



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

Business of Seanad . . . . .	192
Order of Business . . . . .	193
Irish Water: Statements . . . . .	209
Common Agricultural Policy and Rural Development Programme: Statements . . . . .	228
Recognition of Irish Sign Language for the Deaf Community Bill 2013: Second Stage . . . . .	250
Business of Seanad . . . . .	273
Standards in Public Office Commission Membership: Motions . . . . .	273
Adjournment Matters . . . . .	277
Community Care Provision . . . . .	277
Traffic Management . . . . .	279
Domestic Violence Policy . . . . .	281
Agriculture Schemes Appeals . . . . .	283

## SEANAD ÉIREANN

*Dé Céadaoin, 22 Eanáir 2014*

*Wednesday, 22 January 2014*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

---

*Machnamh agus Paidir.  
Reflection and Prayer.*

---

### **Business of Seanad**

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

The need for the Minister for Health to outline the plans by the Health Service Executive to build a new community nursing unit in Waterford city to replace beds lost due to the closure of St. Bridget's ward at St Patrick's Hospital, and if there are plans to build a new unit on the grounds of the hospital.

I have also received notice from Senator Kathryn Reilly of the following matter:

The need for the Minister for Justice and Equality to discuss how speed enforcement zones are delegated, if consideration is given to the location of schools along primary road routes, and how speed limits and zones are policed during school hours.

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

The need for the Minister for Children and Youth Affairs to outline how funding for domestic and sexual violence services is allocated, with a breakdown of the funding allocation by service for 2012 and 2013.

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

The need for the Minister for Agriculture, Food and the Marine to introduce a policy whereby decisions of the agriculture appeals office would be published, with the necessary protection in terms of identity of the appellant, in the interests of the openness, certainty and transparency of the appeals process.

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

22 January 2014

## Order of Business

**Senator Maurice Cummins:** The Order of Business is No. 1, statements on Irish Water, to be taken at 11.45 a.m. and to conclude not later than 1 p.m., with the contributions of Senators not to exceed five minutes in each case, and the Minister to be called on to reply to the debate not later than 12.55 p.m.; No. 2, statements on the Common Agricultural Policy and rural development programme, to be taken at 2 p.m. and to conclude not later than 3.30 p.m., with the contributions of group spokespersons not to exceed ten minutes in each case, which can be shared, the contributions of all other Senators not to exceed five minutes in each case, and the Minister to be called on to reply to the debate not later than 3.25 p.m.; No. 3, Recognition of Irish Sign Language for the Deaf Community Bill 2013 - Second Stage, to be taken at 4 p.m. and to conclude not later than 6 p.m.; and No. 4, motion re appointments to the Standards in Public Office Commission, to be taken at 6 p.m. and to conclude not later than 6.25 p.m., with the contributions of Senators not to exceed three minutes in each case and the Minister to be called on to reply not later than 6.20 p.m.

**Senator Darragh O'Brien:** I welcome that the House will engage in a short debate on the appointment to the Standards in Public Office Commission, SIPO. Will the Leader outline the Government's view on the comments made yesterday by the Minister for Justice and Equality, Deputy Shatter, in respect of funding for and the profits of Rehab Lotteries Limited? If the Minister has any concerns, he should find a more appropriate way of dealing with them than making public statements. Most of us would agree, particularly in light of the scandal relating to the Central Remedial Clinic, that the charities sector has been greatly undermined. It is a cause for concern that the Minister for Justice and Equality is jumping in with both big feet in respect of this matter. In my view, he has undermined both Rehab Lotteries Limited and the Rehab Group with his comments. Does the Leader believe it appropriate for the Minister to make such comments or, more seriously, to question validity of the Rehab Group taking a case against the State - which has been ongoing for some time - in respect of compensation relating to the national lottery? I am of the view that the Minister's comments are wholly inappropriate, that he has overstepped the mark and that he is acting outside his powers.

If the Minister of Justice and Equality has concerns about the Rehab Group in the aftermath of the audit, then he should communicate them to the proper authorities. In my opinion, he should keep schtum, so to speak, on this.

**Senator Paul Coughlan:** The Committee of Public Accounts has a job to do.

**An Cathaoirleach:** Senator Darragh O'Brien, without interruption.

**Senator Darragh O'Brien:** It may well do and that would be appropriate. However, any organisation or citizen is entitled to take a case against the State. For the Minister for Justice and Equality to question that and the costs involved is a very serious matter. People might find this funny but I am of the view that what the Minister is doing undermines the rights of organisations and citizens to take legal action against the State. As one of my colleagues on these benches has pointed out, there is a need to be aware of the separation of powers. I do not believe the Minister is aware of that in this instance.

Before Christmas I requested that time be made available for a debate on sport and funding for sport. The Minister for Transport, Sport and Tourism addressed the House yesterday in the context of the Road Traffic (No. 2) Bill 2013, but there is a need for him to return to engage in

a debate on sport. In the context of the funding of national sporting bodies, I became concerned during the recess when I read that the restructuring of the FAI's debt essentially involved the purchase of that debt by Mr. Dermot Desmond. Does this mean that the FAI, the IRFU and similar bodies will eventually end up being privatised and owned by large entities or particular individuals? I am concerned about this matter and I would like the Minister to comment on it in the context of an overall debate relating to funding for sport. I welcome the fact that the amount of money available in the form of sports capital grants is going to be increased. I understand that such grants will be forthcoming in the aftermath of the local elections. I would welcome it if the Leader could schedule a debate on this important matter in the coming weeks.

I wish to request a specific debate on what the Government refers to as the local property tax. The latter was sold as being just that - a local property tax - but people realise this was a lie. The various local authorities have either completed their budgetary processes or are in the process of doing so. In that context, €40 million will be raised in the Fingal area by means of the collection of what the Government calls the local property tax. However, none of that money will go to Fingal County Council. The Government sold the people a pup and that fact must be debated in detail. If revenue is being raised on the basis of a local property tax, then it should go to the areas in which it is raised. That is not happening, which is an issue of grave concern to me, to many city and county councillors and, most important, to citizens. People were informed that this is a local property tax but that is not the case.

**Senator Ivana Bacik:** I thank the Leader for indicating, when replying to the debate on yesterday's Order of Business, that he will arrange a debate on Syria for next week. I welcome this development, particularly in the context of the peace talks that are due to begin today in Switzerland. I know Senators will wish all those involved the best of luck in seeking to resolve the appalling conflict in Syria which has led to such terrible abuses and civilian deaths.

Senator Darragh O'Brien raised the issue of Rehab Lotteries Limited. I am surprised by the view expressed by the Senator. While I accept that litigation is ongoing, there is one case that is entirely separate, namely, that involving the national lottery and the Rehab Group. The Minister for Justice and Equality was contributing to the debate on a Private Members' motion tabled by Sinn Féin in the Lower House and relating to the regulation of charities when he made his comments and pointed out the serious findings contained in the audit carried out by his Department. I am of the view that it is appropriate for him to make such comments in the national Parliament.

**Senator David Cullinane:** Hear, hear.

**Senator Ivana Bacik:** The Minister made his comments in the context-----

**Senator Darragh O'Brien:** The Minister questioned the Rehab Group's right to take the case. That is the real issue.

**Senator Ivana Bacik:** -----of the operation of the charitable lotteries scheme established in 1997. It is in the public interest that he made those comments because the figures to which he referred are a matter of grave concern. This is a matter for us, as legislators, to deal with. Ministers often make announcements in fora in which it is inappropriate to do so. On this occasion, however, we are talking about comments made in the national Parliament. Clearly, the Minister must be careful with regard to matters that are *sub judice* but, to be fair, he did not stray into the area in respect of which litigation is ongoing.

**Senator David Cullinane:** Hear, hear.

**Senator Darragh O'Brien:** It is strange to see Sinn Féin supporting the Government.

**Senator Ivana Bacik:** Will the Leader make arrangements for a debate on the issue of climate change and the targets relating thereto as soon as possible? There have been some very worrying developments at EU level in this regard. EU leaders appear to be rowing back on the adoption of binding targets relating to carbon emission reductions. Environmental groups such as Friends of the Earth, among others, have voiced very strong objections to the moves being made in this regard. I welcome the fact that negotiators on behalf of Ireland have indicated that we will be holding to our targets. It is extremely serious, from the point of view of people in Europe and across the globe, for the EU to contemplate any move away from adherence to binding targets. We made great progress in respect of such targets in the past and it is very sad and disappointing to see EU leaders rowing back on the commitment to adopt binding targets.

The Minister for Justice and Equality, Deputy Shatter, was obviously very busy yesterday because I find myself referring to him again and welcoming comments he made at the parenting in Ireland conference organised by Marriage Equality. The Minister indicated that, in the context of the child and family relationships Bill to be introduced later in the year, he will be moving to remedy the situation whereby the children of gay families and same-sex couples currently experience legal discrimination. The Minister stated he will take steps to equalise the position of children in such circumstances and to provide, at last, proper regulation in respect of children born by means of surrogacy and other reproductive methods.

**Senator Feargal Quinn:** Would it be possible to engage in a debate on the charities regulator who is due to be appointed? Major distrust has developed among people who are used to giving money to charities but who are now stepping back because they are not sure if the money is going to the charities themselves. Would it be possible to develop a system whereby we could put in place a charity headquarters? This could be staffed by volunteers and others willing to give of their time. Instead of having many different organisations, each with its own overheads on which it is obliged to spend moneys from the contributions it receives before spending them for charitable purposes, we could have a headquarters model such as that to which I refer. I am of the view that this would engender huge confidence and trust among members of the public. Perhaps it might be possible to do something in this regard in order that people might have confidence that when they make donations, the money will go directly to the charity involved and will not be used up in other ways.

I also suggest that at some point during the coming weeks we should debate the new public service reform plan and the progress report on the previous plan. Senators received copies of both documents in the past week or so and there is great reading in them. The new plan and the progress report provide a reminder of how much work is taking place and how much more needs to be done. However, we do not appear to devote to this matter the attention it deserves.

The British have announced their intention to abolish their existing motor tax system. Our motor tax system has been in place since before Independence and people have always been obliged to display a tax disc in their front windscreens. Instead of doing their job of protecting citizens, gardaí have become tax collectors and much of their time is spent checking whether motor tax has been paid. This role should not be allocated to the Garda. I am sure we can learn from the British system which is based on an online model. We have been using the same system of placing a motor tax disc on the car windscreen since motor taxation was introduced 50

or 60 years ago. It would be much more efficient to do this online. While I am aware that we are moving in this direction, a better system must be available and we should learn from what is being done abroad.

**Senator Deirdre Clune:** I welcome the publication by the Minister for Education and Skills, Deputy Quinn, of a review of the apprenticeship model. Traditionally, apprenticeships have been largely associated with the construction sector. Much more can be done in this area. We have heard many times about the successful apprenticeship system in place in Germany where youth unemployment is below 8%. The review published by the Minister proposes expanding apprenticeships into sectors such as information and communications technology, medical devices and catering and hospitality, an area that is crying out for a review. It is also proposed to develop a partnership between industry and the education sector, including to doctorate level. This is an innovative and important step on which the Minister has proposed to engage with stakeholders as soon as possible. I urge him to do so because the proposals are very positive. We need a shift in emphasis from the current exclusive focus on CAO points.

Senator Bacik referred to the issue of energy and while a debate on the matter is required in the House, I wish to discuss it from another point of view. The European Commission will publish its energy policy for the years until 2030 as the current policy only applies until 2020. Yesterday, the Commission published an interesting report showing that European energy prices are twice as high as those in the United States and 20% higher than in China. While I support renewable energy, it has a cost which must be addressed from a competitiveness and business perspective. If we want to attract industry to this island and Europe in general, we must address energy costs. While we have addressed wages, red tape and services from a competitiveness point of view, we have not focused on the cost of energy. I am aware that we must strike a balance by meeting emissions targets but renewable energy may not necessarily be the way to do so. I am sure the Commission's report to be published later today will give rise to considerable debate on both sides of the energy argument. Central to this debate must be competitiveness and our ability to attract jobs to Ireland and encourage indigenous industry.

**Senator Terry Leyden:** I ask that the Government convey to the US Government and President Obama our disappointment that the United States has not appointed a permanent ambassador to Ireland. One quarter of President Obama's final term in office has elapsed. Given the Tánaiste's statement that Ireland is restoring its position and good name around the world, it is extraordinary that the United States, one of our closest allies and friends, has not appointed a permanent ambassador. I read a report that our charges d'affaires visited President Obama recently. I do not know if he raised this matter. An ambassador must be appointed before 17 March and I ask the Taoiseach to take up this matter.

On the appointment of an ambassador to the Holy See, it is vital that the appointee be someone of standing and prestige. I recommend that either former President Mary McAleese or former President Mary Robinson be appointed to this role.

**Senator Darragh O'Brien:** Senator Bacik.

**Senator Terry Leyden:** Senator Bacik would not fit in too well in the Vatican.

**Senator Rónán Mullen:** Senator Leyden has not ruled himself out.

**Senator Terry Leyden:** I want to improve rather than disimprove our relations with the Vatican.

22 January 2014

**An Cathaoirleach:** The matter is not relevant to the Order of Business. Does the Senator have a question to the Leader?

**Senator Terry Leyden:** As the Leader of the Seanad, Senator Cummins is in a position to convey to the Taoiseach Ireland's disappointment that the United States has not appointed a permanent ambassador to this country.

To add to Senator Darragh O'Brien's comments regarding the unfortunate and extraordinary statement made last night by the Minister for Justice and Equality, Deputy Alan Shatter, on the lottery operated by Rehab, I presume the Minister was free to strike given that one of the major players in Rehab's lottery is Frank Flannery, a guru of the Fine Gael Party.

**An Cathaoirleach:** The Senator should refrain from naming people in the House. We will not discuss individuals.

**Senator Terry Leyden:** Mr. Flannery is the man who brought Fine Gael back to power. He is an excellent operator. The Minister has made a pre-emptive strike because what is coming down the line as far as Rehab is concerned will be shattering.

**Senator Aideen Hayden:** Senator Bacik would make an admirable ambassador to the Holy See given that she is a fair and equitable person in everything she does.

I welcome the statement by the Tánaiste that a banking inquiry will be established as quickly as possible. It appears the inquiry will take place in the next number of months. Like many others, I do not believe the country will move on from the banking collapse until we know exactly what took place at that time. I note the rule of bias will be stringently applied in terms of those who will be eligible to be a member of the inquiry. One could say, "Good luck with that", because there is not one person who has not suffered as a result of the collapse of the banking system. Having said that, this is an important step in the right direction. I reiterate my call to the Leader to arrange a general debate on the banking sector. There is much to discuss in that regard, in particular, the failure of the banks to lend to ordinary citizens. I do not believe the construction sector or business in general will move on until we re-establish a robust banking sector subject to appropriate regulation.

I call again for a debate on fuel poverty, which is an extremely important issue at this time of year. I, like many other people, was shocked recently to see my energy bill for the past two months. This is a very difficult time for people who are struggling and cannot afford to turn on the heating in their homes. The House should debate fuel poverty and the steps the Government is taking to improve the quality of housing and ensure homes are energy efficient. We should also discuss what steps can be taken to make fuel affordable for ordinary people, particularly those who are struggling with their incomes.

**Senator Rónán Mullen:** I am still wrestling with the thought of Senator Bacik as our ambassador to the Holy See. I would enjoy seeing the reaction to that appointment. It would certainly make international headlines and one would have the dropping of mandibles all over the place.

**Senator Ivana Bacik:** I note the Senator's support for my candidacy.

**Senator Rónán Mullen:** It is good for all of us to get out of our comfort zones and the Senator's appointment would certainly facilitate that. I note also that the previous ambassador

to the Holy See was a Roscommon man, Mr. Noel Fahey, who did an excellent job. It would not be without precedent if Senator Leyden were to be appointed to the position.

I am glad the House will debate Irish Water today. It is of concern to many people that lessons have not been learned and the culture of lavish expense and overspending on consultancy and the feathering of nests, whether at an individual or corporate level, seems to continue. People are amazed that this is continuing given all the country has been through and the many hard lessons we had to learn. One of the issues to which I draw particular attention is my amazement, which is shared by many others, that a company that enjoys an effective monopoly, finds it worthwhile to spend €4 million on branding consultants. One would expect a company with a monopoly would not need any branding. To spend €4 million on corporate identity in the times we are in beggars belief.

There is also great concern about the apparent lack of European Union funds for places that have been victim to storm damage. The particular way in which EU solidarity funds operate means they may not be sufficiently flexible to meet the needs of marginal areas and areas that depend on seasonal tourism. I ask for a debate on this issue as I would like the Government to address the issue. The EU solidarity fund only covers natural disasters which cause damage valued at more than €800 million.

*11 o'clock*

In this case, we are talking about smaller but very significant sums. In five counties alone, the public damage has been estimated at approximately €65 million. The damage and destruction to private property could cost over €250 million. These figures do not take into account the losses sustained by small business owners and rural communities as a result of closed roads and businesses. I would like the Government to address this. There is a need for greater flexibility at EU level. We need to be heard on this to make sure the marginal areas that have been affected by storms and flooding have their needs addressed. I would be grateful for an opportunity to debate this issue, which is intrinsically linked with questions like employment and the revival of rural and community life, with the relevant Minister in due course.

**Senator Colm Burke:** There is a need for a debate on the issue of section 38 and section 39 organisations. I appreciate that it is being considered by the Committee of Public Accounts. It is important that information is out there. When I first raised this matter last September at the Joint Committee on Health and Children - I raised it again in October - I suggested that some €3.48 billion was being paid to 2,680 organisations. A number of journalists contacted me to say that figure was incorrect. I asked a question last Thursday about the fact that the pay rules which apply to HSE staff do not apply to section 39 organisations. I do not have the 2013 figures, but I am aware that in 2012 some €812 million was paid to section 39 organisations that are not governed by the same rules. It is time we had a debate on this whole issue.

**Senator David Cullinane:** Hear, hear.

**Senator Colm Burke:** The Department and the HSE wrote to all the section 39 organisations on 10 December last to advise them that under the service level agreements for 2014, the salaries of management and CEOs must be disclosed in full before funding is paid. It is a little late, but it is welcome. We should have a debate because there could be other cases in which we are paying a substantial sum of money to an organisation in the absence of transparency. A debate would be helpful because it would allow us to tease out those issues. We are talking

22 January 2014

about a great deal of money. Over 25% of the health budget is being allocated to organisations which are not under the direct control of the Department or the HSE. We are accountable to taxpayers. It is important that these organisations are also accountable to the taxpayers who are funding them.

**Senator David Cullinane:** I propose an amendment to the Order of Business calling for two hours, rather than the amount of time that has been proposed, to be allowed for statements on Irish Water. The Leader has said that the debate will start at 11.45 a.m. and that the Minister will respond at 12.55 p.m., but I have some fears in that regard. I do not believe that all the Senators who want to speak will get an opportunity to do so. It is particularly important that the Sinn Féin Senators should get an opportunity to speak, given that we did the heavy lifting during the Committee and Report Stage debates on the Irish Water Bill.

**Senator Darragh O'Brien:** What?

**Senator David Cullinane:** I am concerned that we will not have an opportunity to press the Minister when he comes back in. The amendment I am proposing would ensure that the debate lasts for two hours, rather than concluding at the time set out by the Minister.

I would like to refer to the comments that were made yesterday by the Minister for Justice and Equality, Deputy Shatter, with regard to Rehab. My view is completely different from that of the Fianna Fáil Senators. I suggest that the Dáil was entirely the appropriate place for the Minister to respond to what has emerged in this regard. Far too often, we accuse Ministers of making statements to the press rather than to the Oireachtas.

**Senator Ivana Bacik:** Hear, hear.

**Senator David Cullinane:** As they were elected to this Parliament, this is where they should be held to account.

**Senator Martin Conway:** Well said.

**Senator David Cullinane:** It is extraordinary that a Fianna Fáil Senator would ask a Minister to keep schtum on something as important and fundamental as this issue.

**Senator Darragh O'Brien:** I was talking about the court case.

**Senator David Cullinane:** Keeping schtum is what got this country into the mess it is in.

**Senator Darragh O'Brien:** Go away out of that.

**Senator David Cullinane:** That is the reality.

**Senator Darragh O'Brien:** The Senator's colleagues do not like to speak about the past.

**An Cathaoirleach:** Senator Cullinane, without interruption.

**Senator David Cullinane:** It seems to me that Fianna Fáil does not want accountability.

**Senator Darragh O'Brien:** The Senator is misrepresenting what I said.

**Senator David Cullinane:** It does not want transparency.

**Senator Darragh O'Brien:** There is no point in talking to Sinn Féin.

**Senator David Cullinane:** I commend the Minister for Justice and Equality-----

**Senator Darragh O'Brien:** Well done.

**Senator David Cullinane:** -----for carrying out an internal review and audit of the money that was spent under the charitable lotteries scheme. It seems from the Rehab figures that State taxpayers' money was given to the organisation to subsidise apparent losses in relation to scratch cards. It transpires that for every €4 spent on Rehab scratch cards by consumers, just 1 cent went to the organisation to provide services. This is a fundamentally important issue for Members of the Dáil and the Seanad as legislators. I commend the Minister for carrying out an audit and a review - something that Fianna Fáil failed to do - and for moving in the right direction in this area.

**Senator Ivana Bacik:** Hear, hear.

**Senator David Cullinane:** It is no surprise to us that Fianna Fáil does not like openness and transparency.

**Senator Darragh O'Brien:** It is a bit special for the Senator and his colleagues to talk about openness and transparency.

**An Cathaoirleach:** Senator Cullinane, without interruption.

**Senator David Cullinane:** I also want to call for a debate on the need for a regulator for the charities sector. This issue is being discussed in Oireachtas committees and in canteens, workplaces and homes across the State. We need to discuss it in this House. If the Leader has not given a commitment to provide for a debate on this issue - perhaps he has - I hope he will say that such a debate will take place in the near future.

**Senator Lorraine Higgins:** I would like to call for the Minister for Justice and Equality to come to the House to debate the need for treatment or rehabilitation centres that specialise in addiction to be regulated. I do not know if other Members watched the recent "Prime Time" special report on a charity, Victory Outreach, that uses pretty appalling practices when dealing with addicts who are attempting recovery with it. For example, it forces the addicts using its services to spend 18 hours a day raising funds for the charity, with daily targets and no pay. The addicts have to give the charity between €80 and €150 from their weekly social welfare payments. The service users have to go cold turkey, which is not advised by experts who work in addiction. The residents are not given any chemical assistance or professional counselling. They are told to use prayer as a way of getting over their addictions. They are also told not to take their prescribed medications. All of this is very concerning.

I feel that an appalling abuse of human rights is being perpetrated by this so-called charity, which started working in Ireland in 1997 and operates five recovery homes here. As it is operating in a market in which supply does not meet demand, unfortunately, it has learned to abuse its special position. To make matters worse, I understand the Irish courts are referring people who come before them and are given probation to this charity. Addiction services that are funded by the HSE are required to meet minimum standards, but unfortunately Victory Outreach is not funded by the HSE, which means there is no provision in law for the regulation of its residential treatment centres and similar centres. They are allowed to operate outside standard practice. The charity's much-maligned practices were highlighted recently in the US, where a contractor was paying illegally low wages to workers from the charity to renovate hotels. I am fearful that

its lack of morality and scruples might cause Irish service users to be subjected to worse treatment than that to which they are already subjected and further abuses of their human rights. For that reason, I am calling on the Minister for Justice and Equality to come to this House to debate this issue as a matter of urgency.

**Senator Paul Bradford:** I ask the Leader to engage with the Government and the appropriate Minister to ensure Members of this House will be allowed to play a constructive role in the banking inquiry. We all welcome the fact that an inquiry is about to start. I heard last night's media reports which suggest that a narrative is emerging to the effect that this is purely a matter for the Dáil. I accept that the Committee of Public Accounts is a stand-alone committee that comprises Dáil Deputies only. I would have presumed that this special committee would reach out into both Houses of the Oireachtas. Many Members of this House - I am certainly not canvassing for the job - could play a valid, constructive and neutral role in the banking inquiry. It would be disappointing if that were not facilitated.

As far as I know, last night's meeting of the Whips, at which the banking inquiry was discussed, was confined to Dáil Whips. We need to remind the Government that a short few months ago, the Irish people decided that this House should be retained so that it can play a constructive role in the good governance of this nation in the future. I believe Senators should be part of the inquiry team. We were part of the economic debate - good or bad, and positive or negative - over the past decade. I ask the Leader to engage with the Government and ensure the Seanad is represented in that inquiry. I feel absolutely sure that Senators will play a constructive and positive role in this significant inquiry. I am a little disappointed that the narrative emerging from the media and from political sources in the other House seems to indicate that we will have no part in the process. That should be changed.

**Senator Martin Conway:** I suggest that the discussion on the revelations regarding this country's charity sector will have a cleansing effect on charities in the long term. The public has directed its antennae towards charities to a much greater extent. When people donate money, they will ask questions. That will lead to a positive situation for charities that do things properly, have proper corporate governance and ensure most of the moneys donated to them are directed to front-line service users. I commend the charities in this country that have signed up to the voluntary code of conduct initiated as part of the Charities Act deliberations. If changes need to be made to the Charities Act to ensure proper governance and compliance, that legislation should emanate from this House.

I also welcome the decision by the Minister for Justice and Equality to look for expressions of interest to set up a board to operate the charities regulator. It is a proper and positive step forward. That regulator should be funded entirely by the charities sector because that is what the public would want and because it will ensure in the long term that the money spent by the taxpayer and the contributions made by ordinary citizens to charities are properly channelled and accounted for. I have said before that every euro given to charities, be it through the taxpayer or through people putting a euro into a bucket, is coming from the same people. It is coming from Citizen Ireland and the same accountability should apply to donations as to taxpayers' money.

**Senator John Crown:** I propose an amendment to the Order of Business to ask the Minister for Health to attend the House today to address the issues that arose with respect to the letter by the Irish emergency medicine trainees that courageously highlighted some glaring deficiencies and some misperceptions that are being advanced, one hopes inaccurately, by the authorities with respect to the number of patients on trolleys, the effect it has on the quality of

their care and the downstream effect it has on those waiting for other aspects of care. It must be stated that while these colleagues have been repeatedly referred to in the media as senior colleagues, they are trainees. They are junior doctors. They are non-consultant hospital doctors who have no security in their jobs, can be fired and can last as long as the next contract and disappear. For that reason, particular tribute must be paid to their courage and bravery in blowing the whistle on this. They are not the most invulnerable section of the Irish health system and as somebody who has been very critical of people who have been afraid to point out deficiencies and blow whistles, I express my admiration for them. I believe the problem is larger than the one to which they specifically referred. Mere adherence to HIQA practices within emergency rooms will not fix the problem.

If the Minister comes to the House, I would also like to draw his attention to something that troubles me greatly. There has been genuine difference of opinion and discussion among sincere people who can take different positions with respect to what has been happening with medical cards over the past year. Some would suggest it is all a question of tightening up probity while others would suggest something far more deliberate is happening with the tightening up of what were previously described as discretionary medical cards whose very existence is apparently being questioned by the authorities. In this regard, I was very troubled to receive correspondence from Dr. Ruairi Hanley, a respected GP and medical journalist, who wrote in a national newspaper that-----

**An Cathaoirleach:** The Senator cannot name an individual on the record of the House who is not here to defend themselves.

**Senator John Crown:** I am not attacking him. He has asked me to raise this matter.

**An Cathaoirleach:** It does not matter.

**Senator John Crown:** He has asked me to raise this.

**An Cathaoirleach:** The Senator knows the rules here. It does not matter.

**Senator John Crown:** He has asked me to bring up the issue. I will not be criticising anybody by name. I am supporting Dr. Hanley who pointed out that when he wrote an article in which he bluntly stated that he believed the HSE was terrifying people with the threat of the denial of their medical cards, he received a letter from a member of the communications staff of the HSE accusing him of defaming the HSE and threatening to seek appropriate redress in the absence of a retraction of the article. It is entirely inappropriate that an organ of the State that should be answerable as part of a democracy, not only to these Houses and citizenry but through its journalistic reporters, should be able to threaten a journalist for having a difference of opinion from it. The question must be asked as to why the HSE has a director of communications at the same time as 30, 40 and 50 people are lying on hospital trolleys. Please tell me that this is an inappropriate allocation of resources. I would like to formally propose an amendment to the Order of Business today to ask the Minister for Health to come to the House specifically to discuss the issue of emergency rooms and waiting times.

**Senator Paul Coghlan:** I agree with Senator Bradford. Of course, Senators should be considered for the banking inquiry if qualified. I agree that the narrative has been exclusively for Deputies, as the Senator suggested. I think that is incorrect and the Senator is right in that the Whips of this House were not consulted. At least, this one was not consulted. Talking about this subject generally, I am sure every Member of both Houses has at some stage been critical

of past practices in our banks, so I am not too sure anyone in either House would qualify. I do not know how that is going to proceed. The people who will be appointed will have to come to it from an independent and genuinely disinterested standpoint. I do not see how we are going to get such a person in either House of this Parliament but I thoroughly agree that both Houses constitutionally are equal in that respect and Members from both should be considered. I do not see that any of them would be suitable. It will have to be some other committee.

**Senator Ned O’Sullivan:** I rise to second Senator Crown’s proposed amendment.

**Senator Michael Mullins:** I agree strongly with Senator Bradford. The most important inquiry that will take place in this country in this decade will be the banking inquiry. It is appropriate that both Houses of the Oireachtas would be considered to supply Members who would sit on that particular inquiry. As the Senator rightly said, the people of this country endorsed Seanad Éireann in a recent referendum. It is inappropriate that Members of this House would be left out of this inquiry. As Senator Paul Coghlan said, it will be difficult to get fine people who have not had very strong views on banking practices over the past decade in this country. That should not debar people who have spoken out strongly in the national interest and on behalf of the people. Everybody will sit on that inquiry in an independent manner and question, in an appropriate and inquisitive manner, the people who wrecked our country.

I also strongly support the call by Senator Clune for an urgent discussion of the report on apprenticeships published by the Minister for Education and Skills today. For far too many years we have had too narrow a focus on apprenticeships in this country. They were geared mainly towards the construction industry and a small element of manufacturing. It is appropriate that apprenticeships be widened out to include the catering, hospitality, retail and financial sectors, and indeed all sectors of the economy. The apprenticeships system can be a vehicle to tackle youth unemployment in a meaningful way. We have an appalling rate of youth unemployment at 28% or 29%, which is nearly 20% greater than that of Germany. This debate is timely and appropriate and it is to be hoped it will become part of Action Plan for Jobs and everything associated with that in the coming years.

**Senator Kathryn Reilly:** I will be very brief and to the point. My comments follow on from those of Senators Clune and Mullins. Yesterday, I raised a matter on the Adjournment with the Minister for Social Protection regarding the implementation of the youth guarantee, specifically the plan, when it will be published and when it will take effect. I was advised that the Minister for Education and Skills and the Minister for Social Protection expect to publish the plan next week. The OECD report on the development of the youth guarantee for Ireland will be published at the same time. I know this issue has been raised numerous times in this House by many Senators, including me and Senator van Turnhout. I know the Minister for Social Protection agreed to come back to the House to discuss the implementation plan in detail. Given these reports are scheduled to be published next week, can a debate be scheduled as soon as possible after publication in order that we can look at the detail of the plans and thrash them out? It is an issue that is important to us all. I second Senator Cullinane’s amendment to the Order of Business.

**Senator John Kelly:** I support calls for the setting up of the charities regulator as a matter of urgency considering what we have read today about the level of profit received by Rehab for the sale of €4 million worth of lottery tickets. I was a voluntary, part-time fund-raiser for the Irish Wheelchair Association between 1980 and 1987. Every penny I raised for the association went directly to it. In 1987 I was also aware of charities selling lottery tickets and the word

at the time was that 1% of every pound went to the charity while 99% went on administration costs. The figures in the newspapers today show that the situation is worse now because 5.25% of every euro is given to the charity and 94.75% of sales go to administration costs. This is outrageous and it needs to be tackled. Until such time as the charities regulator is established, we will not be able to deal with it. That is how urgent the matter is.

**Senator Fidelma Healy Eames:** I read with some surprise in the *Irish Independent* today that in the case of people whose mortgages are in arrears and who die, their mortgage protection policy does not cover the amount outstanding on the mortgage. One should not hear this news at a time of a bereavement. This came to light in the circumstances of the sad case related to Priory Hall when Stephanie Meehan's partner passed away. She still owed €17,000, despite the fact that the mortgage protection policy was paid out. I ask for a debate with the Minister for Finance on a range of issues about mortgages. It is important that guidance on this particular issue would be given in advance to people in mortgage arrears. It should be agreed between the bank and the insurance company providing the protection policy as to the amount in arrears in order that an adjustment could be made to the policy during the lifetime of home owners. More than 100,000 people are more than 100 days in arrears on their mortgage. This is a very live issue. I request a debate on mortgage concerns, in particular, mortgage arrears. I am not certain that things are going as swimmingly as is portrayed in some reports. There are also concerns about tracker mortgages.

**Senator Trevor Ó Clochartaigh:** Tá sé suimiúil le tabhairt faoi deara gurb é seo an comóradh chéad bliain den Chéad Cogadh Domhanda, ach tharla rud eile suntasach i Mí Dheireadh Fómhair 1914, is é sin gur bhunaigh Séamus Ó Conghaile Léig Neodracht na hÉireann. This year marks the centenary of the beginning of the First World War. In October of that year, James Connolly founded the Irish Neutrality League. Sinn Féin supports Irish neutrality and we are committed to promoting positive Irish neutrality and an independent foreign policy. We have heard much about Ministers keeping schtum, so to speak, but many Ministers have stayed schtum about the issue of rendition flights through Shannon Airport. A body of evidence exists to point to the misuse of Shannon Airport by military aircraft from certain other countries. In 2006, the current Tánaiste said that not knowing is not enough. He was part of a Council of Europe report which called for the stopping and searching of planes in Shannon Airport. He is fairly schtum on that issue at the moment.

In his reply yesterday the Leader did not really answer my question about a debate on neutrality. Where do we and this Government stand? It would appear to me the Government has refused to use its legal powers to stop and search planes in Shannon Airport. I ask why that is the case when the Labour Party in opposition was very strong on this issue. How many planes have been stopped and searched? We commend the Garda Síochána when it carries out stop and search patrols to counter drink driving at Christmas and when people are breathalysed and prosecuted. It has similar powers to stop and search these planes. Why are we relying on the word of the US authorities on this issue? It is obvious from parliamentary debates in the UK that misinformation was given in the case of Diego Garcia. Amnesty International and the Council of Europe have expressed concerns. I refer to the revelations about phone tapping by the US Administration. Is this not a sovereign State that can police its own airspace and airports? I call for a full debate on neutrality in honour of James Connolly who established the Irish Neutrality League in 1914. We are jumping up and down talking and having debates about human rights in Syria and in the Central African Republic. Why are we turning a blind eye to the issues on our own turf? Deputy Eamon Gilmore was correct in 2006 when he said that not

knowing is not enough, and it rings true today.

**Senator Marie-Louise O'Donnell:** Since we are talking about the debacle in the Central Remedial Clinic and the charities sector, I wish to alert Senators that the Taoiseach's nominee, Senator Mary Ann O'Brien, wrote a pamphlet on the implementation of the Charities Act 2009 - the how, why and when. It is an excellent paper which was debated in this House. Sometimes I think we have imagined memories and real memories which are all mixed up into one. That document is still sitting on a shelf even though the House debated it. Senator O'Brien wrote about what exactly should happen in the charities sector. It is a very good piece of work which could be implemented quite well.

I wrote a paper on the youth guarantee scheme, the last 15 pages of which dealt with apprenticeships. I sent the document to all the members of the Joint Committee on Education and Social Protection. I am not sure if anyone read it but it contains a lot of information. I do not think the Minister's proposals on apprenticeships go far enough because we need a massive creative approach to these apprenticeships as well as pilot programmes to show how these apprenticeships can come about. There is often repetition and duality of purpose while suggestions exist but are lying on shelves. I am in a cranky mood this morning.

**Senator Maurice Cummins:** Senator Darragh O'Brien raised the Minister's reply about the issue of Rehab lotteries. The Deputy Leader responded comprehensively on that matter. I would not presume to speak for the Minister for Justice and Equality on the matter.

On the request for a debate on sport and sport funding, I have asked the Minister to come to the House and I am hopeful we will have a debate on that issue in the next couple of weeks. Senator Bacik raised the EU review of climate change targets. Our policy on targets has not changed. We can discuss the matter when the EU report is available.

Senator Quinn and many other Members asked for a debate on the charities sector and the need for an urgent appointment of a charities regulator. We had a Private Members' business debate which was proposed by the Labour Party. As Senator O'Donnell said, Senator Mary Ann O'Brien tabled a Private Members' motion on the charities sector and she produced a paper on the issue. I will ask the Minister to come to the House to debate that issue with us again in view of recent events. We try to avoid duplication in debate subjects but I agree there should be a debate on the issue now.

Senator Quinn also asked for a debate on the public service reform plan. I note his points on the motor tax discs and the change in the UK.

Senators Clune, Mullins and O'Donnell referred to the Minister for Education and Skills, Deputy Quinn's proposals on an apprenticeship model. These proposals are welcome. Perhaps the Minister might be willing to discuss them in the House.

Senator Clune discussed the importance of energy competitiveness. She outlined how the European Commission was carrying out a report on this matter this week. The House could debate it when we view the report.

Senator Leyden referred to the delay in appointing a US ambassador to Ireland. I am sure that the Government has discussed this matter with the US Government.

Senator Hayden called for a debate on the banking sector. I have asked the Minister for

Finance, Deputy Noonan, to attend the House. I do not believe that he will do so in February, but I have asked him for that debate a number of times and will continue doing so. I also noted the Senator's points on fuel poverty and the need for energy efficient homes. In this regard, the Government has made significant grants available in recent years.

Senator Mullen referred to storm damage. We will debate that issue tomorrow, when he will be able to make the points that he raised. He also mentioned issues that were addressed comprehensively by the Deputy Leader last Thursday. He needs to be present when those debates are taken.

Senator Burke discussed funding for section 39 organisations. I agree that this is an important issue, as the money given to sections 38 and 39 organisation accounts for a significant portion of the HSE's budget. Transparency is necessary.

Senator Cullinane proposed an amendment to the Order of Business regarding Irish Water. We held an 18-hour debate on Irish Water. The matter has been addressed comprehensively by the Committee of Public Accounts and the Joint Committee on Environment, Culture and the Gaeltacht. I was asked to provide an update on those committees. The Minister has agreed to attend the House. Unfortunately, however, I cannot allocate further time, as the Minister will not be available.

Senator Higgins referred to the practices of a charity that deals with addiction issues and the need for greater regulation in that regard. Perhaps this matter could be raised on the Adjournment so that she might receive a comprehensive reply from the Minister.

Senators Bradford, Paul Coghlan and Mullins referred to the banking inquiry and the establishment of a special committee. I agree with their comments and will engage with the Government to try to ensure that Members of this House will be included. Quite a number of Senators would have the ability to sit and act properly on the inquiry.

Senator Conway mentioned the charity sector, which I addressed.

Senator Crown called for an amendment to the Order of Business. I cannot accept it, as today's agenda has been set. His amendment related to the Irish Emergency Medicine Trainees Association, IEMTA, and its statement on the emergency services. I note the Senator's points on discretionary medical cards, which have also been made by a number of Senators in recent months.

Senator Reilly raised the issue of the youth guarantee, which will be published next week. I had hoped that the Minister for Social Protection, Deputy Burton, would attend the House prior to its publication, but she instead stated that she would attend immediately following its publication. I hope to have her attend in the first week in February.

Senator Healy Eames referred to mortgage arrears and other issues of concern in that regard. I will reply to her when she returns to the Chamber. We have held a number of debates on mortgage arrears and will hold some more.

Senator Ó Clochartaigh discussed the use of Shannon Airport by military personnel and called for a debate on neutrality. I will ask the relevant Minister, but that is approximately the 12th issue on which we are asking the same Minister to attend. We will take them in order.

Senator O'Donnell raised the issue of the charity sector and the document that was pub-

22 January 2014

lished by Senator Mary Ann O'Brien and debated in the House. I note Senator O'Donnell's point on the youth guarantee. We will debate it with the Minister in the first week of February.

I do not propose to accept either amendment to the Order of Business.

**An Cathaoirleach:** Senator Cullinane has proposed an amendment to the Order of Business: "That the time allocated for the debate on No. 1 be extended to two hours." Is the amendment being pressed?

**Senator David Cullinane:** Yes.

Amendment put:

The Seanad divided: Tá, 13; Níl, 26.	
Tá	Níl
Crown, John.	Bacik, Ivana.
Cullinane, David.	Brennan, Terry.
Daly, Mark.	Burke, Colm.
Healy Eames, Fidelma.	Clune, Deirdre.
Leyden, Terry.	Coghlan, Paul.
Ó Clochartaigh, Trevor.	Comiskey, Michael.
Ó Domhnaill, Brian.	Conway, Martin.
O'Brien, Darragh.	Cummins, Maurice.
O'Donovan, Denis.	D'Arcy, Michael.
O'Sullivan, Ned.	Gilroy, John.
Power, Averil.	Hayden, Aideen.
Quinn, Feargal.	Higgins, Lorraine.
Reilly, Kathryn.	Keane, Cáit.
	Kelly, John.
	Landy, Denis.
	Moloney, Marie.
	Moran, Mary.
	Mullins, Michael.
	Naughton, Hildegard.
	Noone, Catherine.
	O'Donnell, Marie-Louise.
	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.
	Whelan, John.

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

Amendment declared lost.

**An Cathaoirleach:** Senator Crown has moved an amendment to the Order of Business, “That a debate with the Minister for Health regarding the situation in emergency rooms be taken today.” Is the amendment being pressed?

**Senator John Crown:** Yes.

Amendment put:

The Seanad divided: Tá, 14; Níl, 26.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Crown, John.	Brennan, Terry.
Cullinane, David.	Burke, Colm.
Daly, Mark.	Clune, Deirdre.
Healy Eames, Fidelma.	Coghlan, Paul.
Leyden, Terry.	Comiskey, Michael.
O’Brien, Darragh.	Conway, Martin.
O’Donovan, Denis.	Cummins, Maurice.
O’Sullivan, Ned.	D’Arcy, Michael.
Ó Clochartaigh, Trevor.	Gilroy, John.
Ó Domhnaill, Brian.	Hayden, Aideen.
Power, Averil.	Higgins, Lorraine.
Quinn, Feargal.	Keane, Cáit.
Reilly, Kathryn.	Kelly, John.
	Landy, Denis.
	Moloney, Marie.
	Moran, Mary.
	Mullins, Michael.
	Naughton, Hildegard.
	Noone, Catherine.
	O’Donnell, Marie-Louise.
	O’Keeffe, Susan.
	O’Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.
	Whelan, John.

Tellers: Tá, Senators John Crown and Ned O’Sullivan; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

Order of Business agreed to.

### **Irish Water: Statements**

**An Leas-Chathaoirleach:** I welcome the Minister of State, Deputy O'Dowd, to the House.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd):** I am pleased to be here again today to discuss this very important issue. I acknowledge that we had a very important debate over a number of days here in the Seanad and I believe many of the issues were dealt with there. I thank the Members for their views and I hope the replies to their questions provided transparency.

Water charges have arisen from an agreement with the troika done by the previous Government. In December 2010 they agreed that in advance of the introduction of water charges, the Government would undertake an independent assessment of transfer of responsibilities for water service provision from local authorities to a water utility and prepare proposals for implementation as appropriate with a view to starting to charge in 2012.

*12 o'clock*

When we came into government we negotiated that and, unlike the Fianna Fáil and Green Party Government of the day, we ensured that the charging would commence from 2015, retrospective to the last quarter of this year. I am grateful for this opportunity to address the House on the issue of the costs associated with the establishment of the company.

When the legislation was debated in both Houses last year I outlined the accountability of Irish Water or Uisce Éireann to the Oireachtas, as set out in the legislation. I highlighted the scope of Members to use the committee structures to the fullest extent to reinforce this accountability. Furthermore, on the last evening of the debate, on Wednesday, 18 December, I read into the record the comments of the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, who had stated that the Freedom of Information Act would apply to Irish Water. I repeated this in my comments on the day - they are on the record - about transparency in terms of freedom of information.

The other question that arose was the fact that the annual report would come before the Oireachtas every year and there would be an opportunity for all Members to debate it. There would also be an opportunity for the Oireachtas to debate fully all aspects of the water services investment programme. In other words, what was and was not planned and what was in and what was not in would be a matter for discussion in the Oireachtas. I also said that representatives from Irish Water could be brought in to any Oireachtas committee at the drop of a hat - I believe they were the words I used - to ensure accountability and transparency at every stage of its involvement.

Critical to all of this is the fact that the company is an important public utility. This is the first time a utility of its size and importance has been set up within 18 months. The establishment of Irish Water is a long-term investment that will deliver the necessary water service infrastructure and quality of service required to meet legal compliance, demographic and industry needs. Managing our water resource effectively will provide us with a key competitive advantage in investment. As I have said repeatedly, that is critical to meet the needs of population and economic growth. For example, water is particularly important to the information and communications technology, pharmaceutical and food industries. We have had a debate in the House on the situation in the greater Dublin area, the potential shortage of water from 2020 onwards and how it is critical to ensure a proper water supply in this region.

We need to address long-standing compliance issues as well. In 2011 some 36% of our wastewater treatment plants did not meet effluent quality standards. Indeed, the European Commission has initiated pilot infringement proceedings against Ireland.

Last week, John Tierney attended the Oireachtas Joint Committee on the Environment, Culture and the Gaeltacht and the Committee of Public Accounts to outline the total budget for the establishment of Uisce Éireann, which had been submitted to the Department of the Environment, Community and Local Government in September 2012. Mr. Tierney also detailed the processes by which the Department, in consultation with others, exercised control over the programme expenditure. He outlined that a key Uisce Éireann objective was the achievement of significant operational and capital efficiencies of €1.1 billion in the period 2015-21.

The total budget for the establishment of Uisce Éireann is €180 million, which includes a contingency of €30 million. The budget is being funded by a commercial loan from the National Pensions Reserve Fund. The overall budget was outlined as part of the funding issues considered by the water reform sub-committee of the Cabinet sub-committee on economic infrastructure.

The budget has also been examined by the Commission for Energy Regulation. The CER is the authority that regulates all costs. Any expenditure that Irish Water or Uisce Éireann may make on any issue must be proofed and agreed to by the energy regulator. If that is not the case and if all the funds or moneys that the company spends are not deemed to be reasonable and appropriate, then they cannot and will not apply to any consumer. The commissioner was asked for his opinion. The opinion he gave was that most of the proposed establishment costs appeared to be reasonable and could be expected to result in value for money from a customer perspective. The commission has also advised that the activities undertaken by Uisce Éireann are core to delivering the objective of a national integrated water service provider with all its associated benefits. The commission will be conducting a more in-depth view of all the costs during 2014 because now it has the legal authority and statutory powers to do so. The Department has put in place arrangements to ensure that commitments made in 2014 will meet the tests of cost reasonableness and value for money for consumers. NewERA, the CER and the Department of Public Expenditure and Reform are involved in these processes.

Bord Gáis Éireann tendered at European Union level for external provider services to support the delivery of Uisce Éireann and water services reforms. Following its establishment, Uisce Éireann entered into several fixed price contracts arising from the tender processes undertaken by Bord Gáis Éireann. The main contracts are as follows: IBM has three separate contracts totalling €44.8 million for customer and asset management systems; Accenture has three contracts totalling €17.2 million for the development of business and operational systems; Ernst

22 January 2014

& Young has one contract totalling €4.6 million for services relating to finance, governance and regulation; and KPMG has two contracts totalling €2.2 million for quality assurance services. In addition, there are contracts for legal services with A&L Goodbody and McCann FitzGerald totalling €3 million. The total budget for all the service contracts is approximately €85 million.

The Secretary General of the Department of the Environment, Community and Local Government also addressed the Committee of Public Accounts last week and was able to clarify that no Exchequer funds were provided to either Bord Gáis Éireann or Uisce Éireann in 2012 or 2013. The Department has worked closely with NewERA, Bord Gáis Éireann and Uisce Éireann to ensure that the costs arising in putting the company and its systems in place will be far outweighed by the benefits over time to consumers, the economy and the environment. The Department has recognised from the outset the need for independent scrutiny of the position by the Commission for Energy Regulation and has ensured that the oversight arrangements put in place have been designed to feed in to this process and ensure, ultimately, that the costs arising must provide value for money for the consumer. Again, I thank the House for the opportunity to address Members and I look forward to hearing the contributions during the debate.

**Senator Brian Ó Domhnaill:** Cuirim fáilte roimh an Aire Stáit go dtí an Seanad chun an ábhar seo a phlé. Ón uair dheireanach a bhí sé anseo roimh an Nollaig, tá go leor díospóireachta faoi cheist Uisce Éireann - an tionchar a bheidh ag an gcomhlacht agus na híocaíochtaí atá déanta ag lucht Uisce Éireann as airgead cáiníocóirí na tíre seo - curtha chun cinn i measc an phobail agus anseo san Oireachtas. Much has been said about Irish Water in recent days and weeks. The establishment of Irish Water was something we questioned in the House prior to Christmas and before it was rammed through Dáil Éireann on the last or second-last sitting day before the Christmas recess.

We asked questions about the establishment costs of Irish Water. My party colleagues in this House and the other House asked those questions but the answers were not forthcoming. It was only when the now chief executive of Irish Water was being questioned on a radio programme that the answers proved to be forthcoming. Perhaps people in government may say that he dropped the ball, in other words, he told the truth or provided the information showing that the set-up of Irish Water has cost €180 million to date.

**Senator Denis Landy:** It has not.

**Senator Brian Ó Domhnaill:** The Minister of State might clarify the figures given yesterday at the Oireachtas environment committee. These amounted to in excess of €180 million and an additional €15 million. The Minister of State might clarify where that €15 million is being spent. They were the figures given to our environment spokesperson, Deputy Barry Cowen, at an environment committee meeting in the House this week.

*12 o'clock*

The Minister of State might provide information on that.

The Minister of State can blame whoever he likes for the establishment of Irish Water, but when Fine Gael was in opposition, it stated in its manifesto at the time that a new utility company would be established. It was not determined by the troika, and it certainly was not the policy of Fianna Fáil, because we did not want to see a new utility company established, or a new structure like Bord Gáis put in place. There was a structure for charging at local authority level, through the local councils and the local councillors but of course that was not good

enough and a new structure had to be put in place. We see that now as a runaway train with huge costs and an organisation with almost 300 employees. Before it takes in one single cent, it is paying bonuses of 10% on average to each of those employees.

**Senator Sean D. Barrett:** Shame.

**Senator Brian Ó Domhnaill:** It is a shame. I asked one question of the Minister of State during the debate, and I recall dwelling on it to the point where I felt I was being over repetitive. However, that question remains today. Have any of the staff coming into Irish Water having received lump sum payments and bonuses from either councils, the Department of the Environment, Community and Local Government, or any other organisation? The Taoiseach failed to answer that question in the Dáil when questioned by our party leader, Deputy Martin. The matter needs to be clarified.

**Deputy Fergus O'Dowd:** Absolutely.

**Senator Brian Ó Domhnaill:** It is my understanding that there was approximately €2 million in bonus payments. If it is the case that people received lump sum payments, are now employed by Irish Water and are in receipt of €2 million of bonus payments, it is must be the only organisation in the world where staff are receiving bonus payments before a single cent is transacted. I have never heard of an organisation anywhere in the world where that is allowed. That is allowed under the watch of this Government because it has given the scope to organise, under legislation and under the aegis of Bord Gáis, and to do whatever it wants. The Government has given a quango the power to do whatever it wants. It is a runaway train. The Government has no control over it. We said it here during the debates but the Ministers did not listen. It was rammed through this House and through the Dáil.

**Senator David Cullinane:** Hear, hear.

**Senator Brian Ó Domhnaill:** There is no public scrutiny. The Minister of State can talk about coming before committees, but the information being provided is selective. At the moment, Irish Water is not subject to freedom of information. The Minister of State may contend that it will be subject to freedom of information, but that is currently not the case. It is currently not subject to parliamentary questions, either written or oral, and is not subject to questioning at Leaders' Questions in the Dáil. That is a disgrace, a shame and after spending €200 million of taxpayers' money, we still do not know what has been achieved, but we know it has gone to cosy consultants who are employed and who are given massive amounts of taxpayers' money.

This is not a new structure. Bord Gáis was chosen, according to the Government, because it already has the expertise and structures in place, but why then has it cost us almost €200 million to establish?

**An Leas-Chathaoirleach:** Tá an t-am istigh.

**Senator Brian Ó Domhnaill:** It is disgraceful. It is the disgrace of our time.

**An Leas-Chathaoirleach:** There are nine speakers and if everybody goes one minute over time, there will be two or three disappointed people. This debate concludes at 1 p.m. That is not my fault, it is ordered that way. I call on Senator Keane and I ask everybody to please respect the five minute slot.

**Senator Cáit Keane:** I welcome the Minister of State and I welcome the opportunity to

22 January 2014

discuss Uisce Éireann and the setting up of a large new board. I listened to the last speaker expound about what is bad about it, but I have not heard anything as to how it should be done better. It was agreed by the troika and by the last Government that it would be done. We will take away from the negativity.

Uisce Éireann is the new body and it has been tasked with bringing the 34 local authorities together. This is no mean feat to bring 34 authorities together with the aim of reducing costs, generating economies of scale and most importantly, bringing efficiencies to an inefficient service that is not working. There is a 40% leakage of water at the moment. Irish Water has been in the spotlight over the last week, and rightly so. Media and government attention when new bodies are set up is very welcome. Accountability has been shown by the Minister of State and the Minister, Deputy Hogan, in answering valuable questions before the finance committee and before the environment committee. Before these committees asked those questions, it was stated in this House by the Minister of State that it would come under the Freedom of Information Act. That information was given here in the Seanad and it did not take any Oireachtas committee to find that out.

**Deputy Fergus O'Dowd:** On 18 December.

**Senator Cáit Keane:** Thank you.

Our water supplies are one of our most important national resources. While Ireland has an abundance of water, it is expensive and it costs €1.2 billion per year to run. The current service is inefficient. Even at this cost to the taxpayer, the water network has suffered from severe under-investment by previous Administrations. The creation of a national water utility company has many benefits. Most importantly, this new approach will facilitate the doubling of capital investment in the system, resulting in better quality water services and more jobs.

The Minister of State has welcomed the full disclosure by Irish Water of its detailed establishment costs. When we look at figures, they are huge numbers, but I will compare it later with other bodies that have been set up and that cost a lot more. The energy regulator has already deemed most of the projected costs to be reasonable, and it is undertaking to do a more detailed review. I look forward to that more detailed review, and only efficient costs will be allowed in the water budget. Any inefficient costs will have to be clawed back in future from Irish Water, and the regulator will see to that.

The €150 million spent to establish a modern, well run utility, providing water through a single national utility, will yield €2 billion in savings by 2021. I have not heard that mentioned too often. The €150 million investment to set up Irish Water represents just 1% of the cost of providing the water service in the next decade. Alternatively, are we going to keep spending €1 billion in an inefficient way of providing services through the 34 authorities? Colm McCarthy has been very critical on some stages, but he said last week in the *Irish Independent* that “the suggestion that the Minister for the Environment should resign having failed to ‘micro-manage’ the new water company is, on a moment’s solitary reflection, simply ludicrous”. Asking a Minister to micro-manage a system, when accountability is-----

**An Leas-Chathaoirleach:** Níl ach nóiméad amháin fágtha agat.

**Senator Cáit Keane:** My God.

**Senator David Cullinane:** The Senator should have supported the amendment to the Order

of Business.

**Senator Cáit Keane:** The Department, led by the Minister and the Minister of State, are seeking to ensure that the cost incurred will deliver the benefits, ensuring the energy regulator has the wherewithal, the staff and the expertise to ensure that when services are costed properly, and that people will be responsible for any actions they may take.

Establishing Irish Water through Bord Gáis has yielded savings of about €90 million in establishment costs. I welcome the fact that the debate took place last week, and periodical disclosure of this kind should be the norm, as it is statutory. The officials must also appear before committees and I welcome that. We must focus on what we can do with this new body. Some 40% of the current water supply is leaking. There is also the very important matter of the creation of jobs.

We have 80 waste water treatment plants at the moment that are non-compliant. Harvesting rain technology is not off the agenda. We are one of only three countries in Europe that has that option and I want the Minister of State to keep it in mind. Irish Water must ensure that it is charged with responsibility for looking at that as well. With respect to the Chair, I will conclude on that point.

**Senator Sean D. Barrett:** I welcome the Minister of State, who is the only attractive feature of this situation. He is always welcome in this House and his courtesy and friendship towards Members is widely admired.

**An Leas-Chathaoirleach:** I do not think anybody called for his retirement either.

**Senator Sean D. Barrett:** Indeed. I propose his time be extended in honour of that.

I am disappointed this body has not been put under the remit of the Comptroller and Auditor General which would mean a report to the Committee of Public Accounts. It needs to be accountable but it is not. As the Minister of State said, it was considered by the water reform sub-committee of the Cabinet Committee on Economic Infrastructure. Yesterday, the Minister, Deputy Hogan, said it did not receive full Cabinet approval. We put down scores of amendments that would have improved the Bill, a point on which we are *ad idem* at this stage. We wanted National Consumer Agency representation, we wanted the Competition Authority to look at it, we wanted full Cabinet responsibility, we wanted the Department of Finance and the Department of Public Expenditure and Reform to look at its investment programmes and we wanted local authority scrutiny of it, but none of those proposals were accepted.

Yesterday, the Minister, Deputy Hogan, admitted the treatment of parliamentary questions by the Department was a mistake. He mentioned commercial sensitives but I do not know what they are. This is a monopoly with the power to tax people on the basis of their consumption of water. Why is the Commission on Energy Regulation involved? Senator Keane quoted from an article by Colm McCarthy entitled, “Watergate scandal without leaked tapes is just a pantomime”. He stated:

But if the CER [Commission for Energy Regulation] adopts the indulgent formula used to date for the state-owned energy monopolies, the public could discover that this number has been magicked upwards to €20bn or more. There was no discussion of this critical issue, namely the tolerance for cost-plus regulation of state monopolies, at the Kildare Street panto.

22 January 2014

If Senator Keane interprets that as Colm McCarthy being in favour of what is being done, it stretches the use of the English language.

**Senator Cáit Keane:** It is about Ministers micro-managing and devolving responsibility.

**Senator Sean D. Barrett:** If the Senator read the full article, she would understand it better.

Why was the Commission for Energy Regulation chosen? It knows nothing about water. It is an extremely inefficient regulator of electricity in that we pay 42% above the European average. Was it because Bord Gáis already had it under its thumb and we would be giving water to an already compliant regulator?

Why is Irish Water considering bonuses when it has hardly started up? Why did the people in Bord Gáis Éireann not read the CVs? Why did it spend millions of euro hiring consultants who advised banks which wrecked this country in 2008? That is a bizarre way to spend public money.

We are now talking about €150 million for start-up, €539 million for meters and €85 million consultants. Without improving the water of Ireland by one jot, we have probably spent the best part of €800 million. No cost benefit analysis was done, which we suggested. Belatedly, Irish Water, at the Committee of Public Accounts, referred to a cost benefit analysis.

The Department has been utterly economical with the truth in the way it has treated this House and the other one and that is why we need this body to be brought under the remit of the Comptroller and Auditor General. We need Cabinet responsibility and we need this body to report to the Committee of Public Accounts. It has been a shambles all the way through. We still do not know why the Commission for Energy Regulation is regulating water. We still do not know what the price of water will be. After all the debates we have had, I think people would actually welcome the Cabinet deciding the price. We still do not know what the so-called generous free allowances will be.

A letter to the editor of *The Irish Times* stated that this project has turned water into gravy. It is a gravy train and it is a shameful exercise. In my time in the House, I have never had a single letter from a constituent about water, so I do not know what problem the Government was trying to solve.

Mr. Tierney said at the Oireachtas committee the Government is setting up a new organisation but it is not. My supplier is transferring from Kildare County Council to a new body which is already looking for headquarters and employs 400 in a building apparently rented from a close friend of the Taoiseach. This is a scandal and it could have been prevented if parliamentary control had been allowed, if parliamentary questions had been answered properly in the Dáil and by having a proper debate in the Seanad and by listening to the amendments we tabled.

However, I am afraid we are dealing with social welfare for engineers on a vast scale, with a non-problem and spending a load of money and not doing so in an accountable way. It really turns on its head what every one of us came in here to do in 2011, namely, to reform this country. This is old-style non-accountable waste of public money. It is an inner circle of lawyers, accountants, advisers and so on doing nothing which benefits the citizens of this country. It is a shameful episode.

Irish Water must be placed under the remit of the Comptroller and Auditor General, which

should have been done at the outset because to date, we have wasted so much money to no effect.

**Senator Denis Landy:** I thank the Minister of State for coming to the House to discuss this issue. Unlike some of the previous speakers, I actually spent last Tuesday afternoon at the Oireachtas Joint Committee on the Environment, Culture and the Gaeltacht at which the chief executive of-----

**Senator Darragh O'Brien:** Are you a member of the committee?

**An Leas-Chathaoirleach:** Through the chair, Deputy O'Brien.

**Senator Denis Landy:** Sorry?

**An Leas-Chathaoirleach:** Allow Senator Landy to contribute, without interruption.

**Senator Darragh O'Brien:** I was asking him if he was a member of the committee.

**An Leas-Chathaoirleach:** Senator Landy has only five minutes and the clock is ticking. It is very unfair.

**Senator Darragh O'Brien:** That somebody should compliment himself or herself for going to a committee of which he or she is a member-----

**An Leas-Chathaoirleach:** Senator O'Brien can ask those questions during his five minutes.

**Senator Darragh O'Brien:** Big deal.

**An Leas-Chathaoirleach:** Senator Landy, without interruption.

**Senator Denis Landy:** Without realising it, Senator O'Brien is paying me a compliment.

**Senator Darragh O'Brien:** I am. Well done.

**Senator Denis Landy:** During that session, many of the issues raised today were raised and many were answered by the representatives of Irish Water and by Bord Gáis. The word "scandal" was used today and articles in newspapers were referred to. I generally form my opinions based on the people I meet in my everyday life as opposed to journalists or people who write for various publications on a weekly basis.

The scoping document was referred to during the meeting last week. That document outlines on what the particular amounts of money, such as the €44 million to IBM, were spent and whether value for money was achieved. Without that information, it is very difficult for any of us to say whether it is a scandal or otherwise. The committee was told by representatives of Bord Gáis that we would get that document. To answer Deputy O'Brien's question, I am a member of that committee and I am still awaiting that document so that I can analyse whether there was value for money or blatant misuse of money. I respectfully ask the Minister of State to try to ensure that it is provided by Irish Water to the members of the committee and that is made available to Members of both Houses because without that document, we are all speaking in a vacuum, or are blowing hot air.

The word "consultant" drives members of the public daft. They were not driven daft by the misuse of consultants, or by what they do, by this Administration but by the previous Ad-

22 January 2014

ministration's waste of public money on consultants. That should be borne in mind by those pretending to be horrified and who are talking about runaway trains and all types of vehicles.

I questioned the representatives of Irish Water last week on water quality but did not get a satisfactory answer. We were told it would depend on the quality of water as to whether people would be charged. For example, in County Roscommon where 20,000 people have been issued with a boil notice-----

**Deputy Fergus O'Dowd:** If one is boiling water, one should not be paying for it.

**Senator Denis Landy:** The difficulty is that we do not have clarity on what the level of quality is in that people may experience poor water quality periodically. My water is discoloured for a week after a couple of days rain. In the middle of the summer when there is no rain, I could not say my water is poor quality but I could certainly say it is in the winter. We need clarity on that issue.

I asked about the supply of water and Mr. Tierney referred me to the next meeting on 11 February but that is not good enough. Last year we saw the damage water shortages in Leinster and the Dublin region had on the tourism industry and the economy of this city. The Garryhinch project in Portarlington which Bord na Móna is undertaking to provide a water supply for Leinster and Dublin seems to be stalled. There is no progress. Will it be included in the capital investment programme for this year, to be announced in the next couple of weeks? What progress will be made to ensure that the supply of water will be upgraded and guaranteed for the people of Dublin and the Leinster region?

**An Leas-Chathaoirleach:** I thank the Senator. His timing was spot on. I call Senator Darragh O'Brien. I will take a half minute from him for his interruption. He has four and a half minutes.

**Senator Darragh O'Brien:** I suppose that is fair. At least I now know that Senator Landy is on the Oireachtas Joint Committee on the Environment, Culture and the Gaeltacht.

I welcome the Minister of State. I will cut to the chase. In the perception of the public the establishment of Irish Water has been a mess and the Minister of State needs to fix it. We need to recognise that mistakes have been made. I will not re-hash the debate we have had. As we are talking about previous Governments and where they stood, the Labour Party, in its manifesto in 2011, was trenchantly opposed to water charges.

**Senator Denis Landy:** The Senator's party is great at reading everybody else's manifesto but it fails to realise what it did.

**Senator Darragh O'Brien:** That does not surprise me because the Labour Party has pretty much broken every commitment in its manifesto already.

People want to know how much they will be charged. The Minister of State needs to get that information out very quickly but the Government is waiting until after the local elections on 23 May. It will not let people know how much they will have to pay. People want to know what their free water allowance will be and how it will be structured. The Minister of State says the decision has not been made but he has a fair idea.

I have a large degree of sympathy for the Minister of State because he is the one who marshalled this Bill through both Houses. We had a very extensive debate here. The Minister for

the Environment, Community and Local Government, Deputy Hogan, took the Bill from the Minister of State after he had brought it through the Oireachtas. When the proverbial hit the fan the Minister of State was thrown forward to defend the indefensible. That shows how the Minister operates. People want to know how much it will cost, what is the free allowance and why the meters are of a type that customers cannot read. If we want people to conserve water why can they not read their own water usage very clearly?

In respect of the composition of Uisce Éireann, does the Minister of State have any idea how many retired public and civil servants from the Department of the Environment, Community and Local Government or local authorities are employed by Uisce Éireann? Those who have retired from the public service are drawing down a pension and a large lump sum and now have a great well-paid job in Uisce Éireann. What is the average pay of employees in Uisce Éireann? What are their pension entitlements? I raised this during the previous debate on this subject. The Government has brought in public sector defined-benefit style pension arrangements. Will employees of Irish Water be subject to the public service pension levy? I know the answer but this is important.

In respect of the €2 billion that the Government proposes to save, we all agree that there can be efficiencies. Does the Minister of State have a breakdown of this? Does the Minister, Deputy Hogan, have a breakdown? A total of 4,000 staff will be brought in. What is the Government's position on the average bonus of €7,000 per staff member? The Minister of State at the Department of Public Expenditure and Reform, Deputy Brian Hayes, and others, said it would not be paid but the Taoiseach back-tracked and said that it is a matter for Irish Water. It is not a matter for Irish Water. It is absurd to say that people will get bonuses before they do any work, and the way Irish Water is being established suggests that very few will deserve a bonus. People are concerned about these matters.

Any local authority that did not sign tender documents for projects approved by 31 December will have to wait for Irish Water to decide which projects proceed. This affects every local authority, including that in the Minister of State's area, County Louth. I am aware of three in the Fingal area. The local authorities were ready to proceed with several of these urgent projects, which were funded. How long will it take Uisce Éireann to decide which capital projects proceed? What oversight interaction will the Department for the Environment, Community and Local Government undertake in deciding what projects go ahead?

My final suggestion is one that I have made before to the Minister of State in an Adjournment debate, namely, scrap the greater Dublin drainage scheme. It was planned to spend over €1 billion on the scheme. Is the greater Dublin drainage scheme now under the control of Uisce Éireann? A total of €19 million has already been spent on a project to create an orbital sewer. Does that now fall under the remit of Uisce Éireann? It probably does. If Uisce Éireann is to assess all these projects it should stop the planning process for that project immediately, as it has stopped the extension to the reservoir in Malahide and the sewerage schemes in Stockhole Lane and Portmarnock, in my own area. Against the best advice, the Government has established Uisce Éireann by hooking it up with Bord Gáis and now we have to live with that. It has to be open when people ask how much they have to pay, what is their free allowance and how will this improve our water infrastructure. What interaction will Ministers and Members have with Uisce Éireann in deciding which projects will proceed and which not? That is not at all clear to me.

**Senator Deirdre Clune:** I am not a member of the Oireachtas Joint Committee on the

Environment, Culture and the Gaeltacht but I followed some of the debate last week, and the debate following the establishment of Irish Water. Until last December there were 34 local authorities across the country, which were not connected or coordinated on delivery of water services and water treatment. Senator Barrett said that nobody had ever been in touch with him about water. I was a member of a local authority and have been a public representative since 1997 and I have a large file of requests from people contacting me about water services, lack of water services and poor provision in their area, specifically about leakages. The water mains rehabilitation programme seems to have been on the shelf in the Department of the Environment, Community and Local Government for 20 years without progressing. That is the legacy this Government inherited, and that is just one problem. It wants to deliver a modern, efficient, reliable water supply. That is what this country needs if it is to move forward.

The horrendous floods in Cork in 2009 showed a stark contrast between the city and the county. There was no interconnection between Cork city and Cork county for water provision. As a result, some areas of the city were left without water for up to three weeks. That is the appalling vista that people live with day-to-day. It is a small insight into what Irish Water will have to deal with. I strongly supported establishing one system to amalgamate all water facilities, to ensure that we have a secure, efficient, reliable supply across the country and Irish Water is the way to do that.

It is important to use Bord Gáis, with its network experience and experience of dealing with customers. Irish Water will have approximately 1.8 million customers, 1.6 million of whom will be domestic users. That will be a challenge for it but it has and will have the expertise to deal with that. The debate we have had over the past two weeks has been very valuable. It has given everybody an insight into how Irish Water operates. Tendering for consultants on the open market was the right route to take. We need to establish exactly where we are in respect of infrastructure and what is needed in order to deliver the system. Whether they represented value for money we do not know but the contracts were awarded through an open tendering process. We have to respect that. There is more to come in this debate. The Commission for Energy Regulation has stated that the costs seem to be appropriate. It will look further into that, this year, 2014.

There will be openness and transparency in this process. Indeed, the Government has given an undertaking that Uisce Éireann will be subject to the freedom of information provisions. We all need to look forward with a view to ensuring our investment in this public utility succeeds in delivering the efficient water system that is so badly needed. A situation where 40% of our costly water supply is leaking into the ground is an absolute disgrace. There have been many years of under-investment in water infrastructure. In fact, we should be grateful to the EU for dragging us, kicking and screaming, to provide some level of investment, particularly in terms of water treatment. In general, however, this is an area that has been totally neglected because it was not visible. There is a great deal of pressure on public representatives to deliver visible improvements, such as investment in road resurfacing, recreational facilities and so on. Investment in water infrastructure has never been high on the agenda.

The establishment of Irish Water is a major achievement. We must offer it our support and work together to ensure it operates efficiently and transparently. It must deliver a water system that is reliable for both domestic users and those who invest in and do business in this country. The availability of a clean water supply should not be an issue for anybody.

**Acting Chairman (Senator Catherine Noone):** Before calling Senator Mullen, I again ask

Members to remain within their allocated time in order to accommodate everybody who has indicated. The debate must conclude at 1 p.m.

**Senator Rónán Mullen:** I welcome the Minister of State to the House. There is a sense of outrage among the public in the wake of recent events, as articulated by colleagues. As I mentioned earlier, it is like those in power have learned nothing from all that has gone on in this country in recent years. In fact, the culture of excess and unnecessary spending apparently continues. It is almost as though people did not join the dots between unnecessary spending of public moneys and the sacrifices ordinary people are having to make in order to keep the State going. It is not credible to argue that the Department has put no money into the establishment of Irish Water. After all, the €180 million allocated for that purpose is coming by way of a loan from the National Pensions Reserve Fund. What is that only public money? Moreover, the diminution of the fund will come at a cost to the public.

Many families are wondering whether they will have to pay for exorbitant and unnecessary spending undertaken by Irish Water. What we have here is an expensive monopoly already engaging in waste and lavish overspending, to the disgust of ordinary people. Every overpaid consultant in this situation has been sponsored by families, older people and those struggling to make ends meet. I call on the Government to publish the annual water cost to Irish families immediately. People want to be able to plan ahead in terms of their household budgets. That information will be highly relevant, in particular, to people who are considering buying a house, people who may or may not have access to wells they might wish to repair and avail of in order to save on long-term consumption costs, and prospective home purchasers who might have access to group water schemes.

It is proposed that the charging structures will be designed in such a way as to make large users in agriculture and industry pay and encourage people not to waste water, as we would all agree should be the case. Surely, however, the corollary of this is that people should not have to pay for low-quality water. If consumers are experiencing poor water pressure or poor-quality water, will that be reflected in the costs they will have to bear? Fairness would demand that it ought to be. I understand the first charges will be introduced within 12 months and certainly in time for the new school year and as the planning for Christmas begins. Families deserve transparency in respect of the costs they will face in advance of their being introduced at what is a very expensive time of year. Of course, the local and European elections will be well over at that stage. Will the Minister of State address this question of water quality? Specifically, will consumers who are experiencing a substandard water supply still have to pay the full cost per unit? There needs to be a public consultation, which we have not had to date, regarding water quality, pressure and so on. People need to know whether the watchdog is on their side.

I have heard reports that millions of euro were spent on the services of branding consultants for Irish Water. Will the Minister of State clarify the situation in that regard? A figure of €4 million was mentioned. I cannot understand how a company that will have a monopoly would need to incur any expense in respect of branding costs. I am not claiming the figure I cited is correct. Rather, I am asking the Minister of State to tell us how much Irish Water has spent on branding and, in particular, whether any significant sum has been expended on branding or consultancy around corporate identity. I do not see how such expenditure could be justified in a situation where the company will enjoy a monopoly. I will be very grateful for the Minister of State's reply in this regard and any other information he can supply to address the concerns I have raised.

22 January 2014

**Senator Hildegarde Naughton:** The Irish Water consultative group strategy document is replete with references to accountability and transparency as between the new utility, its auditors and the Department. It is surely not acceptable to any Member of this or the other House, of any party, that the head of Irish Water should see fit to answer questions on establishment costs on the national airwaves while Members have to wait 18 months for that information.

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

**Senator Hildegarde Naughton:** Everybody would accept that it is not feasible to answer specific questions in regard to the costs in the middle of a tendering process. There is a reasonable concern in regard to commercially sensitive information. The reality, however, is that this whole debacle could have been avoided if there had been some straight talking at the outset. The establishment costs are justifiable, but they should, at the outset, have been published in an itemised fashion and defended. When we are spending public moneys on the establishment of a public utility, there must be full transparency on all associated matters.

Irish Water has my full support for the role it will fulfil. Members will recall the episode of cryptosporidium contamination in the Galway water supply, which had huge effects throughout the city and wider area. Irish Water will be in a position, separate to Government, to source funding to improve water infrastructure throughout the county, similar to the way in which ESB operates in regard to electricity infrastructure. Colleagues may have heard the feature yesterday morning on Sean O'Rourke's radio programme about the lack of water infrastructure in the east Galway village of Kilreakle. Members have referred to other locations throughout the country where people are obliged to boil water. That is not acceptable in this day and age and is indicative of the significant investment that is required. Reference was also made to the 40% level of leakage from the water supply. We have serious issues to deal with and Irish Water is the correct vehicle to address them.

There has been much critical comment, particularly from the Opposition benches, regarding the moneys involved in establishing Irish Water. It is useful to consider the costs involved in establishing other public utilities. In the case of the all-island single electricity market, SEM, which was initiated in 2005, the establishment costs were €256 million. That initiative has led to reduced prices for consumers. The Committee of Public Accounts and the Oireachtas Joint Committee on the Environment, Culture and the Gaeltacht, of which I am a member, will continue to pursue these matters and to ensure there is full accountability and transparency with regard to Irish Water. That is our job. The debate that has taken place in recent weeks has been useful in bringing to the fore the need for transparency and accountability. I refer here to both Irish Water and the Department. It is critical that the public is fully informed in regard to the spending of public moneys.

**Senator David Cullinane:** It is symptomatic of the Irish Water debacle that only one hour has been allocated today to discuss the many issues of concern to us. Senators have scope to make only very short contributions.

**Deputy Fergus O'Dowd:** The House made the decision in that regard, not me.

**Senator David Cullinane:** It was not my decision, I voted against it.

**Acting Chairman (Senator Catherine Noone):** The Senator is eating into the time allocated for his contribution.

**Senator David Cullinane:** I am entitled to use my time in whatever way I wish.

**Acting Chairman (Senator Catherine Noone):** Get on with it.

**Senator Darragh O'Brien:** The Senator is allowed to make his point.

**Senator David Cullinane:** My point is that we are not being given the opportunity to properly tease out the various issues. We have been treated to rushed statements from both Government and Opposition Senators. That is symptomatic of the way the Government has dealt with this issue.

**Deputy Fergus O'Dowd:** With respect, I want to be very clear on this.

**Senator David Cullinane:** The Seanad spent 19 hours-----

**Deputy Fergus O'Dowd:** On a point of order, the time allocations in respect of debates in this House are decided by it and not by the Government.

**Senator David Cullinane:** Yes, but we were informed the time constraints were to do with the Minister of State's availability.

**Deputy Fergus O'Dowd:** The Senator should not tar me with that brush.

**Senator David Cullinane:** In any event, the House spent 19 hours debating what became the Water Services Act 2013. I spent the vast majority of that time asking the Minister of State questions. He might remember that I was scolded by Government Senators for asking the same questions over and over again. Those questions related to the transfer of assets from local authorities to Irish Water. In the context of the set-up costs relating to Irish Water, I asked specific questions in respect of salaries, top-up payments and bonuses and I was informed that there would not be any top-up payments or bonuses.

I also asked questions on the cost of water and in respect of what people will be obliged to pay. I did not receive the information I requested and I stated at the time that I would not buy a pig in a poke. I am glad I made that comment because I was in the right. I also stated that I was proud of the fact that I had placed the same questions on the record over and over again, even if I was not receiving answers in respect of them. I also stated that we would be obliged to come back to this matter. I did not think it would be necessary for us to return to it so quickly and that the Minister of State would have to come before the House again in order to answer questions on Irish Water.

It is a scandal that the amount of money involved has been spent on consultants, particularly when we were informed that Irish Water was being established to save money. The company is actually costing us money, particularly when one considers the amount that is, in my view, being wasted on consultants. We were informed that Bord Gáis would oversee matters because it had the expertise necessary to do so. Irish Water has, however, bought in the expertise of consultants, some of which were responsible - as Senator Barrett stated - for bringing down certain banks. People are just scandalised by the waste of money involved and by the fact that in Irish Water we have established a new quango. Consultants have already been paid and bonuses are going to be paid but we still do not know how much the bloody water is going to cost people. The Government still will not provide that information. It is just scandalous that the Government is behaving in this way and that it will not give the people of this State - who know how much money has been wasted - the information they require.

22 January 2014

I genuinely believe the Minister for the Environment, Community and Local Government should resign, particularly as he has presided over too many debacles. I am aware that he may well end up being a member of the EU Commission at some point but I am of the view that he should go now because what has happened in this instance is a scandal. While the House engaged in a good debate on the legislation, it was rushed through the Dáil. The Opposition in the Lower House walked out as a result of the amount of time allocated for the debate on it there. The questions we have asked have not been answered to our satisfaction. We have stated as much on numerous occasions and we have been proven right. It is the same old story today. One hour has been allocated for this debate - I know that is not the Minister of State's fault - and, as a result, we have not been given sufficient time to again pose the questions to which I refer. That is another mistake on the Government's part.

In the five minutes available to him, I do not expect the Minister of State to be in a position to answer all of the questions that have been posed. He will not be able to do so. That again proves my point, namely, that we are not giving this issue the time it merits, particularly in light of the debacle which has occurred and the furore among members of the public as a result of the way in which Irish Water was established and the way money has been wasted on consultants.

**Senator Feargal Quinn:** I welcome the Minister of State. I am concerned about the impact inflation may have on the cost of water in the future. The price of water in Canada has increased by 58% since it made the move we are making. In Denmark, between 1993 and 2004 the price increased by 54%. Is there any guarantee that the same sort of thing will not happen here? I am fully in favour of the concept of charging for water. Anything which comes free of charge tends to be wasted and the danger of water being wasted is very high. The real danger, however, is that the Government will treat water charges as another form of taxation and will use them as a way to extract more money from businesses and members of the public.

Is there an understanding with regard to the costs that obtain in this area? Siemens offered to invest €800 million in a public private partnership relating to installing 1.8 million water meters in Irish homes. The Government turned down that offer and I do not understand why. Perhaps the Minister of State will indicate why it did so. He might also indicate how we can protect citizens from the impact of inflation on water charges, particularly as such an impact has been felt in the UK, the United States, Canada and Denmark. The figures relating to these countries are quite horrific. Those are my concerns and I would like the Minister of State to respond to them.

**Deputy Fergus O'Dowd:** My officials have indicated that the proposal from Siemens was never actually-----

**Senator Rónán Mullen:** On a point of order, would it be possible to extend the time for this debate in order to allow the Minister of State to answer the discrete and specific issues raised during the debate?

**Acting Chairman (Senator Catherine Noone):** Given that there is due to be a sos at 1 p.m., I can allow some latitude.

**Senator Rónán Mullen:** Go raibh maith agat.

**Minister of State at the Departments of Communications, Energy and Natural Resources and Environment, Community and Local Government (Deputy Fergus O'Dowd):** I thank Senators for their comments and for the views they have expressed. Most of those cur-

rently in the Chamber were present for the debates on the two items of legislation relating to water. I am on record as stating that the best debates on said legislation took place in this House and that the most questions in respect of the various matters under discussion have been raised here. I am happy to come before this House at any time in order to answer questions.

The Minister for the Environment, Community and Local Government delegated me to steer both of the items of legislation to which I refer through this and the Lower House. I was also given responsibility for steering through the legislation relating to the household charge. I had no knowledge of or function in respect of the day-to-day issues which are the subject of this debate. When the transcript of this debate is published, I will ask the officials in the Department to send it to Irish Water in order that it might reply directly in respect of all of the questions Senators have posed.

My record in public life, in terms of accountability, transparency and use of the Freedom of Information Act, speaks for itself. I was never shy of using the provisions of the Freedom of Information Act. I wish to reiterate something I stated on Wednesday, 19 November last, namely, that the Freedom of Information Act makes any Government Minister, Department or agency wholly accountable in the context of transparency. I also said that I expected the Freedom of Information Act to apply to every aspect of Irish Water from 1 January last. Regardless of whether they are posed by Government or Opposition Members, all questions put to Irish Water must be answered honestly, transparently and openly. Anyone who makes statements to the contrary is completely wrong.

I know it can sometimes be difficult to proceed with freedom of information requests in light of the appeals process, etc. However, it was always our intention - and I always held a strong view in this regard - that Irish Water would be subject to the Freedom of Information Act, that its operations would be transparent and that it would be accountable. In that context, I ask Senators to read the speeches I made in respect of the two items of legislation dealing with water. I have always used the words “transparency” and “accountability” in my discussions with the Department and in all of the debates on this matter. Those two concepts provide the answers to Senators’ questions. If they do not receive those answers, then the necessary transparency and accountability are not there.

I was given the responsibility of ensuring that there would absolutely be transparency and accountability. My constituents have asked me how they will be able to afford to pay for water, for what they will be charged and whether Irish Water is accountable or whether it is a runaway train. I reiterate that the nub of this debate relates to accountability in respect of charges. I have always been of the view that freedom of information would apply and, therefore, that - despite the fact that people might not immediately obtain direct answers - nothing could be hidden.

*1 o'clock*

Further, irrespective of how much Irish Water spends, whether €200 million or €2 billion, it is my view that all of its costs must be included in the submission to the Commission for Energy Regulation.

I appreciate Senator Barrett’s point and his view on the Commission for Energy Regulation being given an oversight role in respect of Irish Water. I also understand that he is not arguing against a regulator being given a regulatory function in this regard. I believe his point is that the regulator should not be the Commission for Energy Regulation. The regulator is respon-

sible for doing due diligence on each and every cost incurred by Irish Water, all of which must be proofed and found to be germane to the issue and fair. Under no circumstances could Irish Water be described as a runaway train in the context of accountability because the Commission for Energy Regulation will hold it accountable.

The issue of the regulator arose in our previous debate. Before that debate had concluded, I requested a meeting with the Commission for Energy Regulation and that office will be able to tell Senators what issues I raised at the meeting. I brought to the attention of the regulator all the concerns raised in the House by Members from all sides and asked how it would be accountable to the Oireachtas in respect of the charges it will allow for water. I asked whether the office was prepared to appear before a committee of the Oireachtas at any time, which is a critical issue, and I was assured that it is willing to come before the Oireachtas before any decision is made to discuss what is or is not an allowable expense. That is the principle governing the way in which the Commission for Energy Regulation will operate. The heart of the matter is that if a regulator is given an oversight role, it must act in a transparent and accountable manner and set out the reasons it proposes to allow certain charges to be levied. While the Government will not interfere with the commission's decisions, it must be accountable in respect of the manner in which it takes decisions.

The Commission for Energy Regulation will publish its proposal on charges. As I stated in a previous debate, its proposal will then be debated in both Houses and Members of all parties and none will be able to express their views on it. The regulator is not required to agree with Members' views but it must listen to them. I reiterate that there will be transparency and accountability through due process. That is an issue I have been concerned about throughout.

Senator Barrett asked what is the problem with Irish Water and why we cannot continue as at present. I am putting words in the Senator's mouth in saying he effectively asked what is wrong with what is currently in place. Today, 18,000 homes are affected by boil water notices and other restrictions. The Environmental Protection Agency has determined that remedial action is required on supplies where there are risks and cover almost 1 million people. As such, there are risks to the water supply of 1 million people or 16% of supplies. These must be improved and they include some of the large supplies, including parts of the water supply to Dublin, specifically Callow Hill tunnel in Vartry, the Stillorgan reservoir, and the Cork city water supply. A Senator from Galway spoke about the risks to the supply in that county which were addressed in the past. There are significant supply constraints in Dublin where daily demand amounts to 96% of available supply. The margin in Dublin is, therefore, 4% when it should be at least 15%. We must address that issue.

Nationally, 40% of water is unaccounted for, which means that 40% of the water treated, stored and pumped does not reach end users. This is because the pipes cannot carry the water or it is wasted. Irish Water is being established for these reasons.

**Acting Chairman (Senator Catherine Noone):** I ask the Minister of State to conclude.

**Senator Rónán Mullen:** I want to ask him about the €4 million spent on branding and corporate identity.

**Acting Chairman (Senator Catherine Noone):** I have given considerable latitude.

**Deputy Fergus O'Dowd:** I am in the Acting Chairman's hands. If she wants me to sit down, I will do so.

**Acting Chairman (Senator Catherine Noone):** The Minister of State may briefly respond.

**Deputy Fergus O'Dowd:** I am in the business of accountability. My job is to be responsible to the Dáil and Seanad but I am to be shut up, that is fine, although I am not about to shut up. I want to make three further points because it is very important to send out these messages.

**Acting Chairman (Senator Catherine Noone):** It is not that I want the Minister of State to shut up but that I must impose the rules of the House.

**Deputy Fergus O'Dowd:** First, 36% of wastewater plants did not meet effluent standards in 2011. An EPA analysis shows that 570 incidents on licensed plants were reported in 2012. These are significant operational issues which must be addressed.

**Senator Rónán Mullen:** We know about the problems; it is the solutions we are worried about.

**Deputy Fergus O'Dowd:** I did not interrupt the Senator. I wish to make one final point. The European Commission has launched a pilot infringement in respect of eight wastewater plants. Let us be clear-----

**Senator Rónán Mullen:** I would like to hear the Minister of State's view on the €4 million paid to Ernst & Young.

**Deputy Fergus O'Dowd:** May I finish, please? I believe in transparency and accountability. It was my responsibility to bring the legislation establishing Irish Water through both Houses, although I was not responsible for the timetables. The legislation will ensure accountability and transparency and the Freedom of Information Act will apply to Irish Water. I will ask that all questions raised by Senators in this debate be sent to Irish Water for a specific response.

**Senator Rónán Mullen:** Does the Minister of State have an opinion on the €4 million paid to Ernst & Young for branding? That is a simple question.

**Acting Chairman (Senator Catherine Noone):** We must conclude.

**Deputy Fergus O'Dowd:** On the point the Senator raises, I will outline what I believe should happen. Those who spent the sum in question are accountable. Mr. John Tierney must come before the committees, as he has done, and go through every single item of expenditure.

**Senator Rónán Mullen:** Is €4 million too much or too little?

**Deputy Fergus O'Dowd:** I did not interrupt Senator Mullen.

**Senator David Cullinane:** Is it right or wrong? Was it justified?

**Deputy Fergus O'Dowd:** Members should go through every item of expenditure by Irish Water.

**Senator Darragh O'Brien:** I thank the Minister of State. He has indicated he is prepared to remain for longer and endeavoured to answer as many questions as possible in the short time available to him.

**Acting Chairman (Senator Catherine Noone):** I am enforcing the rules the House voted on this morning.

22 January 2014

**Senator Darragh O'Brien:** It is terribly unfortunate that the Minister of State is not being afforded sufficient time to answer specific questions.

**Senator Maurice Cummins:** I propose that the debate be extended until 1.20 p.m. to allow the Minister of State to conclude.

**Acting Chairman (Senator Catherine Noone):** I am happy to impose any agreement reached in the House. Is the proposal agreed? Agreed.

**Senator Denis Landy:** On a point of order, if the scoping document which provided the basis for Irish Water commissioning consultants and details all of the expenditure-----

**Acting Chairman (Senator Catherine Noone):** That is not a point of order.

**Senator Denis Landy:** I ask the Minister of State to ensure that document is made available to us.

**Acting Chairman (Senator Catherine Noone):** Please allow the Minister of State to continue without interruption.

**Deputy Fergus O'Dowd:** All the questions Senators have raised, specifically those raised by Senator Mullen with regard to expenditure, will be answered in the Oireachtas. There can be nothing hidden and full transparency must apply in respect of all of these costs. The Freedom of Information Act should apply to each and every cost from the moment the first penny was spent.

The national water supply system is significantly and seriously challenged. The establishment of Irish Water is the way to address this challenge. I stress again, notwithstanding all the difficulties Senators have with Irish Water, that there is transparency and there will be accountability. That is my only interest in this regard. Accountability must apply to all expenditure of Irish Water and under the legislation Members are entitled to and will be provided with all relevant information. I have spent a great deal of time on the legislation because I want it to be right. I will not stand over something that is not transparent or accountable.

Two questions were asked in the Dáil in November, one by Deputy Barry Cowen and another by Deputy Kevin Humphreys. Both Deputies asked specifically about the set-up costs of Irish Water. I said in my answer that I had asked the Department to forward those questions to Irish Water for direct reply. If those questions had been answered by Irish Water, in line with the instruction I gave the Department, we would not have had this problem at all. I received a letter yesterday from the Secretary General apologising for the Department's oversight.

**Senator Fidelma Healy Eames:** That was contradicted in the committee.

**Deputy Fergus O'Dowd:** The Senator can contradict whatever she likes. Whatever she thinks is fine. I am telling her what was in the e-mail I received yesterday. She can contradict what she likes, but she cannot contradict the fact that this is what happened. Deputies Cowen and Kevin Humphreys were telephoned to explain that this should not have happened. The question of how parliamentary questions are answered is a separate issue. I might point to what the answer says will happen but that does not necessarily mean it will happen. That issue has to be addressed. Ultimately, I just want people to be happy that there is transparency and accountability regarding the charges and that they are seen to be fair. I assure the House that there will be a free allowance and that all the other issues - medical issues have been brought to my attention by many people - will be dealt with. At every stage of this process, everybody here

will have an opportunity to talk about it and ask questions. I am happy to do my job, which is to be accountable. I am hiding from nothing because I have nothing to hide. I am happy that this debate has been important. I thank the House for providing extra time because it was important.

**Senator Darragh O'Brien:** How will the capital projects work into the future?

**Deputy Fergus O'Dowd:** The Senator referred to the orbital sewer.

**Senator Darragh O'Brien:** I am asking about that project and other projects.

**Deputy Fergus O'Dowd:** The Senator specifically mentioned the Dublin outer sewer. One of the big problems in Dublin is the outer orbital sewer.

**Senator Rónán Mullen:** That is where all the money went.

**Deputy Fergus O'Dowd:** I understand that this waste water proposal, with which I am not entirely *au fait*, was made by Dublin City Council and the other local authorities in the relevant area. All of those issues transferred to Irish Water on the appointed day, which was 1 January last. The personnel in Irish Water would have to answer the questions about that project. The Senator also asked about contracts. If a contract was not signed before 1 January, there is no contract because the local authority does not have that responsibility any more.

**Senator Darragh O'Brien:** I thank the Minister of State.

*Sitting suspended at 1.15 p.m. and resumed at 2.05 p.m.*

### **Common Agricultural Policy and Rural Development Programme: Statements**

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I apologise for keeping Members waiting for five minutes. We had to deal with something in the Department. I thank Members for the opportunity to say a few words about the complete picture in terms of the reform of the Common Agricultural Policy, Pillar 1 and the rural development programme. Last week, we announced a funding package of about €12.5 billion for agri-food and farming for the next seven years. This is a very strong package. We also announced the detail of the rural development programme that will spend about €4 billion of that over that period.

We have been involved for the past two years in trying to shape the CAP at European and now Irish levels. The process has essentially involved finding agreement during the Irish Presidency on an overall CAP deal across 28 member states. We then built enough flexibility into that agreement to allow countries to design a CAP that would suit their own ambitions, farming structures, land use, crop types and so on. Our plan for the agri-food sector is very clear. It is called Food Harvest 2020 and was put in place by the previous Government in terms of setting the ambition. It is certainly being implemented and built upon by this Government. It was in that context that we approached the CAP reform process. We wanted to essentially deliver smart green growth for Irish agriculture. This is about implementing technology and innovation and helping people to improve their productivity, which is about real and measurable sustainability in terms of how we produce food. Ireland has now become a world leader in this area. It is also about delivering growth. We want to increase the volume of output from our

agri-food sector by one-third between now and 2020 and to increase the value of that output by about 40%. We have a series of other targets.

The CAP package that was originally proposed by the Commission would have posed real problems but the final agreement with the Commission, the European Parliament and other member states is a good package from an Irish perspective. We as a Government have delivered everything we promised to deliver during that process in terms of a fair and reasonable redistribution of direct payments, some of the other strategic things we wanted to do like extra supports for young farmers and having a real green element to the CAP in terms of undertaking new and expansive things relating to environmental controls and sustainability. We have the flexibility we need to ensure that Cyprus, Sweden and every other country in between can shape a CAP for their own purposes. I will speak on some of the details and then take questions and comments from Members.

It is clear that agrifood is the most important indigenous industry in the Irish economy. Including the services and food retail side, the food and drinks sector in its entirety employs approximately 200,000 people. It has seen dramatic growth even in the very difficult economic period of the past four years. In that time there has been a 40% growth in the value of food and drinks exports. Some of the companies and brands delivering that growth will continue to grow and expand for the next five to ten years. We need to ensure that these industries and processors are supported by food producers which will provide quality, safe, sustainable products and that they are provided with innovative and sustainable supports.

The Government has agreed funding of €12.5 billion in CAP and Exchequer funding to agriculture up to 2020. A total of €8.5 billion - Pillar 1 moneys - will be in direct payment to farmers. We had a number of priorities for direct payments such as a fair redistribution of that money. There had been a significant disparity between the levels of payment per hectare paid to farmers with some farmers getting €1,300 or €1,400 per hectare while other farmers received €20 or €40 per hectare. In some cases they were living down the road from each other. This happened because up to now the single farm payment and headage payments and so on, were linked to past productivity. It has been decided to move everyone towards an average payment. However, everyone would not be forced onto the same payment because in my view that would have been devastating for Irish agriculture. It would have been a statement that all farmers had the same capacity to produce food. This is not the case as it depends on the individual farm structure, the location and soil type, whether a farmer is part time or full time and other considerations. The capacity to produce food differs between farm holdings. There is a correlation between past and current productivity. While we agree there needs to be some level of redistribution, that needs to happen over time and gradually over seven years. It needs to prioritise, where possible, full-time farmers and farmers who are as productive as they can be, given their land.

In order to achieve fairness we have introduced a minimum guaranteed payment for everyone which will be 60% of the average payment. Every farmer will receive approximately €150 per hectare. Farmers who would have been getting €30 or €40 per hectare in the past will be brought up to a guaranteed minimum payment over the seven-year period. The highest payments will be brought down to a ceiling payment of a maximum of €700 per hectare. Any farmer who was being paid €800 to €1,200 per hectare will receive a reduced payment per hectare of a maximum of €700 per hectare. The number of farmers earning more than €1,000 per hectare is very small. The approximation model, designed by Ireland, will be used to achieve a fair redistribution process to move everyone towards an average payment. Everyone is moved

by one third towards 90% of the average national payment. This is paid for by farmers with above average payments. In other words, everyone is squeezed towards the middle without forcing everyone to an average payment. We had many debates on that issue in this House and in the other House. The vast majority of farmers in Ireland agree with this approach.

The sheep grassland scheme has been in place for a number of years. This is an important scheme in the west of Ireland in particular and for sheep farmers generally. It has varied in value between €13 million to €15 million. We have decided that instead of introducing a form of coupled payment for sheep which would have distorted market forces, that payment will be decoupled and included in a sheep farmer's single farm payment. It is similar to the decoupling of cattle headage payments for inclusion in the single farm payment. The sheep sector will benefit from that value of €13 million or €14 million in the single farm payments. The sheep sector is doing very well out of this reform. Most sheep farmers in the country will gain from this redistribution and from the decoupled additional payment to the single farm payment linked to the sheep grassland scheme. This is a positive result for sheep farmers under Pillar 1.

We have decided to take strategic action with regard to protein crops. We import a lot of protein for animal feed and I would like to see an increase in the amount of protein being grown here. We are requiring arable farmers to have crop diversity and we want to encourage them to grow peas and beans or other similar protein crops. We will give a protein crop payment which is the only coupled payment. It will be a very small payment in actual terms but it will be a strategic incentive for arable farmers to consider growing protein crops because we need more protein crops.

A total of 30% of a farmer's single farm payment will be held back until he or she can demonstrate that basic environmental benchmarks have been met in the production of food. This is an initiative in the Common Agricultural Policy because it introduces a requirement for sustainability as part of a single farm payment, apart from cross-compliance issues. The greening initiative will require farmers to protect permanent pasture within reason - there is some flexibility in this regard. It will require them to have crop diversity, with at least two crops up to a certain threshold and three crops thereafter. They will be required to plan for having an ecological focus area on their farms which will represent initially 5% and moving up to 7% of the holding. They will be permitted to grow certain qualifying crops in that ecological focus area. This is not a set-aside as farmers would have seen it in the past; it is an area of the farm which will add to the biodiversity on the farm and make a positive contribution towards encouraging wildlife.

The new aspects of Pillar 1 are a greening initiative and the decoupling of the sheep grassland scheme. We are taking strategic action with regard to generational change and using CAP funding to do it. We do not have enough young farmers in Ireland. Only 6% of young farmers in Ireland are under the age of 35. That is no basis for taking this industry forward to match our level of ambition for growth, expansion, sustainability and scientific auditing of how food is produced. It has been agreed that every country will be mandated to positively discriminate in favour of young farmers as part of Pillar 1 payments. This means that in Ireland a young farmer under the age of 40 who has come to farming in the past three years will get a top-up of 25% on his or her single farm payment. This will be 25% of the national average single farm payment. As an example, I refer to a young farmer taking over a farm who is fortunate to take over a high single farm payment per hectare compared to a neighbour who is taking over a farm with a much lower single farm payment per hectare. We think it would be unfair to make the top-up 25% of the payment. Instead, we want every young farmer to get the same extra lump sum. For some farmers, who live in parts of the country with a low average single farm pay-

ment, the young farmer's payment may be higher than the single farm payment, but it will allow young farmers to invest in their farms in the way we need them to.

In Ireland, in terms of a figure for the maximum amount young farmers may be getting, a lot of people expected us to limit the young farmer's top-up to the average farm size. That means they would receive it for the first 32 hectares and nothing after that, but we have raised it to the first 50 hectares. Therefore, a farmer who takes over a farm of 50 hectares will receive a payment of €16,000 over five years. That is a sizeable amount of money in terms of a top-up payment for young farmers. It will force a conversation to take place in families, between parents and their sons and daughters, on handing over the farm and the decision-making that goes with it, which is exactly what we need. A very strategic policy is being delivered through Pillar 1 and it will involve up to 2% of the total Pillar 1 money of €1.21 billion.

As people will probably know, a national reserve of 3% will be taken from the Pillar 1 money in the first year for new entrants to farming who do not have any entitlements but who need to be given them as part of coming into farming. That is a very strong support for young farmers. I am confident that Pillar 1 has been designed in a way that suits Ireland and Irish farming.

In terms of the greening of the Common Agricultural Policy, 80% of Irish farmers will automatically qualify. If more than 75% of one's land is in permanent pasture, one will automatically qualify under what is called the green by definition rule, as long as one does not have more than 30 hectares of arable land on one's farm, which most mixed farms would not have. The vast majority of Irish farmers will automatically qualify for the greening payment. On top of that, the young farmer's payment is very much designed with Ireland in mind given the dramatic increases we have seen in the number of young farmers going to agricultural college and to university to study agriculture.

We pushed hard for an overall cap. I have had conversations with Deputy Martin Ferris on the issue. He suggested to me that we should have an overall cap of €100,000 and that nobody should receive a single farm payment of more than €100,000. I agreed with his suggestion in principle, but we have not been able to deliver on it in full. We had a vote with the Parliament and other member states where many member states fought hard for no cap because some countries have much larger farms. We secured a compromise whereby countries would be allowed to introduce a cap at or above €150,000 and we will introduce a cap at that rate. However, we were not allowed to make it any lower. If we could have secured a lower figure, I probably would have considered a figure of €100,000. The lowest we can go is €150,000, and we will introduce the cap at that rate unless I hear some compelling reasons not to do so. We are in the final consultation process at this stage.

That covers Pillar 1, which involves a huge chunk of money which will be more fairly redistributed than before. It guarantees a basic standard of environmental protections and it positively discriminates in favour of young farmers. It gives top-ups to sheep farmers and we are taking a national reserve for new entrants. Each year 1% will be taken for a crisis reserve fund in case there is a dramatic collapse in any one of the markets to which we contribute at a European level whereby we can invoke a crisis response from the Commission. If the money is not spent, it will be given back to farmers the next year. In other words, this money does not disappear into a pot and we will never see it again if it is not used.

Pillar 2 was a complex process. First, we had to decide how much money we had to spend. I pay tribute to my colleague, Deputy Brendan Howlin, on this issue. He has a difficult job

to do to manage Government expenditure in a very difficult period. My Department negotiated with the Department of Public Expenditure and Reform in trying to maximise the amount of co-funding that Ireland would provide as a Government and country to match EU funds contributed towards the rural development programme. Many people predicted that the Irish Government would spend the bare minimum to draw down the full EU funds available. That was not the approach and was never the approach. Instead, we have designed an ambitious and proactive rural development programme to try to achieve the strategic things we want to achieve between now and 2020 to fulfil the potential of Food Harvest 2020. To do that, we need a certain amount of money.

I am delighted to say that the result is we will spend as much money in the next seven years as we have spent in the past seven years on rural development. That represents a significant achievement when one considers the EU's contribution has reduced by about 13%. The average spend by my Department, excluding the Leader programme, which is part of rural development, will be about €563 million a year over the next seven years. Considering that this year my Department will spend €405 million, we are talking about the average figure being €160 million more than we will spend this year on rural development, increasing year on year for the next seven years. That is a very positive story.

We have committed to providing 46% and the EU providing 54% of the rural development programme. We could have agreed a figure of about 35% or maybe even less and still being able to draw down the full amount of EU money. However, it is a signal of real commitment towards this sector and a signal that we believe in investing public money in agrifood and agriculture because we think this is a sector that can perform, grow and create jobs, wealth and stimulus in parts of the country that badly need it. The negotiations have been very successful. Both parties in Government have shown a real commitment to rural Ireland. Both I and the Minister, Deputy Brendan Howlin, worked hard on that with the same objectives in mind.

In terms of how we will spend that €4 billion, first, we have announced that we will have a new environmental scheme to replace the rural environment protection scheme and the agri-environment options scheme over a period. It will be called GLAS, which is the green low carbon agri-environment scheme. In essence it will build on previous schemes, but it will be more focused and targeted, and it will deliver better results. We have worked hard with stakeholders who are interested in this area to get it right. Perhaps Members might have questions on the scheme later.

The basic GLAS scheme will provide a maximum payment of €5,000 for up to 50,000 farmers, which is what we have budgeted for. It will target specific environmental challenges and will focus on biodiversity, water quality, climate change issues and emissions, and it will require specific actions by farmers in these areas. It will also, for the first time, certainly in my lifetime as a Minister, give to farmers who farm in Natura areas and special areas of conservation, SACs, and who are required to do certain things on their land to protect water courses, biodiversity and so on, payments for what they are currently required to do but are not being paid for in some cases. Again that is a positive development.

There will also be what is called a GLAS+ programme. Farmers will be able to top up that €5,000 with an additional €2,000, thereby getting a €7,000 maximum payment. This will be a demanding scheme for farmers. A farmer wishing to farm in a manner that is focused on the promotion of bio-diversity and the development of an environmentally friendly farming system which goes above and beyond what is demanded by the basic green low-carbon agri-

environment scheme, GLAS, will have the option of doing so and to be paid extra for doing it. I suspect most farmers will not be in this category. This scheme is currently being designed.

In regard to the disadvantaged area scheme, DAS, payments, the new term will be areas of natural constraint, ANCs. The level of funding provided in the past for this programme is being maintained. In this regard, €195 million is allocated in the Estimates for this year, which €195 million will remain in tact for the lifetime of the next rural development programme, RDP. In other words, even though farmers in disadvantaged areas will, by and large, be gaining from the redistribution process in Pillar 1, many will also be gaining because they will be entering a new GLAS scheme and some of them will also be gaining in terms of their sheep payments becoming permanent. They will also maintain their full DAS supports, although I recognise that those payments have decreased in recent years. The €195 million allocation is factored into the numbers and will not change.

In regard to on-farm capital investment, this is an important issue, particularly for the dairy industry. We are planning for pretty dramatic growth following the abolition in April 2015 of dairy quotas. As such, we need an incentive for farmers to invest, to plan for growth and expansion, to put in place proper infrastructure in terms of their farmyards and to manage everything from water to slurry to increased storage for milk volumes and so on. A strong TAMS programme is being put in place, targeted specifically around dairy for the first couple of years but also involving other sectors.

In regard to young farmers, a special capital investment support programme will positively discriminate in favour of young farmers. In other words, while a farmer applying for capital grant aid under the normal TAM scheme will receive 40% of the cost of doing the works, a young farmer under the age of 40 years will receive 60% of the cost. As the capital expense of some of the investment needed is considerable, this represents a significant capital support for young farmers. We are giving young farmers a top-up under Pillar 1 to encourage them to invest and we are also giving them a significant increase in terms of grant aid support for that investment when they decide to make it. This applies not only to the dairy sector, but to other sectors also. We could have introduced an installation aid-type scheme for young farmers but I did not believe that would be good value for money spend. The problem with the installation aid scheme, even though it was hugely popular among young farmers, was that there was no requirement on a young farmer in terms of how the money was spent. While young farmers were given a lump sum to help them start up as farmers, they were permitted to spend that money on anything they wanted, including outside of agriculture. We no longer have that luxury. We are providing now that where a young farmer wants to invest in his or her farm, which we are encouraging them to do, the State will help them do so by giving them a very significant capital support in terms of infrastructure and build but not stock.

On knowledge transfer and innovation, we remain strongly committed to the discussion groups model, which has worked really well. It has worked really well for the dairy sector and is working well for the beef and sheep sectors. Farmers like it. It is a reason for them to come together to discuss their businesses and to talk about how to do things better and in a more efficient way than in the past. It is about sharing knowledge and information that helps farmers to become better business people as well as more sustainable food producers and so on. We propose to take the best of that discussion group model and build on it. We have committed approximately €22 million per annum to the knowledge transfer and innovation programme, which again in my view is an important initiative.

On beef, I wanted to do something particularly targeted in this area, particularly around suckler beef. The problem in Ireland in regard to suckler beef is that many suckler beef farmers are not profitable in terms of what they make in the marketplace. They rely heavily on schemes and supports and so on because suckler beef is a tough industry in which to make money. We want to do two things in this area. First, we want to support the income of farmers producing good quality, sustainable beef in suckler herds. Second, in introducing a support scheme we want to encourage farmers to change their behaviour and to become more efficient in terms of how they produce beef, their breeding programmes and so on. We are building on the beef genomics scheme and the beef technology adoption programme and introducing a new beef data and genomics measure-scheme whereby we will be requiring farmers farming suckler beef to provide DNA samples from their calves and to provide data in regard to how their animals are performing. Issues on which information will be required include ease of calving, confirmation, pace of growth and all the other measures in place in terms of the measurement of the performance of animals in terms of how they behave and respond. This will allow us to build up a national database through ICPF not only of the location of animals in terms of traceability, but of their DNA and how they perform linked to that DNA. This means that in the future - we will be the first country to be able to do this - we will be take the DNA of a calf and predict accurately how it will perform and grow on the basis of what we know about that DNA. We will also be able to give farmers much more accurate and informed information in terms of breeding programmes and the types of bulls they should be using because we will know what DNA crosses well with other DNA to produce better results and so on.

Essentially, we propose to introduce a scheme that will pay farmers approximately €80 per calf in return for which they will have to supply us with DNA samples and other information. We are budgeting on the basis of 650,000 participating calved cows at €80 per animal. This estimate is based on the number of farmers who wanted to get involved in the suckler cow welfare scheme when introduced. In other words, beef farmers who are interested in getting involved in progressive programmes will be interested in this new beef genomics scheme. That is a reasonable estimate given the numbers that entered the previous scheme.

We are also introducing supports for collaborative and quality focused measures. For example, we will give capital grant aid of up to €2,500 to assist in the setting up of a partnership or a small artisan food business and so on. We are also maintaining and building on supports for the organic farming sector. We have a problem in Ireland in that only 1.5% of our land is dedicated to organic farming while the average across Europe is approximately 5%. We would like to see an increase on that 1.5% and have put in place supports in this regard.

I know that some Senators represent coastal and island communities. I propose to do something specific to support people who are farming on the islands, particularly those who continued to do so during the past couple of weeks. Keeping animals, be they suckler cows or sheep, on the islands is a tough business. It is an area from which it is also difficult to make money. I am looking at putting in place a generous scheme that recognises the difficulty of farming on islands. This will ensure that stock is maintained on the islands and that people there remain active in farming.

That is the package, which I believe is a reasonably good package. I look forward to hearing Senators' questions so that I can provide some clarity.

**Senator Brian Ó Domhnaill:** I welcome the Minister, Deputy Coveney, to the House and I thank him for his comprehensive overview of what has been achieved with the new Common

22 January 2014

Agricultural Policy. I acknowledge the work particularly over the past six months the Minister and his officials put into providing a new CAP, both Pillar 1 and Pillar 2, for the period up to 2020.

Before coming to the CAP, I wish to touch on another issue affecting many farmers. Senator O'Donovan has particular concerns in the Cork-Kerry area. I refer to on-farm inspections and the continuance of the clawbacks over four or five years for payments which farmers would have achieved. Even though the land parcels provided by the farmers would have been accepted by the Department in the past, due to the digitisation of these maps farmers are now being penalised not only for this year but for a number of years. It is very unfair and is causing financial hardship. It is becoming very burdensome on many farmers and needs to be addressed.

Obviously the new CAP is being introduced at a time of economic difficulties across the European Union, which is acknowledged in the reduction in payments provided under the overall CAP framework. In Pillar 1 there is a reduction of 3% or 10% if inflation is taken into consideration. I welcome the move to redistribute payments on a fairer basis. Given that 70% of farmers are getting less than €10,000 in their single farm payment, it means that 30% of farmers are getting more than €10,000. My party always believed that there had to be a fairer way to distribute the single farm payment because if it was left on the historical basis of the production activity in 2000, 2001 and 2002, by 2020 some farmers would be receiving a payment based on what they were doing 20 years previously which simply was not fair. I supported the Commission's view which would have provided a more level playing field. However, perhaps the deal on the table, as the Minister has outlined, might be a fairer deal depending on where the cut-off comes to provide the additional €70 million that will bring the people on the lower single farm payment per hectare to 60% of the average. I understand the Minister has defined a cut-off of approximately €600 where-----

**Deputy Simon Coveney:** It is €700.

**Senator Brian Ó Domhnaill:** Sorry, it is €700 per hectare so that the redistribution would occur there and between the average and the €700 and there would be a cut-off above €700. Deputy Ó Cuív has raised this in the Dáil and at the Oireachtas Joint Committee on Agriculture, Food and Marine. There is a question over whether productivity increases over a certain hectare. The Department's figures above the €400 have been debated at committee and I do not want to dwell on them too long today. I believe that the cut-off should be lower than €700 per hectare because nothing supports additional productivity above payments of €400 per hectare because the productivity does not increase between €400 and €700 or between €400 and €1,000. If that were done the people who are productive between the average and €400 per hectare would not have to meet some of the moneys required to raise the additional €70 million.

Some 55% of farmers have less than 32 ha and 78% of farms are less than 50 ha, which is approximately 120 acres. Therefore, the vast majority of Irish farms are relatively small. Most of those are small productive units that are relatively intensive but are providing the animals for larger farms or for factory production and are critical to the future of Irish agriculture. They include farms in the west of Ireland that are producing young lambs and calves that are sent on for secondary production before going on to be slaughtered or for live export.

While I acknowledge that the Minister has done excellent work on Pillar 1, I believe the €700 cap is too high. I agree with the Minister that the cap of €150,000 per farm in the CAP proposals is also too high come 2020. When 70% of Irish farmers are receiving relatively small

payments it is unfair to have a cap of €150,000. The cap should have been reduced to €100,000 or below, which would allow for a redistribution of funds by 2019.

In the past six months there has been a concentration on agreeing Pillar 1 after which we could get a deal for small farmers under Pillar 2. Many people bought into that, including the IFA. However, I never bought into it because one could never have an agreed Pillar 1 without knowing what would be in Pillar 2. While I acknowledge what the Minister has said on the Pillar 2 allocation, regardless of how we dress it up there is a substantial reduction in Pillar 2 money to Irish farmers, going from €4.825 billion under the 2001 to 2013 scheme down to €3.77 billion in the period from 2014 to 2020.

**Deputy Simon Coveney:** That is misleading and the Senator knows it. The overall spend in the past seven years has been less than €4 billion.

**Senator Brian Ó Domhnaill:** I am about to come to that.

**Deputy Simon Coveney:** The spend for the next seven years will be over €4 billion.

**Senator Brian Ó Domhnaill:** The Minister is quite correct. The figures up to the end of November show that there is an underspend on Pillar 2 of approximately €800 million. I can point to many of the schemes that-----

**Deputy Simon Coveney:** Did the Senator say €800 million?

**An Cathaoirleach:** Senator Ó Domhnaill without interruption.

**Deputy Simon Coveney:** Sorry.

**Senator Brian Ó Domhnaill:** I have a copy of a reply to a parliamentary question that gave the figures up to the end of November. There was an underspend of €800 million. In one particular scheme where approximately 75% of the funding was coming from EU sources, not one cent of the moneys was drawn down. It was a scheme that came under Pillar 2 for rural broadband. Some schemes that could have been used were closed, including TAMS. Obviously 50% of the €800 million was Exchequer money, but approximately €400 million of it was EU-sourced money. I believe it is misleading for the Minister to make the comparison he has. The available funding under the last Pillar 2 was €4.825 billion. The available funding under the next pillar will be €3.77 billion. I suggest that if there is an underspend in the next Pillar 2 allocation, then there will be approximately half the money that was available under the last Pillar 2. Let us consider the cuts. There is a 40% cut to the disadvantaged areas scheme and the Leader programme has been cut by 55%.

**Deputy Simon Coveney:** Senator Ó Domhnaill does not even know what the Leader funding is. It has not been decided yet.

**An Cathaoirleach:** I must ask you to conclude, Senator.

**Senator Brian Ó Domhnaill:** I am going by the figures that have been presented to me by the Fianna Fáil spokesperson on agriculture in the Dáil.

**Deputy Simon Coveney:** Maybe Senator Ó Domhnaill should question them, with respect.

**An Cathaoirleach:** Senator Ó Domhnaill to conclude.

**Senator Brian Ó Domhnaill:** The figures were compiled in replies to parliamentary questions.

**Senator Susan O’Keeffe:** We have the Minister in the House.

**Senator Brian Ó Domhnaill:** I have two final points. I plead with the Minister to consider the position on the genomics scheme. Funding of €80 per head is available. Perhaps the Minister could clarify the position, but it is my understanding that the charge is €50 per animal tested. Therefore, the farmer will only gain €30.

**An Cathaoirleach:** Senator, I have to ask you to conclude.

**Senator Brian Ó Domhnaill:** My final point is on the green low-carbon agri-environment scheme, GLAS. Is it a condition of the GLAS that 80% of the commonage farmers will have to agree before the scheme can be drawn down on the commonages? If that is the case, it is unworkable. Perhaps the Minister will clarify that.

**Senator Michael Comiskey:** I welcome the Minister to the House and I thank him for his usual generosity, which he has always shown, in being amenable to come to the House. I appreciate that after every stage of the negotiation process leading to the reformed Common Agricultural Policy, the Minister has kept Senators updated on the process. I know that the negotiation process was a long procedure, with the added element of having to wait for the EU budget to be decided upon first. I understand that more than 40 discussions took place between the Council, the Commission and the European Parliament before political agreement was reached. I realise the Minister and his Department invested considerable amounts of time and resources before and during the term of the Irish Presidency. These efforts have resulted in a fairer agreement that will provide certainty and security for farmers up to 2020.

The CAP has always coupled a system of direct payments with rules governing rural development policies aimed at improving the environment and the countryside. These policies have improved the quality of life in rural areas and encouraged diversification of the rural economy. The new agreement will continue to build upon these principles while modernising their application. The new Common Agricultural Policy allows for unprecedented flexibility for member states in implementing the provisions. This is a positive development and will allow member states to tailor the policy to the particular needs of their country or regions. In an expanding and changing European Union this is a welcome decision. The new programme will set a basis of continued growth of the agriculture, forestry and fishing sectors. This is especially important since research has shown that investment in agriculture produces far greater returns than investment in other sectors. This is because agriculture sources 71% of raw materials and services from Irish suppliers, compared to 44% for all other manufacturing sectors. The potential spin-off effects for communities from agriculture is positive and we can see this in our towns and villages. When farmers have money, they spend it locally and this makes a major difference to the towns and villages in rural Ireland.

The Minister outlined how the single payment scheme is moving from a single model to a basic one, resulting in a redistribution of funds between farmers. This will be of benefit to farmers in all sectors of the industry. The direct payment scheme has allowed many to remain on the land at a time when emigration and urbanisation are becoming the norm. I believe these changes will continue to support our producers. The phased introduction of these changes is fair and avoids a sudden shock to the payment system. This new model also opens up the sys-

tem of entitlements to many who were previously ineligible and this will assist in maintaining growth in the sector.

A particular focus of the reformed programme has been on encouraging new and young entrants to farming. This will be a challenge for the sector, as demonstrated by the Central Statistics Office data highlighted by the Minister this week showing that the average age of farmers rose from 50 to 54 years between 2000 and 2010. Considering the importance of farming to the Irish economy, this trend is rather concerning.

Both Pillars have included specific programmes for young farmers and provided top-up payments. A percentage of the funds have been allocated to this demographic and I am pleased that Ireland has committed to the full allowable amount for 2015. I welcome the fact that the allocation of these payments is linked to the success of applicants in completing a recognised educational course in agriculture. Like all industries, the future success and sustainability of agriculture will be driven by improved technologies and methods of production. Worldwide consumers are demanding higher standards of quality and traceability in food production. Agriculture is a vast industry and just as we can boast of a well-educated workforce in the technological and pharmaceutical industries, Ireland must have high levels of knowledge within the agriculture sector all the way down to farm level.

The new programme contains key measures aimed at supporting and encouraging the transfer of knowledge and promoting innovation in the sector. By the application of these new methods of production and the sharing of knowledge we can improve the quality of farming, reduce disease, increase competitiveness and make farming more sustainable. The incentives for on-farm capital investment contained in both pillars will be important in driving the industry forward and some of the funds allocated for this will be ring-fenced for young farmers establishing a holding for themselves. These incentives compare favourably to capital investment schemes available for entrepreneurs in other sectors of the economy and will ensure that the agriculture sector is a desirable option for people to build a business in.

Budget 2014 included an adjustment to capital gains tax making it more attractive for farmers to transfer land to younger farmers. Coupled with the measures included in CAP schemes, this will be important in seeking a reverse of the age trends in the sector.

Following last week's announcement in respect of Pillar 2, I welcome the level of investment in the rural development scheme and the allocation of €1.9 billion in funds from the Exchequer, especially at a time when demand is rather high on resources. It is a significant achievement. This level of funding coupled with €2.2 billion of EU funds is an acknowledgement of the importance of the sector to the Irish economy and demonstrates a commitment by the Government to improving the competitiveness of the agriculture sector. This will also be used to encourage a diversification of industry in rural areas, which is vital in maintaining rural communities.

I know the Minister is involved in a consultation process with various stakeholders before the finalisation of the programme. The willingness of the Minister to engage in a broad consultation process will ensure that economic recovery is felt throughout rural as well as urban areas. Two thirds of Irish farmers are classified as rural. Therefore, it is important that effective measures targeted at the needs of farms are put in place.

The fundamental principle of schemes under Pillar 2 are voluntary and therefore payments

22 January 2014

must be maintained at a level which is attractive to farmers given the commitments which they undertake to fulfil and the costs associated with doing so. I believe the new environment scheme, GLAS, included in Pillar 2 will be an attractive measure for farmers. There are many benefits which can be gained from participation in this agri-environmental scheme which can lead to better farm practices and a better quality of life. It is through participation that a greater appreciation of biodiversity and wildlife can be developed resulting in a better environment for all. I welcome the continued support for disadvantaged areas with payments again amounting to €195 million per year for the length of the programme. I understand a minimum of 5% must be spent on Leader programmes. I call on the Minister to outline whether a timeframe has been established for making this funding available. Leader companies have been at the forefront of supporting employment, entrepreneurs and community groups to establish businesses and services in rural areas. Continued support for the Leader programme and employment in rural areas is vital to maintain rural populations.

*3 o'clock*

I thank the Minister for coming to the House this afternoon. The reform programme will build upon previous programmes and its implementation will be important as we continue to achieve our Harvest 2020 targets, and to seek to attain the critical mass of Irish products in key international markets. I would like to acknowledge the work that the Minister and his Department have put in place in developing the programme, and I look forward to further details about Pillar 2 in the coming weeks.

**Senator Denis O'Donovan:** I am disappointed with the amount of time allocated, but that is not the Minister's fault. We do not have an important debate like this on agriculture too often, and since there are not too many in this House who have a keen interest in agriculture, the rest of us should have been given a minimum of ten minutes, but that is the ruling of the House.

I welcome the Minister and I know that his heart is in the right place. I broadly welcome the result of the CAP negotiations. I know the devil is in the detail and some aspects must still be worked out. I also welcome the special provision for island communities. The Minister should be thanked for doing that, because living on an island is difficult enough, but farming on an island is very difficult.

I would like to mention something that is not directly linked to the CAP, but it is an issue that is very prevalent in my area. I was at a public meeting a week ago at which about 400 farmers turned up, and they were deeply concerned about the cuts in the single farm payment. There is a perception in west Cork and south Kerry that this is more prevalent in these counties than in the west of Ireland. I am not talking about a couple of hundred quid, because if that was the case, "they would suck it up and forget about it", as one farmer said to me. However, there are instances where farmers have lost €3,000, €5,000, €7,000 and €8,000. Some of these guys were depending on this money. It is not just one or two here and there; it seems to be widespread. These guys were not being inspected, but the "eye in the sky" or the "man in Mars" who took these photographs has deemed that their forage hectares are less than what they were claiming. In some instances, they never got any prior notice. If there had been a yellow card or a warning, they might have been able to do something. What concerned me at this meeting was the number of farmers who said that when the burning season is open in March - I would not agree with this - they are going to burn all the bushes and natural flora to ensure that if the man in Mars photographs them again, the place will be green rather than be covered, which is anti-greening in my view. It was a very frightening scenario. I have a son involved in the fire brigade service

and sometimes in the month of March, most of his time is spent out quenching gorse fires and so on, which I think is a waste of effort. That is a threat which concerns me.

In these instances, one man who lost over €6,000 said he had half the money committed to paying back the credit union, from which he borrowed last year due to a very harsh spring which lasted almost until 1 June. The other half was supposed to pay for foodstuff. When we hear these stories, we know there is something radically wrong. Perhaps the Minister could get the figures per county.

The people who are being hit by these cuts are the severely disadvantaged farmers. Somebody with 70 or 80 acres of good land who is an intensive dairy farmer will not be affected at all. The people who suffer are the guys in the peninsulas and in places like Dunmanway and parts of west Cork who have a lot of cropping rock, natural bushes and firs growing, which we should be trying to preserve anyway as much as we can.

I welcome the minimum of €150 per hectare. The Minister said the maximum is €700 and that the minimum should be an average of €150. I would like to see the gap closed. Perhaps the maximum should be €500 and the minimum should be €250, which I think should be a help. There is new AOS scheme, which the Minister called the GLAS scheme. A big commitment from the Minister's party in the last election was that there was too much red tape attached to these schemes. Farmers and farming organisations are now worried that this new scheme will be laden down with red tape. Some are wondering whether it is worth their while getting into these schemes at all. Many of them would love to see the old REPS come back, or see a REPS 5 introduced.

We hear much talk about the agrifood success, which the Minister built on from our Food Harvest 2020 vision. The likes of Glanbia, Dairygold and the Kerry Group would not exist were it not for the small farmers throughout Ireland. We should never forget that two thirds of the farmers in my constituency that get disadvantaged areas scheme and single farm payments are getting less than €10,000, which I think is a small amount.

I am also concerned about the current price for beef, particularly those who were encouraged to raise bully beef for export. Many farmers who put much effort into that are now lost. My colleague mentioned the suckler cow scheme and the new genomics. If it is correct that the veterinary costs of that will be €50 per animal and the farmer will end up getting €30, then there is something radically wrong. I would prefer the farmer to be getting more money than the vet, with all due respect to vets.

**Deputy Simon Coveney:** I do not think those figures are accurate. I will answer that question.

**Senator Denis O'Donovan:** In due course the Minister can answer that question. He spoke about what will replace the disadvantaged areas scheme, namely, the areas of natural constraint, or ANCs. While that is very welcome, the farmers of all persuasions who came out to Bantry on a stormy Monday night - I saw active Fine Gael farmers in there and it was chaired by a Sinn Féin member -----

**Acting Chairman (Senator Marie Moloney):** You must conclude to give everyone a chance.

**Senator Denis O'Donovan:** I accept that. I have been looking for a debate on this issue

22 January 2014

for six months, and it is a pity I am constrained to five minutes.

**Acting Chairman (Senator Marie Moloney):** You are at seven minutes now.

**Senator Denis O'Donovan:** It flies in the face of conservation if farmers in remote parts of Ireland have to put away scrub and burn turf to destroy natural areas.

**Acting Chairman (Senator Marie Moloney):** In fairness to everyone else, you have had seven minutes, as opposed to five. I call on Senator O'Keeffe, who has ten minutes.

**Senator Susan O'Keeffe:** I welcome the Minister to the House. Credit is due to him and his officials for a huge body of work done over the last few months. A person who is under the age of 40, lives on an island and owns sheep is probably very happy indeed, because such a person will qualify for all manner of things.

I wish to concentrate most of my remarks on the rural development side. The Minister has been in here many times talking about protecting and building rural communities and investing in young farmers, which is part and parcel of that kind of building. We know that almost half the population live in rural communities, and they have an enormous variation in their energy, wealth and their traditions. I hear people use the wild language of farmers struggling and that way of life dying, but it is true that there is a genuine struggle for smaller, poorer farmers. I particularly welcome the maintenance of the disadvantaged areas scheme for the 100,000 farmers who are crucial to the survival of those communities, and to the continued success story that is Irish food. One of our colleagues on the other side made that point. The increase in exports that and the multimillion euro investments that have been in recent years by certain agrifood companies has driven the success of the sector, but I would not like to see them drive on and abandon the very reason that Irish agriculture has succeeded. There seems to be a sort of division opening up between those large companies that behave as multinationals, because that is what they are, and the very small struggling farmers. I do not know what the language is between them, but increasingly it feels like they are not on the same page. I do not quite know how to qualify that, but it feels like it. As we talk about Harvest 2020 and as we talk about the need to increase the volume and the value, which we do for many reasons, some of the language about this and the way we approach small rural communities and smaller farmers still feels rooted in the last century, rather than being rooted in this century, taking cognisance of the real gap between those very wealthy multinationals. They were all born as co-operatives owned by those farmers and their ancestors. They seem to have taken a great leap and I worry about what that might mean.

I congratulate those who came up with the name GLAS, which must have been a bit of an exercise. It is a good name. The Minister said most farmers would stick with GLAS as opposed to GLAS+. He described it as promoting bio-diversity and that GLAS+ would be very demanding. Is there any more detail on that at this point? Should we not encourage all farmers to be GLAS+? Why are we allowing a gap between the two? Are we looking to drive all of them to GLAS+ in the future?

In regard to the 50,000 availing of those payments of €5,000, what is the origin of that figure? It is obviously based, to some extent, on REPS figures. Is it a European figure or an Irish target? Did it come from Teagasc? How confident is the Minister that figure will be reached unless the language around farming changes quite significantly to being the guardians of the environment in a real sense? Ultimately, that is what that money is being paid for; it is to our

benefit and that of farmers that we do that. Does the Minister believe we are beginning to change that culture and language? There are many terrific farmers who really have engaged with that, there are many who have not yet quite engaged with it and there are some who do not want to engage with it at all.

I share that concern about the 80% of farmers in each commonage having to sign up. The Minister might provide some clarity on that. It is something some commentators have called into question. Some 80% in each commonage would be difficult. Is that accurate or has there been an error there?

In regard to the target of 5% for organic farming, I appreciate that is the figure in Food Harvest 2020 and I think Irish farming is at 1.1%. Where and how can we reach that figure? Although we are not looking for 100% of farmers to be organic farmers, we have acknowledged, as Food Harvest has, that there are genuine economic opportunities. How does that fit with GLAS and this rural development programme?

In regard the disadvantaged areas payment, or areas of natural constraint payments, as we have now been told to call them, the Minister said there will be a review of that scheme in the next few years. When people read that and see the words “redesignation” and “new biophysical criteria”, they will immediately wonder if this is some class of an excluding device. I do not jump to that conclusion necessarily but is it to reduce the overall fund ultimately or to make it more targeted, which the Minister already discussed in regard to other matters, targeting it at young farmers investment, for example? Clearly, there are areas of Ireland which are disadvantaged and will remain disadvantaged, and I do not care what nomenclature the EU officials come up with. I worry that changing the name of that is a step towards changing how they will be treated in the future.

In regard to beef farmers and the genetic improvement, I do not know what the baseline is for the current genetic capability or capacity of the herd as it is. Is this one step or two steps up or is it a massive change? Much work has been done, in particular by Teagasc, and some of the farmers have obviously engaged. How close or how far away are we from achieving this? How much of that fund of €52 million is destined for Teagasc and for training in that regard?

I refer the language of this sort of smart green growth which Harvest 2020 uses all the time. Does the Minister believe this is heading towards that smart green growth? I still believe the green thing is on one side and farming is on the other and they are not converging at a rate at which they might. I have no doubt that is a huge challenge. How far down the road are Irish farmers? How do we measure up to and compare with our European neighbours in regard to our capacity to be smart and green? As we know, everyone is using the same language.

I refer to the milk quota. I do not know what the Minister’s views are on the smuggling matter but, obviously, that is a current issue. Some farmers are now supplying across the Border. Has the Minister any observations on that?

I refer to artisan foods and small and medium-sized enterprises. I particularly welcome the support. There is a very healthy artisan food sector and it has been great to see it grow over the past ten to 15 years, supported by the many supermarkets which see there is a benefit to selling Irish foods. It is great for local employment, for enhancing the restaurant and hotel sector and for tourism. It would be great if the Minister had more detail on that.

Teagasc does great work and its website is the first point of entry for many people to Teagasc

22 January 2014

but I would like to see it express the kind of future looking element the Minister outlined and the many programmes he spoke about. Again, it does not feel like it belongs or is joined up with this even though it is in many places. That is just a suggestion.

On a completely separate matter, I had asked for the Minister to come to the House at some point to discuss the forestry policy review group, the proposed merger of Coillte and Bord na Móna and the Forestry Bill. The Minister will have heard last week some discomfort and lack of trust expressed at the Oireachtas Joint Committee on Agriculture, Food and the Marine. Will he address that now or tell us when he will do so?

**Senator Feargal Quinn:** I welcome the Minister and his achievements on the CAP negotiations. He has obviously done well as it was an extremely tough job and not an easy task. I could commend the efforts of the agriculture sector, of which everybody is well aware, but instead I would like to raise a couple of issues which do not often get enough attention. I agree some farmers rely on the payments to survive but there is a real need to question CAP more closely given issues such as the success of some farmers in Ireland and the fact that it breeds inequality. We have a situation where CAP is paying €60 billion per year to European farmers and yet European countries will not buy fruit and vegetables from their neighbours in north Africa.

On the issue of food security and the supply chain, I understand CAP is vital in attempting to give Europe much greater food security. Members should consider the situation in Africa where the Chinese are buying up millions of hectares simply to grow food. In the coming decades, we will face changing and accelerated demand worldwide, caused by a growing population. Currently, the world population is a little over 6 billion and it is estimated to increase to 9 billion by 2050. Demand will also be influenced by changing diets in emerging countries and the massive uptake in the consumption of milk and dairy products. China is a good example of the success we have had.

Another factor is the risks caused by climate change, in particular in other parts of the world. Even in Europe, Cyprus is suffering from water scarcity and farmers there produce tomatoes by using massive amounts of water. Should the European Union pay more attention to issues such as this? Perhaps the Minister will comment on that.

It was interesting to consider the findings of the UK All-Party Parliamentary Group for European Reform that if, hypothetically, CAP and other EU measures to protect farming, such as tariffs, were fully liberalised and if the money freed up was rechannelled to more productive areas of the economy, it could be a boost in output equivalent to around 1.1% of European GDP. It is an argument I had never heard before. We are sold the argument that cash payouts are essential, and perhaps they are for certain farmers, but it may hurt the wider economy. Of course, Ireland must be very careful in this respect given our reliance on agriculture. Looking back at what happened in New Zealand some years ago, 1% of farmers went out of business following liberalisation but the remaining farmers became much more efficient. Now they do not have any subsidies and New Zealand seems to be doing very well, particularly in milk production and dairy products. The Minister has done a very good job. I wish him well but there are questions and queries in that area.

**Acting Chairman (Senator Marie Moloney):** Before I call the next speaker, I ask the Acting Leader, Senator O’Keeffe, to propose an amendment to the Order of Business.

**Senator Susan O’Keeffe:** I propose an amendment to the Order of Business that we be allowed to continue this debate and that the Minister reply no later than 3.35 p.m.

**Acting Chairman (Senator Marie Moloney):** Is that agreed? Agreed.

**Senator Rónán Mullen:** I also welcome the Minister to the House and congratulate him on his hard work and negotiations on Pillar 2 and the rural development programme. There is much to be welcomed. I note the provision of €80 per suckler cow and many other things that will make a difference in particular to small farmers. The last time the Minister addressed this House he pointed out that the CAP was not just a gravy train for farmers and that it represented a contract with farmers in Europe to produce in certain conditions and to a certain standard, with a particular focus on environmental protection, and to provide all sorts of non-economic goods in exchange for the benefits they were getting. I absolutely agree with him.

I know he would share my view that it also entails contributing to the quality of rural life and maintaining our way of life. I come from a small farm. The average annual income of a suckler farmer is €10,000 whereas that of the dairy farmer is €50,000, which is quite a dramatic disparity. Many farmers in the Border areas depend on Pillar 2 funding to make that difference so that they can earn a livelihood of sorts.

We are aware of the pressure on farmers in the past five years, with the loss of approximately one third of off-farm jobs on which many farmers depend. Although there are good aspects of the story, this is a time of pressure for farmers and they have been coming off the land. We should commit to maintaining a certain number of people on the land. We must not go from having family farms to farm factories. Public policy should state that we want to keep a certain number of people on the land. I would be grateful for the Minister’s thoughts on that. I am sure he would sympathise with it.

**Senator Trevor Ó Clochartaigh:** I thank Senator Quinn for sharing his time. Cuirim fáilte roimh an Aire. Sinn Féin has always argued that CAP funding should be distributed on a fair and equitable basis and should direct supports to those who need them within the farming sector. We want to see an end to a situation whereby a few individuals at the top of the farming pile receive the lion’s share of the payments. We propose radical redistribution of the payments to increase the viability of low income households. The latest figures available, for 2011, show that this is not happening. A total of 243 farmers received €32 million. In other words, they got an average payment of over €130,000 each. Meanwhile, over 52,000 farmers received payments of less than €5,000 each. The defence of the methods and criteria for the current single farm payment was that it would reward the more productive farmers but this claim does not stand up when stocking density is examined. Those with an average stocking density of 1.47 were getting a payment of around €282 per hectare while those with 1.92 received average payments of €1,180 per hectare. This cannot be justified under any claim of higher productivity.

We agree with the definition of active farmer that would exclude non-agricultural land such as airports, golf courses and so on for payment and support the exclusion of agri-businesses whose main activity is not farm production. We called for an immediate cap of €100,000 and I take on board the Minister’s comments in that regard. We support the allocation of payments to farmers who had no single farm payment but can produce evidence of active farm production in the reference year. Under the agreed framework, we support the maximum possible redistribution of payments. We believe that 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. The reduction of Pillar 2 payments sends the wrong message to a sector that has contributed favourably in extreme circumstances to the economy. When the reductions in Pillar 1 payments were first suggested, farmers were told that the payback would come in Pillar 2. Farmers are being asked to do more for less under environment schemes, and with REPS 4 coming to an end without replacement until 2015, many will suffer unacceptable drops in income.

Up and down the State in the most disadvantaged areas, farmers are suffering cuts to their single farm payment, SFP, due to land eligibility issues. I have already pointed to those who receive less than €5,000 in SFP who are severely hit by the latest measures. I echo the concerns about the use of technology which makes land on which payment was previously made ineligible because new satellite imagery is being employed. The Department adopted the new technology with great speed after the EU decision to change from the old digital system which is still in use in many member states. Member states were given four years, I understand, to implement the changes but this State has rushed ahead and completed the changeover in four months.

The cuts to payments for farmers in disadvantaged areas are causing more hardship and money taken out of farmers' pockets is money taken from the rural community. The penalties being imposed are harsh in the extreme, for example, if one fifth of a holding is deemed ineligible there is no SFP at all. Others less extreme but none the less drastic for a farm family are having their payments halved. Farmers are telling Sinn Féin public representatives that inspectors who do not know the area and are relying on this imagery can make big mistakes.

The industrial action by IMPACT in the Minister's Department will affect much of this. I call on him to intervene where 600 or so technical officers are in dispute. This needs to be resolved because much of what will be done in the coming months is important.

I welcome the scheme he has mentioned to maintain island farmers. I agree that they are a particularly important group of people who are often left out.

Will the Minister comment on the effect of the storm damage to some farms along the coast and how it affects their payments? What supports can the Minister put in place for them? I note that the ICOSA has asked for more support for sheep farming and that the GLAS be aimed more at low income farmers. The Irish Local Development Network, ILDN, the Leader network has asked that 10% of the RDP for Leader be set aside. Will the Minister comment on that? The farm inspections under way and the digitisation of the maps are causing huge problems. Will the Minister comment on that?

**Acting Chairman (Senator Marie Moloney):** Senator Naughten is sharing time with Senator O'Neill, is that agreed? Agreed. Senator Naughten has two minutes and Senator O'Neill has three minutes.

**Senator Hildegard Naughton:** I welcome the Minister to the House and congratulate him on his work to date, particularly on the success of his negotiations on CAP which took place during a difficult economic period.

The sheep grassland scheme which has been subsumed into Pillar 1 will mean a loss for many farmers in the west. Are there proposals to compensate them for that loss?

In 2009, farmers lost €1,000 in the disadvantaged areas scheme. Is there any possibility of regaining the funding for the severely disadvantaged counties along the west coast? I am focusing in particular on their proximity to the Wild Atlantic Way and its potential for job creation. Farmers could make a link between agriculture and tourism. This could be done through Leader. There is great potential to compensate these farmers for losses they may have suffered. I welcome the special provision for island communities which is critical for the sustainability of farming and the populations on our islands off the west coast. Will the Minister expand on the proposals in this regard? He mentioned sustainability and the maintenance of stock levels on the islands, which is to be welcomed.

I congratulate the Minister once again on the good news he has outlined today. These developments are critical for Ireland's economic recovery and the continued success of the agrifood sector.

**Senator Pat O'Neill:** I welcome the Minister to the House to discuss these important issues for people in rural areas. I congratulate him on his guidance of his fellow European Ministers, the Commission and the Parliament during the Irish Presidency in securing what is a very good deal for Ireland. In the Celtic tiger years there was something of a loss of interest in farming, including on the part of successive governments. Under this Minister and this Government, however, agriculture has been restored as a priority. It is a sector that has contributed significantly to our exit from the bailout given the more than €10 billion in exports it has contributed in the past year. The confidence of major companies like Glanbia and the Kerry Group in our farming industry is clear. The innovation centre the Kerry Group is building in Kildare will create more than 800 jobs, while Glanbia's large milk processing plant in south Kilkenny will provide some 2,000 ancillary jobs. It is important that funding is maintained for rural areas; after all, we are still largely a rural country. For every €1 that is allocated to farming, €4 is spent in the local economy, which is an excellent return.

In regard to what has been referred to variously as the suckler scheme, genomics scheme and beef data scheme, people are already inquiring as to how they might avail of it, whether by way of an application form or by participation in a discussion group. Will the Minister provide clarification in that regard?

In respect of the green low-carbon agri-environment scheme, GLAS, which is effectively a new REP scheme, the Minister has indicated that farmers will be asked to fence off water courses and similar features. Some farmers are on meters and are supplied with water from local authorities. Where there is no water on farms, however, I ask the Minister to consider whether a grant might be made available under the targeted agricultural modernisation scheme, TAMS, to provide water in cases farmers are obliged to fence off water courses and so on.

I welcome the top-up for young farmers in a context where 60% of farmers in this country are aged under 35 years. The Minister indicated that a young farmer may, over five years, receive up to €16,000 under this scheme. A young person setting up business as a farmer may not have a tax liability in the first few years, but where there is such a liability, a difficulty arises in that one's single farm payment is included in one's income and is, as such, taxable. I am asking that a measure be put in place whereby the top-up payment would not be taxable, which would give a boost to young farmers. Giving them a grant of €16,000 and requiring that 50%

be returnable via taxation leads to a much smaller benefit. Will the Minister undertake to liaise with the Revenue Commissioners on this issue?

Recognition has been given to partnerships, but what is the situation in regard to partnerships between father and son? How will such arrangements work in respect of the 60% grant for buildings? If, say, a young man goes into partnership with his father, even where land is transferred, any building will have to be done on the existing farmyard. Will the Minister comment on that?

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I will try to answer as many questions as I can in the time available. Even though it is not directly related to the issue we are discussing, I will begin by addressing the points raised on the mapping and eligibility issue. It is important to be clear that this has nothing to do with digitisation. Last July we introduced new technology to provide for a much more accurate way of photographing from satellite. Previously, the maps farmers would have used as the basis for their single farm payment applications were taken from high-flying aircraft. Now we have very precise and accurate maps which allow us to see exactly what is in particular fields and which land is and is not eligible for the drawing down of payments. Every member state is required to introduce this system. It is not a question of choice and we do not have four years to do it. We are putting a new, much more accurate system in place to ensure that land which is not eligible to draw down funding will not be eligible for such drawdowns. After all, we are talking about the provision of public moneys.

We are also required to examine instances where, over the past four years, money was drawn down on lands which were not eligible for same. The Commission is insisting that this money be given back. In most cases no penalty is being attached, but the money that was paid in such cases must be returned. We are in the process of managing that process. In the case of 72% of farmers, there is no issue in this regard. For up to 93% of farmers, there is an over-claim of less than 3%, which amounts to a relatively small sum of money to be repaid. As I said, no penalties are applicable, but farmers in that situation may have to return retrospective payments they would have drawn down in the past four years. The calculation for farmers with less than 3% of an over-claim is that the retrospective payment will be €400 on average in the context of an average payment per year of €11,000. It is not a huge deal for those farmers.

Where farmers have an over-claim of between 3% and 20% of their land, we will work with them to address the situation. There is an appeals process within the Department and externally, so that farmers can be sure they will receive fair treatment in terms of the assessments. Where there is an over-claim of more than 20%, farmers will not have received any payment last year and must now rectify their situation. They will receive a payment in respect of the eligible portion of their land this year, but there is also a retrospective issue. Only 400 farmers in the country are in this category. We will work with them on a case-by-case basis to devise a repayment schedule that is realistic and fair. We do not want to put anybody out of business and will help farmers with any cash-flow difficulties.

The notion that we can simply ignore this problem because it is awkward and difficult is not an option. Representatives of the Commission are coming to Ireland in the second week of February to assess how we are dealing with it. The Commission has already fined other member states, including large countries such as Britain, France and Italy. In France, as I understand it, the disallowance was some €248 million in terms of discrepancies around payments. Either we deal with this issue, including the retrospective element of it, by finding a way for farmers who

have over-claimed, whether by mistake or otherwise, to make the repayments in a way that is sensible and does not cause them undue hardship, or the Commission representatives will come here, make an estimate of the overpayments and multiply that figure by five or so, resulting in a disallowance and fine for the State which will be payable by all taxpayers. I am not prepared to allow that scenario to arise. We are trying to work out this over-claim issue, in as fair a way as possible and with multiple appeals mechanisms. It is about facing up to instances where payments were made in respect of land that was not eligible to draw down payments because it is not agricultural land, and convincing the Commission we have dealt with the issue in a thorough and fair manner.

**Acting Chairman (Senator Marie Moloney):** I understand the Minister has to leave now?

**Deputy Simon Coveney:** I can stay still until 3.45 p.m. if Members are willing to listen to me for that long. On the beef genomics scheme, Members should not confuse the current scheme, which was announced at budget time to commence in 2014, with the new beef genomics and data scheme that is to be introduced under the rural development programme. We are devising a public consultation process to help us in finalising the details of these schemes. We want feedback, including from the Seanad, in terms of the final shape of the schemes. The current beef genomics scheme requires farmers to take DNA samples from 15% of their animals. We estimate that this will cost approximately €30 per animal. Farmers are being paid €40 in respect of each of their animals but they are only obliged to pay for the cost of taking DNA samples from 15% of them.

**Senator Denis O'Donovan:** Is that a once-off requirement?

**Deputy Simon Coveney:** No, farmers will be obliged to provide DNA samples each year. We cannot provide money for nothing.

**Senator Denis O'Donovan:** That is okay. I just wanted to-----

**Deputy Simon Coveney:** We are trying to build up a picture of the national herd in terms of the DNA and performance of the animals in it. We will pay farmers to assist us in doing that. We are increasing the payment involved significantly up to €80 per animal.

We need to ensure matters are managed in the context of the green low carbon agri-environment scheme, GLAS, and commonage areas. GLAS is quite different from REPS because it involves paying farmers for doing specific things on their properties. I refer, for example, to dry stone wall maintenance, setting aside areas for nature and wildlife habitation, protecting watercourses or whatever.

**Senator Denis O'Donovan:** Will that include recreational walkways?

**Deputy Simon Coveney:** There will have to be a commitment from those who farm in commonage areas to do the jobs to which I refer because otherwise we will not be able to pay them. This is not about income support, rather it relates to people being paid for doing something positive with regard to the environment and sustainability. The idea that we should focus GLAS payments on low income farmers misses the point totally. This is an environmental scheme. We already have a disadvantaged areas payment scheme to support low income farmers. There are also other supports for farmers on low incomes. I take the point the Senator made about too much red tape. We are going to try to keep matters as simple as possible.

Senator O’Keeffe referred to areas of natural constraint, ANCs. We are required to carry out new assessments in respect of such areas. We must take a much more scientific approach to this matter. Up to now we essentially drew a line down the middle of the country and stated that, with some obvious exceptions, everything to the west of it is disadvantaged and everything to the east is not. That is not a good enough explanation with regard to why we are giving farmers extra payments for farming in disadvantaged areas. There are some very good farms in Galway and there are some very disadvantaged ones in Kilkenny and Cork. The latter are not necessarily to be found in disadvantaged areas. There is a need for a more biological and science-based approach to assessing soil type, depth and all the other measures that can be used to benchmark what is disadvantaged and what is not to ensure we assist and support those who are farming in genuine situations of disadvantage. It is not about reducing or increasing budgets, rather it is about accuracy in the context of who gets supports and who does not.

The Senator asked why all farmers cannot just be given GLAS plus payments. If that was the case, there would just be a maximum of €7,000 for everyone. I was anxious to put in place an environment scheme to which most farmers, that is, approximately 50,000, would be attracted. These are the same individuals who would have been attracted to REPS. If people want to go beyond that and do something above and beyond what they are required to do under GLAS, I would like to give them recognition for doing so. However, that is not the primary focus of many commercial farmers. Their primary focus is food production. If a person’s primary focus relates to creating habitats and increasing biodiversity and if he or she is essentially replacing a commercial dividend with that, we want to give him or her a top-up payment. I am of the view that the numbers involved will be relatively small.

Ireland is going more in the area of smart green growth than any other country. I am delighted Senator Quinn raised the issue of food security, climate change and water security. I recently spoke on that very issue in Boston and Oxford and on why the Common Agricultural Policy has been changed to focus on it. In my view, our original approach in respect of the CAP was to focus on sustainability and environmental management of food production. In essence, the view was that the best way to produce was to reduce the intensity of food production on land and thereby increase sustainability. Anyone could do that. If one wants to reduce the level of one’s greenhouse gas emissions, one just reduces one’s herd size. The challenge we face is how the world is going to produce 50% more food in volume terms - which is what we will be obliged to do in the next 25 years - in a sustainable fashion without destroying water quality or causing further climate change while also responding and adapting to existing climate change. How can we do this when water supplies are limited in many parts of the world? It must be remembered that one third of countries are experiencing serious water shortages at present. Those happen to be the countries which are experiencing the most significant increases in population, particularly among their middle classes.

There are an extra 80 million people on the planet each year and an additional 150 million middle class consumers. These individuals all want more food and energy and demand the kind of lifestyle we enjoy in this country. This is a challenge which the CAP cannot ignore and is not ignoring. We are moving away from dairy quotas in terms of supply controls because we recognise that Europe needs to make a significant contribution towards meeting the demand for supply globally. That demand is increasing by approximately 2% per year. We are doing away with sugar quotas for the same reason. We are also examining other ways of producing more food within a sustainable intensification framework. That is a major part of my motivation in respect of generational change and introducing a new generation of farmers who understand cli-

mate change, food security and the need to measure both when producing food. The members of this new generation also understand that the value of slaughtering an animal after 18 or 20 months rather than after 28 or 30 months is significant in terms of greenhouse gas emissions as well as in the context of efficiency and profitability from a farming point of view. That is why, more than any other reason, we need such a new generation.

Senator O’Keeffe referred to milk smuggling. If there is any evidence of people smuggling milk illegally, it needs to be brought to our attention in order that we might follow up on it immediately and, where possible, pursue prosecutions. I take the point on Teagasc and I will pass it on. The Senator also referred to forestry. Perhaps I will return and discuss that matter on another occasion because I do not have time to do so now. I will be bringing recommendations to Government - hopefully in the next month or so - in respect of Bord na Móna and Coillte.

In the context of maximum distribution, Senator Ó Clochartaigh stated that the Sinn Féin approach is that the maximum should be the average. In other words, that everybody should be paid the same amount. That was the Commission’s proposal but there was a very strong reaction against it among those in the farming community in Ireland. I agreed with them and that is why we are moving away from the policy in question. We are doing a great deal to move towards an average payment with everybody, but we are not going the full distance because that would be wrong and would undermine the productivity of many farmers.

Senator Naughton referred to the sheep grassland scheme. Perhaps I was not clear earlier but sheep farmers are not going to lose out. We are not taking the €13 million or €14 million from the sheep grassland scheme and just putting it in the general pool to which everyone has access. Those who were on the sheep grassland scheme will retain the amounts they were paid under that scheme and this will be included in their single farm payments. If a farmer was receiving €1,000 from the sheep grassland scheme last year, then €1,000 will be added to his or her single farm payment. Individuals who were benefiting from the sheep grassland scheme will receive the same benefit as part of their single farm payments in the form of a decoupled payment. This is a very positive story for sheep farmers but perhaps I did not explain the position very well earlier.

On the opportunity for farming communities to do something special collectively, such as, for example, in the context, of the Wild Atlantic Way, I must point out that there is a really successful scheme in the Burren which was put in place by farmers and local communities in association with environmental NGOs and people involved in agri-tourism. We support this scheme and we will continue to do so. We will also replicate the model for similar schemes, particularly in areas of scenic amenity. We are, for example, considering a similar proposal in respect of the Wicklow Mountains, which I would like to accommodate.

**Senator Denis O’Donovan:** The Sheep’s Head Peninsula is another possibility.

**Deputy Simon Coveney:** Yes, absolutely, sheep are doing well. The island communities are another case in point. I wanted to include this issue in the programme but it needs a little more thought. I suspect that the way in which we support island communities will be similar to the way in which we support disadvantaged areas. We have what one could describe as a disadvantaged “plus” payment, under which a set payment per hectare would be made to farmers on the islands. While we have not yet agreed on a figure, I want the payment to be generous. The numbers and money involved are relatively small but it will make a massive difference to island communities. In terms of policy, island communities have frequently been bypassed in the past

22 January 2014

and I will not allow that to happen in this case. I do not want to be responsible for a scenario in which there are no longer any sheep or suckler cattle on some of the islands off the west coast. We will provide supports to ensure island farming remains intact.

If I failed to answer any questions, I will try to respond to Senators in writing if they send me an e-mail outlining their query.

*Sitting suspended at 3.50 p.m. and resumed at 4 p.m.*

### **Recognition of Irish Sign Language for the Deaf Community Bill 2013: Second Stage**

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

**Acting Chairman (Senator Michael Mullins):** I welcome the Minister of State at the Department of Health, Deputy Kathleen Lynch. I also welcome the people seated in the Visitors Gallery, particularly the people from the deaf community. I call Senator Mark Daly and he has ten minutes.

**Senator Mark Daly:** I thank the Minister of State for attending. I also thank my colleagues, Senators Labhrás Ó Murchú, Thomas Byrne and Sean Barrett for supporting this important legislation.

A number of months ago we discussed the issue of Irish Sign Language and nobody on this side of the House opposed the motion. However, we need to put the matter in legislation because the previous Government and its predecessors did not enshrine the rights of the deaf community in law. The Minister of State has engaged with the deaf community and previous governments have engaged with the deaf community yet the community does not have the same rights in terms of access to Government services like every other citizen in the State and they should have regardless of the circumstances of their birth. The Minister of State supports the concept behind what we are trying to achieve but I want to put the matter on a legislative footing so that when the Minister of State is moved on to a higher office that rights for the deaf community are enshrined in law. The provision would enable them to go to the courts, if necessary, if access to Government services, employment and other areas are not available to them in the same way that they are to any citizen.

As the Minister of State is aware - we spoke about the matter when we supported the Government's motion - an element of the Good Friday Agreement has been breached. I refer to the aspiration that languages, whether it is the Irish language, Ulster-Scots, English, British Sign Language or Irish Sign Language, are afforded recognition in the North. Recognition has been granted in the North, yet the Good Friday Agreement has not been honoured here many decades after it was signed by the Government. That situation affects the citizens of this State and it is why I ask my colleagues opposite to support the legislation. This is not about scoring points. I admit that I engaged with the officials of the previous government and they engaged with the deaf community but there was nothing in law that allowed the deaf community to say to the Government and Departments that their legal rights were being infringed. That is the issue before us today and is the reason I put forward the Bill. I want the members of the deaf community to be able to seek a remedy when they are unable to gain access.

I acknowledge the work of the Minister and other Ministers, including the Minister for Social Protection who has put in place a worthwhile and comprehensive new system whereby members of the deaf community can access social welfare in a manner that is beneficial to them. Communication systems have been put in place and thanks to modern technology interpreters can be online, as opposed to physically having to attend meetings with the social welfare Department. However, that should not be the be-all and end-all. All Departments should be required by law to do the same, not simply give a gesture to the deaf community as if it were charity. It is not charity. The community has not sought such charity but should receive access as a right.

Enshrining the provision in legislation will mean that when someone else sits in my seat - in a number of years - we will not need to debate whether an interpreter will be available to meet a consultant when a member of the deaf community goes to the doctor or the emergency department. An interpreter should automatically be available online for every accident and emergency when a member of the deaf community presents with symptoms. A worse case scenario is where nobody can communicate with a member of the deaf community when he or she presents with symptoms. The Department of Health should be required by law to put a system in place that will provide interpreter assistance for every accident and emergency. The reason that it has not been done is because it is not required to do so by law and, therefore, cannot be held accountable. As I have often said about some of the speeches given in reply to Private Members' motions tabled by both sides, they comprise almost always of off-the-shelf material. I know the Minister is getting the same response because we are talking about the same issue. I know that, despite the fact that this legislation was written up by professional draftspersons, there will be reasons that it cannot be done. That is why I sent the e-mail to all 60 Members of the Seanad, asking them if they had any amendments they would like to make to this legislation, and explaining that, if they felt it was not on a sound legislative, legal or constitutional footing, I would be delighted to take the amendments. No such amendments came back, so the legislation we see before us is the legislation that was sent out two months ago to every Member of the Seanad. We consulted on this issue.

We are asking for support on this issue, not for any political party, for the Opposition or for the Government, but for those in the Visitors Gallery and the wider deaf community because, as citizens, they are not being treated equally in the eyes of the law. They are not able to go to a doctor or to a Government Department, or to interact with the State and with others in the same way that other members of the society are able to do. That is why we are putting in provisions in regard to television. As an aside, and I believe my colleague, Senator Labhrás Ó Murchú, might touch on this issue, one of the most watched soap operas in Ireland by the deaf community is "Ros na Rún", because it is subtitled. There is no requirement on RTE, our national State broadcaster, to have any set amount of hours that are subtitled. Under this legislation, it would be required to do so.

There are other provisions in regard to setting up a body that would oversee this, although there are arguments for and against that. I am well aware of the proliferation of quangos over the past 20 years. However, while I am not a fan of setting up further quangos, I do want to see somebody to whom the deaf community can go, whether that be the Ombudsman's office or otherwise, in the event this legislation and other elements in it were not being fully followed by the Government.

The reason we are putting forward this Bill is to ensure that when members of the deaf community go to a Government Department or speak with a Government official, they can point

to a piece of law and say, "I am entitled to an interpreter and you must provide one". At this moment in time, that is not the case. When the Minister, Deputy Joan Burton, put in place that provision - I commend her on doing so - she did it because she felt it was the right thing to do, which it is. However, there is no legislative compulsion on her to do it. Other Ministers should do the same thing, most especially in the area of health. However, that is not allowed for at this time. No member of the deaf community can go in and actually demand that of officials - they cannot get that remedy. I ask the Minister to look at that and to ensure that, in the lifetime of this Government, of which there is a little over two years left, the rights of all citizens, including the members of the deaf community, would be recognised on a legislative footing so they would have equal access to all elements of the State, as they should as citizens of the Republic.

I thank the sign language interpreters and all the members of the deaf community who came here today to witness the debate on this legislation. I thank the Minister of State for coming back to the House.

**Senator Labhrás Ó Murchú:** Is mian liom fáilte a chur roimh na daoine atá linn sa Teach inniu freisin. I would like to start by commending Senator Mark Daly on bringing this Bill forward. Indeed, he has played quite a pioneering role in this House with legislation for people who sometimes do not get the profile they deserve.

I have found the Bill inspirational and informative. I say "informative" because it is only when it is brought forward as a proposed piece of legislation that we can stop, reflect and research. All of a sudden, we are introduced to a whole new world, a world that was there but that, to some extent, we had not interacted with. I have always been fascinated by sign language, even though I do not understand it, and I always wished I did understand it, in the same way as any other language that I have not taken time out to study and to use. I am fascinated by it, in particular by the movements, because the movements are not just of the hand, they are of the face and of the body. That is what sign language is. Even when I am watching it, whether on television or otherwise, I can sense a fluency coming from the people who are using that language. That is what is important.

The deaf community do not want to be regarded as impaired in any way. They have a language of their own. That language has a grammar of its own and it also has nuances and a culture of its own. If we bear that in mind, and regard it as the third indigenous language on this island - Irish, English and Irish Sign Language - then we start to open our own minds in debating issues like this. There are those who are now totally dependent on that language to communicate, and not just among themselves because they must also communicate with family members and others. This is the essence of the Bill. We are talking about communication with the wider public. It may be in the areas of interpretation or it may be in the area of basic rights, but it is more than that. They want to be able to communicate. I do not know if Members have ever watched some of the political conventions in America, where there is signing of what is happening at the convention. This does not in any way distract and one begins to realise this is a bilingual communication that is taking place through television at that particular time.

Why is legislation important? Why must it be enshrined in law? I ask Members to cast their minds back a short number of years to a time when the new *comhionannas teanga* or language equality legislation was brought in by a previous Government. That gave a particular right and equality to the Irish language. For example, it specifically mentions 600 State agencies that must provide a bilingual service, with many other requirements also. The interesting thing is that once the legislation came in, it did away with a lot of destructive debate because it became

a reality - it was *de facto*. That is precisely what I see happening with this Bill. Once it is there, it will be accepted. The implementation may require that we overcome certain challenges, but who has the right to say that any section of the community is not entitled to full recognition?

It is interesting that in Europe it has already been stated that all states should work towards what is being requested here. I can think back to a time some 25 years ago, when the new European legislation on minority languages was brought forward not just in Ireland, but throughout the whole European Union. During that period, all the necessary structures were put in place. There will not be much reinventing of the wheel because, if one looks at what is required for the minority languages and then looks at the legislation in this State regarding equality of languages, we have the basis of the structure already in place.

I am not going to make any political point on this because there is not a person in this Chamber, present or not present, who will not agree 100% with the spirit of this legislation. However, I believe there is a fear that what will happen is that, in some way, some small “handout” will be given, although I do not mean that in any insulting way. It has to be much more fundamental than that. Why should a person who goes into a court of law be made to feel diminished or inferior when they are not in any sense? They absolutely are not. They just have a different method of communication. However, how can that be accomplished, for example, in the courts? How can it be accomplished with any State agency, in the public sector, on public transport and in so many other areas? It would be gratifying and uplifting for the spirit to take away the mental obstacles once and for all, and start seeing obstacles before we even reach them. Would it not be great for the spirit and morale of this nation to take on board what is in this legislation, which Senator Daly has gone to so much trouble to draft? The spirit of what is required by the Irish Deaf Society is enshrined in this legislation as well.

I hope this Bill will not be stopped at this Stage and that we will let it go forward to the next Stage. As I said earlier when I referred to this being informative, I have learned a great deal in the last few days, prompted by this Bill, because I went to the trouble of doing so. A new discourse has been opened. That discourse can be expanded and enhanced on Committee Stage in the House. Many other nations will watch us to see if we baulk at the high fence, as they say in my part of the country, when there is a way of circumventing it. I commend the Bill to the House. I hope it will not stop today but will be allowed to move to the next Stage.

**Senator Martin Conway:** I welcome the members of the deaf community to the Visitors Gallery. It is typical of the Seanad that this is the second time in a few months that Irish Sign Language is being discussed. That is extremely positive, and I thank Senator Daly. Whether people agree or disagree with the Senator, one must agree that he has put this on the agenda. However, he is not the only Senator to do so. Senator Keane’s first motion on the Adjournment was about Irish Sign Language and, indeed, the Minister of State at the Department of Health, Deputy Kathleen Lynch, ensured that Irish Sign Language was referenced in the programme for Government, something which has not happened previously. It is a very positive step.

Let us consider what has happened since the motion that was proposed by me in this House on behalf of the Government was supported unanimously. Not only was it supported unanimously, but the actions that would be taken, which were outlined by the Minister, were also supported unanimously. That leads me to wonder why we are discussing it again today. That said, it is good that we are, because every time we speak about Irish Sign Language, it is positive. I tend not to dwell on the negatives, but on the positives.

**Senator Sean D. Barrett:** Hear, hear.

**Senator Martin Conway:** Since the motion was discussed on 28 November last year, there was a significant meeting which some of the people who were present found inspirational in terms of working through the issues to try to chart a way forward for the future of Irish Sign Language. It is easy to put forward a legislative measure and expect people to come back with amendments but I understand that some of my colleagues had so many amendments, a new Bill would have been required.

With no disrespect to anybody, because I would not question anybody's motives in this regard and certainly not those of Senators Daly or Ó Murchú, who have the height of integrity in this area, what is preferable and far more constructive is what the Minister of State, Deputy Kathleen Lynch, committed to in the House when she was responding to my motion, namely, that there would be significant engagement and consultation to ensure that we get it right. That commenced with a meeting on 14 November in Deaf Village Ireland. I am not sure what happened at that meeting as I was not there, but it was followed on 28 November by another meeting which was facilitated by the NDA, the agency charged with many disability issues in this country. What we want is to put something in place that is workable and makes a real difference to people's lives. Legislation is one thing, but processes and practices that work are far better.

I have utter faith in the Minister of State, Deputy Lynch. She is sincere in how she goes about her business. She wants to create change, which is clearly evident in many of the other initiatives she has been engaged in since becoming Minister with responsibility for mental health and other areas of disability. She ensured that Irish Sign Language was committed to in the programme for Government. Knowing the Minister as I do, and as I hope others do, she will be anxious that this is delivered. However, it must be done properly and effectively. It must be channelled in a way that will make a real difference to people's lives. That is what I want, and I sincerely hope it is what others want.

The motion I mentioned was debated only three or four months ago in the House, and we are now discussing this issue again. In that time, however, there has already been action. The positive aspect of today's proceedings, as was the case previously, is the increased public awareness of Irish Sign Language during this Oireachtas term. I am disappointed that the issue has not been brought forward in the Dáil Chamber by some of our colleagues there, and I urge them to start this discussion in Dáil Éireann as well. It would be very useful if a motion similar to the one we discussed here some months ago was tabled in the Dáil. Again, it would provide another two-hour period for debate and deliberation on this issue. That would be a step forward. I expressed that hope when discussing my motion but it has not yet happened, so let us hope it does.

I look forward to hearing the response of the Minister of State, Deputy Kathleen Lynch, to what has been said in the Chamber and to hearing about what followed the debate on the unanimously agreed motion in this House. In unanimously agreeing that motion, we also agreed to support the Minister in terms of her solution or pathway to resolving this. Again, I am somewhat perplexed that we are here. The Government will not be in a position to support the Bill as drafted but it is very supportive of its spirit, as we all are. There will be significantly brighter days ahead for this issue. It is now firmly in the public arena, is subject to public debate and is certainly on the political agenda.

**Senator Sean D. Barrett:** Aontaím leis an Seanadóir Ó Dálaigh agus an Seanadóir Ó Murchú. Is duine an-mhaith í an tAire Stáit, an Teachta Caitlín Ní Loinsigh, atá i láthair an-

seo. Cuirim fáilte roimh na daoine atá sa Ghailearaí, go mórmhór na daoine ó Choláiste na Tríonóide. Tá sé mar cheart ag gach duine a chás a phlé sa Pharlaimint. Mar sin, tá an Seanad ag plé an Bhille atá romhainn inniu. The Bill is very important, and I agree with what Senators Conway, Ó Murchú and Daly have said. The Minister of State is one of the kindest of the people who visit this House and she is most welcome. On every occasion that she has visited the House we have learned something. That is most valuable.

The Bill is important. We need courts that can cater for all citizens. I visited the Canadian Parliament some time ago and the facility with which people changed from French to English and interchanged the two languages was most impressive. That is because it wished to include the speakers of the two founding languages of Canada in the parliamentary debate. Translators are also present and head phones are provided at European Union committees.

This House needs to hear from the Irish Sign Language community. It is wonderful, therefore, to have two signers with us today. As Senator Ó Murchú noted, we have not been involved in the dialogue with this group. I am delighted we are joining in at this point.

What Parliament does is important. This is especially in the Seanad where Members are seated much closer together than in the much larger Dáil Chamber. Signing, for example, would be much harder in the case of the Dáil, as Senator Conway hinted, because one is in the Gallery. Senators can meet people before they come in to the Chamber and have close contacts with the Irish Sign Language community, which is most welcome. Parliament has a role to play in this regard because it is the place to which people from all strands of society come to discuss the great issues of the day. Representatives of the Irish Sign Language community have been overlooked and are visiting the House today only for the second time. It is important that we treat them kindly and favourably at all times. This should not depend on having a nice Minister or a particular group of facilitative public servants, as so many of them are. People with hearing difficulties must have their rights enshrined in law as it is the law that the courts will interpret. Nice sentiments expressed in Parliament are rarely raised in court cases and, as any lawyer will agree, such sentiments do not count for anything in court. For this reason, legislation is required to enable people to vindicate their rights and become full citizens. This will mean having bilingual courts for Irish Sign Language users, bilingual treatment when they visit hospital and so forth. That is a crucial aspect of the Bill.

The Oireachtas is an assembly of 60 Senators and 166 Deputies who have been elected to represent citizens and express their will. The will of the people should be manifested in legislation. Some people will argue that power has moved away from Parliament and towards the permanent Government or bureaucracy. I would not like that to happen.

Senators from all sides have taken up the case of the Irish Sign Language community and worked on their behalf, which is exactly what Parliament should do. We must recognise the rights of this minority and all of the rights set out in the Good Friday Agreement. The Seanad exists because in 1921 a minority was concerned that former Unionists would not be represented in a future republic. They visited Arthur Griffiths, Éamon de Valera and Lloyd George and this resulted in the establishment of the Seanad. Today, we are asked to give consideration to another minority. A long time has passed since 1921-22 but we should provide in legislation for the full rights of this minority.

The Government can amend the Bill if necessary and I appreciate Senator Conway's remarks in that regard. Parliament is here to represent the people. Taking into account what hap-

pened in the case of other minorities who were cherished - the first Seanad had a great record in that regard and helped defuse much bitterness - we are being asked by another minority to espouse their cause and we should support the Bill on that basis. This community has been left outside and has come here today with its signers. It has given a whole new dimension to how a parliament operates. It is a privilege to be associated with this legislation.

**Senator Martin Conway:** On a point of information, I ask Senators to refrain from using Gaeilge because the signers may not be fluent in Irish.

**Acting Chairman (Senator Michael Mullins):** It is a matter for each Senator to decide which language he or she wishes to use.

**Senator Martin Conway:** I realise that but I wish to be fair to the signers.

**Senator Mary Moran:** I, too, heartily welcome members of the deaf community back to the House. It is commendable that this is the second time in three months that the Seanad has debated Irish Sign Language. The Minister of State, Deputy Kathleen Lynch, has been widely praised, as always occurs in this House, for her work in this area. I, too, compliment her on her work. Senator Conway was responsible for a worthwhile and excellent debate in the House in October on which Senators reached unanimous agreement. One of the first conversations I had with Senator Cáit Keane was on the issue of Irish Sign Language. Considerable work has been done in the House on this issue.

I commend Senators Mark Daly and Labhrás Ó Murchú on the spirit behind this legislation, although as Senator Conway noted, some aspects of it are confusing. Senator Daly acknowledged that this discussion took place also when Fianna Fáil was in power. Some aspects of the Bill need to be corrected to enable it to progress.

The text states that the State has ratified the UN Convention on the Rights of Persons with Disabilities. This may result in confusion because, unfortunately, Ireland has not ratified the convention. We have signed it but cannot ratify it until the mental capacity Bill has been enacted. The Government has taken a major step forward in bringing the Bill to Committee Stage and its enactment will make a significant difference.

As my party's spokesperson on education and disability in the House, I believe we, as legislators, have much work to do in addressing literacy issues for deaf or hard of hearing adults and children. I was surprised to learn from the website, *IrishDeafKids.ie*, that many deaf adults using Irish Sign Language have a reading age of between 8.5 and 9 years. The Minister for Education and Skills, Deputy Quinn, has consistently placed a strong emphasis on improving literacy and numeracy among the population. We must prioritise this area to improve the literacy skills of future generations of people with hearing difficulties and impairments.

From my meetings with members of the Irish deaf community, specifically those involved in the Happy New Ear campaign, I understand English is a second language and that Irish Sign Language is much different from English in respect of grammar, structure, etc. We must bear this in mind when considering the literacy issue. I support providing further reading tuition for Irish Sign Language users to improve the literacy skills for the next generation of people with hearing impairments.

The State formally recognises Irish Sign Language in the Education Act 1998 and the Department of Education and Skills offers supports and schemes to help in the training of Irish

Sign Language for children and their families. Senators will agree, however, that more could be done to address the literacy and promotion of Irish Sign Language in education.

In terms of access to interpretation in dealing with public services, the Department of Justice and Equality co-ordinates an Irish remote sign language interpreting service across the relevant Departments. The Department of Social Protection commenced a pilot of the service on 25 July 2013 at its Navan Road office and it is also being trialled at the Dundalk Citizens Information office in my locality. I have spoken to staff at the Dundalk office who are very pleased with the results to date. The service is available from Tuesday until Thursday between 10 a.m. and 4 p.m. and was developed in collaboration with the Sign Language Interpreting Service, DeafHear and the Irish Deaf Society. I was pleased such collaboration took place because key workers on the front line have the knowledge required to make progress on this issue. While I am aware the service is not suitable for every occasion, it is a significant improvement on the current format for Irish Sign Language users. I look forward to it being rolled out to other public offices.

On the basis of consultations I have had with members of the legal profession in recent days, I believe Irish Sign Language users do have free access to an interpreter in the courts, whether they are a victim or witness, have been accused of a crime or are involved in proceedings. That is another aspect of the matter on which I am not too clear. I understand from my dealings and my research in this area that anybody who would be before the courts in any role would be provided with an interpreter.

As I have continually reiterated during debates on issues like education and disability, service users need to be meaningfully included in consultations on services and policies. The Minister of State, Deputy Kathleen Lynch, has taken an inclusive approach to her meetings with the national disability strategy implementation group. She has done excellent work in this regard. As Senator Conway has said, she has met representatives of the deaf community and other relevant stakeholders. While I understand that recognition would be a key milestone for the deaf community, I remind the House that the Department of Justice and Equality has repeatedly said - this was reiterated recently - that recognition as a third language will not be forthcoming, unfortunately.

I am delighted that €10 million has been allocated for bilateral cochlear implants. This will be of considerable assistance in improving the lives of members of the deaf community. I have met many of those involved with the “happy new ear” campaign in my own area of Dundalk. I commend them for their ongoing dedication and work to ensure this will be rolled out. I have never met a group of parents and supporters who are more dedicated to pursuing their goal. The video campaign they ran before the budget, which showed children in need of second cochlear implants, was heart-wrenching. Having met mothers, fathers and family members of the “happy new ear” campaign, I know how important this is. Many children are reaching the deadline for a second implant. This allocation of money is one of the best decisions taken by the Government since coming into office. The day it was announced was a proud one. I look forward to the positive effects it will have on the children and families concerned.

**Senator Ned O’Sullivan:** I support those who are promoting this Bill. I welcome our visitors in the Gallery. I commend their campaign and wish them well. As others have said, this campaign is supported by all sides of the House. I acknowledge the work that has been done by the Minister of State and by my colleagues on the other side of the House. As Senator Conway has said, several Senators have raised this in the past. I commend my party colleagues - Sena-

22 January 2014

tors Daly, Ó Murchú and Byrne - for bringing forward this Bill and trying to bring some cohesion to what has generally been a useful debate. I suppose it is a question of highlighting the issue and trying to move the debate on. I commend Senator Daly, in particular, because he has been very proactive on this and many other issues that affect people who are on the margins, to a certain extent, and out of the mainstream. I would like to praise the tremendous work he is doing in that regard.

It is important to acknowledge that we are talking about a human right. I think it is a right that will happen. I do not know whether it will happen today. I can understand the Government's reluctance to accept Opposition Bills. I would prefer if we did not divide on this issue as it is too important for that. I hope the Government might be prevailed upon by the end of the debate to accede to letting this Bill go forward to Committee Stage. I do not have much more to say. I have some personal experience in this regard. My family was in the menswear business for generations. During that time, we employed quite a number of tailors. A significant proportion of them were people from the deaf community. I think tailoring work was compatible with their affliction, if that is the appropriate word to use. As a small boy, I learned some rudimentary sign language. I used to be fascinated by it. I gained a great deal by engaging with those tailors, who enlivened my days. Unfortunately, I have forgotten it all now apart from a few rude bits. I empathise with the deaf community in a special way on account of that. I hope we can find agreement on this Bill.

**Senator Jillian van Turnhout:** I welcome the Minister of State to the House. I would also like to welcome the Bill that is before us. Before I became a Senator, I did not really have an appreciation or understanding of this problem. Nobody in my family is deaf or hard of hearing. I am on a journey as I try to understand and appreciate this issue. I am cognisant that the UN Convention on the Rights of Persons with Disabilities, which Ireland signed in 2007, contains obligations regarding native sign languages. We need to be mindful of the needs of the deaf and hard of hearing community. We need to look at improving our consultation systems, particularly by meeting and talking with various families. The question of access to legal services, which has been raised with me in my children's rights role, is a significant issue. I would like to raise the visiting teachers service with the Minister of State while she is here. Parents around the country tell me frequently that the level of resources being allocated to that service is not sufficient to develop the various options and ensure they are available to children. Irish Sign Language is an important option in that context.

I had an opportunity last Saturday to see a film, "95 Decibels", which was being shown by the Irish Deaf Kids organisation. I met parents who are involved in the "happy new ear" campaign and informed them that this Bill would be before the House today. Some of those parents have chosen the cochlear implant route. They wanted to convey their sincere thanks to the Minister of State. I was able to tell them about last week's discussion at the Joint Committee on Health and Children and about the Government's plans to roll out this service over two years. They told me they are part of a community in which Irish Sign Language plays an important role. They said we have to provide resources and supports and we must be cognisant of the differences in this area. It was illustrated to me that we need to give the parents of deaf children a choice, in the same way that we enable the parents of children without hearing difficulties to use different methodologies to teach them to speak, participate and develop. Similarly, it is important that we do not exclude people from facilities like State services and legal services simply because they use Irish Sign Language. As I have said, the UN Convention on the Rights of Persons with Disabilities obliges Ireland to recognise Irish Sign Language.

I would like to put a question to those who are more knowledgeable than me. When I was preparing for today's debate, I read that there has been a deterioration in the use of sign language in New Zealand since 2006, when New Zealand Sign Language was made a national language there. I would be interested to understand that. While I would support the recognition of Irish Sign Language, it is obvious to me that recognition alone is not the answer if we want to ensure it is used. It is not enough to tick the recognition box and say that is great, if it sits on a shelf and nothing actually happens to it. Having read a considerable volume of literature about the significant decrease in the number of New Zealanders using sign language since it was legally recognised, I am concerned about what might happen here.

It is important to ensure early detection services are in place to assist babies and young children. We need to give guidance and support to parents. I heard parents last Saturday talking about their journeys of discovery. They spoke about calling their babies' names and assuming they were caught up in their own little world before eventually realising they have hearing difficulties or have total hearing loss. As a Senator, I did not have exposure to those journeys. I do not know where the supports are. How do we get those supports? How do we ensure those choices are given? There is a significant take-up of sign language by the family members and friends of those who are deaf or hard of hearing. People also use techniques like lip-reading and the new technologies that are being developed. There are many different ways.

I want to support the recognition of Irish Sign Language. I intend to listen more carefully to the debate. I am erring on the side of voting in favour of the Bill unless I hear some more convincing arguments. I believe we have to do more. I also recognise that the Abbey Theatre, which is our national theatre, has put on an Irish Sign Language interpretative performance for each of its plays for the past 13 years. Other bodies are doing it and today should also be a call to those types of organisations and all of us to see whether there are ways we can ensure that where needed or appropriate, Irish Sign Language is available. I am thinking of the organisations with which I am involved. That is something that is a challenge for each of us as Senators.

I support the Bill but I very much welcome and look forward to hearing what the Minister of State has to say. I echo the thanks from the parents I met who are involved in the Happy New Ear campaign. The Minister of State probably hears a lot about the difficulties and problems. I cannot express to her the thanks they asked me to convey to her.

**Senator Feargal Quinn:** The Minister of State is very welcome, as is this Bill. It is an admirable step in the right direction. It was interesting that Senator O'Sullivan spoke about his business experience. I had business experience as well. For about 50 years, I ran supermarkets and, in trying to look for extra customers, we taught as many people as we could basic French so they could put "Je parle français" on their check-out or customer service desk. We did the same with Irish. Somebody then asked about sign language, so we also did that. The benefit it gave us was that customers came to us in preference to other supermarkets because we were able to solve a particular problem for them. We never got around to doing Irish Sign Language but we certainly got benefits and a lot of praise for what we did so there are all sorts of benefits.

I welcome the work of Senators Daly and Ó Murchú on this Bill. It is only right that those who communicate in Irish Sign Language should be able to communicate with public officials. That has been part of the problem in the past. We do not need every official publication to be converted into Irish Sign Language but it is about giving recognition to something that should largely have been recognised many years ago. It would mean the State would have to pay for interpreters where needed if someone was using a State service. It is also about recognising the

basic human rights of a group of people who are marginalised as their language is not recognised.

Would this Bill mean that a deaf couple would be entitled to interpretation at the birth of their child? I presume all State services including hospitals, would be covered. Would an interpreter be obliged to appear at very short notice? Does something need to be included in the Bill to ensure an interpreter would have to be made available at short notice, for example, in an emergency, or would we simply have to trust the State to provide that somebody would come? I am thinking about an accident or childbirth.

It is interesting to note that deaf people often have difficulty with literacy skills in English as it is their second language. It has been noted that Irish Sign Language has been recognised in Northern Ireland and was one of the obligations of the Good Friday Agreement. Why did this never happen in the Republic of Ireland before now? Surely it would have been the obligation of a Department or it should at least have put forward the issue and published legislation on this issue. I support the Bill wholeheartedly and congratulate Senators Daly, Ó Murchú, Byrne and others for their work on this Bill. I hope it gets the support from the Government that it deserves. I think it will not only attract the support but the enthusiasm of many people who realise there is a benefit in this and that it is needed. I congratulate everybody involved and look forward to the acceptance of this Bill.

**Senator Cáit Keane:** I welcome everybody from the Irish Deaf Society and the deaf community here. I know some of them were here on occasions when we were discussing this very important issue. I commend Senator Daly on bringing forward this Bill because we should take every opportunity we get to debate Irish Sign Language in this House and the other House and keep it in the minds of the Minister of State. I know the current Minister of State is very supportive, on which I compliment her. I spent more than 20 years with Brian Crean and Dr. John Bosco Conama who also came here lobbying. It is important to keep the Ministers of the day focused. Senator Daly's Bill will help to do that. I commend that aspect of the Bill. It gives us an opportunity to say what we want to say.

I know the Minister of State and Senator Conway have spoken about the national disability strategy implementation group and the important meeting that was held in November. The Irish Deaf Society will come back to the Minister of State with a report on that. I would love to see this Bill implemented though not, obviously, the way it is written at the moment because I will bring out a few things in it. The Senator said there was no tick-tacking back and forth. I met the Irish Deaf Society and the first Bill was re-jigged after that, on which I compliment the Senator. There are other things that cannot be done until we have the view of the entire deaf community.

The Catholic Institute for Deaf People, CIDP, is not mentioned in the Bill. The CIDP is a very important body. A total of €15 million is being spent on the deaf village, which is made up of the Irish Deaf Society, the CIDP and the Centre for Deaf Studies at Trinity College. The fact they are not mentioned in the Bill is an omission. The council that is proposed in the Bill could be a good idea. I am not saying it is good or bad but it is mentioned that it would be under the auspices of the Citizens Information Board and would be known as the Sign Language Interpreting Service, SLIS. It would be better if it was an all-encompassing body including the deaf village, the CIB and the SLIS. Issues like that need to be looked at. When the Minister of State gets a report, I would like her to come back to the House and we will be asking for statements on this again.

I agree that when something is in legislation, it is stronger. However, we do not want to see money being spent on administration that could be better spent on front-line services. When I tabled the motion, it was the Department of Education and Skills that dealt with it because it dealt specifically with interpreting, education, rights and sign language. In deference to Senator Conway, I did not speak in the Irish language but it is right that we should have interpreters who interpret the Irish language in sign as well. I saw a lady in the Visitors Gallery interpreting the Irish language in sign. It should not be confused. I raised a matter relating to the recognition of Irish Sign Language at the British-Irish Parliamentary Assembly. When I first raised the issue, the members thought I was talking about the Irish language, so there is a lot of ignorance. We need education for all Members regarding what is involved and the fact there is a vast difference between people who want cochlear implants and people want choice, as one of the other Senators said. It is important that choice is brought into the equation. If a baby is born deaf to a parent who knows nothing about Irish Sign Language or deaf society, that parent needs to be given choice and informed. It has to be written down that whoever goes into that hospital or school is equipped with both the knowledge and wherewithal of Irish Sign Language, signed English and every other bit of information about cochlear implants. There is no point in giving one side of the debate.

An Coimisinéir Teanga resigned because of the lack of rights for the Irish language. If Irish Sign Language had a commissioner, he or she would have gone long ago because rights are important. The national disability strategy has pointed out that it is under one Department *per se*. Every Department is responsible and when every Department is responsible, no Department is responsible. I have found this to be true because when I asked for support for the good elements in this Bill, I received a response from the Department of Education and Skills thanking me for my submission looking for its support but advising me that as the matter was more appropriate for the Minister for Justice and Equality, I should correspond with him. As far as I am concerned, sign language, education and interpretation are important for the Department of Education and Skills and the buck stops there.

*5 o'clock*

I ask that a designated person in the Department or in the Department of Education and Science take charge and make decisions on what is expected from public bodies and notice should be taken if a Department is unable to provide a service for those wishing to use ISL, Irish Sign Language. There should be an onus on all Departments to provide this service. For example, the Courts Service provides interpreters when required. I ask if there are interpreters skilled in legal procedure and terms as well as in Irish Sign Language.

I support legislation to recognise Irish Sign Language. In the meantime I want to see what can be done by the Minister. I suggest that guidelines can be implemented without the need for legislation. The Minister should issue informative circular notices on the services available in Irish Sign Language, for example, in maternity hospitals, preschools or schools for the deaf. A register of qualified interpreters should be compiled under the existing body. It is important to provide recognition for Irish Sign Language. I raised this matter at the British-Irish Parliamentary Assembly. Scotland is introducing a Bill to recognise Scottish Sign Language and this could serve as a model for similar legislation here.

I look forward to publication of the report which follows from the national disability strategy. I hope the Minister will bring proposals to the House. The issue about the use of ISL in broadcasting could be dealt with immediately under the provisions of the Broadcasting Act. I

ask the Minister to implement the provisions and to ensure a greater use of ISL. I could speak at much greater length on this subject. This Bill could be tweaked to allow for more inclusivity and I will be happy to support it when these improvements are included.

**Senator Paschal Mooney:** Like my colleague, Senator O’Sullivan and others, I support the initiative of Senators Daly, Ó Murchú and Byrne in proposing this legislation. This is the second occasion the House has had the opportunity to discuss this very important issue. I echo the welcome to the deaf community. I hope this Bill will be another milestone in their continuing search for recognition. I welcome the Minister of State, Deputy Kathleen Lynch, to the House. I suggest the most relevant and important part of this proposed legislation is section 4 which states that the State recognises Irish Sign Language as the native and independent language which is utilised as a primary means of communication by a sizeable minority of the Irish population. This statement encapsulates the core provision of the Bill. Other provisions deal with technical and administrative matters and with processes.

I will give the background to this debate. Irish Sign Language is the sign language of Ireland used primarily in the Republic of Ireland. As Senator Quinn said, it is used in Northern Ireland where British Sign Language is also used. Irish Sign Language is more closely related to French Sign Language than to British Sign Language which was first used in Dublin. Irish Sign Language has influenced sign language in Australia and South Africa. According to the Irish Deaf Society, ISL arose from within the deaf community but I understand the language arose in its current form between 1846 and 1849 in the schools for deaf boys and girls in Dublin. It was introduced as far back as 1816. The first school for deaf children in Ireland was established in that year by Dr. Charles Orpen. It took some considerable time for a cultural change to develop, particularly in the Catholic religion, in favour of the introduction of oralism. Shamefully, at one point, the Catholic and Protestant institutions did not teach the children to speak. It was not until 1887 that the Claremont report changed the approach from a manual to an oral method.

Sign language was suppressed and religion was used to further stigmatise the language. For example, it beggars belief that children were encouraged to give up signing for Lent and they were sent to confession if caught using signing. We have come a long way, despite the hard rocks on the road towards full recognition.

St. Mary’s School for Deaf Girls moved to an oral approach in 1946. I was surprised to learn that it was as recently as 1956 that St. Joseph’s School for Deaf Boys shifted to oralism. This approach became formal State policy but not until 1972. All the developments in the use of Irish Sign Language are relatively recent. It is significant that as far back as 1988, the then MEP, Eileen Lemass, made Irish Sign Language recognition an imperative in a resolution she presented to the European Parliament. Recognition is imperative for fulfilling the Government’s obligation under EU legislation. I ask the Minister of State to comment on Ireland’s EU obligations in this regard.

I refer to statements by Dr. John Bosco Conama of the Irish Deaf Society at the launch of an appeal last year: “In keeping with the theme of achieving equality for deaf people, the IDS calls upon the Government to take urgent action in support of its commitment to the people of Ireland.” He refers to Irish Sign Language as the third indigenous language of this country and the first and natural language of many deaf people. This fact is sometimes forgotten. We take the verbal word for granted and we think that everyone is at the same level but this is not the case. Irish Sign Language is the first and natural language of a significant minority of the Irish population and as such it should be legally recognised.

Public bodies should be required to provide the necessary interpretation services for deaf people. I cannot even for a moment attempt to contemplate how frustrating it must be for a person who is deaf to have to engage with a public body. Simple acts of daily life which we take for granted such as contacting a local authority or departmental offices become increasingly frustrating for those who are deaf because there is nobody at the other side of the counter who can interpret or communicate with them.

The Irish Deaf Society has stated that the failure to recognise Irish Sign Language places at risk the health and well-being of deaf people as they often struggle to avail of vital health and educational services. Many public and private services taken for granted by others remain inaccessible to deaf people. In spite of the frustration of dealing with the majority of service-providers who are unable to communicate with deaf people, I am pleased to note that the Irish deaf community is a vibrant and welcoming environment for those who embrace Irish Sign Language.

I ask the Minister of State to give some comfort to the Irish deaf community in this regard. While I accept that not all elements of the Bill will be acceptable to the Government and I am somewhat disappointed that it is opposing the Bill, it could embrace some elements without legislating.

In the context of broadcasting, I hope that RTE might take a leaf out of the BBC's book. When the latter repeats programmes late at night, particularly on its minority channels BBC 2 and BBC 4, which carry many documentary-style programmes, they are always accompanied by a sign language interpreter.

Many initiatives could be introduced without the need for legislation. I hope that the relevant bodies will take account of this fact.

**Senator Marie Moloney:** I welcome and thank our guests for attending this debate. Like Senator Ó Murchú, I have always had a great interest in sign language, but I took it a little further and learned some. However, I would be afraid to use it today, as I have forgotten most of it. Like President Obama's interpreter, I could end up signing incorrectly. Having watched the interpreters who are present, though, it is coming back to me.

I was able to use sign language while campaigning and canvassing during the elections and I met many deaf people. They were delighted and immediately made a connection with me because I was able to sign to them, even though much of it was finger spelling. Having worked for 15 years with a public representative, during which time I dealt with many people who were deaf or could not speak, I found that it was only right that I help them communicate. Many places started using telephones on which one could type a message, but text messaging took over from that.

I compliment and commend Senators Daly and Ó Murchú on introducing the Bill and agree with its sentiment and the spirit with which they have presented it. This is not our first time discussing the matter. I have raised it on the Order of Business several times. Senator Quinn has some sign language and we have often discussed the matter.

I understand that the Minister of State will not accept the Bill at this time, but we as a Government must introduce legislation to give equal rights to the deaf community. The Minister of State has already started this process and has ensured its inclusion in the programme for Government. She will see it through. She has started promoting the recognition of Irish Sign

Language, ISL, and has received submissions. She has chaired the first meeting of the special group that was put in place. This matter is in the right hands, pardon the pun. She takes a hands-on approach to disabilities.

Members of the deaf community cannot be made to feel like second class citizens. The most recent figures from the Central Statistics Office, CSO, show that more than 92,000 people in Ireland are deaf or have hearing difficulties. The Irish Deaf Society estimates that approximately 5,000 people use ISL as their first language. Figures also show that literacy problems are more common in the deaf community. This problem among others facing the deaf community must be addressed. People like doctors, teachers and those in the public light must become more aware and educated as to the difficulties faced by members of the deaf community in trying to communicate their views, thoughts or problems.

While I was taking sign language classes and a few exams, my son, who was in medical school at the time, took them with me. It was constantly impressed upon him that he needed to continue with his sign language, as few doctors had it. People who were deaf or hard of hearing would attend such doctors. He has continued with his sign language. When one does not use something constantly, one loses some skills. He has set up his own practice and is able to communicate with patients through sign language or finger spelling.

The question of equal rights for deaf people is often overlooked by society. Equal rights must play an important role in achieving equal access, equal opportunities and participation for the deaf community. As spokesperson on social protection, I am delighted that the Minister, Deputy Burton, did not wait for legislation. Using her own initiative, she put the Irish remote interpreting service, IRIS, in place. I am sure that everyone is well aware of what IRIS means. It is being piloted in a number of places throughout the country. I hope that it will be rolled out everywhere as soon as possible. It is a great system, as one does not need to wait for an interpreter on site and people incur lower costs. I remember needing an interpreter while working with a union. Bringing one in proved expensive. The Minister's introduction of IRIS will reduce costs.

I will not labour the points, as all Senators have contributed and are in agreement that we need to do something to make life easier for people. One of my sign language teachers was deaf. While I was taking signing classes, his wife gave birth to two children. I asked whether his children were deaf, to which he replied they were. He explained that he did not mind and was comfortable with the fact. He would raise them in the deaf community and teach them sign language. I found it strange, but he did not see being deaf as a disability. It was a way of life for him. We should not see deaf people as having a disability just because they cannot hear. This is an important point.

I presume that most of our guests know Mr. Willie White, who did a great deal of interpreting for former President Mary McAleese. I know him well and worked with him in Kerry promoting ISL.

I am delighted to welcome our guests. I know how important it is that I speak towards them, as many are lip reading. People do not realise that they must pronounce their words and avoid blocking someone's view of the speaker. These are simple steps that do not require legislation, only common sense. I thank the Acting Chairman for allowing me time and I look forward to the Minister of State's reply. Even if she does not accept this Bill, she will not put the issue on the backburner or let it fall off the agenda. I ask her to process it into legislation.

**Senator David Cullinane:** I thank and commend Senators Daly, Ó Murchú and Byrne, who is not present, on drafting the Bill and on using their Private Members' time to raise this important issue and to allow us to debate it. I also welcome members of the deaf community to the Gallery.

In recent months and years, there has been a great deal of discussion on citizens' rights and sovereignty for a variety of competing reasons. However, the Bill goes to the heart of the question of sovereignty, in that it relates to citizens' rights. All citizens should be treated equally. Given the Minister of State's political ideological, she supports this view. Recognising ISL concerns the rights of all citizens. We should take up their campaign and vindicate their rights.

I have often made the point, when it comes to minority groups, that we as legislators are here to vindicate the rights of all citizens and we have to vindicate the rights of members of the deaf community as well in all facets. This is one of the areas where we need to do more. It is where my party is coming from on this issue. I support and recognise Irish Sign Language as the preferred sign language of the deaf community in the State and that is what the Bill seeks to achieve but the State has to live up to its obligations also. It is one thing for us to accept that is the case but we have to provide the resources and do all the things that go with the recognition. I agree that it is an expression of a unique, rich and valuable culture.

Irish Sign Language is unique and has an interesting history in that it arose from the deaf community and was developed by deaf people. It is a language that has struggled against official suppression with the result that it did not receive State recognition until 1972. As with the Irish language, recognition as an official language does not necessarily mean the resources required are provided in order that users can practise it on a daily basis. We can all give examples of that when it comes to the Irish language. We have much legislation, we have many policies and we have strategies for the Irish language but when it comes to living one's life through the medium of that language it is not always positive and the resources are not always in place to make that a reality.

I note the positive points mentioned by the Minister of State in her constructive and comprehensive contribution. It is regrettable that the Minister of State is not accepting the Bill. I always make the point when opposition Deputies or Senators table Bills that if there are defects and problems in the Bill, Committee and Report Stages can deal with that. If we agree with the fundamental substance of the Bill we should accept it, allow it to go to Committee Stage and seek to amend and perfect it if the Minister has problems with it. To simply reject the Bill is not the way to do business. I regret the fact that the Minister of State may be going in that direction. It would be better if she supported the Bill and then sought to amend, tweak or change aspects of it with which she may have a problem. It is also a question of resources being made available in order that members of the deaf community can use Irish Sign Language when they need to do so.

I wish, if I may, deal with access to services which is important. It is long past time for the State in conjunction with the deaf community, because it has to be a partnership, to develop ideas to improve access to public services for users of the Irish Sign Language. I welcome some of the movements which have been made in this regard. The CEO of the Irish Deaf Society, Mr. Peter Regan, stated that it is a matter of principle that this Bill is passed. The Irish Government signed the UN Human Rights Convention on the Rights of Persons with Disabilities in 2007, which contains duties towards native sign languages. In addition, an EU parliamentary resolution from 1988, presented by Irish MEP, Eileen Lemass, has since been ignored

by consecutive Irish governments. The more recent Brussels declaration on sign language in the European Union of 2010 urges member states to actively support the use of sign languages. Although we have taken on board the ethos of the convention, that we have not ratified it since 2007 is not good enough for the deaf community in Ireland. I refer not only to this Government but to previous governments also.

I welcome the Government's targeting of initiatives which would enhance the effective availability of interpreters and interpretation solutions such as the use of technology for remote access to services. However, I revert to the primary point that to recognise the language as an official language infers the right to use that language. The crux of the issue is that the deaf community in Ireland should be given that right. The deaf community are citizens of the State and as such should be treated with equality and respect. Accepting Irish Sign Language as an official language would achieve that aim. They should not be discriminated against, even unwittingly, by the State. However, the failure to officially support the deaf community and their unique and valuable language and way of life seriously impacts on their ability to fully participate in Irish life. I also would argue, as I do on many issues, that we should adopt an all-island approach to this issue. I recognise that strides have been made in the North to recognise the language and we need to catch up here. If it can be done in the North there is no reason it cannot be done here.

I commend the Senators who tabled the Bill. It should be supported by all Senators and the Government. If we have problems with it, let us discuss them on Committee Stage and tweak and amend it. The substance of the Bill is sound in that it seeks to give recognition to Irish Sign Language. However, we must go further to ensure the resources are in place in order that users can use Irish Sign Language in their daily lives.

**Senator Paul Bradford:** While I will be brief I wish to state my general support for the legislation which has been presented. In regard to comments made by Senator Cullinane, if there is a difficulty, as there often is, with particular parts of the legislation or the phraseology, it would be preferable to keep the Bill alive and if the Minister of State was in a position to reflect further on Committee Stage. We await her verdict in that regard.

The contributions made by all colleagues, to which I have listened either in the Chamber or in my office, send a very strong signal on behalf of all of us that this type of legislation is required and is a road we must travel. Much has been said in this country about the equality agenda but this issue is also part of the equality agenda. It strikes me from time to time that some parts of the equality agenda are deemed more important and more equal than others. If we are to have a culture of equality, all parts of the agenda must move forward together. I see this as a crucial part of equality.

Senator Martin Conway and others have spoken on many occasions here about the need to progress services for the deaf. I was very taken by the constructive comments of Senator Marie Moloney. It is interesting to note that within the House, Members have engaged in a constructive fashion. We must all work in that regard.

One aspect I would like put on the agenda is a service which would be of some assistance to the deaf community, the subtitling service. I have raised that issue many times down the years. I express my grave disappointment, particularly at our national broadcaster, at what presumably is a lack of investment in subtitling. I speak with a personal agenda in this regard as my mother has a profound hearing problem. At home some nights I would watch her watching

live programming, in particular the news. I would ask any of my colleagues to turn down the volume, switch on the subtitles of the page, 888, and try to follow the News but it is virtually impossible because the subtitling is generally five, ten or 15 seconds behind the screen. That is not good enough. If it is a question of resources and investment that must be tackled. Another important Irish TV channel appears to have very little investment in subtitling. That entire issue must become part of the agenda which must be tackled.

I cannot ignore what concerns the Minister of State may have but we must all work together to ensure that either this legislation or something akin to it, or perhaps her improved version, is put in place as soon as possible. People who have lived without full access to the services they require must have their needs met. This is positive legislation. It is a good advertisement for the Seanad that we are taking this subject seriously as a result of the work done by Senator Martin Conway and others. It shows we are a listening Chamber, responsive to the needs of the Irish people. That we have had a calm and constructive debate shows there is very little to divide either the Members or the Government and that we are progressing in the right direction but progress, as soon as possible, is what we want to hear from the Minister of State. I thank the three Senators who tabled this non-political, non-contentious and non-divisive Bill. It is about the equality agenda and we in this House must live up to that equality agenda.

**Senator Trevor Ó Clochartaigh:** Tá an-áthas orm bheith anseo le labhairt ar an mBille fiorthábhachtach seo. My friend and colleague, Senator Conway, suggested that I not speak for too long in Irish so that we can make things a little bit easier for the person who is signing our contributions.

I am glad the Bill is before the House and I am delighted to speak on it. I commend the Senators on bringing it forward. This is a Bill of major significance. As a person who has been an advocate for most my adult life for language rights for the Irish language, I can appreciate the difficulties and the challenges that are faced by the deaf community looking for similar rights in the use of Irish Sign Language. Since our last debate a number of months ago I have been trying to do some work on the broad issues in this area and have been working with the deaf community in Galway on this issue. Being able to communicate in one's own language is a fundamental human right. That is the starting point of the debate. People with a profound hearing difficulty or who are fully deaf need to be able to communicate in the language in which they are most comfortable, and we in the Sinn Féin Party, which I am sure my colleague, Senator Cullinane, has outlined, are fully supportive of the Bill and the implementation of the international obligations on the use of sign language.

My understanding is that a number of other issues arise in allowing the deaf community the right to work, being able to conduct a job interview, being able to find suitable employment and having the facility of a person who will use Irish Sign Language to facilitate the ability to communicate on those occasions. The rate of unemployment among the deaf community far exceeds the average. The types of employment people in the deaf community can find themselves might not be matched to their actual capabilities or academic performance simply because the person has an impediment of language. That is part of the mix, that we recognise the need for the deaf community to be able to use their language. I am glad to say that one of the bonuses of working in TG4 when I was there was the significant following among the deaf community because of the fact that most of the programmes are subtitled. It was brought to my attention when I mentioned this recently that they are not all subtitled and we need to work with them on that. I have raised with TG4 the need to consider subtitling more of the programmes. Senator Bradford is correct that RTE is extremely lacking. I am not sure about the situation with TV3,

but together with the Minister for Communications, Energy and Natural Resources, we need to look at ensuring all broadcasters make subtitling available. The technology is available, so it is not a question of that so much as the resources and the money to use it.

Money is another issue, particularly in Galway, as I am aware the Irish deaf community find it very difficult to have a suitable space, which can be used as a drop in centre or for social and educational activities in which to meet each other on a regular basis. I call on the Minister of State to examine the funding for the organisations supporting the deaf community, which are totally lacking in funds at present. It is making it impossible for them to get together regularly.

On a positive note, I am sure a number of Senators are aware that I requested that the Houses of the Oireachtas provide a course in Irish Sign Language in order that Senators could learn it. When I was at the launch of Signs of Life exhibition recently in Galway, I felt very inadequate that I could not communicate with all the people in front of me in their own language, Irish Sign Language. We have asked for those classes and, as a first step, we hope to have a deaf awareness course over two half days which will be open to all Members to participate. I hope everybody will, and if we have sufficient numbers, I hope there will be a signing class so that instead of speaking as Gaeilge or as Béarla, in Irish or in English, we might speak in sign language the next time we debate the issue.

I commend the Senators on bringing this Bill forward. It is of major importance. Tugaimid ar fad tacaíocht do sin.

**Acting Chairman (Senator Michael Mullins):** I call the Minister of State, Deputy Lynch. Senator Daly will be called to reply to the debate at 5.56 p.m.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I thank everybody who contributed to the debate. I welcome the visitors in the Gallery as it is seldom we have a group that stays for the entire debate. Clearly they have an interest in the issue.

I thank Senators Mark Daly and Labhrás Ó Murchú for presenting the Bill. I will start with the bad news and follow with the good news. The Government will not accept the Bill. That is not to say, however, we are against the concept of rights for minority groups being enshrined in legislation. We are not. In principle, that is an aspiration the Government hopes to achieve, but having consulted the deaf community and the senior officials in the Department of Justice and Equality who have responsibility for the implementation plan for disabilities, we fully recognise there are certain issues that need to be dealt with as a priority.

I will explain what we are doing on the implementation plan for disability. I am not suggesting there is a lack of understanding on the matter, but some people may not be fully aware of the plan. When we came to power, the Disability Act 2005 was in place but there was no implementation plan. That seemed very strange to me. How could one ensure people with disabilities in Dingle or Donegal would benefit from the legislation put in place by the previous Government? We set to work on putting an implementation plan in place. An implementation plan is very peculiar. It is a cross-cutting exercise over all Departments and we had to ensure all Departments realised fully their obligations under the Disability Act 2005. We started off by outlining the roles of the Departments of Transport, Tourism and Sport, Education and Skills, Social Protection, Health and others and indicated what action each Department needed to take, the responsibility of the person who took on the role, the timeframe and when we expected it to be implemented. In doing that, we then went to the deaf community asking it to consider where

it fitted into the implementation plan. That is very important. Our major concern about a Bill of this type at this time, and I am clearly stating “at this time”, is just as Senator Daly has said in his introduction: the right to go to court to vindicate one’s rights. We do not want to see scarce resources, particularly at this time of extremely scarce resources, used without the service being put in place. We need to put the service in place before we put the legislation in place. That is what we have done in other areas and that is what we would like to do in this regard.

I was advised when I first came to the job that the high level group on disabilities was a bit constricted, not very active, and perhaps that we should look at a different design. I responded by putting people with disabilities in the groups in order that what they had to say could be heard. That is what we are doing in terms of the deaf community. The meetings we will have from here on in will be themed meetings, such as on housing and disability, and that will include mental health disability, the deaf and people with other disabilities. We specifically articulated that among the disability groups, the most isolated community that had not been listened to up to this time was the deaf community. Having listened to the earlier debate, we came to that conclusion very quickly. We had our first themed meeting in the deaf village in November 2013, which was very constructive and successful. People presented their cases to us and what they considered to be their priorities. It was an amazing meeting because all the Departments implicated in the implementation plan of the Disability Act were there to listen to what people had to say. There are some key issues. We are awaiting a report from the deaf community telling us what it considers to be its priorities. We will take a serious look at that to see where it fits into the implementation plan.

Clearly, there are issues. One of those issues, which is a serious and maybe a dangerous one, is health, which Senator Daly mentioned. One woman raised maternity services with us. It is not easy, even for someone who is verbal, to communicate rationally in the middle of labour, so how do we manage that in the case of someone who cannot communicate because the other person does not understand? It is not that someone cannot communicate but it is just that the other person does not understand what is being communicated. In the case of a sick child, it is difficult enough for any mother to interpret the symptoms of a sick child and go to a doctor. We are fortunate Senator Moloney is such a good mother and that her son is such a good doctor. The lack of communication worries me, although there is a huge amount in place. When advance notice is given interpreters are available and are paid by the State. However, advance notice is not always given, which can be a difficulty. That is something at which I hope we will look also.

Education is a major issue. Again, not to impose my values on others, we need to have a deeper discussion with members of the deaf community about what it means to them. There is a huge cohort of people for whom Irish Sign Language is their first language and, in some cases, it is the language they use 95% of the time. What does education mean? Are we going to impose the sort of standard of English, Irish, geography and maths? It is a serious issue. How do we manage that in a world where the dominant language is English with a lot of Irish thrown in? I have serious concerns around all of that.

The communication aspect is a huge difficulty. How do we communicate with each other? It is not that the deaf community has a serious problem with communication but we have a problem understanding sign language. It is an issue we need to get right. We need to be able to put in place the services which members of the deaf community need in their everyday lives before we start to put them in legislation and say they have an absolute right to something. The one thing I do not want to happen is what happened a number of years ago in regard to disabil-

ity, that is, where people go to court to demand those rights and we are playing catch-up to put them in place. I do not think we are divided on this. We all want the same thing, although I do not think much progress has been made.

Those in the Visitors Gallery and those involved in the debate will probably smile when I say that the Disability Act states that everybody with a disability should be mainstreamed. I admit I see huge validity in the argument of members of the deaf community that they would prefer to live together in segregated communities. I understand that better now than I ever did in the past. How do we manage to get over that? Will the next people in the queue, with a different disability, say they want to live in a separate setting? How do I manage all of that? This is about beginning to understand one another and, above all else, the Government responding to the needs of a community I believe has been excluded for a long time, which I do not want to see continuing.

We have the beginnings of a conversation and we need to know the priorities of the deaf community and take cognisance of them. They need to be firmly imbedded in the implementation plan published last year and which we need to ensure is rolled out. Putting legislation first is not the way to go. That is putting the cart before the horse. I think Senator Barrett said we will probably be at that point in the future but we need to put the services in place first.

I refer to technology. One section of the Department of Justice and Equality is funding people to develop an app for Irish Sign Language. That will be a huge advantage because friends of mine who are deaf text all the time and tell me it is a new world for them to be able to communicate without having to write or to ask someone else to communicate for them. The development of an app will not be the only thing in that other pieces of technology will come along which will be of benefit also. However, we cannot assume what is best for the deaf community and we must have that conversation with it. We have begun that conversation and I hope it will continue.

I would say to Senator Daly, which he knows is not something I like doing, that I think this Bill is putting the cart before the horse. I appreciate it because it gives us the opportunity for a discussion. Senator Conway said that perhaps this debate should take place in the Dáil but I do not think it could or that we could have this free-flowing discussion there. I do not think it would lend itself to that in that statements are standard.

We need to have this conversation and I admit it is one we are going to have to continue to have. We are awaiting the report from our meeting of 28 November last. From that, we will find out exactly what the deaf community considers to be its priority and then the conversation will continue.

**Senator Mark Daly:** I thank my colleagues, Senators Ó Murchú and Byrne, for supporting the legislation, all the Members who spoke and the Minister of State for taking this debate and not reading the script she was given, which shows she has a huge understanding of the issue and does not have to be enlightened by the civil servants. This comes down to the fundamental issue of what is a republic and what it means to be a republican or a citizen of a republic, which basically entitles every citizen, regardless of the circumstances of his or her birth, to reach his or her full potential. Members opposite have talked about the legislation being premature, putting the cart before the horse. What the Department of Justice, Equality and Defence seems to suggest is that once we have put everything that the deaf community needs by way of rights and access to Government services in place, we will put in place the legislation that will compel the

Government to provide the services. A timeline is missing from all of this. Priorities come and go. Ministers champion causes, as the Minister of State has done on this issue, and other causes and issues take priority. In that case, the deaf community will be left with nobody in the Government to champion its cause, the Department will say it is not a priority and the community will have no remedy to go to the courts. The Minister of State is right that people went to court over the Disability Act 2005 and the Government had to act. Citizens got the rights in legislation to which they were entitled. The Minister of State pointed out that there is no requirement for an accident and emergency department to have an online interpreter on call. Legislation would do that. We are discussing it now and it may or may not happen.

Senator Barrett mentioned amendments. We would be delighted if amendments to this Bill were tabled. Senator Moran said that the Department says it will not allow for Irish Sign Language recognition. That is the officials telling the legislators what can and cannot happen, which, as we know, is a fundamental flaw in respect of the legislation. Senator Van Turnhout mentioned New Zealand and said that recognition is not enough, which is right. The Minister of State is working to make sure that the services are in place. I agree with the amendments that Senator Keane mentioned to widen the groupings. We would have no problem with amendments brought in by anybody. We welcome the motion that Senator Keane tabled at the session of the British-Irish Parliamentary Assembly. We have, however, seen motions tabled but officials do not have to act on them, for example, those tabled by Senator Lemass in the 1980s, almost four decades ago. That is why legislation is so vital.

**Senator Sean D. Barrett:** Hear, hear.

**Senator Mark Daly:** We can talk about motions and guidelines but one cannot go to a judge and say one's rights are being infringed on the basis of a guideline. One has to go with legislation. I thank Senator Moloney for her support for sign language recognition. She would like to vote for this Bill and put it on a legislative footing and then force services to be put in place. I know others too would like to do that. I thank my colleagues in Sinn Féin, Senators Cullinane and Ó Clochartaigh, for their fight in respect of Irish Sign Language and their support, with Senator Bradford, for allowing this go to Committee Stage. We would be delighted if it went to Committee Stage but we understand that the comments that the Department of Justice, Equality and Defence will not allow this to happen are, unfortunately, the *status quo*.

We are fighting to ensure that members of the deaf community would have rights enshrined in law for which they can seek remedy when their access to Government services is infringed. Guidelines are not good enough. While Government initiatives are welcome, it is possible to row back on them and to cut funding when there is no legislative footing. I thank Senators Quinn and Barrett for their support. We will put this to a vote because we have seen what Senator Mooney outlined as the decade long fight for recognition, the appalling treatment of the deaf community by religious institutions and the State and the lack of recognition, all because the community had no legal right to seek remedy in court. I thank the Minister of State for her work on this proposal. She is doing a great job. The problem is that there is no timeline for her work within which we can achieve all that we want to achieve. Legislation will allow members of the deaf community get the rights they should have as citizens.

Question put.

The Seanad divided by electronic means.

22 January 2014

**Senator Ned O'Sullivan:** Under Standing Order 62(3)(b) I request that the division be taken again other than by electronic means.

Question put:

The Seanad divided: Tá, 21; Níl, 24.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Bradford, Paul.	Brennan, Terry.
Crown, John.	Burke, Colm.
Cullinane, David.	Clune, Deirdre.
Daly, Mark.	Coghlan, Eamonn.
Healy Eames, Fidelma.	Coghlan, Paul.
Leyden, Terry.	Comiskey, Michael.
MacSharry, Marc.	Conway, Martin.
Mooney, Paschal.	Cummins, Maurice.
O'Brien, Darragh.	D'Arcy, Michael.
O'Donnell, Marie-Louise.	Hayden, Aideen.
O'Donovan, Denis.	Higgins, Lorraine.
O'Sullivan, Ned.	Keane, Cáit.
Ó Clochartaigh, Trevor.	Kelly, John.
Ó Domhnaill, Brian.	Landy, Denis.
Ó Murchú, Labhrás.	Moloney, Marie.
Power, Averil.	Moran, Mary.
Reilly, Kathryn.	Mullins, Michael.
van Turnhout, Jillian.	Naughton, Hildegard.
Walsh, Jim.	Noone, Catherine.
Zappone, Katherine.	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.
	Whelan, John.

Tellers: Tá, Senators Mark Daly and Ned O'Sullivan; Níl, Senators Paul Coghlan and Aideen Hayden.

Question declared lost.

**Business of Seanad**

**An Cathaoirleach:** Nos. 4 and 5 on the Order Paper, motions regarding change of membership of the Standards in Public Office Commission, the debate on which is to conclude after 25 minutes, can be discussed together with the permission of the House. Is that agreed? Agreed.

### **Standards in Public Office Commission Membership: Motions**

**Senator Maurice Cummins:** I move:

That, pursuant to subsection (2A) (inserted by section 2 of the Standards in Public Office Act 2001 (No. 31 of 2001)), of section 21 of the Ethics in Public Office Act 1995 (No. 22 of 1995), Seanad Éireann recommends the appointment of Mr. Justice Daniel O’Keeffe, a former Judge of the High Court, by the President on the advice of the Government to be the chairperson of the Standards in Public Office Commission.”.

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I thank the House for the opportunity to speak on these resolutions proposing the appointment of the chairperson and ordinary member of the Standards in Public Office Commission. The motions were passed in the Dáil this morning.

The Standards in Public Office Commission was established under ethics legislation, namely, the Ethics in Public Office Act 1995, as amended by the Standards in Public Office Act 2001. The commission supervises the operation of the ethics legislation, provides guidance and advice on compliance with it and investigates and reports on possible contraventions. It also has a supervisory role under the Electoral Acts relating to political donations, reimbursement of election expenses, Exchequer funding of political parties and, under the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001, payments to the leaders of political parties.

Recognising the importance of the ethics legislation and in response to the findings and recommendations of the final report of the Mahon tribunal, a project is being progressed by my Department to develop an integrated ethics Bill which will consolidate, modernise and simplify the existing legislative framework governing ethics. The end result will be a much improved anti-corruption system for ethics matters, which will control and regulate conflicts of interest in public life. Substantial progress has been made on the project and the development of draft heads of an integrated ethics Bill is well advanced. Further work and consultation with the Standards in Public Office Commission, Department of the Environment, Community and Local Government and Oireachtas are necessary on the proposed approach. Proposals will be brought by me to government shortly submitting the general scheme of an ethics Bill. I will update the Government on progress made on the new ethics framework, including implementation of the Mahon tribunal recommendations in that context.

The Standards in Public Office Commission has six members, four of whom are specified in the legislation, namely, the Comptroller and Auditor General, the Ombudsman and the Clerks of the Dáil and Seanad. The chairperson of the commission is appointed by the President on the advice of the Government following a resolution of each House of the Oireachtas. An ordinary member is appointed by the Government following a resolution of each House.

It would be remiss of me not to mention the outgoing members of the commission. Mr.

22 January 2014

Justice Matthew Smith was appointed chairman in 2001 while still a High Court judge and was reappointed for a second term in 2007, having retired as a judge at the end of 2004. He served the country well in this important role and I thank him and wish him well in his retirement. I also thank the former Minister, Mr. Michael Smith, who has served as ordinary member since December 2007 and also did an exemplary job.

The legislation requires that the chairman of the commission be a judge or former judge of the Supreme Court or the High Court. I am very pleased that Mr. Justice Daniel O’Keeffe, who retired from the High Court in 2008, has agreed to be nominated for appointment by the President as chairman of the commission. He is highly qualified and has extensive experience in statutory and corporate governance matters.

When the Standards in Public Office Commission was established in 2001, a provision for appointing a former Oireachtas Member was introduced following a recommendation of the Dáil Select Committee on Members’ Interests. This recognises that the commission needs not only legal and administrative expertise, but also the expertise that comes from service as a public representative. As the committee has such an important role in overseeing our politicians, it is essential to have the views of an experienced practitioner on the committee. The Government, therefore, is pleased that Mr. Jim O’Keeffe, who has long experience both as a Member of the Dáil and Minister of State, has agreed to be nominated for appointment by the Government as ordinary member of the commission, subject to the approval of the House. Having worked with Mr. O’Keeffe on constitutional and law reform matters, I am sure his personal qualities and experience will be of great value to the commission.

These appointments are an important measure in ensuring the Standards in Public Office Commission can continue its work. Therefore, I have no hesitation in asking the House to approve the appointment by the President of Mr. Justice Daniel O’Keeffe as chairman and by the Government of Mr. Jim O’Keeffe as ordinary member of the commission.

**Senator Marc MacSharry:** I thank the Minister for coming to the House. It is good to have an opportunity to debate these motions, as such matters are all too often disposed of without debate. I fully support the proposed appointments, in particular, the appointment of Mr. Jim O’Keeffe who is a former colleague with extensive experience. I concur with the view that the experience of a former parliamentarian is necessary to ensure the complete effectiveness of the Standards in Public Office Commission. I suggest the Minister consider the possibility of appointing a former Senator to the commission as that would enhance the good work of the commission.

I propose to raise a not unrelated issue, one which is important to Members of the Oireachtas. As we continue to try to improve the cost-effectiveness of the Houses and the ongoing work of Members, we must occasionally address certain aspects of Members’ remuneration. The Minister will be aware of the issue I raise as I have been raising it for the past 20 months or thereabouts. Now that the expenses of all Members are fully vouched, an outcome that many of us sought for many years, an anomaly has arisen regarding the eligibility criteria for Senators’ expenses. The issue arose when the then Minister, the late Brian Lenihan, changed the system under which expenses were unvouched. At the time, insufficient consideration was given to the full list of eligible expenses incurred by Senators in carrying out their duties under the Constitution. I have sought legal advice on this matter and, as a member of the Oireachtas Commission, I am familiar with the Minister’s correspondence with the commission on the issue. Having investigated the matter with the Department and the officials of the Houses with responsibility

for expenses, I have learned that a statutory instrument signed by the Minister is required to give effect to the actual list of appropriate expenses.

**An Cathaoirleach:** The Senator is straying from the content of the motions.

**Senator Marc MacSharry:** I am raising this matter because Members are all too often afraid to discuss it. The cost of doing business needs to be debated openly and transparently in the interests of ensuring that Members do their work effectively. Under the scenario I envisage, the Exchequer would not incur any additional expense. As the Minister will be aware, expenses are about to be audited to ensure Members have acted appropriately. An unintended consequence of the failure to address the eligibility criteria for Senators' expenses may be that Senators, through no fault of their own, will fall foul of current rules because they were inappropriately drafted in the first instance.

**Senator Tom Sheahan:** I welcome and support the proposed appointments of Mr. Justice Daniel O'Keefe and Mr. Jim O'Keefe to the Standards in Public Office Commission. While I do not know Mr. Justice O'Keefe, I can certainly vouch for my former colleague, Mr. Jim O'Keefe, who also has a legal background. The Minister seeks to strike a balance on the commission by appointing a former Member of the Oireachtas who will know the ins and outs of the political system. I support and approve both appointments.

**Senator Sean D. Barrett:** I welcome the Minister and thank him for his nominations. One could conclude from the appointments that the number of surnames in Ireland is limited as it is proposed to replace two Smiths with two O'Keeffes.

**Deputy Brendan Howlin:** Yes, my officials noted that.

**Senator Sean D. Barrett:** I commend the Minister on the operation of the Freedom of Information Act, particularly in the case of the current controversy. I think the Comptroller and Auditor General, who was mentioned by the Minister in his speech, might also be of use to us in the current water controversy. He has an important role in the ethics business. This is a matter of concern to people. Regarding the business we have before us, I welcome the Minister and support his nominations wholeheartedly.

**Senator Lorraine Higgins:** I support this motion, which concerns a change in the membership of the Standards in Public Office Commission. I understand these vacancies arose last month. I commend the Minister on moving so swiftly to fill them in such a short period. I understand that important investigations could not go ahead as a consequence of the board not being at its full capacity. It is necessary for the board to be at its full capacity because it gives it purpose in its *modus operandi*. I understand the two people who have been nominated are a former judge, Mr. Justice Daniel O'Keefe, and a former Member of the Oireachtas. I know that both men are of great ability and have great experience in their respective fields of law and politics. I wish both of them well in their work on the commission.

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I thank all the Senators for their support. It is important that a small amount of time is made available for Ministers to come to the House for these resolutions, rather than having them dealt with *pro forma*. I agree with Senator MacSharry in that regard. I am cognisant of the point he made about having as broad as possible a selection of representatives of the Oireachtas, including Members of the Seanad, in the future. I am sure regard will be had to that. I look forward to coming back to the House with the new overarching legislation when the work on codifying,

22 January 2014

simplifying and consolidating the ethics law is concluded. I propose to publish draft heads in order that we can have input from Members. There is probably no other area of legislative work as important for us to get right than to have a proper and transparent ethics framework that will restore confidence in public administration in this country. I listened to Senator MacSharry as he raised an extraneous matter. I understand the passion that many Members of the House genuinely feel about the issue. I have expressed my views on it. I do not doubt we will return to the issue in question.

Question put and agreed to.

**Senator Tom Sheahan:** I move:

That, pursuant to subsection (2)(b)(v)(inserted by section 2 of the Standards in Public Office Act 2001 (No. 31 of 2001)), of section 21 of the Ethics in Public Office Act 1995 (No. 22 of 1995), Seanad Éireann approves the proposed appointment by the Government of Mr. Jim O’Keeffe (being a former member of Dáil Éireann and not being a member of the European Parliament) to be an ordinary member of the Standards in Public Office Commission.

Question put and agreed to.

**An Cathaoirleach:** When is it proposed to sit again?

**Senator Tom Sheahan:** At 10.30 a.m. tomorrow.

## **Adjournment Matters**

### **Community Care Provision**

**An Cathaoirleach:** I welcome the Minister of State, Deputy Tom Hayes, to the House.

**Senator David Cullinane:** I have raised this matter on the Adjournment on a number of occasions because it is important for the people of Waterford city and for older people. I am looking for an update on what is being done to meet the need for additional community nursing beds. I am specifically interested in the plans to build a new specialist community nursing unit in Waterford city. I will set out the history of this issue for the Minister of State. In 2008, 19 beds at St. Bridget’s ward in St. Patrick’s Hospital in the city were closed on the advice of the Health Information and Quality Authority, HIQA. At that time, the then Minister for Health and Children gave a clear commitment that the beds would be replaced as part of the development of a new 50-bed community nursing unit. The last time I questioned a Minister on this matter, I was told that the commitment which had been given was subject to funding being available. The Minister also cited the Prospectus report, which looked at the need for nursing home spaces across the State. Given that the report was published in 2008, obviously it did not take account of the loss to Waterford city of 19 beds as a consequence of the closure of the ward at St. Patrick’s Hospital.

The Prospectus report said that capacity was fine up to 2013. Given that we are now in 2014, it is timely to ask the Minister for Health to give us information on the Department’s

future plans to meet the needs of the citizens and older people of Waterford city. I would like to ask a number of questions in that context. Have the demographics changed since the Prospectus report was published in 2008? Is the need for more nursing home units accepted by the Department, the Minister and the HSE? If so, what plans are in place to build a new unit? If capital funding is to be made available, when will it actually be delivered and when will the unit be built?

I would like the Minister for Health to respond to those questions. He gave a clear commitment to the people of Waterford when he visited St. Patrick's Hospital in the city before the last general election and met patients, families and staff at the hospital. He said he was concerned about the closure of St. Bridget's ward and he gave a commitment to support the construction of a new community nursing unit on the grounds of St. Patrick's Hospital. I am interested in hearing what the current position is. Have there been any changes in the Government's thinking? Is there now an established need? Will money be available? What plans are in place to build a new unit on the grounds of the hospital?

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Tom Hayes):** I thank Senator Cullinane for raising this issue and enabling me to give the House a clear update on the current position. The Government has a policy of supporting older people to live with dignity and independence in their own homes and communities for as long as possible. Where this is not feasible, the health service supports access to quality long-term residential care where appropriate. The health service is continuing to develop and improve health services in all regions of the country to ensure quality and patient safety. Before 2009, the provision of a community residential care facility at St. Patrick's Hospital was included in the list of capital construction projects. As a consequence of the economic downturn and the resulting substantial reduction in the capital funding available for the HSE construction programme, however, it was not possible to deliver this or other projects. In 2012, the HSE reviewed its long-stay bed complement and developed viability plans. Priority locations for funding were identified in 2013.

In the case of the project referred to by the Senator, the health service has undertaken a historic building assessment report and completed a development control plan. The project that is now proposed involves the construction of a 100-bed community nursing unit on the St. Patrick's campus, to replace the existing accommodation at St. Patrick's Hospital and St. Otteran's Hospital. The health service is in the process of appointing a number of design teams for a variety of projects, including this community nursing unit, which will enable building design, statutory approvals and tender documents be completed. As with all capital projects, this project must be considered within the overall capital envelope available to the health service. There will always be more construction projects than can be funded by the Exchequer.

The method and timescale for the delivery of health care infrastructure is a dynamic process which is constantly evolving to take account of changing circumstances, including the feasibility of implementation. There is limited funding available for new projects over the period 2014-18 given the level of commitments and the costs to completion already in place. The HSE has submitted to my Department its draft capital plan for the multi-annual five year period 2014-18. My Department is reviewing the proposals and following up with the health service where further details may be required. The proposed plan requires my approval with the consent of the Minister for Public Expenditure and Reform.

**Senator David Cullinane:** I welcome the fact that it is on the face of it good news that the

22 January 2014

Government is looking at a 100-bed unit in the grounds of St. Patrick's Hospital. It is also good news that it is part of the HSE's viability plan and a design team will be put in place, which will allow for statutory approvals and tender documents to be completed. The plan then goes on to say that this will be part of a range of capital projects across the State and that again, all of this is subject to funding. While it is good news that this is being considered and that designs will be drawn up, what people will want to know is whether the money will be delivered to enable this to be built. Is there any requirement for matching funding or will it be 100% funding? I know the Minister of State may not have those answers with him but he might follow up with the Minister for Health to get them. I will follow this up separately because the people of Waterford have a real need. If it is delivered, the Government and Minister should be commended and it is a good news story but the fact that it is still subject to funding would be a concern. I hope that an indication could be given as soon as possible that the funding will be made available.

**Deputy Tom Hayes:** It is very good news and the 100 beds are good for Waterford and surrounding areas. There are many competing projects in the south-eastern region but I can see from the response received by the Senator that it is good news. I would not underestimate it because I live in that region and know what other areas are getting. They are not getting as positive a response. I will relay the Senator's question regarding timescales to the Minister but Waterford is in a good position. I would be positive but I do not want to say any more than that.

### **Traffic Management**

**Senator Kathryn Reilly:** This matter is related to speed enforcement zones and something that was raised with me by someone in my own locality. We all know that the safety of children of special concern to many professionals and the public due to their increased vulnerability. Due to their smaller size, they are probably less conspicuous to drivers and their behaviour can be more unexpected compared to that of adults. It is also more difficult for a child to judge a vehicle's speed and distance. When we discuss speed enforcement and speed limits near schools, it is important to remember that at certain times, there are heavy flows of traffic into and out of the schools and when oncoming traffic does not heed speed limits or warnings during these times, the lives of children, their parents and teachers are put in danger. This is particularly the case on main roads off which schools might be located as is the case with a school in my area which is also near many bad bends and has experienced a number of accidents and the movement of large vehicles due to its closeness to a quarry. It is not rare to see speeding cars coming up the road without any thought for school traffic or having to brake suddenly, which may risk an accident. Parents have approached me with concerns about the speed of some of these drivers during these important times, be it in the morning when they are dropping off their children or in the afternoon when they are collecting them.

I am inquiring about how speed enforcement zones are delegated and if consideration is given to the location of schools along roads, particularly main roads and primary roads. I am aware that the demand for speed limits in these zones is not necessarily 24-7, 365 days a year. However, during these peak hours, particularly during the school term, there should be some kind of enforcement or indeed speed van to make sure that drivers are heeding any speed limits or are slowing down and not driving dangerously and putting the lives of young children, teachers and parents at risk.

**Deputy Tom Hayes:** I thank the Senator for raising this matter on the Adjournment. I am

speaking on behalf of the Minister for Justice and Equality who regrets that he is unable to be present due to other business. The Minister is in ongoing contact with the Garda Commissioner in respect of a wide range of road safety matters but the House will appreciate that detailed speed enforcement strategy is principally an operational matter for the Garda authorities. The legislation regarding speed limits is a matter for the Department of Transport, Tourism and Sport.

Effective local and national roads policing is central to the Garda policing plan and the level of Garda enforcement remains high and determined throughout the country. The policing priorities that the Minister has set for 2014 include a strong focus on targeted enforcement measures directed at reducing the number of deaths and serious injuries on our roads. Excessive or inappropriate speed continues to be a significant contributory factor in the number of serious and fatal injuries arising from road collisions. Under the new road safety strategy 2013-20 and building on earlier strategies, An Garda Síochána is implementing a series of visible enforcement initiatives, including the outsourced safety camera network, targeting high-risk behaviour such as speeding and focusing on identified vulnerable road users. In this context, An Garda Síochána, in conjunction with the National Roads Authority, has designated specific sections of roads as “speed enforcement zones”. This was done following an extensive analysis of five years of collision data where speed was deemed the primary contributory factor in the incident.

An Garda Síochána utilises these zones in order to direct speed enforcement activity in a proportionate and targeted manner including through the use of safety camera vans. Each site must be clearly visible and risk assessed to ensure the health and safety of both the public and van operators. Signage is erected at the start of each speed enforcement zone. The locations, which are kept under review by the Garda authorities, are in the public domain and are available on the Garda website *garda.ie*.

Insofar as the location of schools is concerned, divisional Garda enforcement activity is directed in line with the probability of occurrence of fatal and serious injuries on our roads at targeted locations as reflected in the speed enforcement zones. The Minister is assured, however, that additional enforcement activity is also conducted outside these zones as required by local district officers. A factor in determining the location and type of Garda enforcement activity includes the presence of vulnerable road users and young road users in particular.

The Minister has no direct role in the identification of these speed enforcement zones or the deployment of Garda resources but in the context of community policing generally, local Garda management will, of course, be highly attuned to concerns regarding school locations and road safety. I should also say that road safety awareness is an important component in the Garda schools programme, as indeed it is within the overall road safety strategy, and a range of road safety education initiatives are specifically targeted at children. It is also important to say that all road users have a part to play in improving road safety for children. Persons driving in or around school locations, in particular at the beginning and end of the school day, need to take particular care to comply with speed limits, to expect the unexpected and to have a heightened consideration for children walking and cycling in the area.

Insofar as the question of speed limits are concerned, as I have said, these are a matter for the Minister for Transport, Tourism and Sport who has under the Road Traffic Acts 2004, set ordinary default speed limits in respect of built-up areas, non-urban regional roads, local roads, national roads and motorways. However, a county or city council may make special speed limit by laws in respect of particular roads within its administrative area, in consultation with

22 January 2014

the Garda Síochána and in respect of national primary and secondary roads, with the National Roads Authority. To assist in this process, in 2011 the Department of Transport, Tourism and Sport issued guidelines for the application of speed limits to all local authorities.

Road safety is a major consideration in the application of speed limits. As part of a direction by the then Minister for Transport in 2011, all local authorities were requested to undertake an assessment of special speed limits in their functional areas. To assist in this, the present Minister for Transport, Tourism and Sport formed a stakeholder working group, including An Garda Síochána and the relevant road safety partners, to carry out a review of speed limits on roads throughout the country. A comprehensive speed limits review was published on 21 November, 2013, following detailed consideration of this very complex issue by the working group. The Minister, Deputy Varadkar, has accepted all recommendations from the working group designed to address a number of matters relating to the operation of speed limits on our roads. It is planned that all the recommendations contained in the report will be implemented over a two-year period.

On behalf of the Minister for Justice and Equality, I thank the Senator for raising these important issues. Garda road safety operations are based on identified risks, taking into account collision history and local road safety considerations and the enforcement zones are identified through the process I have described. While detailed enforcement measures are a matter for the Garda authorities, the Minister wishes to assure the Senator that vulnerable road-users, such as children, are a particular concern and enforcement measures are configured at a local level to take into account the concerns and needs of the community.

The Minister asks everyone in the community to support An Garda Síochána in its efforts and to take the utmost care when driving in or around schools. The unfortunate reality, however, is that people ignore speed limits and that a significant number of fatalities and serious injuries arise as a result of speeding. Last year, 190 people lost their lives on our roads. Half of this number were driver fatalities, of whom 80% were male and 50% were between the ages of 16 and 34. Slowing down would have prevented many of these fatalities. The Garda advice is that just a few kilometres per hour in speed can be the difference in avoiding a collision or in preventing a minor collision becoming a fatal or serious accident. We cannot expect gardaí to be on every corner of every road. Too many lives have been lost or grievously harmed because of speeding, with all the tragic consequences for families and loved ones. Everyone in our community needs to take responsibility and to challenge speeding behaviour, in particular, the culture of speeding which exists among some young men.

**Senator Kathryn Reilly:** I thank the Minister of State for his reply.

### **Domestic Violence Policy**

**Senator Trevor Ó Clochartaigh:** Cuirim fáilte roimh an Aire. Tá mé thar a bheith buíoch di as teacht isteach anocht agus an rún seo a thógáil. I have raised this issue with the Minister previously. I attend the joint policing committee meetings for both Galway county and city. It has been alarming to note over recent years and in particular over the past year and a half, that the statistics given at both city and county committee meetings show there has been an increase in domestic violence in both areas. This is a serious concern. At the meeting of the County Galway joint policing committee we decided to task a sub-committee with an examination of all aspects of domestic violence. Some of the reasons are due to the downturn in the economy. The

Garda Síochána believes that men at home with very little to do can find domestic situations becoming more difficult. There has been a noticeable increase in drinking in houses.

The issue of domestic violence is related to the matter I have raised this evening. I refer to the support services for people who find themselves subject to domestic violence. These services are creaking at the seams. Refuges are full and women with children find it difficult to cope with living in these crowded conditions. The policy in refuges is that nobody should be turned away.

The Child and Family Agency is carrying out a reconfiguration of services and resources. I ask the Minister to provide information on the funding given to the organisations dealing with domestic violence issues.

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I welcome the opportunity to reply to this Adjournment matter and to update the Seanad on the Government's approach to strengthening the provision of domestic and sexual violence services. Domestic and sexual-based violence is a multifaceted problem which can have a devastating effect on both the victims and the wider community. While overall responsibility policy in this area rests with my colleague, the Minister for Justice and Equality, the new Child and Family Agency which is under my remit has specific responsibility for funding rape crisis centres and refuges previously funded by the HSE. I thank Members of this House for their support in passing the Child and Family Agency Act. The agency was formally established on 1 January 2014.

The Government decision to establish the agency was informed by the work of the task force which I established in September 2011 and which reported in July 2012. The task force considered that domestic and sexual violence services should form an integral part of the remit of the new agency due to the significant impact of domestic violence on the welfare of children.

This recommendation was borne out by the findings of the pilot phase report of the national audit of neglect, published last June, which highlighted domestic violence as a significant contributor in child neglect cases. The 2012 independent report on child deaths further illustrated how many troubled teenagers who demonstrated high-risk and challenging behaviour grew up in chaotic households where domestic violence was prevalent. The prevention and disruption of domestic violence, while being essential in protecting and support the abused partner, should and must be recognised as part of the continuum of protection and welfare, including prevention, early intervention and family support. It is a critical issue which must be addressed. All the information suggests that domestic violence is a key issue for child protection and welfare in this country. Such cases are presenting to the child welfare services.

The recommendations of the task force on domestic and sexual violence services was accepted by the Government and reflected in the provisions of the Child and Family Agency Act 2013. The functions of the agency include responsibility for the care and protection of victims of domestic, sexual or gender-based violence, whether in the family or otherwise.

The Senator has requested an analysis of the expenditure. Increased funding has been provided over the years. In 2013 the HSE spent approximately €17.4 million on the provision of domestic and sexual violence services.

*7 o'clock*

I shall give a breakdown of the most recent figures that I have for 2013 which includes

22 January 2014

funding for 60 services throughout the country as follows: 20 crisis refuges at a cost of almost €10 million per year; 16 rape crisis centres at a cost of over €4 million; and 24 support services at a cost of almost €3.5 million. I wish to pay tribute to the many staff who work in those services and without question they are very dedicated.

The establishment of the agency will allow for a more dedicated focus on the issue. The agency has been established separate from the HSE to allow a more dedicated focus on all of the issues. There will be an ongoing and more focused implementation of the 2010 HSE policy on domestic, sexual and gender-based violence.

Clearly the Department of the Environment, Community and Local Government also supports refuges where beds are allocated to homeless women and children. Recent statistics have become available to me that suggest about 2,000 children, in the course of any one year, will spend some time in a refuge. That is a significant number of children to be affected. Of course the policy that we ought to have and need to have in the first instance, where possible, is to provide support to women and children to remain in their homes and have the appropriate use of the law.

Due to the complex nature of the issues involved in domestic and sexual-based violence, and the need for a co-ordinated response, Cosc - the National Office for the Prevention of Domestic, Sexual and Gender-based Violence - was established as an executive office of the Department of Justice and Equality in 2007. Cosc has formulated a comprehensive cross-Government strategy that combines the efforts of many different organisations and individuals to combat the issue. The strategy will run until 2014. There will be a new cross-cutting strategy that will ensure that a range of Departments and organisations work effectively in the area. Quite a number of new initiatives have been established recently. For example, four new co-ordinators have been appointed to work with offenders regarding sexual abuse. In addition, there are four regional co-ordinators that will help people who have suffered sexual violence. The HSE is in the process of appointing the eight positions which will help to co-ordinate services.

We are at the point where we have the right structures in place to drive forward the much needed reform of children and family services. We will adopt a cross-Government approach to ensure that we deliver a comprehensive and integrated service to vulnerable children and their families. This will require the support of various Departments and agencies and the support of society in general.

**Senator Trevor Ó Clochartaigh:** I thank the Minister for her reply and I support the efforts being made to deal with the matter. Is it possible to get a further breakdown of the figures of the 60 services? How much funding did each organisation receive? I would be grateful if she could also supply me with the 2012 figures.

**Deputy Frances Fitzgerald:** Yes, I will get a detailed breakdown of those figures for the Senator. The point that has been made on quite a number of occasions is that there is not an equitable geographic spread of services which raised difficulties. It is not always possible to have a refuge in every area. The new agency will examine the matter of an equitable geographic spread of services in order that people around the country have access to services. I will forward a breakdown of the figures to the Deputy.

## Agriculture Schemes Appeals

**An Cathaoirleach:** I welcome the Minister of State at the Department of Agriculture, Food and the Marine to the House again.

**Senator Lorraine Higgins:** I thank the Minister of State for attending to discuss my issue. I refer to the need to make the agriculture appeals process more open and transparent in order that those availing of it have certainty about the board's findings, as they apply.

The EU Common Agricultural Policy outlines the direct payment programme in which farmers may receive payment provided that certain requirements have been met. That includes inspections of farms, concerns on which I have raised on a number of occasions in the House. In my opinion sometimes inspections have been carried out illegally but that is based on information that has been given to me and is a separate matter.

The inspections, as the Minister of State will know, relate to animal welfare and hygiene regulations, cattle and sheep tagging inspections and land eligibility inspections. The system of inspections uses satellite technologies in some cases in addition to ground inspections in order to ensure farmers are in compliance with the direct pay schemes. If a farmer fails to comply with the schemes there are significant associated monetary losses. A farmer found to be non-compliant will have his or her direct payment reduced by 5%. If there is deliberate non-compliance the penalty will be increased to at least 20% of the original amount that he or she might have been awarded under a scheme, which is quite onerous. Alternatively, the farmer may not receive any of his or her direct payment as has happened in some cases that I have dealt with as a public representative since I entered Seanad Éireann.

A farmer has an opportunity to appeal any decision made by the Department that he or she disagrees with regarding the direct pay and other schemes. The Agriculture Appeals Office is an independent committee that was established by the Department of Agriculture, Food and the Marine to handle such appeals. A farmer must submit evidence to the appeals board and may elect to have an oral hearing if he or she so wishes. When a decision is reached, a written copy articulating the decision and reasoning will be delivered to the appellant and the Department is subsequently notified.

The appeals office was established to assist in the protection of farmers' rights. It is not technically a court and the process is more informal than a court hearing. The role that the committee fulfils is quasi-judicial. Therefore, a similar level of transparency should be afforded to farmers as is their right. Case precedents must be made available to farmers undergoing the process so they have certainty about what happened in a similar case in the past. Obviously the individual appealing should be afforded anonymity. He or she could be referred to by an initial, as in family law cases and refugee law that are also sensitive cases. However, judgments should be published for public access to allow farmers to know and have some degree of certainty when going before the agriculture appeals board. The provision would ensure continuity in terms of decisions made by the office.

Publication of the decisions made by the Agriculture Appeals Office will promote increased transparency and clarity in the justice system. In 2011, Transparency International conducted a survey and concluded that 21% of Irish citizens believe that there is corruption in the justice system. Last year the Department of Agriculture, Food and the Marine took the initiative to make the Agriculture Appeals Office an independent entity which I welcome. Previously there was a system of internal review. It is a step in the right direction but it is not enough and we could go further in terms of giving farmers' additional rights.

The freedom of information policies currently offer a method through which the public can obtain information and files maintained by the Government but there are significant fees and roadblocks. The judgments made by the Agriculture Appeals Office should be published and made accessible to the public at large. The measure would protect farmers' rights and establish a sense of openness, certainty and transparency as I highlighted during my speech. I look forward to the Minister of State's response on the matter. We must seriously examine the matter and I hope that such a scheme will be implemented.

**Deputy Tom Hayes:** I welcome the opportunity to deal with the issue. I thank Senator Higgins for giving me the opportunity to highlight the work carried out by the Agriculture Appeals Office.

The Agriculture Appeals Office is an independent agency established in 2002. The office provides an independent appeals service to farmers who are dissatisfied with decisions of the Department of Agriculture, Food and the Marine concerning designated schemes. The office has a statutory basis as set out in the Agriculture Appeals Act 2001 which, along with the Agriculture Appeals Regulations 2002, clearly set down the functions of the director and the appeals officers. The Act also sets out the decisions that can be appealed and the procedures to be followed.

The procedures followed by the Agriculture Appeals Office provide for each appeal to be dealt with on an individual, case-by-case basis. One of the main features of the office is the right of an appellant to an oral hearing. This is where an appeals officer brings together the appellant and officials from my Department in an informal setting to hear both sides of a case and ask questions. Following consideration of all the facts of a case, comprehensive decision letters are issued to both the appellant and my Department.

Each decision is made on its own merits and is specific to the particular individual appeal. A wide variety of often unique, individual situations and circumstances are covered. Decision letters aim to clearly set out the reason for the decision made in each individual case in an open, transparent and understandable way. The decision of an appeals officer is binding on my Department, although such decision may be revised if new evidence is received. The director may revise an appeals officer's decision but only if it is found that an error was made in law or in fact. It also remains open to appellants who remain dissatisfied to bring the matter to the Office of the Ombudsman or to the High Court on a point of law.

The Agriculture Appeals Act 2001 also provides for the publication of an annual report by the appeals office. The 2012 annual report, published within the timeframe set down in legislation, is available on the agriculture appeals office website. This report sets out the main developments during the year and provides a statistical breakdown of the office's annual work. The agriculture appeals office received 1,036 appeals in 2012, a 40% increase on 2011. Some 886 appeals were received in 2013. Oral hearings were held in every county in Ireland during the course of 2013. Conscious of the need for efficiency, where possible, the agriculture appeals office aims to hold oral hearings in a convenient location for the appellant. The majority of appeals dealt with in 2012 and 2013 related to the single farm payment, rural environment protection, suckler cow welfare scheme and agri-environment options schemes.

The agriculture appeals office annual reports also contains details of a variety of cases across a number of schemes dealt with during the course of the year. The identity of the appellant and identifying features of the appeal are excluded. In the 2012 annual report, this includes cases

related to the single farm payment, rural environment protection and agri-environment options schemes and non-valuation aspects of the TB and brucellosis eradication schemes. Examples of decisions made to allow, disallow or partially allow appeals are included. These cases were carefully selected to provide useful examples for both farmers and officials. The report contains key findings for my Department. Information on common errors by scheme applicants that lead to penalties is also included.

The 2013 annual report is currently being prepared. This report will also contain examples of a variety of cases across schemes. These cases will relate to decisions made during 2013. The 2013 annual report will be presented to my colleague, the Minister for Agriculture, Food and the Marine, Deputy Coveney, and made available on the agriculture appeals office website within the prescribed timeframe.

**Senator Lorraine Higgins:** I am not satisfied with the response provided by the Minister of State this evening. In my opinion, an annual report does not satisfy transparency and consistency requirements. The suggestion that it does means we are focusing on the general rather than specific incidences of appeals by farmers. At the end of the day, farmers in this country are entitled to access to decisions which are being made under natural and constitutional law. That is fundamental. It must be remembered that family law proceedings, which are very sensitive, are reported. The decisions of appeal boards in refugee law cases are reported and published, yet Irish farmers do not have similar rights.

I ask that the Minister of State make this issue a priority during his term in office.

**Deputy Tom Hayes:** It would be hard for me to prioritise something with which I do not agree. I agree on the need for openness and transparency in respect of appeals in relation to all schemes. Tomorrow morning we will be dealing with a case that has been dragging on for nearly four years. I know that the farmer concerned would not want his concerns made public.

**Senator Lorraine Higgins:** Provision could be made for anonymity of individuals. In reports of refugee and family law proceedings the initial letter of the surname rather than surname is used, as would be the situation in most legal cases.

**Deputy Tom Hayes:** I do not think anybody wishes to hide anything. We are speaking in this regard about money drawn down from Europe, which is taxpayers' money. I will take on board the Senator's point in regard to ensuring transparency in the process. However, I believe it is important that individuals are protected.

**Senator Lorraine Higgins:** I agree with anonymity. The use of the initial letter of a surname is the way around that.

**Deputy Tom Hayes:** I will take a look at that.

**Senator Lorraine Higgins:** I thank the Minister of State.

The Seanad adjourned at 7.15 p.m. until 10.30 a.m. on Thursday, 23 January 2014.