possible to switch to a tracker rate should a customer so request. However, from October of that year, AIB and EBS, separate entities at the time, had withdrawn the product both for new business and conversion from existing non-tracker customers.

AIB withdrew its tracker mortgage product on 10 October 2008, shortly after the Government bank guarantee of 28 September. EBS withdrew its tracker mortgage product on 13 October. Prior to that date, all customers, be they bank staff or otherwise, were entitled to convert their mortgages from variable to tracker. No customers converted their existing mortgage to a tracker product after 10 October in the case of AIB or 13 October in the case of EBS, unless entitled to under the terms of a contract completed prior to date of tracker withdrawal.

The Minister is not aware of any instances of senior management in Irish Nationwide Building Society, INBS, converting from variable rate mortgages to trackers in this period. However, the Minister does not have access to the details of individual customer accounts in INBS, including those of former senior management in the bank. It is important to note, in general, INBS did not provide tracker mortgage products. At the end of June 2012 less than 0.1% of its book were tracker mortgages linked to the ECB base rate.

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Bank of Ireland is not a State-owned bank. We own 15% of its share capital, which makes us a minority shareholder in it. In any event, Bank of Ireland has also informed the Minister that due to customer confidentiality obligations, it is not in a position to discuss details of the individual circumstances of any customer or transaction, including those of bank staff.

The Minister has been informed by Permanent TSB that no such action occurred in respect of senior management of Permanent TSB and that the bank stopped selling tracker mortgages in July 2008.

**Senator Lorraine Higgins:** I thank the Minister for his response but I am disappointed with it. I find it does not deal specifically with the question I asked. I feel the response was drafted in such a way that we are talking around it rather than getting to the crux of the issue. Terms such as “not aware” and “in general” have been used throughout the response which is most disappointing.

The reality is the State and the taxpayer bailed out these banks. The Minister claims customer details are confidential but we own the majority of Irish banks with a stake of 15% in Bank of Ireland. The taxpayer should be given the information I sought this evening. It is regrettable that this has not happened. Will the Minister of State pass on a request for an independent investigation into this matter to the Department of Finance and the Minister? It is the State and taxpayer that will lose out as variable mortgages attract higher payments than tracker mortgages. Obviously, it will be the State that will be at a loss in terms of profits.

**Deputy Dinny McGinley:** I will convey the Senator’s request to the Minister for Finance. However, the Minister will never have access to the details of personal accounts of bank customers.

**Senator Lorraine Higgins:** It is not the bank customers’ details but those of banks’ management. I am concerned there were activities carried on that may be akin to insider dealings. I just want to get to the bottom of that to ensure no one in bank management benefited from the bank bailout for which the taxpayer paid.

**Deputy Dinny McGinley:** Under the relationship framework agreement which is in place between the Department of Finance and the banks, the Minister has no statutory function in banking decisions made by individual lending institutions. The Minister must ensure the banks are run on a commercial, cost-effective and independent basis to ensure their value asset to the State as per the memorandum on economic and financial policies agreed with the European Commission, the ECB and the International Monetary Fund.

I will convey the Senator’s concerns to the Minister.

The Seanad adjourned at 8.05 p.m. until 10.30 a.m. on Thursday, 24 October 2013.