



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Céadaoin, 2 Aibreán 2014*

*Wednesday, 2 April 2014*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

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

The need for the Minister for Transport, Tourism and Sport to reverse the decision to exclude vintage veteran trucks from exemption from a roadworthiness test under the Commercial Vehicles Roadworthiness (Vehicles Testing) (No. 2) Regulations 2013 and to outline the reason these trucks cannot be treated equally to other pre-1980 vintage vehicles, such as cars, motor caravans, tractors, and motor cycles.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for Health to outline, in light of the news that the UK has now approved the vaccine for meningitis B and that the NIAC met on 24 March, the reason the process for introducing this vaccine in Ireland is taking so long given that the NIAC has had all the relevant information for more than a year and to give a definitive timeframe for when a decision will be made.

I have also received notice from Senator Fidelma Healy Eames of the following matter:

The need for the Minister for Health to outline the reason he must enter negotiations with GPs regarding the delivery of free GP care for those under six years of age if he wants universal and reliable delivery of care across the country.

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

### **Order of Business**

**Senator Maurice Cummins:** The Order of Business is No. 44, motion No. 11 on the withdrawal of the Food Provenance Bill 2013, Second Stage, from the Order Paper, to be taken without debate at the conclusion of the Order of Business; No. 1, Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Bill 2013, Order for Second Stage and Second Stage, to be taken at 1 p.m. and to adjourn not later than 2.30 p.m., with the contributions of group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes; No. 2, Private Members' business, Higher Education and Research (Consolidation and Improvement) Bill 2014, Second Stage, to be taken at 3 p.m. and to conclude not later than 5 p.m.; and No. 44, motion No. 9, Private Members' business, to be taken at 5 p.m. and to conclude not later than 7 p.m.

**Senator Marc MacSharry:** Similar to last week and yesterday, I propose an amendment to the Order of Business: "That in accordance with Standing Order 56, the Attorney General be invited to attend the Seanad today to discuss the taping of telephone conversations in Garda stations." The Attorney General should attend to give an account of the incredible affairs of recent weeks in order that this House can participate on behalf of the public in getting to the bottom of these matters. "A masterclass from Shatter in sarcasm, contempt and a dollop of faux humility" is the most accurate account I read in today's newspapers of yesterday's charade in the Lower House. It is incredible that these matters are being accounted for in the way they are.

I posed my first question last week to the Leader. How many special committees are in operation in each Department under the authority of a Minister without his or her knowledge? Second, if the Secretary General is missing because of a bereavement, holiday or illness or anything else, does anyone else in the Department of Justice and Equality do his or her work? If the Attorney General is missing because of a family event, does anybody in her office do her work or do the affairs of the State simply come to a halt regardless of the seriousness of the matters at hand because an individual is missing through illness, leave or other issues? I am bound to say on behalf of Fianna Fáil that if that is the case, I am concerned about any of these people ever leaving their desks.

Many questions are outstanding from last week. The Taoiseach told us the Cabinet was gravely concerned about these matters and, therefore, he had to shaft the Commissioner by sending Mr. Purcell to his house. At that stage, the Cabinet had not even been informed about the letter from Mr. Callinan or the extent of the taping. How could the Cabinet have had so much concern if it had not even discussed the issue at that stage? At the Monday night meeting during which Mr. Purcell was clearly despatched to the Commissioner's house, there was no mention at all of the letter from Mr. Callinan.

I am concerned about the autopilot regime that has come into existence in Government Buildings. Once the Attorney General goes outside the door, nothing happens. Once the Secretary General of the Department is ill or at home, nothing happens and once the Minister is at a book launch or in Mexico or anywhere else, it seems nothing happens. Whether the Minister, the Secretary General of his Department, the Attorney General or whoever goes, the affairs of State must continue and the public are entitled to have confidence that, whoever happens to have an ingrown toenail, have a day off or be attending a family function, their concerns as citizens of the State are being looked after. In the context of the debate yesterday, the account of affairs by the Secretary General of the Department of Justice and Equality and the Minister display a disgraceful contempt for the public in the neglect that is being shown to them and the fantasy account of events that is simply not believable. That is why each day until further notice under Standing Order 56 we expect the Attorney General to come to this House, which has the

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most current of mandates, much more so than the Dáil, and give an account.

**Senator Terry Brennan:** The Senator would be surprised.

**Senator Marc MacSharry:** I look forward to being surprised. I assume that when she comes to the House we will get a detailed account.

**Senator Terry Brennan:** The Senator should withdraw some of the remarks he has made.

**An Cathaoirleach:** Senator MacSharry without interruption

**Senator Marc MacSharry:** That is what is required and that is what the public are entitled to rather than this show. Can Senator Brennan confirm that she will come to the House?

**Senator Terry Brennan:** The Senator would be surprised.

**Senator Marc MacSharry:** I very much welcome the fact that she will come in. We will get to vote on the amendment shortly.

The White Paper on universal health care, which is three years in preparation, will be launched later and I would like the House to debate it because according to the king of announcements, the Minister for Health, we now have free GP care for under-sixes but that is not happening and there was no consultation with doctors. The White Paper will say nothing about the cost of universal health care but the system will be in place in its entirety within five years. In addition, yesterday I raised other issues relating to the health service and the fact that is at breaking point in the context of front-line services. An urgent debate is needed with the Minister regarding what is going on the ground versus the airy fairy, aspirations in various announcements once a month.

**Senator Ivana Bacik:** The Leader will respond to Senator MacSharry's amendment but it seems like an act of desperation and a desperate diversionary tactic by Fianna Fáil to put the same issue to a vote for the third day running. It seeks to divert attention away from its own serious responsibility for the matters that have come to light in recent weeks regarding tape recordings both in Garda stations and, as we know since yesterday, prisons. The Garda station recording system was upgraded under the watch of the Fianna Fáil Minister, Dermot Ahern, in 2008 and there are serious questions to answer about that regime in the Department of Justice.

**Senator Marc MacSharry:** Bring him in too.

**Senator Ivana Bacik:** We need to hear from him.

**Senator Marc MacSharry:** We cannot have the 2011 election again. How many times does the Government want to have that election? We lost 53 seats. Fine Gael and the Labour Party are in government now.

**An Cathaoirleach:** Senator Bacik without interruption.

**Senator Ivana Bacik:** I had the courtesy to listen to the Senator although it was difficult do so without interrupting him.

**Senator Marc MacSharry:** We want to listen to the Attorney General, not the Senator. She is just spinning.

**An Cathaoirleach:** Senator Bacik without interruption.

**Senator Ivana Bacik:** Clearly the Senator does not have the self-restraint that I do because I restrained myself from interrupting him.

**Senator Marc MacSharry:** Senator Bacik is the queen of restraint.

**Senator Maurice Cummins:** The decorum of the House is being destroyed.

**Senator Ivana Bacik:** I restrained myself from interrupting Senator MacSharry and listened with courtesy and he should do the same in the spirit of the way we conduct business in a respectful manner-----

**Senator Marc MacSharry:** When will the Attorney General come in?

**Senator Ivana Bacik:** -----but he clearly cannot restrain himself.

**Senator Maurice Cummins:** That is four times.

**Senator Ivana Bacik:** The Senator has an anger management issue.

**An Cathaoirleach:** If Senator Bacik cannot contribute without interruption, I will have no choice but to suspend.

**Senator Ivana Bacik:** I thank the Cathaoirleach. The responsibility of former Ministers such as Dermot Ahern will be one of the issues the commission of investigation will investigate and we all very much hope it will do so expeditiously and we will find answers to the questions as to who knew what and when, particularly when systems were upgraded. I very much welcome the appointment of Supreme Court judge, Mr. Nial Fennelly, to lead the commission, the establishment of a Cabinet committee on justice reform and the fact that we, on the justice committee, will also work to improve and strengthen Garda procedures.

I refer to the new revelations about the inadvertent taping of prisoners' calls, which again gives rise to serious concerns about breaches of prisoners' right to privacy and the potential liability of the State in civil actions taken by prisoners. This system was installed in July 2010 under the watch of then Minister, Dermot Ahern, and the previous Government and it seems that system has remained in place under the radar of the prisoner authorities since that date. I commend Mr. Michael Donnellan, the head of the Irish Prison Service, who took pre-emptive action last week to proactively investigate whether calls were being taped within prisons and uncovered the fact that the calls of quite a number of prisoners were being taped in this way.

All these matters need to be investigated by the commission of investigation, which I very much welcome. It is clear we need to know more about the dates and the extent of knowledge at the top levels in the Department of Justice and Equality, the Irish Prison Service and the Garda.

Today a ceremony will take place in Glasnevin Cemetery to commemorate the centenary of the foundation of Cumann na mBan. I am sure many female members, in particular, would love to be there but I welcome the fact that we are having an official occasion to mark that important centenary and that we are seeing, as a result, a great deal of renewal of interest in the members of Cumann na mBan and the role they played in the struggle for independence.

**Senator Ned O'Sullivan:** Yesterday's edition of *The Irish Times* had a good cartoon by Martyn Turner relating to the recent UN panel publication on climate change. It showed the

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report as a massive tome and then an executive summary with one word, "Panic". That is appropriate and anyone who has read these reports - we have had a number of them - will realise this is the most serious one yet. It forecasts serious repercussions for us as human beings not to mention all the other animal life on the planet and the future of humanity. When is the promised climate change Bill being introduced in order that we can have a proper debate on this serious matter?

On an entirely different subject, when the local elections are held in May, they will bring to an end the careers of many hundreds of serving town councillors. Many are to retire and will not run for election to county councils because there were not enough places for them on the various party panels. Some are not excited by the prospect of a new type of local government system as it represents such a change from what they have been used to under the town councils, bearing in mind the focus on urban areas. There is still much confusion about the entitlements of retiring town councillors in terms of an *ex gratia* or a redundancy payment. It is not yet clear to the Association of Municipal Authorities of Ireland, the representative group, whether the payments will be entirely tax free. It appears that they will be capped at €16,000. A friend of mine who serves on Tralee Town Council has been a town councillor for 40 years since 1974. In his case a gratuity of €16,000 amounts to €400 per year which is paltry and mean-spirited, given the work town councillors have done. Through the Leader, I ask the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, to review the schedule of payments and be more appreciative of the work town councillors have done for us over a long period. The local government legislation sets up the local community development councils, LCDCs, which will be fairly powerful and comprise local community groups, including business people, teachers, farmers, etc. I am amazed that the Minister has not made provision, in deciding on the composition of the councils, for some representation by retired town councillors who have a wealth of experience and knowledge of public service and matters relating to their specific areas. This experience would be greatly missed. I ask the Minister to review the composition of the councils to include retiring town councillors.

**Senator Martin Conway:** It was announced this morning that Ms Angela Kerins, the chief executive officer of Rehab, was to retire. I wish her well in her retirement. We have had many discussions on the charity sector recently and the fact that significant State support goes to what are called section 39 companies. With a debate on section 39 and a statement from the Minister on our position on reviews and acting on some of the information discovered through the Committee of Public Accounts, I would like to see a new corporate governance structure for companies and organisations that receive significant State support. Putting public interest directors on the boards of some of the companies is worthy of consideration. Under such a model, directors would report monthly and yearly to the Minister on activities at board level and represent the public interest. Not only are the companies receiving millions of euro of State money in some cases, they are also collecting many millions of euro from the general public. This is money from Irish citizens, collected through taxes or in buckets. The public is expecting significant change and much more accountability in this area. The concept of having public interest directors on the boards of charities is worthy of consideration.

**Senator David Cullinane:** I call on the Minister for Justice and Equality to come to the House to discuss the ongoing controversy surrounding him, his Department and office. There is a growing realisation among many outside the House that he is unsuitable as the Minister responsible for the justice system and that he should resign. There have been a number of high-profile sackings, resignations and retirements. They are called different things, but, in reality,

people have been sacked and forced to resign. The confidential Garda recipient was sacked and the Garda Commissioner, Mr. Callinan, is gone. Mr. Frank Flannery had to resign from Rehab and now Ms Angela Kearns has resigned. Despite all of the controversies that surround the Minister and the fact that he has not been an innocent bystander in many of them, he remains in office. He has been a central player in and, in many respects, the instigator of many of the controversies. He allowed false statements to stand in the Dáil and only when it was politically expedient did he correct the record. It is a sign of arrogance on his part and weakness on the part of the Taoiseach that he is still in his position. We all accept that we need far-reaching reforms in the judicial and policing systems to restore public confidence in both the Judiciary and the institution that is An Garda Síochána. Is the Minister for Justice and Equality really the one to stand over these reforms? Does anybody, even in his own party, believe he has the credibility to continue as Minister and carry out the necessary reforms?

**Senator Terry Brennan:** He certainly has.

**Senator David Cullinane:** Does anybody in the Labour Party really believe the Minister has the credibility to carry out these reforms? I certainly do not believe he does and I am certain the vast majority of citizens do not either. It is high time somebody in the political system was made to account for all of the debacles we have witnessed in recent months. There have been resignations outside the political system but there has been none by the person who is most accountable, the Minister for Justice and Equality. I ask the Leader to request the Minister for Justice and Equality to come to the House to discuss all of these issues and give Senators an opportunity to put their concerns to him directly.

**Senator Aileen Hayden:** A new report by the Society of Chartered Surveyors Ireland indicates there should be an increase in construction in the order of 30% in the next four years. Unfortunately, this is a hopelessly inadequate response to the emerging housing need and crisis we are witnessing. At the height of the boom, 89,000 units were built, which we all accept was way too many. Last year fewer than 10,000 units - approximately 8,000 units - were built, despite the positive growth in household formation of approximately 20,000 plus per year. We are heading steadily towards a very serious and significant housing problem which is not confined to the city of Dublin, as is evident when we examine the increases in house prices outside the greater Dublin area, as we saw in the past week. I ask that the Minister of State with responsibility for housing and the Minister for the Environment, Community and Local Government come to the House to discuss the plans for the construction sector in the coming years. At the height of the boom, the construction sector accounted for 23% of GNP. The sector has collapsed entirely and the report by the Society of Chartered Surveyors Ireland indicates that there is an emerging skills gap in it. We are all aware that a significant number of our construction workers are in New Zealand rebuilding Christchurch. It will be a long time before we are able to entice a number of our construction workers to return to the country. Therefore, we really need a concerted response to the emerging crisis. I was particularly disturbed to read in some of the new Sunday newspapers that we were planning to abandon Part 5 - development levies and a number of other measures. It is high time, therefore, that we had a debate on the subject and less nuance in the newspapers.

**Senator Brian Ó Domhnaill:** I second the amendment to the Order of Business put forward by my colleague, Senator Marc MacSharry, requesting that, under Standing Order 56, the Attorney General be questioned in the House and provide an explanation for the Oireachtas of the details pertaining to the Shatter debacle, as it is now being referred to in the media. This forum, being constitutionally established, is the correct one in which to do this, as recognised

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in its Standing Orders. I appeal to the Leader to accede to the request from Fianna Fáil Senators to have the Attorney General come before the House between now and midnight. It is only proper and correct that the public be given the opportunity to have such a question and answer session in the Seanad. I do not question the role of the Attorney General, but one must question the political motives behind Fine Gael and the Labour Party blocking such a request when the public is seeking answers.

I want to raise a health-related issue in my county concerning paediatric diabetes services in County Donegal. The service is on its knees and children are being refused services. I ask the Leader to try to facilitate a debate on the issue next week. We could have a general debate on the paediatric diabetes service nationally which would enable us to focus on the lack of service provision in County Donegal, which is a source of concern for 200 families in the county. I ask the Leader to schedule such a debate in next week's proceedings.

**Senator Colm Burke:** I support Senator Marc MacSharry's call for a debate on universal health care. It concerns forward planning in the health care system. We face major challenges, particularly in the care of the elderly, and need to engage in the forward planning that was not undertaken in the 14 years Senator Marc MacSharry's party was in government. Over €500 million had to be paid back because of a lack of planning in the then Department of Health and Children under the leadership of the current leader of the Fianna Fáil Party. That is why we are setting out it is not something that will be implemented overnight. The document is being launched today and 2019 is the target date for its implementation. I would welcome a debate on the matter. It is important to realise that, according to the most recent report from the OECD, the Government is spending approximately \$3,700 a year on health care for every man, woman and child in the country. On top of this, people are paying over \$2 billion in health insurance premiums. Over \$15 billion a year is being paid by the people, including the taxpayer, to meet health care costs. On top of this, additional moneys are being paid for care of the elderly. It is important, therefore, that we engage in forward planning and have a debate on a universal health care system which will not all be set out today or tomorrow. It will take time to develop to make sure it is properly implemented.

**Senator Marc MacSharry:** It will be included in the manifesto for the next election.

**Senator Colm Burke:** In one country it took over 15 years to implement. Let us do it properly and engage in forward planning. We are behind all other countries in Europe in respect of computerisation and the use of e-mail for records and communication.

**Senator Sean D. Barrett:** On behalf of Senator Feargal Quinn, I request that No. 27, Food Provenance Bill 2013, be removed from the Order Paper. The Senator is engaging in further research and may resubmit the Bill. He would appreciate it if the Leader could arrange to remove the Bill from the Order Paper.

**An Cathaoirleach:** The Senator cannot do this on the Order of Business; it can only be done afterwards by way of a motion.

**Senator Sean D. Barrett:** I apologise.

I refer to the need for a debate on policing and An Garda Síochána in the light of events including the Morris report, the Smithwick report which we did not have a chance to debate, the success of the new arrangements in Northern Ireland, the resignation of the Garda Commissioner and the welcome resumption of recruitment at the Garda College in Templemore. I ask

whether we need a debate on establishing something along the lines of the Patten commission. In view of the proud record of service to the country of An Garda Síochána, we want to make sure that, on the resumption of recruitment, we are moving in the right direction. After today, the Minister for Justice and Equality might be willing to debate the future of policing.

**Senator Michael Mullins:** I support the call made by my colleague, Senator Aileen Hayden, for an urgent debate with the Minister of State with responsibility for housing on the housing shortage emerging in Dublin and other parts of the country. We need to put in place structures to address the issue as a matter of urgency.

Can we have a debate on the Criminal Assets Bureau which has been in operation for 20 years? It is time to assess whether the legislation needs to be reviewed in the light of the increasing sophistication of criminals operating within and outside the jurisdiction. The work of the Criminal Assets Bureau has been significant, but it is time to examine the legislation under which it was established.

It is welcome that Aer Lingus is having its inaugural flight to San Francisco, to which destination there will be five flights a week. This is of huge significance for Irish businesses, given that so much foreign direct investment in this country is attracted from Silicon Valley. That there were no direct flights to that part of the world was a negative, but the matter has now been addressed. It is of great significance from the point of view of tourism.

**Senator Trevor Ó Clochartaigh:** Roimh bhriseadh Lá le Pádraig, bhí díospóireacht againn a bhain leis an Straitéis 20 Bliain don Ghaeilge agus cuireadh an díospóireacht sin ar athló agus bhíomar buíoch as sin ag an am. An bhfuil an Ceannaire in ann insint dúinn cén uair an mbeidh an chuid eile den díospóireacht sin againn? The debate with the Minister of State, Deputy Dinny McGinley, on the 20 year strategy was held around St. Patrick's Day during seachtain na Gaeilge and was adjourned, not concluded. When does the Leader intend to address the issue in order that the Minister of State can come back to the House to finish it?

We have seen changes in rural life in recent years. People say there has often been a clash between environmental and sustenance issues in rural areas. Turf cutting is an example and the latest to come to the fore is seaweed cutting on the shoreline. Owing to environmental issues, it seems anyone who has not been involved in seaweed cutting on the shoreline must apply for a licence or he or she will not be allowed to cut seaweed in an area subject to an environmental designation. This also applies in the case of shellfish. It would, therefore, be useful to have a debate with the Minister for the Environment, Community and Local Government or one of the Ministers of State in that Department to examine the impact of environmental designations in rural areas. In some cases, designations are put to one side when we see windfarms being developed in idyllic scenic areas. If there are other large-scale developments, councils look in the other direction when it comes to projects in special areas of conservation. We have seen the redesignation of such areas. In Connemara 90% of the landmass is included in a SAC or a NHA, which has massive implications for local communities. A debate on the impact of environmental designations in rural areas would be welcome, during which we could introduce a number of issues. Bheadh fáilte againn roimh sin.

**Senator Terry Brennan:** I welcome the announcement on Monday by the CEO of Ryanair at the meeting of the British-Irish Parliamentary Assembly in Kilmainham of seven additional twice daily flights from seven European destinations to Dublin, and a significant increase on all other routes. Ryanair also proposes to invest in 175 new planes within the next five years.

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I want to acknowledge the part the company plays in bringing tourists to Ireland. The CEO anticipates bringing an additional 1.4 million passengers to Ireland in the coming year. He believes the co-operation between his company and the tourism industry augurs well for tourism. I did not know that the company employed 9,500 people. It hopes to increase that by 1,500 in the coming year. That is welcome news.

**Senator Terry Leyden:** I received a document on the Internet this morning and I wonder if any of my colleagues received it too. It is allegedly from PayPal to the effect that “unfortunately your account is temporarily limited”. I have no account with PayPal. I want to bring this to the Cathaoirleach’s attention. I alerted the IT section in the Houses to have it taken down. It looks so legitimate that one would be fooled into responding because it is prepared in such a way that it asks for information. People would be misled because PayPal is such a legitimate, credible organisation based in Dundalk. I have no contact with it good, bad or indifferent.

**An Cathaoirleach:** Did the Senator receive it by e-mail?

**Senator Terry Leyden:** I received it by e-mail this morning. I just want to alert my colleagues and the media to this issue. This type of activity is becoming very dangerous and is happening quite often. It is getting more sophisticated. If one receives an e-mail from someone in Nigeria who wants to off-load €7 million one knows it is pretty crazy and ignores it.

I also compliment our colleague, Senator O’Donnell, on her contribution to “Today with Sean O’Rourke” on RTE yesterday, when she highlighted progress in rural areas. She spoke about the set dancing in Paul Tully’s hotel in Castlereah. It was a wonderful item.

Senator O’Donnell brings ordinary situations to public attention at national level. On Sunday, 6 April, the County Roscommon Ploughing Association Championships will be held in Castlestrange in Fuerty, in my parish in County Roscommon. I compliment the committee involved in this event, which brings together people in that area and creates activity for the three local hostelries.

**Senator Martin Conway:** Including the Senator’s own.

**Senator Terry Leyden:** I have a vested interest in one. That type of effort came to mind when I heard the report yesterday. I hope Senator O’Donnell will come to the ploughing championship in Roscommon on 6 April. It will be on Frankie White’s farm in Castlestrange. She will be more than welcome. She can put on those-----

**An Cathaoirleach:** What relevance does this have to the Order of Business?

**Senator Terry Leyden:** It is very relevant because Senator O’Donnell is very relevant to the Order of Business. She is always very relevant.

**Senator Martin Conway:** Could the Senator not send her an e-mail? That would be easier.

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

**Senator Terry Leyden:** Yes. I want to pay a tribute to the former Garda Commissioner, Martin Callinan. I will not go into detail about his decision to resign. That is being well orchestrated. I know him quite well, having met him at many events. He made an outstanding contribution to law and order in this State and that should not be diminished by the events of the past week or two. He fought the “General”, Martin Cahill. He fought organised crime. He was

involved in the Criminal Assets Bureau, CAB. He was a courageous individual and I want to place on record my admiration for him and wish him well in his early retirement from the Garda Síochána. He has left an outstanding record of 42 years of service to this State as a courageous garda and Commissioner. I regret very much the events that led to his unnecessary resignation. I do not think he would have resigned, if he knew then what he knows now.

**Senator Paul Coughlan:** Senator Leyden is ever helpful.

I too welcome the appointment of Mr. Justice Nial Fennelly to chair the commission of investigation. I say genuinely to my good friends opposite that it would be important that they exercise more caution and less haste. We all have a duty to be properly informed. Mr. Justice Cooke will report in due course, as will Mr. Guerin, SC. There will be a debate this evening in the other House during which further information may come to light. If we held our whisht a while that might serve well.

I welcome the fact that the special liquidators of the Irish Bank Resolution Corporation, IBRC, have managed to dispose of €19.8 billion of the loan book out of a total of €21.7 billion. That is good news for the taxpayer because it means the National Asset Management Agency, NAMA, will take on very little and hopefully it will be successful too.

**Senator Marie-Louise O'Donnell:** I thank Senator Leyden for his compliments on my work on RTE. He is right, I do find a great spirit among Irish people around the country. Sometimes it is above and away from politics because that is how it survives. Sometimes we speak in jam jars around here. I wonder would he have been so effusive had it not been in his own area of Castlerea in County Roscommon. Had it been in north Mayo he might not have been as complimentary.

**Senator Terry Leyden:** Unlikely.

**Senator Marie-Louise O'Donnell:** I think equally-----

**Senator Terry Leyden:** I have complimented the Senator before.

**An Cathaoirleach:** Senator Leyden has already contributed to the Order of Business.

**Senator Marie-Louise O'Donnell:** I thank Senator Leyden. That is where the compliments end.

I thought it very sad to be sitting in my room listening to Fianna Fáil Members trying to take on, and get rid of, the most reforming and excellent Minister of this State, for the wrong reasons. It is one thing to try to take somebody out but another to do it for the wrong reasons. It was equally pathetic to listen to Sinn Féin this morning blame the Minister for Justice and Equality, Deputy Shatter, for the resignation of Angela Kerins and Frank Flannery. He had absolutely nothing to do with their resignations. I take on board their compliments to the ex-Commissioner-----

**Senator Trevor Ó Clochartaigh:** The Senator is misconstruing the comments.

**Senator Marie-Louise O'Donnell:** They are correct. He was an excellent Commissioner and he decided to retire for family reasons. Either he did that or he did not but we are sitting around here in Parliament effectively calling him a liar by saying there was some other reason. That is the reason he gave us, as the Irish people, and that is the reason we are to accept.

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**Senator Terry Leyden:** The Government wanted his head. That is why.

**Senator Trevor Ó Clochartaigh:** The Senator should stick to the radio programme.

**Senator Marie-Louise O'Donnell:** It is my opinion-----

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

**Senator Marie-Louise O'Donnell:** We are all forgetting that the Garda Síochána did this to itself. Some of its members did this to themselves. I have had the pleasure of meeting the greatest gardaí all over this country.

**An Cathaoirleach:** Will the Senator please finish on this issue?

**Senator Marie-Louise O'Donnell:** The Minister did not do this to them. Some of them did this to themselves and to the State. Targeting the Minister for the wrong reasons is puerile and infantile and extremely weak on the part of the Fianna Fáil Senators. They should come up with a better reason, find the right target and get out their bows and arrows. Lear on the heath will not do it. Maybe they should start blaming the Minister for climate change. Why not try that during the week?

**Senator Marc MacSharry:** That was the previous Government. We all know that. Who will the Senator nominate today?

**Senator Marie-Louise O'Donnell:** I told the Cathaoirleach that Lear on the heath would not do it.

**Senator Paul Coghlan:** Well done. The Senator will get a second term out of that.

**Senator Marie-Louise O'Donnell:** Blah, blah, blah.

**Senator Michael Comiskey:** I am delighted this morning to announce more good news in the food industry. The Killybegs Fishermen's Organisation and a Norwegian company have come together to build one of the largest food-processing plants in the world. It will produce ingredients for human consumption. This plant will be in operation by 1 January 2017 and will create many jobs in the Killybegs area, producing approximately 88,000 tonnes of ingredients for the food market. This news announced this morning is very good and I am delighted to hear it.

**Senator Hildegarde Naughton:** I highlight what Mr. Tom O'Malley of the National University of Ireland, Galway, calls the "quiet revolution" in the sentencing practice in our courts that has recently occurred. In three cases where judgment was delivered on 18 March, the Court of Criminal Appeal for the first time effectively introduced sentencing guidelines. This is something for which many legal academics and practitioners have been calling for some time.

The three offences concerned were the repeated sexual abuse of children, the infliction of serious harm and the illegal possession of firearms and ammunition. The latter cases have wide-ranging significance and the Court of the Criminal Appeal for the first time stated that superior courts have an important role in providing sentencing guidelines, including the provision of benchmarks for sentencing judges. The court reviewed previous decisions and indicated relevant factors that should determine sentencing before indicating that for certain firearms offences, the lower scale offence should attract a sentence of between five and seven years, the

middle range should be between seven to ten years and the top of the scale should be between ten and 14 years. In the case of causing serious harm, which is an offence that can attract a life sentence, the court decided the lower end of the scale should attract a sentence of two to four years, with the middle having a sentence of four to seven and a half years and the top of the scale having a sentence of seven and half to 12 years. It also accepted that some cases might justify the imposition of a life sentence.

Of major significance is the decision of the Director of Public Prosecutions *v. Z*, where the court decided there is no reason the Director of Public Prosecutions cannot inform the sentencing court of the severity of the incident case as compared to previous cases. I highlight this as the Seanad should welcome this new practice, which brings greater clarity and consistency for victims and families.

**Senator Maurice Cummins:** Senator MacSharry was present when I stated yesterday that the Government set up a commission of inquiry, and it is grossly irresponsible of Fianna Fáil to suggest we do anything that might impinge in any way such an inquiry. It is regrettable that the Senator's party continues to play politics with this very serious matter. I suggest the public wants all of us to get on with the job and business of repairing our economy and creating jobs for our people. I note Senator Bacik's points on the same issue and her welcoming of the centenary commemoration for the foundation of Cumann na mBan, which takes place in Glasnevin today.

Senator O'Sullivan spoke about the climate Bill, the heads of which were published last year and discussed by the environment committee. Revised heads are now being drafted for the Government and the Minister hopes to have the Bill published before July. I note the Senator's points on the *ex gratia* payment to town councillors and I will bring the matter to the attention of the Minister so he can clarify the issue for the councillors involved, who have undoubtedly given excellent service to the communities they represented through the years. Senator Conway called for a new corporate governance structure for the boards of companies in the charities sector and I am sure we will get the opportunity to debate the issue in the coming months.

I reject Senator Cullinane's comments regarding the Minister for Justice and Equality, Deputy Shatter. As has been stated, he is one of the most reforming Ministers for justice we have had in many years. Senators Hayden and Mullins spoke of the shortage of housing, particularly in the Dublin area. The Government has taken steps to stimulate the construction sector but I will ask the Minister of State, Deputy Jan O'Sullivan, to provide some commentary on this important area. Senator Ó Domhnaill commented on the paediatric diabetes service in Donegal in particular, and I suggest that the Senator should put down an Adjournment motion in that regard so as to get the required information.

Senators Burke and MacSharry referred to the White Paper on universal health care and particularly the need for forward planning in that sector. I hope we can debate that White Paper in the House. Senator Barrett called for a debate on policing, particularly in light of the recent reports and also that recruitment to the Garda has been restored. I will ask the Minister for Justice and Equality to come here to debate the issue.

In addition to the issue of a housing shortage, Senator Mullins raised the question of the Criminal Assets Bureau in asking whether there is a need to update the legislation at this time. It is a valid point. I also note his comments on Aer Lingus having seven new direct flights to San Francisco. Senator Brennan welcomed the increase in the number of Ryanair routes, and it

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is hoped they will yield an extra 1.4 million tourists in the country in the coming year.

Senator Ó Clochartaigh referred to the Stratéis 20 Bliain don Ghaeilge and is correct in suggesting the debate on the matter was adjourned. We will resume the debate next Wednesday. I also agree with the Senator's argument that the environmental designation policies have an effect on rural communities, particularly the issue raised by the Senator relating to seaweed. The issue should be subject to debate in the coming months. Senator Leyden advised people to be very careful in giving out any personal information by e-mail, and it is wise to give out such information. He complimented the work of former Garda Commissioner, Martin Callinan, who gave 41 years of good service to the State which should not go unnoticed. We referred to the matter previously.

Senator Coghlan welcomed the appointment of Mr. Justice Nial Fennelly to deal with the commission of investigation and the sale of the loan book by the liquidators of the Irish Bank Resolution Corporation. Senator Comiskey welcomed the jobs announcement for Killybegs, which will give much-needed employment to that area. Senator Naughton spoke about the Court of Criminal Appeal giving sentencing guidelines. In this House we have asked for a review of sentencing guidelines on many issues and this deals with three areas. I hope we will have more guidelines for judges with these serious matters.

**An Cathaoirleach:** Senator MacSharry has moved an amendment to the Order of Business, "That in accordance with Standing Order 56, the Attorney General be invited to attend the Seanad today to discuss the taping of telephone conversations in Garda stations". Is the amendment being pressed?

**Senator Marc MacSharry:** I am afraid it must be.

Amendment put:

The Seanad divided: Tá, 14; Níl, 23.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Byrne, Thomas.	Brennan, Terry.
Cullinane, David.	Burke, Colm.
Heffernan, James.	Clune, Deirdre.
Leyden, Terry.	Coghlan, Eamonn.
MacSharry, Marc.	Coghlan, Paul.
Ó Clochartaigh, Trevor.	Comiskey, Michael.
Ó Domhnaill, Brian.	Conway, Martin.
O'Donovan, Denis.	Cummins, Maurice.
O'Sullivan, Ned.	D'Arcy, Jim.
Power, Averil.	D'Arcy, Michael.
Reilly, Kathryn.	Gilroy, John.
White, Mary M.	Hayden, Aideen.
Wilson, Diarmuid.	Landy, Denis.
	Mac Conghail, Fiach.
	Mullins, Michael.

	Naughton, Hildegarde.
	Noone, Catherine.
	O'Donnell, Marie-Louise.
	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.
	Zappone, Katherine.

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

Amendment declared lost.

Question, "That the Order of Business be agreed to," put and declared carried.

### **Food Provenance Bill 2013: Leave to Withdraw**

**Senator Sean D. Barrett:** I move:

That, notwithstanding anything in Standing Orders, leave be given to withdraw the Food Provenance Bill 2013.

Senator Feargal Quinn is the author of this motion. He wishes to conduct more research and may resubmit the Bill at a later stage.

**Senator Terry Leyden:** I second the motion.

Question put and agreed to.

*Sitting suspended at 11.40 a.m. and resumed at 1 p.m.*

### **Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Bill 2013: Order for Second Stage**

Bill entitled an Act to amend the law relating to Friendly Societies; to amend the law relating to Industrial and Provident Societies; and to provide for related matters

**Senator Susan O'Keeffe:** I move: "That Second Stage be taken now."

Question put and agreed to.

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## **Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Bill 2013: Second Stage**

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock):** I am pleased to have this opportunity to address the House on the occasion of Second Stage of the Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Bill 2013.

Publication of the Bill represents a partial response to the commitment we made in the programme for Government regarding co-operatives, when we said we would “work to promote a greater appreciation of the co-operative model as a distinct form of organisation, ensure a level playing field between co-operatives and the other legal options for structuring enterprise activities, and provide a conducive framework for the full potential of the co-operative model to be realised”.

We began this process of levelling the playing field with the introduction of a statutory instrument in late 2012 which reduced the fees charged by the Registrar of Friendly Societies to co-operative societies by between 33% and 80%, bringing them into line in so far as possible with those charged to companies. The commitment was also encompassed in the Action Plan for Jobs for 2013, when we promised to publish legislation aimed at easing the regulatory burden on co-operative societies and making it easier to run a co-operative as an alternative form of enterprise organisation. The Bill is the crystallisation of this promise, and I am happy to commend it to the House today. The Bill also proposes a number of modifications to the Friendly Societies Acts.

Before I get into the detail of what is contained in the Bill I would like to elaborate a little on the background to its development and the legislative regime under which friendly societies and co-operative societies operate. Friendly societies and industrial and provident societies developed as part of the mutual self-help movement of the 19th century, which included co-operatives, building societies, savings banks, credit unions and trade unions. Given Ireland’s rural economy, the emphasis was on farming co-operatives and agricultural banks, with friendly societies largely being an urban phenomenon, many offering an insurance-type service, making payments and offering support at times of death, illness or inability to work. In the intervening years many of these sectors have become regulated as they developed - for example, insurance and credit unions - or were replaced by State-provided welfare systems. The modernisation of this legislation for the remaining groups has lagged behind.

Friendly and co-operative societies operate under the Registrar of Friendly Societies, who is responsible for carrying out the statutory functions and duties conferred on the Registrar of Friendly Societies under their respective separate and independent systems of legislation, namely, the Friendly Societies Acts 1896 to 1977 and the Industrial and Provident Societies Acts 1893 to 2005. The subject matter of these Acts is broadly comparable to that of the Companies Acts. They deal, albeit in a rudimentary and less detailed manner, with topics such as registration, liability, accounts and audit, public enforcement, rules, inspection and dissolution. They provide a type of company law for co-operative societies and friendly societies. There is already some direct linkage between the two bodies of legislation dealing with company law and co-operative societies, particularly on winding up, auditors and the conversion of societies into companies and *vice versa*, and a number of company law provisions are cross-applied to co-operative societies.

While it may be argued that the legislation has stood the test of time well in many respects, there is no doubt or argument that the legislation is outdated, and in other respects is in need of a fundamental overhaul. A simple example of this is that while co-operatives generally operate under the Industrial and Provident Societies Act, although some register as companies, the term “co-operative society” itself does not exist in law.

On the friendly societies side, it is less clear that there is a need to maintain this category of society. Only three new societies have been registered in the past nine years, and certain limitations have already been placed on the activities and functioning of friendly societies by other legislation, such as the Health Insurance (Miscellaneous Provisions) Act 2009, which introduced restrictions on new bodies registering for the purpose of the provision of health insurance. No new bodies may register as restricted membership undertakings. The Charities Act 2009 introduced a new Charities Regulatory Authority and registration requirements, to which a number of the benevolent-type societies will be subject when they are commenced. The Consumer Credit Act brings a small number of societies under the supervision of the Central Bank for loan purposes.

The question of why we are tabling an amending Act rather than a complete overhaul of the legislation can be posed. When the Government decided in June 2011 to proceed with an interim Bill to make a number of amendments to existing legislation, the reasons for the decision were twofold. These were to avoid diverting effort and resources away from work on the Companies Bill, which is the priority in this area, and because when the Companies Bill is enacted it will, to a certain extent, have an impact on how related issues in the co-operatives area will operate. There is no principled reason the approach taken by that Bill on matters such as registration and financial reporting should not also apply to friendly societies and co-operatives in due course.

The interim Bill is aimed primarily at easing the regulatory burden on co-operative societies and making it easier to start up and run a co-operative as an alternative form of enterprise organisation. It will address particular problems that have been identified in the co-operative sector and help ensure this model can thrive and grow to its potential in line with the commitment in the programme for Government to promote appreciation of the co-operative as a form of enterprise organisation. The Bill will also deal with certain issues regarding friendly societies which the Minister, Deputy Bruton, thinks it is timely to address. It is the Minister’s intention, when the Companies Bill is enacted, to prepare new modern legislation to cater for the co-operative sector and for existing friendly societies.

I will elaborate on the policy considerations of the measures proposed in some detail in the individual sections. The Bill is set out in four parts. Part 1 deals with preliminary and general matters, such as the short title, collective citation, construction, commencement, definitions and expenses. Part 2 provides for various amendments to the Friendly Societies Act 1896, principally the cessation of registration of new societies under the Act and a prohibition on existing societies from establishing a loan fund. Part 3 provides for a number of amendments to the Industrial and Provident Societies Act 1893, including providing for the removal of limits on individual shareholdings, increasing the amount a society may raise in funds without the written permission of the Registrar of Friendly Societies, providing for appeals against a decision of the registrar to be made to the Circuit Court rather than the High Court as at present, and allowing greater flexibility to societies regarding their financial year for the purpose of submission of annual returns. Part 4 provides for the application of the existing law on examinership as applied by the Companies Acts to industrial and provident societies which at present cannot avail of the

examinership process.

Sections 1 to 3 of the Bill, which make up Part 1, are general sections only, dealing with citations, construction and commencement, definitions and providing that any expenses incurred by the Minister in the administration of the Act may be paid out of moneys provided by the Oireachtas.

Sections 4 to 8, which make up Part 2 of the Bill, relate to the operation of the friendly societies legislation. Section 5 provides for a significant change to that Act regarding the cessation of registration of any new societies under this legislation. Only a relatively small number of societies remain in existence - just 47 - and, as I stated earlier, there have been just three new entrants in the past nine years, giving a clear indication that the friendly society model is no longer favoured by newly establishing organisations. This change will mean, in effect, that the friendly society model will continue only as a closed group of societies - that is, the existing societies will continue in operation but no new societies will be permitted to be established. The current legislation does not provide for prudential supervision of friendly societies by any public authority, which is a source of some concern in that there is some potential risk to the interests of certain members of the public, and the Minister considers that it is in the public interest to restrict the operation of new entities in this area.

Section 6 places a restriction on existing societies establishing a loan fund as provided for in section 46 of the principal Friendly Societies Act of 1896 where they do not already have such a fund in place. This change will not affect existing societies that currently have a fund in place. As I mentioned earlier, such activity is not subject to prudential supervision by any public authority, and while the European Communities (Consumer Credit Agreements) Regulations 2010, in amending the Consumer Credit Act 1995, bring a small number of societies under the supervision of the Central Bank for loan purposes, the Minister is of the opinion that societies not already active in this field should not be permitted to extend their remit.

Sections 7 and 8 are two technical amendments which will facilitate the operation of the Friendly Societies Acts. Section 7 removes the role of the Minister in cancellations of friendly societies. Under the current legislation the Registrar must receive the prior approval of the Minister - formerly the Treasury - before cancelling societies on certain grounds. Such a role for a political authority is something of an anachronism in modern times; for example, the Minister has no role in company strike-off. It is proposed to remove this role with regard to friendly societies, and also, in section 10 of the Bill, to industrial and provident societies. Section 8 removes the restriction in the current Act providing that the Registrar must be absent for the powers, functions and duties to be exercised and performed by such other person as the Minister may authorise, and allows another person to act alongside the Registrar. This change is necessary as for the past number of years the role of Registrar of Friendly Societies has not been a dedicated role but has been fulfilled by the Registrar of Companies in addition to her existing duties.

Sections 9 to 12, inclusive, which make up Part 3 of the Bill, relate to the operation of the industrial and provident societies legislation. Section 10 sets out a number of amendments to the principal Act, relating to issues identified through a consultation process as being practical and immediate difficulties being experienced by co-operative societies in relation to the current legislation. The Minister considers that the proposed amendments would ease the administrative burden for the co-operative sector.

Subsection (a) provides for the removal of the upper limit on the interest in a society that an individual society member may hold, where a society so specifies in its rules. The existing upper limit - that is, €150,000, or 1% of the total assets of the society, which was inserted in 2005, remains specified so that societies which wish to retain this limit may do so without having to change their existing rules. This limit is generally suitable for all categories of society at present. There is, however, some risk that it may deter the formation of new societies with small memberships but high capital requirements - for example, in the wind farming sector.

The original rationale for having a statutory limit on individual shareholdings - a limit has been in place since the earliest Act in 1852 - is believed to be connected with the notion of equal participation by the members of a co-operative enterprise. This objective, however, can be fully achieved by co-operatives themselves through the medium of their own rules without the need for legislative intervention. All of the submissions received in the course of the consultation process that addressed this issue have called for the removal of the limit. Accordingly, it is proposed to avail of the present legislative opportunity to remove the statutory limit altogether as an unnecessary regulatory restriction serving no useful purpose. The number of societies likely to raise equity funds from an individual shareholder in excess of the current statutory limit is not expected to be many.

Subsection (b) provides that an appeal of a refusal by the Registrar to register a society, or to register any rules or amendments of rules, may be made to the Circuit Court. Under the current legislation, where a society whose registration has been cancelled by the Registrar - for example, for non-submission of returns - wishes to be restored to the register the society must apply to the High Court. It is proposed to amend the relevant provisions to permit such applications to be dealt with by the Circuit Court. This should reduce costs for societies.

Subsection (c) makes two technical amendments, providing for the cancellation of registration of a society to be “in writing” rather than “under his hand or seal”, and as I explained in the case of the similar provision in relation to friendly societies, provides for the removal of the requirement for the Registrar to have the approval of the Minister for the cancellation.

Subsection (d) restricts the requirement on societies to provide a copy of its rules to members only, on payment of such a fee as the society may set in its rules. This will not disempower the general public, as the rules of a society are required to be submitted to the Registrar and so remain accessible to the general public on demand to the Registrar on payment of the appropriate fee. This will reduce the administrative burden on individual co-operative societies to provide copies of their rules to those without a direct interest in the society.

Subsection (e) provides that annual returns to the Registrar may be submitted on one of two dates during the year, depending on the date of a society’s financial year - that is, the date to which its balance sheet is made up. This allows societies freedom regarding their choice of year end and extends the timeframe for the submission of the return. The current system is quite restrictive in that returns must be made up to a date falling within the five-month period from September to January and all annual returns must be submitted by the following 31 March to the Registrar of Friendly Societies. These statutory timing requirements, introduced in 1893 and 1913, cause difficulties for societies whose annual business cycles do not accord with those requirements, such as dairy societies, which wish to bring their reporting year into line with the dairy production year ending March or April, depending on what part of the country one is from. There is no principled reason, in any event, for not providing greater freedom to societies to determine their financial year-end, as is the case with companies.

Subsection (f) extends the right of members or persons having an interest in the funds of the society to inspect the books containing the names of members to include their holdings in the society, whether in shares or loans. I understand that this is already the practice among many co-operative societies. This adjustment is being made to facilitate the removal of the requirement for societies to submit a triennial return where this information is currently available, which is being abolished. I will provide details on this issue when I outline the provisions in section 11.

Subsection (g) provides for a right for non-members to inspect the books containing the names of members and their holdings in shares at reasonable hours at the registered office of the society. The section is modelled on the similar section in the Companies Acts. Without this amendment, non-members would have no ability to access the membership or holding details of a society in the absence of the triennial return, the requirement for which is, as I have just mentioned, being abolished.

Subsection (h) is purely a technical amendment providing for a minor rewording of the requirement in the rules to provide for the determination of the amount of interest in a society a member may hold. The amendment is required consequent to the removal of the upper limit which is currently in place.

Section 11 abolishes a requirement introduced by the Industrial and Provident Societies (Amendment) Act 1913 which required societies to submit at least once in every three years a return of the members and their holdings to the Registrar. The co-operative sector has sought the abolition of this requirement and argued that the information is out of date too quickly to be useful and imposes an unnecessary administrative burden on societies. There is general agreement that this return serves no useful purpose and accordingly, it is proposed to remove the requirement. As mentioned earlier, section 10(g) provides that both members and non-members will now be able to access information relating to members and their shareholdings directly through the co-operative society.

Section 12 provides for a number of amendments to the Industrial and Provident Societies (Amendment) Act 1978. It provides for an increase in the amount that a society may raise by way of subscription for shares without the written permission of the registrar from €12,697 - that is, £10,000 - to €30,000. It also extends the provision whereby certain funding sources are excluded from the requirement to obtain the written permission of the registrar to include moneys advanced by a public body to a registered society. This will remove the need for societies to seek the prior permission of the registrar before they can accept funds from a public body or where the amount of share capital raised in any period of six months does not exceed €30,000. The change meets the concerns of some societies affected, particularly building co-operatives, that the present restrictions are excessive. The section also defines “public body” for this purpose.

Sections 13 to 24 make up the fourth and final Part of the Bill, which provides for the examinership provisions of the Companies (Amendment) Act 1990, as amended, to be made available to co-operative societies. Examinership is a mechanism used to enable companies that are in financial difficulties to be put back on a sound footing and avoid liquidation. Currently, this mechanism is not available to industrial and provident societies. The practical effect of this is to limit the restructuring options that are available to a co-operative society in the event of its getting into financial difficulties. While the Minister is not aware of any particular instances in which the examinership mechanism may be required by co-operative societies, he considers it

desirable, particularly in the present economic climate, that this mechanism should be available for use by any society that might need it. The co-operative movement also has signalled that it considers this matter should be addressed as a priority. The intention is that the law on examinership, as it applies to companies through the 1990 Companies (Amendment) Act, will apply in the same manner to industrial and provident societies. Sections 13 to 23 of the Bill provide for such necessary definitions, changes and modifications as are needed to apply the legislation to industrial and provident societies. The amendments are effectively technical amendments necessary for the understanding and effective operation of the Act in its application to co-operative societies.

Section 14 provides that the provisions of the Companies (Amendment) Act 1990, as amended, as well as any other provision of the Companies Acts referred to in that Act, will apply to industrial and provident societies in the same manner as they apply to companies, subject to necessary modifications. Two of the sections of the Act are disapplied for the purpose of its application to industrial and provident societies. First, section 6A is disapplied, as the provisions of the Companies Acts regarding receivers do not apply to industrial and provident societies. Moreover, section 36A, which relates to the bringing of proceedings by the registrar in the case of an offence, is disapplied as it is restated in the new section 24 of this Bill dealing with offences for clarity and ease of reading. Section 15 construes phrases in the 1990 Act that apply specifically to companies to the nearest equivalent definition or meaning for industrial and provident societies.

Section 16 applies section 3 of the 1990 Act, which deals with who may petition for protection of the court, with certain modifications needed with regard to industrial and provident societies. Subsection (a) lists the persons who may apply for the protection of the court, particularly the number of members of the society required to present a petition. The number proposed here equates to the existing proportion of members who are permitted by the Industrial and Provident Societies Act 1893 to request that the registrar investigate a society. For ease of reference, this subsection also restates and updates the references to the list of societies comprehended by section 3(2)(c) of the 1990 Act. Although section 3(2)(c) refers to the societies, they are, in fact, listed elsewhere in the Companies Acts. By restating the list in this Act, it avoids the necessity of referring to Acts other than the 1990 Act. Members should hang in there.

Additionally, as the list is not all directly applicable to industrial and provident societies, the Minister has taken the opportunity to exclude non-relevant aspects. Subsection (b) expands the definition of director to include the “committee of management or other directing body of an industrial and provident society”. It also disapplies the requirement for the report of the independent accountant to include his or her opinion as to whether further inquiries are needed with a view to proceedings under certain provisions of the principal Companies Act 1963, which do not apply to an industrial and provident society.

Section 17 applies section 3C of the 1990 Act, which deals with the independent accountant’s report. Subsection (4) of that section is simply restated with a modification to indicate that the reference to section 3(2)(c) is a reference to that section as modified by this Bill. Section 18 applies section 5 of the 1990 Act, which deals with the effect on creditors and others of a petition to appoint an examiner. This section disapplies provisions of the 1990 Act that apply certain sections relating to orders for relief under section 205 of the principal Companies Act 1963, which does not apply to industrial and provident societies. Section 19 substitutes a reference to “the Industrial and Provident Society Acts” for the reference to “the Companies Acts” in each of sections 7, 18 and 24 to reflect the fact that the Industrial and Provident Societies Acts

provide the governing legislation for societies, rather than the Companies Acts. Section 20 removes the reference to “shadow director”, which is not a term that has an equivalent meaning in the context of an industrial and provident society. Section 21 disapplies subsection 7, relating to offences under the 1990 Act, which, as I have mentioned earlier, are restated in section 24 of this Bill.

Section 22 is a technical amendment providing for clarification in the case of a society in examinership that it is the Companies (Amendment) Act 1990, as applied by this Bill, which is applicable. It also provides for the disapplication of subsection (5), which relates to offences under the 1990 Act. Section 23 amends sections 28 and 30 of the 1990 Act, again disapplying references to offences that are restated in section 24. Section 24 restates the offences in the 1990 Act and has been updated to equate with the provisions in the Companies Bill 2012. Subsection (2), which is new, provides that a court may make an order to rectify any breach of this Act for which any person is convicted. Subsection (3) provides that summary proceedings regarding an offence under this section may be brought by the Registrar of Friendly Societies. This is a restatement of the disappplied section 36A, which, as I mentioned earlier, has been brought into section 24, which pertains to offences.

That concludes my presentation of the Bill on behalf of the Minister. I wish only to mention that in light of the passage of the Companies (Miscellaneous Provisions) Act 2013 through the Houses just before Christmas, it is intended to bring forward an amendment to the Bill on Committee Stage to reflect the change to the examinership process brought about by that Act - that is, provision for access to the process through the Circuit Court rather than the High Court in certain instances. I look forward to listening to Members’ views both today and in their future consideration of the Bill as it progresses through this House. I commend the Bill to the House.

**Senator Brian Ó Domhnaill:** I thank the Minister for his attendance this afternoon to provide an overview of the legislation, namely, the Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Bill 2013.

I very much welcome the legislation, as do my colleagues in Fianna Fáil, and we will be supporting it. It streamlines existing legislation, reduces bureaucracy and amends regulatory obligations. Friendly societies and co-operatives have played an important role in Irish society in general down through the years. Friendly societies were developed initially as part of the mutual self-help movement of the 19th century, which included co-operatives, building societies, savings banks, credit unions and trade unions and those societies are registered generally under the legislation to which the Minister of State referred, namely, the Friendly Society Acts 1896 to 1997. The various objectives of those societies that were registered include permitting the carrying out of financial activities, including the provision of financial benefits in regard to illness, old age or death and savings and loan activities. However, over the years with the State’s increased intervention in supporting the common good through the introduction of State-sponsored social welfare payments, coupled with the growth and development of the insurance business as an industry sector, we saw the social purposes of the friendly societies begin to decline. I understand currently only 35 of those societies are active and that only three new societies were registered in the past nine years.

On the other hand, the co-operative movement has played a huge role in Irish society in terms of our economic, social and cultural development over the years. A co-operative body is an organisation which operates on the basis of one member, one vote, on a co-operative principle. While the term “co-operative” does not have a legal standing most of the co-operative

movements in Ireland are covered in law under the Industrial and Provident Societies Acts 1893 to 1978. Co-operatives have played a huge role in our economic and social development, particularly in the agrifood sector over the years. In addition to that, they have played a major role in providing housing, rural services and community development. A Forfás report on Ireland's co-operative sector, published in 2007, indicated that most of the €12 billion annual turnover attributed to co-operatives is accounted for by the agrifood sector. There are household names, recognised not only in Ireland but worldwide, who have played an active role in the development of the agrifood sector in Ireland.

This legislation is a welcome streamlining of existing legislation. It will be supported by Fianna Fáil on this side of the House. It aims to address concerns brought forward by the sectors. For example, the existing law on examinership only applies to companies and this is being extended to industrial and provident societies. That is to be welcomed and is an extension those organisations, societies and co-operatives were seeking. There is also additional flexibility provided in the Bill, which the Minister of State has mentioned, whereby provision is made to remove the upper limit on the interest in a society which an individual member may hold, which is currently €150,000, or 1% of the total assets of the society. This will allow societies to amend their rules to set a higher limit or no limit, whichever the societies wish to do, and that is welcome. The Bill also provides that the Minister's role in terms of the approval of a cancellation of an industrial and provident society is being removed and that role will now rest exclusively with the Registrar of Friendly Societies, bringing it more into line with company legislation.

All in all, the legislation is welcome. It will reduce the bureaucracy and streamline existing legislation. We very much welcome it and look forward to supporting it as it passes through this House.

**Senator Michael Mullins:** I welcome the Minister of State, Deputy Sherlock, to the House and compliment him on the excellent job he is doing in his capacity as Minister of State with responsibility for innovation and technology.

I very much welcome the introduction of the Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Bill 2013. It honours a commitment made in the programme for Government to work to promote a greater appreciation of the co-operative model as a form of business organisation and to ensure a level playing field between co-operatives and the other legal options for structuring enterprise activities. In the Action Plan for Jobs 2013 the Government promised to publish legislation aimed at easing the regulatory burden on co-operative societies and making it easier to run a co-operative as an alternative form of enterprise organisation.

The purpose of the Bill is to provide for various amendments to two codes of legislation, namely, the Friendly Societies Acts and the Industrial and Provident Societies Acts. The main amendment in the area of friendly societies provides for the closure of registration of new societies. The amendments in the area of industrial and provident societies are aimed at easing the regulatory burden on co-operative societies and making examinership, currently available only to companies, accessible to co-operative societies.

Friendly societies developed as part of the mutual self-help movement in the 19th century. Things have moved on since then and very significant developments have taken place in our country. The State intervened with the introduction of social welfare payments, coupled with the growth and development of the insurance business as an industry sector, which saw

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the social purposes served by the friendly societies begin to decline somewhat. There are currently some 35 friendly societies, six of which have been in operation for more than 100 years, many at relatively low levels of activity. The five largest societies, both in terms of assets and annual income, hold assets of more than €150 million and their volume of business in 2011-12 was approximately €70 million. Four of these societies have a predominantly public sector membership, two offering what might generally be termed health insurance - the Garda and Prison Officers Medical Aid Societies, both registered with the Health Insurance Authority as restricted membership undertakings. The fifth is the last remaining active specially authorised loan society, a society which is authorised to grant loans to members. In all, 16 societies hold assets in excess of €1 million. There are only six societies currently on the register which have registered since 2000, none of which is involved in the provision of financial services.

The Bill provides for the closure of registration of new societies under the Friendly Societies Act. Only a small number of societies remain in existence and there have been only three new entrants in the past nine years, which indicates there has been a decline in the number of people interested in the future of the friendly societies.

Turning to the Industrial and Provident Societies Acts and the co-operative movement, a co-operative is an association or body which is organised and operates on the basis of a co-operative principle, that of democratic member control - one person, one vote. The co-operative movement has made a very significant contribution to Irish life. The dairy sector is the most significant and the better known. That developed from the days in which we had many creameries at many crossroads across the country. We now have large organisations which use the legal forms of the industrial and providence societies as well as company law, such as Kerry Group, Glanbia and Dairygold. Another example of well known co-operatives which have played a significant role in our country are the livestock marts. Approximately 26 livestock marts operate throughout the country, with 40,000 members and over 800 employees. The farm relief services network is another significant co-operative endeavour, with approximately 20 co-operatives providing farm services such as milking, fencing and health and safety training. Fishing co-operatives have also been established in various parts of the country, with 55 such co-operatives in operation in 2005. Housing co-operatives play a significant role in the provision of group housing and affordable housing to people with modest incomes through a mix of renting and ownership. The single biggest group on the register at the end of 2012 comprised group water scheme societies. There are 345 such societies, accounting for over one third of all co-operatives registered.

Worker co-operatives are in their infancy in Ireland but they are viewed by some as a highly effective form of business organisation, given the personal incentives they create for increasing productivity. This is an area we should develop further. Prior to 2002, a co-operative service was provided by FÁS. The co-operative structure is regarded by some as an ideal structure for succession planning, particularly in respect of small and medium-sized enterprises and family-owned companies. It also has potential for creating spin-off enterprises from larger companies. The co-operative movement in Ireland and across Europe and the United States has made a significant contribution to economic prosperity. Banking co-operatives have approximately 20% of the market share across Europe. In the United States, approximately 21,000 co-operatives serve 130 million members.

This Bill would extend the existing law on examinership, which currently applies only to companies, to industrial and provident societies. The aim is that the 1990 Companies (Amendment) Act, which introduced the examinership mechanism for companies, will also apply to

industrial and provident societies. Provision is also being made to remove the upper limit on the interest in a society an individual member may hold, which is currently €150,000, or 1% of the total assets of the society. This will allow individual societies to amend their rules to set a higher limit, or no limit, should they wish to do so. Significantly, the Bill provides that an appeal of a decision by the registrar may be made to the Circuit Court rather than the High Court. This should have a significant impact in terms of reducing costs. The ministerial role in the cancellation of an industrial and provident society is being removed and responsibility for cancellation will now rest solely with the Registrar of Friendly Societies.

This is a worthy Bill which aims to level the playing field and make it easier for co-operatives to do business and, hopefully, to expand and develop. There is considerable potential to harness the co-operative movement to grow and develop businesses. Co-operatives are now being established in the areas of health provision and home care, and other aspects of Irish life. I have great pleasure in supporting this legislation because it will have a positive impact on business in this country.

**Senator David Cullinane:** I thank the Minister of State, Deputy Sherlock, for bringing this Bill to the House. I support the Bill and welcome its objective of reducing the legislative burden on co-operatives and enabling them to use the examinership process where necessary. This debate gives us an opportunity to reflect on the value of co-operatives in this State and to consider areas where we can make improvements.

Co-operatives are based on values of self-help, self-responsibility, democracy, equality, equity and solidarity. They are underpinned by a number of core principles, including voluntary and open membership, democratic member control, members' economic participation, autonomy and independence, education and training, co-operation among co-operatives and concern for community. Co-operatives are enterprises that put people rather than capital at the centre of their business. In the context of a globalised and capitalistic world, it is welcome that we have co-operatives that do not necessarily put the interest of capital before the interests of communities and those who are at the centre of the business, including the workers. Senator Mullins referred to workers' co-operatives, which are a good example of how companies can create real value for the people who work in them and their communities.

Co-operatives are owned and democratically controlled by their members. Their decision making balances the need for profitability with the needs of members and the wider interests of the community. By providing opportunities for mutual aid and cost-effective service provision, co-operatives encourage local and individual self-reliance and offer strong alternatives to globalised, investor-driven businesses. They create and maintain employment, provide incomes and are socially conscious and responsive to members' needs. It is important to reflect on co-operatives in terms of their real value and worth. They are rooted in their communities, offer jobs to local people and are more stable as employers because their members live in the community. They are less likely to relocate to lower wage regions because they prefer to look for innovative ways to retain jobs and remain competitive. We have seen many companies that have outsourced production. One such company is Waterford Crystal, which manufactured crystal in eastern Europe prior to its closure because costs and wages were lower there. If the company had been a workers' co-operative it would have come up with innovative strategies to stay in business and preserve employment in Waterford. Businesses that are owned by venture capitalists will seek the fastest buck and the highest profit rather than support communities or job creation locally.

Co-operatives create wealth in their communities through local ownership and they provide stability and services in areas that are not profitable for private enterprise. The co-operative model of enterprise can be employed in any business activity. Co-operatives also exist in traditional economic sectors. This country has a long-standing and strong co-operative base in agriculture, fisheries and consumer and financial services. We now have it in housing and in other areas of production. Co-operative activity spans a diverse number of sectors, including health care, child care, social care, schools, tourism, utilities and transport. The main types of co-operative in this country are consumer co-operatives, producer co-operatives, agricultural co-operatives, community co-operatives and worker co-operatives. Worker co-operatives are worth dwelling on, as are worker-controlled service enterprises. We hear much about the social economy and co-operatives fit very much into that very broad term. Worker co-operatives, which are central to that, are initiated by worker owners or by agencies representing their interests. By converting from a private enterprise, where viable, and with the help and encouragement of private owners, worker co-operatives can work. Waterford Crystal is an example of where that did not happen, but there are instances in which companies have been taken over by the workers - a worker buy-out - and they were able to keep the companies going and retain jobs. Senator Mullins mentioned them earlier. This is something we should encourage and facilitate much more where we can. Perhaps that would help to sustain more jobs in this State and reduce the high unemployment we have.

There are some interesting figures in regard to co-operatives generally. More than 800 million people are members of co-operatives across the globe. Some 120 million member co-operatives own 160,000 co-operative enterprises, providing jobs to 5.4 million citizens across the eurozone, which is a huge figure. Co-operatives provide 100 million jobs worldwide, 20% more than multinational enterprises. In 1994, the livelihoods of almost 3 billion people were made secure by co-operative enterprises. There are 183 co-operative enterprises, 156,000 co-operative members and 18,869 co-operative employees based in Europe.

Argentina is a good example of using co-operatives to the advantage of the overall economy. As we know, in 2001, Argentina suffered a very real crisis with a devaluation of its currency, which was followed by very high levels of unemployment, even higher than we had at the height of economic crash in this State. It currently has 12,670 co-operative societies, with more than 9.3 million members employed. It placed much emphasis on, and gave much support to, ensuring co-operatives worked and thrived.

At a time when significant numbers of industries and multinational corporations are moving to other countries in order to take advantage of low labour costs, the consequence has been growing unemployment, which we have seen in particular in rural areas. Co-operatives provide direct employment as well as seasonal and casual work. They are often the only provider of services in rural communities given that traditional companies often find it too costly to invest. That fits into what I spoke about earlier in regard to the social economy.

There is much more we could say, and perhaps this is an area on which the Minister of State might come back and take statements so we can have a fuller debate on co-operatives. The Bill is straightforward, necessary and helpful and I support it for those reasons. I also wanted to put on record my support for the co-operative sector and the social economy sector generally.

**Senator Susan O’Keeffe:** I thank the Minister of State for an extremely thorough presentation on a relatively small Bill, although a very important one. Other Senators alluded to the fact we live in a strange time where the world is shrinking and where we talk about globalisation and

large corporations all the time and yet where co-operatives, in particular, have a very special place in our culture in Ireland.

Having been involved and interested in the food industry for a long time, I cannot but acknowledge the work done by people over decades in trying to come together to find a good way to work and to share not only profits but knowledge among people, particularly in the farming sector, but also at local level and, as Senator Mullins, said across a huge range of other activities. Even in this modern time when we are full of connecting and talking across the Atlantic, the Pacific and even outer space, with Chris Hadfield as our sort-of ambassador, we know that when it comes down to it, what really matters is people communicating with each other and sharing information. In rural communities, in particular, co-operatives have always played an important role.

I am very supportive of this legislation, which, as the Minister of State said, tries to level the playing field, but in a way that recognises the very important differences between co-operatives and the larger business-type models. I am pleased to see full consultation has taken place since 2009 in regard to making and encouraging these changes. I trust people have had their say and made their contribution. Certainly, anything that eases the regulatory burden on this group in particular, because of the nature of co-operatives, is welcome at this time. It is not often that we can say we are trying to reduce the regulatory burden, so it is good that this is being done. It was in the Action Plan for Jobs. People are very cynical at these days about Governments not living up to promises, but here is a promise. Although it is a small one, it is significant for this particular group of people.

We hear people talking about the use of bitcoins and bartering, the word “meitheal” coming back into our vocabulary, the encouragement of social entrepreneurs and the great work being done by social entrepreneurs, many of whom come together in small groups in their own local communities and areas to try to achieve particular goals. The treasuring, building and strengthening of the co-operative movement in Ireland is extremely important.

As Senator Cullinane said, perhaps there will be an opportunity for the Minister of State to come back to have a wider conversation, and for us in government and for communities to encourage and support the building of more co-operatives, and to say that in the 21st century there is a place for co-operatives and we encourage them. Sometimes legislation gets missed and perhaps ignored, but maybe we should make a bigger statement about that. Co-operatives are never going to be great drivers of job creation in the way other things we do are, but that is not the point. The point is that they have a real cohesive value in communities. Over the past decade we became very individualistic in our approach but I think people are remembering that need to co-operate. Was there ever a better time to elevate the whole concept and need for co-operatives?

We talked a little bit about the concept of co-opetition, which is a healthy thing. I was much encouraged to be in Strandhill in Sligo last Friday for a great local community initiative for tourism whereby people have come together to ask how they can pool their resources to promote Strandhill, because they all live and work there and want to promote it and put their best foot forward. There are many such models across the country. They may never form a formal co-operative but they understand the value of coming together and I have no doubt other people are doing the same thing.

It is not just about keeping a promise and about changing the legislation, which are impor-

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tant, but about making a greater statement about the value we place on this kind of activity in what is a very competitive and global marketplace.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock):** I welcome and thank Senators for their unanimous support for this Bill. I again acknowledge that this was a programme for Government commitment. I acknowledge the words of various Senators in regard to the deeply embedded sense of ownership we have around the friendly society and co-operative philosophy and I would welcome an opportunity to come back to explore that in further detail.

Again, I appreciate the words of the Senators. I believe that the Bill is based on a strong co-operative or collaborative approach to legislation creation because we went outside the House and spoke to as many people and representative bodies as possible. We have reflected their views in this and that is the most important thing to do. I again thank Members.

Question put and agreed to.

**Acting Chairman (Senator Michael Comiskey):** When is it proposed to take Committee Stage?

**Senator Michael Mullins:** Next Tuesday.

Committee Stage ordered for Tuesday, 8 April 2014.

*Sitting suspended at 2 p.m. and resumed at 3 p.m.*

### **Higher Education and Research (Consolidation and Improvement) Bill 2014: Second Stage**

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

**Senator Sean D. Barrett:** Cuirim fáilte roimh an Aire Stáit, Deputy Ciarán Cannon. Unfortunately, the last time we were seated together was at the funeral of former Deputy Nicky McFadden in Athlone last week. It is a pleasure to welcome the Minister of State and thank those who helped in preparing this Bill, including Dr. Charles Clarke, Ms Ursula Ní Choill, the staff of the Bills Office, the Cathaoirleach, the Leader and their assistants. A Bill does not just walk in here; it requires the work of a lot of people. I acknowledge my debt to them all.

Most famously associated with scholarship and later with universities are the founder of University College Dublin, John Henry Newman, and his seminal work *The Idea of a University*, which is widely quoted when people address this topic. There are two quotes I wish to put before the House, the first of which is, "to live is to change, and to be perfect is to have changed often." We realise there is a lot of thought on the issue we face today. The other quote is: "if we insist upon being as sure as is conceivable [...] we must be content to creep along the ground, and can never soar." We recognise we are addressing problems with at least two Bills coming from the Minister of State's Department and by way of the thoughts of the House. We are addressing matters such as the cost base, demoralisation and mistakes made in the United Kingdom. Many of our academic colleagues are seriously concerned about that. There is a

need to preserve academic values, make students a priority and tackle excess costs where they arise. The template for the legislation is the 1997 Act. We are concerned about the growth of the budget and the maximisation of bureaucracy, regardless of outputs and the demoralisation problem we face.

There is a problem concerning financial accountability. The file from the Comptroller and Auditor General, reporting on universities, their costings and misallocations, etc., must be considered. There are reports from September 2010 and 2012. Very little evidence of outputs was found after a strategic investment plan worth €146 million. There was evidence of substantial overpayments of over €8 million to a small number of senior academics as recently as the time of the publication of the report in February 2012.

The Comptroller and Auditor General is a major assistant in the operation of the Parliament and he is an officer under the Constitution. We must respond to the reports. We must ensure that financial accountability and the probity of higher education and research institutions are preserved while at the same time enshrining the institutions' independence and that of their staff.

The Higher Education Authority, HEA, which we are seeking to reform today, dates from 1971. It acts as a regulator, advocate and funder for the higher education sector and most of the research sector. Life has evolved, however, and the model it is using is inconsistent with the legislation, practices and structures in continental Europe. The conflict is that the original remit of the authority did not include a clear requirement for cost-benefit analysis, capital project appraisal, demographic demand projection, economic impact studies and manpower requirements.

We seek to bring into existence a new body, a higher education and research grants committee, using existing resources to take over the funding remit of the HEA and provide a direct link between the Department of Education and Skills and the Department of Public Expenditure and Reform. When all of us came to the House after the economic collapse in 2008, we recognised the importance of the Department of Public Expenditure and Reform. We want the strictest controls over the finances and as few controls as possible over autonomy and intellectual activity. Involving the Department of Public Expenditure and Reform is essential, just as it is essential to the Government's entire reform agenda. The Department responsible for transport would like to spend the entire GDP on transport projects but there has to be a counterweight. The body proposed is appropriate in this regard in the context of higher education. It is modelled on the UK University Grants Committee, which had a clear link to the Treasury. The proposed committee would report to the Minister for Education and Skills. It would have a membership of ten, with five members nominated by the Minister for Education and Skills and five by the Minister for Public Expenditure and Reform.

We need to tackle the reports because there are so many pages that indicate the Comptroller and Auditor General had to investigate the excessive cost base. That has had the effect of undermining the academic autonomy of the universities, which runs totally against the reason we have universities, as sources of diverse views, opinions and debate.

We involve the Comptroller and Auditor General and he plays an important role. One often wishes that he did not come into play until after the mistakes had been made but if we can involve the Department of Public Expenditure and Reform, perhaps we can bring a system into financial transparency and autonomy. This will mean autonomy and academic freedom.

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The objectives of academic freedom for the sector, the institution and the individual academic are enshrined in legislation. Ireland has one of the most progressive declarations of academic freedom in Europe and the objective of the exercise is to protect the sector as well as individuals. Since 1997, there have been worrying moves towards turning higher education into a purely instrumentalist approach, where the Exchequer subsidises the creation of workers for the multinational sector and conjures up bright green nano bots that will add more to GNP than Google or an oil well. While it is important to ensure graduates are able to engage successfully with the labour market, the instrumental approach has undermined the civic, cultural and intellectual aims of higher education and research institutions in the island. This is a problem of demoralisation in the universities. That is why we are trying to separate the finance aspect. The institutes should have the utmost probity and be absolutely above board. After that, we should give freedom to people to have, for example, five people who see global warming as a serious problem debating five others who do not see it as a serious problem. That is not divisiveness but what universities should always do.

In economics, the concept of tenure was devised by the founding fathers of the American Economic Association when people were pressurised to stop publishing and lecturing in the late 19th century. Academic freedom and tenure allows people like Professor Morgan Kelly to speak truth to power where groupthink dominates. We tried to correct that, which is the result of the *Cahill v. Dublin City University* case. One of the earliest Irish members of the American Economic Association is more famous as a poet but was a distinguished economist, namely, John Kells Ingram, author of *Who Fears to Speak of '98?*. An eminent international economist, he was a nationalist poet working in the Unionist Trinity College. That was the kind of freedom of expression that was allowed and which we want to enshrine here. We want to make universities realise that the human capital of the university is the staff, with diverse views, opinions and contrast of ideas. In the words of J.M. Keynes, in the end it is ideas, for good or ill, that are powerful much more so than the power of vested interests.

I mentioned Professor Morgan Kelly as a dissident and someone not subject to groupthink. He might not have been hired by the Department of Finance but it was absolutely vital for the country that he was hired by UCD. I am delighted he was my student at one stage. That is what universities must do; they are not part of the Civil Service. That is what we are trying to protect in this Bill.

We should be aware of the demoralisation in the UK and Australian systems. We will be attempting to get better value for money and to restore morale. That is the purpose of legislation. It is important that the interest groups and the pressure groups that have traditionally dominated the area have a response from the Parliament. I am particularly keen that university Senators should play a role in assisting the Minister in the task of reform.

**Senator John Crown:** I am strongly supportive of Senator Barrett's Bill. The presence of people like Senator Barrett in these Houses should be a lesson to us all. It says something about the way politics in general esteems expertise and the way our society esteems expertise that there have been so few people with his qualifications in positions of political authority in a country that has been undone by a lack of economic expertise. When one looks at where we place academic achievement, original research and intellectual expertise in the firmament of importance, on the night of the bank guarantee there was not one PhD economist working in a front-line capacity in the Department of Finance. All of these decisions were being taken by people who did not have that level of doctoral expertise on the Government side or on the side of officialdom. I am not sure what expertise the bankers brought in that night. There was a

colossal lacuna of available expertise.

Another area of generally regarded dysfunction is the health service. One of the key problems in our health service is the lack of academic leadership. Our service has been intensely managed and underled. Our health service has more medical schools per head of population than any other country in the Western world yet, paradoxically, fewer doctors. I do not know how we manage to achieve that unique constellation of attributes. We have fewer doctors in career level posts and our six medical schools between them have fewer than 100 consultant-level clinician researcher academics in the full-time employ of the universities. I believe the figure is 60 between six schools, while Harvard Medical School has 1,500 such people. There is clearly something wrong with the way we structure academia in this country.

I hope the Bill proposed by Senator Barrett, in spirit and in the letter of what it sets out to achieve, will be largely accepted and will lead to a fundamental reform of how we do this particular bit of national business. I hope it will create a regulatory environment that will enable policymakers to be assured of academic independence, freedom, financial accountability and financial probity. In the structural changes it makes to the HEA and the institution of the new higher education research grants committee, it will give us the appropriate division of responsibility. There is always a tendency in small countries to try to bring multiple areas of responsibility, where conflicts of interest exist, into one unitary structure. Senator Barrett has bravely and correctly attempted to remedy this by identifying the need for separate structures to look after academic oversight, academic leadership and the more hard-edged business of financial accountability.

It will, because it separates these two functions, give us a focus on the economic appraisal of expenditure by the sector. I am the first to admit that, left alone, academics can be well capable of drifting off into the ether and the clouds of impracticality when deciding how to spend other people's money. It is a good idea that there will be twin demands of academic rigour and financial accountability.

I hope it will also deal with the terrible problem alluded to by Senator Barrett of an extraordinary imbalance in the way we grant lifelong, unshakeable tenure to people who work in so many areas of the public sector, who cannot be fired except at the point of a court case, and give such absolute thin ice conditions of employment to highly qualified people who work in academia. I deal with large numbers of full-time public servants on the administrative side who have lifelong jobs and great job security. Most of them do a very honest day's work and try to do their work. I also deal with unbelievably brilliant, accomplished, mainly young people - often women - who have PhDs and several years of postdoctoral experience. They are living from one six-month period to the next, wondering when they will get another research grant or whether, at the whim of people whose vanity research project is satisfied by their activities, they have a job to go to. One cannot build a proper university and academic research centre unless these underpinnings are correct. I hope, with the new division of labour and responsibilities proposed by Senator Barrett, one group will be focused on academic excellence as a main job. As a result we will see the natural development of the kind of structures that exist everywhere else in the world.

It cannot have escaped attention - I do not say this with disrespect towards any institutions - that the institutions which have achieved top 100 status in international university rankings have dropped. Moreover, the only university in the top 50 dropped out. This should tell us something. An extraordinary product comes from our universities in well-educated, smart

young people who do extraordinarily well competitively. Having returned to the sector for the past 21 years, and having worked in the sector in two other jurisdictions before I came home, one sometimes wonders if this is despite, rather than because of, the institutions we have set up. There are few faculties and research is poorly funded but the one extraordinary human asset is the very bright young people who are motivated and determined to get out on the other side. This often adds a bit of smokescreen to the deficiencies of the third level sector.

We must get this right. There has not been a serious attempt to reform the sector for a long time and Senator Barrett deserves much credit for trying to do so. I hope most of this Bill will ultimately be accepted by the Government and it can be seen as the beginning of a new process of renewal for third level education and research in this country.

**Senator Jim D'Arcy:** Cuirim fáilte roimh an Aire Stáit go dtí an Teach. I congratulate Senator Barrett for bringing forward this Bill and all the thought he has put into it. The Minister has introduced many reforming Bills in his three years in office and in time, they will have an enormous impact on education and training across a range of areas. With third level education, the Minister has engaged in wide consultation and review of the entire sector, with a view to further enhancing the already excellent sector, including the institutes of technology and universities. Senator Crown referred to the fact that we are not top of the pops any more, as we have no universities in the world's top 50. The quality of teaching and learning in our institutions is a concern, and we must consider how well educated are our young people when they must fit the modern world. This is relevant to our new training centres, further education institutions, institutes of technology, universities and other third level training institutions.

As I indicated, Senator Barrett's Bill is very welcome, and such is the research and rational thinking evident in his work that it can only contribute greatly to the whole debate. We will not oppose the Bill on Second Stage.

**Senator David Norris:** Good.

**Senator Jim D'Arcy:** We will support its passage to Committee Stage. Senator Barrett is aware that two further Bills are being prepared, the technological universities Bill and the higher education governance Bill, and they will probably deal with much of what the Senator has raised.

Senator Barrett has outlined the purpose of the Bill, which may be worth repeating. It is to do the following: create a more modern approach to public expenditure management for funding higher education; introduce a single regulatory authority; and address the problems created by the Cahill v. Dublin City University case. I am a proponent of academic freedom and I welcome the frequent contributions of Mr. Morgan Kelly and others, including our own Senator Barrett, in this regard. The Bill also seeks more effective governing authorities, an aspiration with which I agree. I know a number of institute and university boards are seeking to be more effective, and some are being resisted, so I hope everybody in these colleges will co-operate so as to bring about more effective governance and accountability. The average income of each institute of technology is €50 million, of which €40 million goes on wages. There is €10 million to be managed in each case, which is a considerable sum, so we need value for money.

The role of higher education has never been more important. Our future will be built on this and we must generate a workforce of motivated people who are adaptable and flexible, a generation of innovative thinkers who will have many jobs and careers over their lives. The

national strategy for higher education sets out directions for change aimed at providing for this. As part of the strategy for higher education and governance reform, we are consolidating our institutional system from 39 institutions to 25. My local college is Dundalk Institute of Technology, and I was a member of its governing body for nine years. I retain a very close association to the college. It has signed a memorandum of understanding with Dublin City University to provide accredited level 8 and level 9 degrees, and there is other collaboration in the research area dear to Senator Barrett's heart. Such action is being replicated throughout the country in places like St. Angela's College in Sligo and other institutions throughout the country which are forming bonds and alliances up to the formation of a university.

There is much work being done already but we need more of it. I look forward to further debate on the issue and words of wisdom from Senator Barrett.

**Senator Averil Power:** I welcome the Senator's Bill on consolidating and improving the higher education sector as an important contribution to the debate on the future of higher education in Ireland. I welcome that the Government will allow the Bill to proceed to Committee Stage. It is a large, complex piece of legislation and it has clearly taken much work to consolidate the existing legislation, so it would be useful to have a detailed discussion on Committee Stage.

The Bill can be divided into four: the restructuring of how State funding is awarded; the restructuring of governance; protection for academics; and the foundation of technological universities. The idea of having a single committee to oversee all State funding is good with respect to the streamlining of the process and ensuring all institutions are under the one grant-awarding body. It is very important to keep higher education institutions competing for funding, as it creates a culture of excellence, with the best departments and staff getting more grants. It is important that be retained in this or any other new structure. One could debate whether there would be a risk that the university sector would command more funding as a result. We could tease out this issue later. When applying for research grants and other grants over the last few years the IOTs have made significant inroads in the areas of technology and bioscience in particular and this allows them to focus on the niche areas they excel at rather than trying to enter the hotly-contested fields dominated by the universities.

Direct linking between the Department of Public Expenditure and Reform and the HEA is a positive step because it can help ensure less waste in the sector, although I have some concerns about how social science research would do. It is important when we evaluate research proposals that we are not just thinking about the bottom line and whether research will lead to more jobs in the narrower sense. While all research must stand up to scrutiny and represent value for money, it is important to have research in arts, music and all kinds of other areas that might not fit within the narrow context of jobs and technology.

On the restructuring of governance, the Bill provides for an external chairperson of the governing authorities. That is the approach taken in corporate governance in general. Under company law there is a separate chair and CEO and there is a good logic behind that in ensuring a chairperson does not drive his or her own agenda but reflects the consensus of the meeting. TCD does not have an external chairperson. I am not sure if it is the only institution that does not. Senator Barrett is one of the Trinity College Senators. I am not sure if he has consulted with the college on this issue but the advantages of separating the two could be discussed with the college and it would be useful to give it the opportunity to explain why it feels the election of the provost as chairperson is more suitable. I understand the logic behind setting the two and

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it is extremely important. I have sat as a student representative on a governing authority and one can feel at a disadvantage if the chairperson is reflecting the institutional position rather than the consensus of the meeting. It can be very difficult to argue against that.

While ten years is a very long term of office for chairpersons, it would be worth debating whether four years might be too short. The answer may be somewhere in the middle. In the University of Cambridge the vice-chancellor serves for seven years while in the University of Oxford the term is four years and in Harvard University and Massachusetts Institute of Technology, MIT, the period is indefinite. In California Institute of Technology, Caltech, the highest ranked institution in *The Times* higher education rankings, it is nine years. My concern about a four-year term is the fact that in institutions and governments people spend the first year or two claiming they are too new to be blamed for anything, that they are just reading themselves into the job and following through on commitments made by the previous administration. My concern is that four years would not be long enough for the chairperson of an institution to have a real, strategic investment and direction, and particularly to reflect the fact that most institutions' strategic plans are five years long. Maybe it would make sense to align the two.

I welcome the emphasis in the governance section on equity of access. Ireland is still behind its target of 54% access to higher education across all socioeconomic backgrounds. There have been major improvements in participation over the last ten or 20 years but only 6% of total entrants come from unskilled and semi-skilled backgrounds. That has remained stagnant. More needs to be done. It is not just a third-level issue but needs to be addressed at primary and preschool levels, ensuring children from disadvantaged areas have the same opportunities as everybody else.

The Bill refers to tenure. I accept Senator Crown's comment on the drawbacks of lifelong tenure and a better balance could be struck than the current one. Tenure is important for giving people freedom and an established position. However, in any job it is important that people are constantly open to evaluation and performance criteria. The Bill also stresses the importance of academic freedom and that is important. Ensuring academics have academic freedom is a fundamental aspect of third-level education, in particular protecting the rights of people who go against the grain. Although I do not agree with everything Professor Morgan Kelly has written, his contribution to the debate is crucial. It is very important we have this protection. I have just come from a committee meeting, as has Senator Jim D'Arcy, where we were discussing the situation in Bahrain, the Royal College of Surgeons and the fact that Irish-trained medics have been fired from their positions for being critical of the Government there. It is very important in a civilised, democratic society that people be free to say whatever they like, even if that goes against everybody else, and that they are protected in their positions and not discriminated against as a result.

The Bill provides for the establishment of a committee to decide whether or not an IOT has reached technological university status and also provides that an institution would not have to merge to become an IOT. The merger idea is a good one. We have too many higher education institutions. We have replication of courses and it would be better from a value for money point of view and from a student point of view to have sharing of courses - there is more of that - and to merge institutions and ensure we are getting the best quality of education in a smaller number of HEIs. It is important that there be clear criteria. One cannot go to a committee and have it decide whether or not it is impressed by an individual proposal. It needs to be thought through in terms of the overall structure, impact and vision for higher education against a clear set of criteria.

I want to mention two other issues.

**An Cathaoirleach:** Senator, you are way over time.

**Senator Averil Power:** Yes, that is fine. One issue is the importance of a student voice in higher education. The CEO of the HEA mentioned this yesterday and it is crucial and should be central to any future vision for higher education. I am concerned about allowing institutions to set their own fees because it would create a two-tier system of an expensive, elite and cheaper higher education institutions. I would not have had the opportunity of a Trinity education had that been the case. I welcome the Bill. The amount of work Senator Barrett and his staff have put into it is phenomenal and I look forward to debating it at the education committee.

**Senator Ivana Bacik:** I welcome the Minister of State, Deputy Cannon, to the House. I very much welcome Senator Barrett's introduction of this Bill and commend him on his extensive and very comprehensive piece of work. I am delighted the Government is not opposing it. That is appropriate because while not all the substance of it is in line with Government policy, the objectives, as outlined by Senators Barrett and Jim D'Arcy, are. The Government is planning to deal comprehensively with those objectives in the lifetime of this Government. This Bill and debate will be a very useful part of the process of discussing how best to reform higher education.

I feel very much in tune with one particular point in the explanatory memorandum, namely, the lack of a codified, single, unitary piece of legislation dealing with higher education governance. That is absolutely right. It is not unique to the higher education sector. We have a lack of codification across legislation generally, including criminal justice and a range of other areas. That is one of many reasons we need legislation like this. We have particular challenges, not only the financial situation but demographic challenges. We have very high levels of participation in higher education in Ireland. The Oireachtas Library and Research Service points out to us that 118,774 students are enrolled in the university sector and more than 80,000 in the IOT sector. In addition, we see a projected increase to an estimated 213,000 students by 2027. That will have implications for the capacity of our system.

We also have complex governance structures, and that is one of the many issues Senator Barrett and the Government seek to address. Senator Jim D'Arcy has spoken about the reforming work of the Minister for Education and Skills, Deputy Quinn, in education generally, and higher education is one of the areas which the Minister has plans in place to reform. Earlier this week the Minister spoke to the Union of Students in Ireland, USI, conference and mentioned three themes which summarise his agenda as Minister for Education and Skills. The first theme is improving quality and accountability, including reform of the junior cycle and the national literacy and numeracy strategy. The second is supporting inclusion and diversity, in particular the issue of patronage where major reforms are going on. The third is the agenda of change in the higher education and further education and training sectors, the idea of creating opportunities for Irish adults generally, and it is at that level that he is talking about reform as this third theme. Under this heading, which he emphasised in the USI speech which I recommend colleagues with an interest in this should read, he pointed out he will publish two Bills, one on technological universities which is at pre-legislative stage with an Oireachtas committee, and a Bill seeking to improve governance of the entire third level sector, which is very much in keeping with the proposals put forward by Senator Barrett. It is very important that we examine how best to reform higher education. There is a national strategy for higher education, as the Minister stated, which provides a blueprint for developing a more coherent and efficient higher

education system. The institutional mergers envisaged in the technological universities and the regional collaborative clusters proposed by the Minister should go a good deal of the way to delivering significant reforms.

With regard to the Bill, like Senator Power I disagree with the idea of universities setting their own fees under section 39. Yesterday in his speech to the USI, the Minister emphasised there would be no increase in the student registration charge above that which he already indicated. I wonder whether the structures proposed by Senator Barrett, with which I agree, might be seen as Trinity structures being rolled out to other institutions, such as the division between the academic council and the governing authority. I believe this is an excellent idea but it might not work well in every institution. Senator Power also raised the issue of the provost or chief officer of a university only being in place for four years or up to eight years if renewed. I wonder whether five years would be more appropriate. However, these are all details.

The Bill draws out three themes, namely, restructuring, rehiring and research. Restructuring is the *bête noire* of anyone working in the third level sector as Senators Barrett, Norris, Crown and I well know. I have had a long association with Trinity College and restructuring has always been on the agenda there and in other universities. UCC went through a very controversial restructuring process some years ago. We have seen issues raised with regard to semesterisation, the abolition of faculties and rebranding initiatives such as that under way in Trinity College. All of these mark the third level sector institutions as always going through restructuring. It becomes a cliché and, dare I say, an interference with the real work of a university in terms of teaching and research.

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

**Senator Ivana Bacik:** We would all probably agree with this. This is not unique to Ireland. I remember being very conscious of it when I lectured in London; I was there when the polytechnics were being turned into universities. It is a process which must be approached with care. I absolutely approve of the reforms proposed by the Minister but we need to ensure the transition is carried out in a way which is consensual and does not run into such controversies as we saw in the past.

Rehiring is a huge challenge at present in the third level sector and has been linked with our universities dropping in international rankings, albeit that all of us would agree these rankings can be criticised. The criteria for league tables are often themselves rather flawed and we see different approaches taken by different league tables. Having said all of this, rising staff to student ratios do not look good internationally or nationally for our universities. A large part of this has to do with difficulties in recruiting, rehiring or rehiring replacement staff and this must be examined. The Minister has promised a new performance funding framework for universities and we need to free up universities and give them flexibility. There is some flexibility and we see some hiring and this is very welcome.

The 2012 prioritisation acting group proposed 14 priority areas for research funding and there has been major restructuring in this area, such as the establishment of the Irish Research Council. There is much more to be said about this. Much larger quantities of research funding are available through the EU Horizon 2020 programme as everyone is aware. It is a highly competitive process. I have received funding for research from the EU and I know exactly the hoops through which academics and administrators must jump. It is critical for academics to have administrative support in applying for and obtaining funding grants from the EU. It is a

worthwhile process and worth investing in it so we can claim our tranche. The Minister and the Minister of State, Deputy Cannon, are very well aware of this.

I absolutely agree there should be a role for students in reforming and restructuring processes and there should also be a role for alumni. I have received some very impassioned e-mails, as I know have others, from Trinity alumni in recent days over the rebranding initiatives undertaken by the college. Alumni and graduates of all our third level institutions feel very strongly about the institution they left and have strong views. Often they are reflective because they are looking back from the outside world at practices and cultures we may have become too institutionalised to recognise as flawed and in some way deserving of reform. They should also be included.

As the Minister stated to the USI yesterday, students are engaged in the higher education process of reform and a student survey is under way which I know will feed into the reform process. This is the Irish survey of student engagement being run by the HEA in conjunction with the USI and is a very important initiative. There is a real awareness about the need to bring along various stakeholders.

**Senator David Norris:** I congratulate my colleagues, in particular Senator Barrett, for this initiative. It is highly significant and very important and shows the value and reflective nature of this House as well as the Senator's capacity to research and put together such a coherent piece of legislation. I very warmly welcome the fact the Government has decided to allow the Bill to continue to Committee Stage. This shows the proper collaborative nature of this House and the Government in the best interests of the citizens, which does not always happen.

It is 20 years since I taught in the university so I am a little bit out of the loop. I am not as close as some of my colleagues to the academic situation but I have several points to make. I wish to pick up on what Senator Bacik stated about the rebranding of Trinity. I have not had any real volume of correspondence about it but as a graduate and former member of staff I am absolutely furious at what is being done. It is an insult. In my opinion it degrades the status of our graduates. I am astonished there has not been more of a row about it.

The university is different to when I was there, when there were 3,000 students. There are now 21,000 students in more or less the same space. It is a very different university which is much less personalised so we have lost this. We need to retain as much as we can of the distinctive character.

The idea of sacrificing the colour blue because in some way it is related to Ryanair is fatuous in the extreme

**Senator Ivana Bacik:** It is the gold. It is keeping the blue.

**Senator David Norris:** I wish the controlling financial mechanisms envisaged in the Bill had been there before the loonies in Trinity managed to squiff €100,000 on this piece of tripe. If one looks at it, it is bland and artistically illiterate with a little squiggle of a book and the removal of the colours. It is a real insult. The fact that apparently the provost and the board are unaware the title is legally University of Dublin already, which is the constituency in which we sit, says a lot about how clued in they are to the real world. I am very concerned about it.

I am also concerned about the fact they decided it is a secular university. I am all in favour of secular universities but let them change the name from Trinity. They should also treat with

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respect the traditions of the university where it had a particular purpose in its foundation. It had a strong affiliation, which sometimes might have been controversial but in recent days was very positive, with the Church of Ireland, including with the Church of Ireland training college which was kicked out remorselessly and shoved in with the Mater Dei Institute of Education, according to what Senator Barrett told me. All I can say is, "Mother of God, what in the name of Jesus are they at in that place?"

The first intention of the Bill is to create housekeeping, which is a very wise move politically if I may compliment Senator Barrett. People will like this and it is necessary. Of course, one must be careful about too many financial restrictions being placed on universities. The second intention is to put all universities, institutes of technology and technological universities under one regulatory structure which is very good, particularly in light of the fact this appears to be, if the Government has its way, the vast constituency we will all face in the next election, although I believe there will be some hiccups. I ask the Minister of State to take back the fact I certainly will fight tooth and nail to ensure the Government does not get away with the dirty trick it is trying at present of watering down the university seats and not addressing the real issues of the Seanad. It must be all or nothing.

We must also consider the case of academic freedom. The Universities Act 1997 was an important piece of legislation which advanced matters at the time. I remember seconding an amendment put forward by Joe Lee for that Act which copper-fastened academic freedom in the universities. The Act was so highly regarded in terms of the protection of academic freedom that the Swedish Government adopted the model of the new section we had inserted into the Bill. The reason I wish to put this on the record is to point out that the insertion of such a new section would never have happened in the Dáil. The last time we were fighting about saving the university seats, we should have stood proudly on our record on such issues instead of apologising. I never apologised to the people for my role in this House and I never will. I work bloody hard and many other people do so also.

The Bill proposes that we address the problems created by the *Cahill v. Dublin City University* judgment. I understand this case concerned an attempt to get rid of somebody from the staff, but the attempt was botched - a little like Geraldine Kennedy trying to get rid of John Waters. I put this case in the same context as the case of the two university professors in the history department in Maynooth, who were successfully fired because of conflict with the ethos of the university. This messy issue needs to be cleaned up and I would like an indication from the Government that it intends to do this.

In the helpful memorandum on this Bill, Senator Barrett states that at present, the HEA acts as the regulator, funder, and advocate of the higher education and research sector. Obviously, there are conflicts of interest in this regard - like in Lewis Carroll's "The Mouse's Tale" which states: "I'll be judge, I'll be jury, Said cunning old Fury: I'll try the whole cause and condemn you to death." The HEA has absolute power, but as we know, such power tends to corrupt. I am a little concerned that there may be greater Government involvement, although much funding comes from industry. Therefore, I welcome the creation of the higher education and research grants committee.

This is a good Bill and it has opened up discussion on the issues. In regard to a cost-benefit analysis, this approach does not always work and we must be aware of that. It may not work in the arts to the same extent it does in the accessible areas of science. However, even in the sciences, one must give freedom to what may appear to be rather extravagantly based research

because so often in the history of science - think, for example of the accidental discovery of penicillin - discoveries are made by accident as a result of other experiments.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I, like many of the Senators who have contributed to this debate, would like to thank Senator Barrett for the work he has put into the drafting of this Private Members' Bill which seeks, among other things to consolidate third level legislation into a single Bill; provide for the establishment of a higher education and research grants committee which would decide upon all third level funding; and provide the Higher Education Authority with regulatory and advisory roles for all research funders, including those under the responsibility of other Departments.

As the Senator will be aware, in May 2013 the Minister for Education and Skills, Deputy Quinn, announced a major reorganisation of the country's higher education sector which includes provision for the creation of new technological universities. This announcement was made on foot of recommendations made by the Higher Education Authority for the consolidation of the institute of technology sector; the creation of a small number of technological universities; the formation of regional clusters between universities and institutes of technology; implementation of recommendations to rationalise teacher education; and for increased sustainability and capacity in the higher education system. These fundamental changes to the higher education system will enable it to respond in a more coherent way to national priorities set down by the Government and provide graduates with the skills and qualifications essential for Ireland's social and economic well-being. Our higher education institutions have a huge role to play in our national effort. They contribute to the generation of a highly skilled workforce, provide an environment where innovation and new ideas can flourish, undertake research to meet the needs of industry and society, contribute to our reputation and international attractiveness and serve as a key anchor in their local region or community.

The national strategy for higher education to 2030 sets out a comprehensive road map for reform of the higher education system. The objectives of the reform programme are to ensure that the system becomes more performance oriented and more flexible and responsive, while its diversity in terms of mission is retained and enhanced so that students can soar to the heights of their ability. As Senator Barrett rightly points out, legislation is required to implement a range of governance, accountability, funding and structural reforms to allow us to meet the framework for modernisation set out in the strategy.

In the past year, considerable work has been done in terms of scoping out the range of legislative provision that will be required. A high priority is to provide for legal consolidation and mergers within the institute of technology sector and to provide for these new merged entities that reach the performance bar and criteria already published to apply for and become technological universities. Legislation will also be required to support the new funding, performance and accountability framework for the system that is being put in place. This is intended to provide statutory underpinning for the respective roles, functions and powers of the Minister and a reformed Higher Education Authority for the governance and regulation of the system. Legislation will also be required to strengthen and reform the governance structures and accountability of higher education institutions. With this in mind, the Minister previously sought the input of the Royal Irish Academy and of the universities and institutes

of technology as to how best to create smaller, more modern and competency based governing boards as recommended in the strategy.

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Given the high priority the Minister has placed on consolidation of the institutes of technology and the time constraints regarding ensuring that those institutes wishing to merge have adequate legal provision in place to do so by 2015, the Department has focused on drafting a general scheme of a technological universities Bill. This scheme was approved for drafting and publication by Government at the end of January and is currently undergoing a process of pre-legislative scrutiny by the Joint Oireachtas Committee on Education and Social Protection. The Minister expects to receive its report by the end of April, when the scheme will go to the Attorney General's office for legal drafting. It is intended that the Bill will be enacted in 2015 so that there is provision for the earliest mergers and for potential applications for technological university status, if required. The timing of each merger and application will depend on the capacity of each group of institutions to merge and to meet the criteria that were clearly set out in 2012.

The scheme is in four parts and can be summarised as follows. The Bill enables the mergers of the three groups of institutes of technology who wish to seek designation as technological universities and-or of any other group of institutes of technology who wish to do likewise. The Bill sets out how the merged institutes can apply for designation as a technological university, the process and mechanism for consideration of the application, the type of criteria against which the application will be judged, which will be set out in full by regulations, and then provides for the Minister to establish a technological university following the advice of the Higher Education Authority that the criteria have been met.

The technological university has a similar level of autonomy, legal and operational framework to the 1997 universities, although with more modern governance and accountability structures. In addition, the Bill will provide for new governance structures for all institutes of technology and a number of other amendments to the institute of technology and DIT legislation, including new budgetary and accountability provisions. A revised and modernised governance structure has been developed, following consultation with the sector, and this will be provided for all institutes of technology and for the technological universities.

In summary, the maximum overall size of the board under the new model is effectively the same as the current model, but changes are proposed in the methods of nomination and selection of the chair and external ordinary members, who will be chosen by a nominations committee with regard to a competency framework. Other planned legislation includes the technological universities Bill which will be followed and developed in parallel by a broader higher education reform Bill which will reform the existing legislation for the Higher Education Authority, HEA, with new powers, responsibilities, governance and accountability provisions. The Bill will also contain amendments to the Universities Act necessary to implement governance and accountability reforms. The Minister has already received a significant input from the Royal Irish Academy and the Irish Universities Association on how best to ensure reforms of governing bodies bring the governance of universities into line with international best practice in modern higher education governance.

In the area of funding Ireland faces the same challenges as other countries in the current economic climate where reductions in available State funding come at a time of significant growth in student numbers in higher education. As well as increased enrolments, the higher education system faces a growing demand for highly skilled and innovative, adaptable graduates with a world-class reputation. Delivering high quality higher education for a growing proportion of the population will mean that we need to maintain a clear focus on system performance overall, rather than a narrower focus on individual institutional performance. We are working on a

study to determine future funding policy for the sector which will prepare for a longer term approach to a higher education system that can be maintained on a sustainable funding base which will be able to address the continual expansion of the sector, while protecting the quality of education. A new performance funding framework is being introduced which will hold the system accountable for performance in the delivery of national priorities and monitor performance of the system as a whole. This focus on system and institutional performance will bring the funding and governance of the higher education sector into line with best practice internationally.

Research and innovation are of major importance, given their role in contributing to economic recovery, competitiveness and growth not alone in Ireland but also across the European Union. Continued investment in research and innovation is essential if we are to maintain employment and create new high quality jobs. As Ireland moves from a policy focus on economic stabilisation to growth, sustained investment in research and development in the higher education sector remains of vital importance to enable the economy to recover and grow in the future. In the context of An Action Plan for Jobs and related statements of Government policy, the Government has affirmed its commitment to science, technology and innovation, STI, with higher education performed research remaining a central pillar in its STI strategy. The higher education sector provides a national base of skills and knowledge and complements the research undertaken in business sector firms and public sector institutes which are usually more applied and developmental in their focus.

The national strategy for research and innovation recognises the twin aims for both a broad base of research to inform research for policy making and research for knowledge to underpin cutting edge curricula for all graduates, while at the same time focusing research investments on 14 discrete areas identified by the research prioritisation steering group that can provide maximum return for Ireland. The research prioritisation action group was established to drive implementation of the research prioritisation agenda, which means the alignment of the majority of public research funding with the 14 areas of opportunity in the areas judged most likely to deliver an economic and societal impact and, ultimately, jobs.

Ireland has adopted a national strategy to maximise its participation in Horizon 2020, with an ambitious target of securing €1.25 billion for Irish researchers and companies during the lifetime of Horizon 2020. Horizon 2020 has the biggest EU research budget ever, with €80 billion available in the next seven years. The strategy outlines the support structures in place to ensure researchers and companies have access to information, advice and support to enable them to maximise opportunities under the programme.

Structural changes in the higher education system, including the development of regional clusters of institutions and the mergers of institutes of technology, will engender greater critical mass and excellence and allow Irish institutions to compete with the best across Europe. In addition, the new performance framework for the higher education system specifically includes metrics for EU research income and will encourage institutions to engage strategically with the programme.

I attended a meeting earlier today in another part of Dublin city. As a man from rural east Galway, I am somewhat unfamiliar with the intricacies of negotiating the streets of Dublin and had to employ the use of GPS to find my way back to Kildare Street. When I asked my phone to tell me how to get back to Kildare Street, it presented me with three route options, all bringing me back to this hallowed place. I say to Senator Sean D. Barrett that, ultimately, I suspect we are all on a journey to ensure the higher level education we provide for young people is of the

very best standard possible. Perhaps the Government and the Senator might end up at the same destination, although we are currently on two slightly different routes. Through collaboration and co-operation in the coming months, I have every confidence that we will arrive at the same destination. I thank the Senator for tabling the Bill. The Minister has asked that I make it clear that we are not seeking to oppose it. We ask that the commencement of Committee Stage be deferred until such time as the two higher education Bills the Minister is planning have been introduced to the Oireachtas. That will allow for consideration of the issues raised in the Senator's Bill within the context of the other legislation planned.

**Senator Kathryn Reilly:** I thank Senator Sean D. Barrett for bringing forward the Bill and stimulating debate on higher education. We are in broad agreement with most of the policy objectives of the Bill in so far as we agree that there should be a modern approach to management of public expenditure on higher education, clarity on academic tenure and freedom and, as has been mentioned, the consolidation of legislation. However, any policy objective set out in the proposed legal framework should not impinge on the ability to design an equitable education system in which people have equal access to educational facilities to study what is important to them, be it science, the arts or other subjects and should not be dictated solely by the needs, for example, of multinational companies or big business. We must not neglect the need to simultaneously provide an education that will help people to find employment. The change should not come at the expense of the university as a learning environment.

I have some concerns about particular sections of the legislation that perhaps Senator Sean D. Barrett might clear up. Perhaps my understanding of section 28(4)(c) is incorrect, but I am concerned that a probationary period of two years is high. There is also concern about allowing for termination owing to financial exigencies. That could mean that a university could fire people at will if it was running a deficit. Education requires more than just putting 600 students in a lecture hall.

Another issue that arose was related to section 39(1) which could allow universities to set student registration fees at will. I accept that the next section allows the Government to review the issue, but we seek clarification on the matter, as we would not be willing to support a measure that would allow fees to be introduced under such a guise. The level of financial pressure experienced by students is phenomenal and they should not have to worry more about how they will pay for their dinner than how they will do in their exams. To date, college counselling services are stretched to the limits because of the psychological effects of the financial pressures on students.

As a young person who is not long out of higher education in DCU and UCD, I hear from university students across the island. I am aware of the changes the education sector has undergone, some of which are a result of the global financial crisis and its particular manifestation in Ireland which encompasses an increased demand for higher education places. We support students in availing of further education courses, but there has been a decline in public funding for the sector. In response to changes and modernisation there have been mergers and alliances, including clusters of higher education centres. Colleges do not have much option but to engage in such a practice. However, the change has the potential to ensure an increase in the quality of education provided in the institutions concerned. There is no point in amalgamating emerging institutions unless there is a sufficient level of funding invested in them to ensure they serve a local need. The need for consistent, decent funding for the higher education sector must be addressed. We must ensure the educational needs of young people are also properly addressed. In the 1980s it was the norm for young people to leave school and enter the workforce with no

higher education qualifications. That has now changed owing to the development of education services and increased access to third level institutions. As a result, one now needs a degree more than ever. It is a necessity more than a luxury as it might have been in the past. The changing face of employment does require a third level education. Computer-based working seems to be the new factory sector. Perhaps this Bill could be part of the much-needed conversation around identifying what level of investment is required in education and how we spend the investment for the sector in a far better and more equitable fashion. There does need to be more discussion on the priority of spending for higher education. It is a public good for which it should be acknowledged.

The need for balanced strong and sustainable public investment is obvious. There should also be inclusion of citizens from further afield than just the learning professions that are listed specifically in the Bill. Like others, I would go so far as to say there may even be a case for student representation in this process. That is the cohort of people who will have to deal with the ramifications of committee decisions, apart from lecturers and teachers in universities.

I welcome the Government's decision to allow this Bill to proceed to Committee Stage and look forward to further discussion on it.

**Senator Feargal Quinn:** I welcome the Minister of State, Deputy Cannon, to the House and I am particularly delighted he is using modern technology in giving his speech and finding Leinster House today with GPS. I also welcome the decision of the Minister for Education and Skills, Deputy Quinn, not to oppose the Higher Education and Research (Consolidation and Improvement) Bill 2014. I want to touch on a couple of areas related to the Bill and ideas that could be considered in the context of the legislation.

One point that always bothers me when there is any discussion about universities is there is no mention of them from the business perspective. Masters and PhDs are presented as some sort of social benefit which a higher education institution is kindly providing. In reality, they are the cash cows that keep universities afloat. Indeed, many people are pushed towards them even if they are unsuited or allowed to undertake them if they stump up their several thousand euro. I want to see this area cleared up. We should be much more honest and recognise these degrees are done on a business model, namely, to make money. That would be much fairer to the customer, those that undertake such degrees.

This Bill attempts to further the concept of academic freedom and academic tenure which needs a bit more discussion. That is why I am glad the Minister wants to allow this Bill to proceed to Committee Stage. I note there is some opposition to the idea of academic tenure. *The Economist* recently stated about business schools in the United States that "tenured academics are untouchable and can block any change in a school". Obviously, we do not want a situation like this. Senator Barrett explains tenure is not that one can never be fired but that no one can be fired based on the grounds of discovering an unpopular research result or teaching a controversial subject. I welcome this strengthening of the area but we must understand academics also follow the money. I am not arguing that climate change is man-made or not. However, billions of euro are available for research to prove that climate change is man-made. Indeed, there may be many more instances of what could be called "one-sided research". How do we attempt to give some balance in, say, the body of research on hydraulic fracturing or genetically modified food? Perhaps, even in this Bill, could we ensure some percentage of funds for academic research goes to what could be termed "anti-consensus research"? That would be something that gives a nudge and would mark out our academic system as one that is not afraid

to give difficult answers.

Will this Bill give us the opportunity to highlight the need to consider the role that private universities or institutions have in our higher education sector? I was involved in the Springboard programme and was impressed at the variety and range of subjects offered by private universities, as well as the traditional universities. Should the Government be obliged to make some sort of commitment or even give financial support to private universities? Other countries have recognised that, by supporting this sector, it can play a big part in tackling youth unemployment. Indeed, this would be a concrete step to show the Government is committed to upskilling and progressing further education.

This is the thinking in Brazil where its Government gives a 10% subsidy to private colleges with the obvious payback that it has a more educated workforce, and youth workforce in particular. We need to realise that people are going to move much more to online education. Ms Lynda Gratton of the London Business School says there is likely to be a wave of innovation in further education, particularly online, that will cater to this need in a more flexible, personalised way than the traditional degree or postgraduate course. Mr. Clayton Christensen, a Harvard Business School professor and author of *The Innovative University*, predicts wholesale bankruptcies over the next decade among standard universities if they do not exploit the online market. This is a real challenge but a significant opportunity. Is Ireland going to be left behind in this respect? I do not believe so because I have high regard for the competence of our universities. There are some moves in this area but much more can be done. The Government can do more to support this area and more reference to this area needs to be made.

These are the very points we can make on Committee Stage. I am delighted the Ministers have accepted this Bill's Second Stage. I look forward to further discussions on Committee Stage and we can sort out the many other challenges facing the sector. I congratulate Senator Barrett on this well thought out Bill. That does not mean we cannot make amendments to it on Committee Stage.

**Senator Fidelma Healy Eames:** I welcome the Minister of State to the House. I thank Senator Barrett for all his work in producing the Higher Education and Research (Consolidation and Improvement) Bill 2014. I welcome this as a starting point in opening the debate on this sector. I have taken the time to speak to several academics about this legislation. I commend his definition of academic freedom and his interesting definition of academic tenure. I agree with him that we need to find a sustainable model for funding the sector. There are other points about this legislation on which we will probably divide, however.

It is wise to accept the Bill and move it on to Committee Stage. However, we need a national convention on this issue, along the lines of the Constitutional Convention. It would allow us to hear all the stakeholders and decide on what is the best third level model for Ireland. I note we are criticising ourselves based on what the EU and OECD have said on this matter. While this is all valid, we must step back and ask what we want.

I have worked in third level and noted there were always three standards to it, namely, teaching, research and linkages to the regional, national and international. In the quest for funding for research, some of those standards are lost. I am particularly concerned about the quality of teaching outcomes.

I will raise some criticisms but these are intended to be constructive. What is the rationale

for placing all universities, institutes of technology and the new technological universities under one single regulatory structure? There is widespread suspicion that such efforts constitute the homogenisation of third level. Moreover, without an assessment of existing models one runs the risk of undermining diversity in the third level sector. That diversity inspires competition and innovation. It is not good if we are all the same - diversity is critical.

The second point made was that European higher education is fragmented and exists without sufficient linkages. When we talk about linkages we need to be careful how we define them. We must ask whether we are talking about European-wide formal mechanisms of control and whether we fully appreciate existing linkages. For example, ask any active academic and he or she will mention global linkages which arise as a result of the associations that he or she is a member of, the international conferences that he or she attends, at which he or she makes a presentation and, in many cases, help organise. A brief look through a recent list of peer review papers published by UCD academics will demonstrate a rich form of engagement among academics throughout Europe. That situation should be valued, supported and acknowledged. Let me outline my own experience. When I worked at the Mary Immaculate College in Limerick, we had linkages with universities worldwide, the European Union and the Third World. The University of Limerick and NUIG have linkages, GMIT has links to different technical institutes in the States and TCD and UCD have linkages. Therefore, we must be careful and know exactly what we are talking about.

When one presents papers abroad it is natural for the audience to want to create a link. I won a prize for my research on literacy and I presented my paper in Jamaica which resulted in a load of linkages. I take the point that there needs to be strategic linkages but natural linkages are very common. If one talks to academics they will tell one about the structured progress made to date and some of the benefits of having to compete on a global scale. However, they will also highlight that the quality of education in our universities is in need of a serious review, and I think Senator Barrett would agree. More of them will still point out that the drive to apply for research grants has created a two-tier academia comprised of those so-called attractive areas and less attractive areas which has led to resentment and an undervaluation of the ideals of a university. Recently I participated on a panel that discussed the quality of education in the new technical universities in DIT. At that half-day symposium six weeks ago in DIT representatives of all of the institutes of technology were present and we had an excellent debate. The institutes are preparing for the new technical university model and I was seriously impressed by them.

Let us consider who is the ideal teacher in a university. He or she is somebody who is researching and has an ability to teach and impart knowledge. Sometimes there are teachers who have not conducted research for years because they have not got the time. Sometimes there are people who only do research and the two elements never meet. The situation poses lots of challenges.

I am conscious of the time remaining. The document also refers to access to university. The goal is 70% but we have reached more than 60% so we are doing very well. That is an important point.

I am concerned about the homogenisation of third level education. I am also concerned about over control. The Minister of State mentioned, for example, that the HEA is not in control of everything which is good. I would hate to see research funding taken away from the Science Foundation Ireland and the Health Research Board but they are unique specialisms that know exactly what they want to achieve. Is my time up?

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

**Senator Fidelma Healy Eames:** Sorry. I accept that I am over time so I shall return to the fundamental point that I made. I thank Senator Barrett for starting this conversation as it was badly needed. I propose that the Minister for Education and Skills puts in place an all-Ireland - not just the Republic - academic convention whereby a specific set of questions that we have compiled are posed and we achieve answers. Also, we could create our own model of what it is to be a university, a technological university and an institute of technology in this country.

**An Cathaoirleach:** Did Senator Wilson indicate a wish to speak?

**Senator Mary M. White:** No.

**An Cathaoirleach:** I call Senator Barrett.

**Senator Sean D. Barrett:** I thank everybody here for their kind, informed and generous responses. As the Minister of State has said, this is the start of something which is very much needed post-troika Ireland; this matter is one of the key things that we must address.

Today's debate follows a great tradition. I recall that Edmund Burke, a politician in the UK Parliament, worked so hard to keep what he called "placemen" from Dublin Castle off the board of Maynooth which was being founded as a university largely because of his efforts in the 1790s. Then Mr. Gladstone one day decided he wanted to close the university in Galway and undermine Queens University. He was not doing much good for TCD either but we had two MPs in Westminster who voted against him which led to him losing office and Mr. Disraeli became the Prime Minister. I do not envisage Senator Paddy Burke doing anything radical as his namesake today. It is interesting that such important education decisions were assisted by people in parliament on all of those occasions.

Let me go through some of the comments. I thank my seconder, Senator Crown. We do need to stress academic excellence. We have very well educated and smart young people but I wonder sometimes whether we have lost perspective. Senator Quinn referred to the matter when he asked who pays for everything in the universities and he has seen business schools doing so. I would include economics in that group. People attend lectures that are held in large theatres where 400 people are in attendance in places such as UCD, Trinity, Galway or whatever. Not much public money is spent on them so one wonders why. It is James Hickman's view that the earlier one spends money on people in education, the better. However, there are some strange views on what is worth subsidising. In fact Ireland's ranking in the humanities and social sciences is way above its ranking in some of the other subjects into which we have poured a lot of money so those traditions continue.

I thank Senator Jim D'Arcy for telling us about the relationship between Dundalk Institute of Technology and DCU, the development at Dundalk and his nine years of service there. I also thank Senator Power for her comments. She stressed the importance of social science, research and the arts. There is still such expertise. One could say that Ireland fell apart in 2008 due to the absence of basic economics in crucial places like banks, in the bank regulator's office and so on. We need all subjects to be studied and it will take a lot of high-tech science to make up for what happened to us in 2008.

On that score, and I reiterate my welcome, the Minister of State pointed out to us on his last visit here that he estimated that there were more than 200 apprenticeships available in Austria,

Switzerland and Germany but only about a dozen here. He is seeking to remedy that defect in the education system which is important and I wish him well in that regard.

The Minister of State mentioned the GPS. I tried once, using the GPS, to see how one would go from TCD to UCD and the answer was change at “Ballyban” but I did not know where it meant.

Senator Bacik also made many important points such as on diversity and how much the system has been increased which I welcome.

With regards to a role for the alumni, they play a major role in the United States. When I hear people from industry say that universities do not do X, Y and Z my response is “Hey, we have given you the lowest corporate tax rate so how about putting some studentships in there to supply the skills that you can see is in short supply?”. Our level of independent funding and philanthropy is low by international standards. I shall be calling on some of the people who make those statements to put their money where their mouth is but it is what operates in other countries.

I appreciate what Senator Norris said about the logo. All that I can say is please do not believe everything that is published in the papers, those changes are far from taking place. I shall leave it at that by saying that I came from a board meeting this morning. I thank the Minister of State and Senator Reilly. It is important to note that we have on this island two reforming Ministers with responsibility for education, Mr. John O’Dowd, MLA, and Deputy Ruairí Quinn and his colleagues. Before John O’Dowd, Caitríona Ruane, MLA, was the Minister. There has been a long interest in education, North and South. It is very important to have this much-needed dialogue and debate. I have referred to Senator Quinn in respect of business schools, innovation and bankruptcy.

I thank Senator Healy Eames for the points she made. In recent times, teaching has been downgraded. I have received documents suggesting I can use a research fund to buy out my teaching. Why would I want to do that? That is the job I was hired for a good while ago. The duty of a university is to look after a population group primarily aged between 18 and 22 years, and that is tantamount. That is why the taxpayers of Ireland put in so much money. They want their sons and daughters to see the people who should be there, not substitutes or replacements.

International links are important in a sector that has always been international. Even in the hardest of times in recession eras such as the 1950s, the best Irish graduates went to Harvard, Yale, Oxford and Cambridge. While the others had to emigrate, they were always sought after as employees. It has been international for a very long time.

With regard to redressing some of the things that have happened with the restoration of morale and bringing teaching up as an important function, the graduates are the product of the university - research papers are also a product, but the graduates are the primary product - and we have a special duty of care to them. When Senator West, a former Member of the House, was studying mathematics in Trinity he went to the provost’s house and the provost taught him mathematics. Into that transaction, we have introduced layers and layers of bureaucracy. It is a huge overhead cost must be tackled. Speaking of clusters, I came across the minutes of one of these layers of bureaucracy, minute No. 9, and I ask what on earth it has to do with getting knowledge from one lecturer to a class of 18 to 22-year-olds. The text refers to how the formal monitoring of progress within the regional cluster will be done via the strategic dialogue pro-

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cess with the compact submission forming the basis of the review, with each compact submission being consistent with other cluster members in respect of cluster objectives and, given the developments in this regard, since the initial submission of the compact, the development of a common work plan could now be inserted as an objective. People should just give lectures to the 18 to 22-year-olds and meet them afterwards. They probably learn more from each other than from the lecturers and lecturers will probably learn more from students than *vice versa*. We must restore this process, along with the great student debating societies, where five people say there is global warming, five people say there is not, and the jury decides.

There is a herd instinct in research. A well-known scientist, James Lovelock, asks when he can meet an individual scientist and asks why they hunt in herds, with 500 people agreeing that something is a problem. He asks why there are huge grants to do so. In welcoming what the Minister of State said with regard to restoring the world of ideas, I refer to that excitement in education and the tradition of an *múinteoir*, which was always valued in Irish society. Perhaps we lost it somewhat in the Celtic tiger era and developed an edifice complex, building so many buildings. Let us get back to what that is, where people go to meet inspiring teachers and are inspired in turn and it is passed onto the next generation. We must get through the fog encountered in recent times in the excesses of the Celtic tiger to restore education.

I am delighted to be part of three Bills. I thank the Minister of State for his generosity of reception. All of the Members look forward to working with the Minister of State. I have always disagreed with what John F. Kennedy said in his speech to the Dáil when he quoted Lord Edward Fitzgerald as saying that Leinster House does not inspire the brightest ideas. It does. This is a great place for ideas and we started a lot today. These three Bills will move forward together and it will have massive benefits for education and the people of this country. I thank the Minister of State and my colleagues.

Question put and agreed to.

**An Cathaoirleach:** When is it proposed to take Committee Stage?

**Senator Sean D. Barrett:** Tuesday.

**An Cathaoirleach:** Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 8 April 2014.

*Sitting suspended at 4.35 p.m and resumed at 5 p.m.*

### **Participation in Sport: Motion**

**Acting Chairman (Senator Terry Leyden):** I welcome the Minister for Transport, Tourism and Sport, Deputy Varadkar, to the House and thank him for coming here to deal with this issue.

**Senator Terry Brennan:** I move:

That Seanad Éireann:

- recognises the central role of sport in Ireland and its enrichment of people's lives both as active participants and as a country;
- values the better physical and mental health and well-being that is to be gained through sports participation;
- values the achievements of Ireland's sporting heroes;
- recognises that sport and recreation also have other benefits for the nation both economic in terms of sports tourism and employment opportunities;
- supports the Government's efforts to increase participation and interest in sport; and
- calls upon the Government to continue to improve and develop sports facilities at national, regional and local level to make Ireland an internationally recognised destination for competitions in as many sports as possible; and to build upon previous successes and work to attract world class competitions to Ireland such as, for example, the rugby and golf world cups, international cycling and equestrian competitions and other high profile events that will have economic, social and reputational benefits for Ireland.”.

This is a very important motion. Cuirim fáilte roimh an Aire. The Minister's Department and the Government are firmly committed to the continued development of sport in this country. At a time of economic difficulty, sporting events and successes are vital in lifting the country's spirits and they are a proud reflection on our nation's potential for success. We appreciate the important contribution that sport also makes to building a healthy nation. This Government continues to promote greater participation in all sports and it will provide the environment for our men and women in sports to succeed on the international stage.

It is very important that we recognise the role of the various sporting organisations in developing high-performance individual athletes and sporting participation at all levels across the country. We must ensure all available funds are distributed fairly among those most in need of assistance. I acknowledge that the Government will continue to provide support for GAA players through the Irish Sports Council. Sports tourism has a significant part to play in our country and particularly with regard to jobs in the country. The Minister will target available resources at developing and co-ordinating niche tourism products and activity packages that will be attractive to international visitors, focusing on food, sport, culture, eco-tourism activity breaks, water-based recreation, hill-walking festivals, etc.

Event tourism will be prioritised and continue to bring major sporting events to Ireland, such as the successful Volvo Ocean Race and the Solheim and Ryder Cups. I propose that we consider the possibility of staging other international sports in this country, particularly in the golf area, as our golfers are in the top 20 of the world. We have sporting facilities and we catered for the Walker Cup at Portmarnock in 1991, which was a tremendous success. The World Cup of Golf is held biennially in different countries and our golfers deserve to participate in that competition on this island.

Healthy Ireland: A Framework for Improved Health and Wellbeing 2013-2025 is a new national framework for action to improve the health and well-being of our country over the coming generations. It reflects the international experience of a new commitment to public health, with a focus on prevention. It will include Departments, local authorities, public bodies, busi-

nesses, employers, sports and voluntary groups, communities and families. It is a framework that will bring together people and organisations the length and breadth of the country into a national movement with one aim of supporting all of us in enjoying the best possible health and well-being. It is designed to include Departments, local authorities and public bodies, businesses and employers, sports and voluntary groups, communities and families.

Participation in sport is important. According to the Irish Sports Monitor for last year, adult participation levels in sport are continuing to increase, which is to be welcomed. The report demonstrates a continuation of the trend, with active participation in sport increasing from 45% of adult population to 47% since 2011. Participation in team-based sports remains steady and participation in individual sports and personal exercise such as running, cycling and swimming has risen considerably. It is good to note that the increases were strongest in younger age groups and particularly those under 25, as well as the older age group of people over 55. There was a notable increase in participation among the unemployed. Improving health and fitness is the most common motivator for both genders to participate, and some differences exist in respect of other motivation.

The funding provided to sport by the Department of Transport, Tourism and Sport in recent years was €81.9 million in 2011, €77.7 million in 2012, €72.3 million in 2013 and €93.4 million for 2014, which totals €325.3 million. That is at a time when resources are scarce, so the Minister should be congratulated on the amount. The total includes €177 million in current funding channelled through the Irish Sports Council. This supports the work of the national governing bodies of sport and a wide range of programmes, through the local sports partnerships, to increase participation rates. As we are all aware, participation in sport can bring benefits in terms of health and well-being which can, in turn, produce an economic dividend through reducing costs in the health sector. The balance of the contribution comprises €148 million in capital funding which supports the development of sports facilities through the sports capital programme such as the local authority swimming pool programme and funding for the national sports campus.

The Irish Sports Council which is funded by the Department is a statutory body with responsibility for the promotion, development and co-ordination of sport, including the development of strategies for increased participation in sport. The council also has responsibility for the allocation of funding to the national governing bodies of sport. It also supports elite athletes through the high performance programme as they compete on the world and international stage. The performance of Irish athletes not only boosts the morale of the country but also promotes our image internationally and draws tourists to Ireland from across the globe.

This year the Irish Sports Council will see a €3.1 million reduction in its budget, but it will still receive over €42 million. The difficult economic climate is having an impact on public spending across all sectors of society and spending on sport is no different. However, the total sports budget will rise from €74.6 million last year to €93.5 million, a substantial increase of approximately 25%. The increase will facilitate another round of the sports capital programme and ensure work on the long-outstanding indoor arena at the national sports campus will commence this year. This is good news. The increase will also mean that we will be able to fund regional projects. The increased funding for sport comes at a time when there are many calls on limited Government resources and demonstrates the Government's commitment to sport and its understanding of its value to both the economy and the health of the nation. We must remember that sports grants were reintroduced under the guidance of the Minister in 2011, having been withheld during the previous four years. In the past three years many sports organisations have

benefited greatly from these grants. These allocations will benefit people in every county by giving them more opportunities to become involved in sport, whatever their ability. The funding will allow a diverse array of sports clubs and groups to build and improve their facilities.

**Acting Chairman (Senator Terry Leyden):** The Senator is over time.

**Senator Terry Brennan:** Ba mhaith liom bomaite amháin eile.

**Acting Chairman (Senator Terry Leyden):** Carry on regardless.

**Senator Terry Brennan:** Sin mar a dheineann an Seanadóir féin sa Teach seo. Déanfaidh mé iarracht críochnú.

**Acting Chairman (Senator Terry Leyden):** Go raibh maith agat.

**Senator Terry Brennan:** The sports capital programme is the Government's main vehicle for funding sport. Sports tourism is important for the country. The global sports tourism industry is valued at an estimated €450 billion. The inaugural European sports tourism summit will be held in Limerick in May as part of Limerick's programme as national city of culture 2014. It is estimated that regional sports tourism activities associated with the Wild Atlantic Way region alone will deliver almost €19 million and attract up to 200,000 additional bed nights. On average, some 150,000 or more golfers visit Ireland each year, from Europe, the United States and the Far East, generating up to €200 million for the economy. Some 35% of domestic tourism in Ireland is attributable to sport. The Emerald Isle Classic American football match at the Aviva Stadium in 2012 was worth an estimated €100 million to the economy. We should recognise also that 40,000 jobs are supported by sport in Ireland.

**Acting Chairman (Senator Terry Leyden):** The Senator has gone well over his time.

**Senator Terry Brennan:** Beidh mise ag caint leis an Seanadóir lá éigin eile faoi seo. Nuair a bhíonn seisean ag caint sa Teach seo, ní bhíonn éinne ábalta é a stopadh.

**Senator Eamonn Coghlan:** I second the motion. How much time do I have?

**Acting Chairman (Senator Terry Leyden):** The Senator has six minutes.

**Senator Eamonn Coghlan:** About a mile and a half.

**Acting Chairman (Senator Terry Leyden):** No one is better qualified to speak on this subject than the Senator.

**Senator Eamonn Coghlan:** Go raibh maith agat. Speaking about sport is up my alley. I welcome the Minister. Sport has been my life; it still is. I enjoyed the thrill of victory but did not enjoy the agony of defeat. I clearly remember going by the Russian 31 years ago. I do not know what age the Minister was at the time, but I remember clenching my fists and looking the Russian in the eye and saying, "Thank God, I got it for you guys." I knew then how important it was that the agony of defeat turned into a moment when I could come back and give thanks to the people who had helped me through my teenage years, into my 20s and to be able to compete at the highest level in the world. I understand the pride, the joy, the emotion and morale attached to sport. I understand athletes who must train in hail, rain or snow and with blood, sweat and tears. We are on first name terms with our Irish athletes: BOD, Sonia, Rory, Pádraig, Katie, Ronnie, the Gooch, Heffo, DJ, Keano and Ooh Aah - we all know who that is. They

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put significant work into sport, from which they get a lot out of - self-worth and careers - but the people of Ireland also get a lot from their participation in sport through the years. I doubt the people realise the respect Irish sportsmen and women have all over the world. They are an incredible global commodity.

As a coach, I understand what it is like for young kids coming through in my sport, athletics, or in soccer, Gaelic and rugby. I see these sports taking place in my community and elsewhere. I see the coaches, parents, volunteers and fans, with little kids or in Croke Park. At the same time, I see the lost kids - the kids who do not have mentors and do not have parents who will take them to participate in sport after school or at the weekend. I see these kids become a lost generation because of their unfortunate lack of exposure to sport.

We talk about sport and how important it is to Irish society from the perspective of health and well-being and in the context of trying to beat obesity and other ailments such as diabetes. However, we are here again in 2014 trying to address the issues involved. For all the efforts we are making, we are taking one step forward and two steps backward. I understand how difficult it is to move forward continuously. I have experienced this difficulty in the past two years with my Points for Life initiative. Thank God, it has now been accepted in a number of schools in north Wicklow, under the auspices of the Department of Education and Skills, but it is still a struggle to reach out and help this vision and idea to grow.

There are other wonderful initiatives led by the national governing bodies of the various sport such as the Irish Sports Council, the sports partnerships and various other organisations and people such as hill walkers, trekkers and triathletes. There are significant initiatives in place, not just for high performers but also for ordinary people. The same is true for the various Departments involved. The Department of Transport, Tourism and Sport does a phenomenal job in maintaining its funding of sport through the Irish Sports Council. The Department of Children and Youth Affairs supports initiatives, while the Department of Agriculture, Food and the Marine supports the Food Dudes programme. I am sure the Departments of Education and Skills, Health and Social Protection are all involved, but we need change. We have to take risks. As it is too fragmented, we take one step forward and two steps back. We need more inter-departmental co-operation to have more cohesion and streamlining. We also need to think about having just one approach to deliver.

Since 1999 the Irish Sports Council has been a statutory body and progressed enormously. It has gone from shamateurism to professionalism. It has set very high standards which are met by the national governing bodies. High performance programmes and participation supports are well funded and the national governing bodies meet the demands placed on them. Their governance systems are well managed and if they do not achieve, they are not funded. The Irish Institute of Sport has been a phenomenal success not only in athletics but in a multitude of sports.

At the same time as this is happening the grassroots are struggling. These are the people who are taking juvenile athletes through their teenage years into senior competition. They have difficulties with facilities, although we know they are supported by sports capital grants as much as possible. Similar to our approach to health and well-being in society, we need unification in the delivery of sports facilities. We need to think outside the box. Each national governing body competes for a patch of land for dressing rooms or other facilities. Wonderful clubs are building fine facilities with floodlights and astroturf, while down the street another club is struggling to have a 40 ft container removed to install a proper facility. Why are we not

calling for the national governing bodies to be brought together to create sports hubs where all sports could come together and where people in the community could practise and work hard?

I welcome the merger of the Irish Sports Council and the National Sports Campus Development Authority at Abbotstown. It is in the Minister's constituency and will be phenomenal. The Irish Sports Council will continue to deliver services under the auspices of the new Sport Ireland, with Sports Campus Ireland. The National Sports Campus Development Authority will continue to build the campus at Abbotstown into a world-class centre of excellence for sportsmen and women and communities throughout Ireland. We must also think outside the box in this merger. I would like to see Sports Campus Ireland focusing not only on building a wonderful national facility at Abbotstown but also using its expertise to consider potential facilities throughout Ireland. It could give advice to local communities throughout Ireland and help them to manage facilities.

Since its foundation 130 years ago, the GAA has been the lifeblood, cornerstone and pillar of our society. Since it was established by Maurice Davin and Michael Cusack, it is incredible what it has created. The people of Ireland are the GAA. It is unique and its history is amazing. The Gaelic Athletic Association used to look after a multitude of athletics events in Croke Park and throughout the country, but this has changed. What amateur organisation can get 80,000 people into Croke Park five, six or seven times a year for an amateur game, not a rock concert? It is to be found on every street and in every village, town, city in Ireland. The GAA prides itself on its amateur ethos, yet I understand it must go professional to provide what it does for society. The GAA is not Croke Park; it is children, intercounty players, club players and everyone who participates in between, including volunteers, parents, fans and the referees, whom we cannot forget. The country owes it a lot.

Today in Ireland there is consternation because Sky Sports is taking away from rural Ireland its lifeblood. Is this good or bad? It is good because it will bring cash to the organisation, although the GAA states it is bringing in Sky to provide for greater exposure for the Diaspora. It is good because it will help our global tourism efforts. It is good because the GAA is exploding in the United States. It is good because it will bring tens of thousands of visitors to Ireland and the money coming to the GAA will go to the grassroots. However, today people are stating it is a big mistake, that it will break up the GAA and that players will demand more money, as happened in other sports when Sky took over. They state rural Ireland is being sold out. It is stated people will go to pubs, at a time when we are trying to keep children out of pubs, because they will not have access to the 14 games that will not be shown on terrestrial television. A total of 100 games will be streamed, while 14 games will not be shown in Ireland. Taxpayers have put zillions of euro into the GAA and it is fair to say Ireland has received an awful lot back from the GAA. Political intervention at this point might help. If it involves 14 games, why can we not show them in Ireland and allow Sky to show the rest of the world as many games as it likes, if the GAA states this is all about the Diaspora?

I congratulate the Minister on looking after the interests of sports at amateur, voluntary and the highest levels and maintaining funding through difficult times. Sport is in really good shape; it provides the best news stories every day. The only whistle we hear blowing is referee's during a match. Sport is of huge benefit to the country, economy, society and culture and we must be proud of all of those who have helped us, from the amateur game all the way through to the highest ranks.

**Senator Labhrás Ó Murchú:** Cuirim fáilte roimh an Aire. I am glad that we are having

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this debate. We have had good debates on sport in the past and it gives us all an opportunity to go back on bóithrín na smaointe and reminiscences where sport is concerned. It also gives us an opportunity of making a contribution with the Minister present on why it is important to fund and support sport. I still recall the famous occasion in 1956 when Ronnie Delany lifted the spirits of the people. It seems like yesterday for those of us of a certain age who watched it on black and white television sets. but the reason I make reference to it is it is part of our folklore and who we are as a people. The power of sport and success in it to energise and lift people, particularly at a time of challenge and difficulty, is absolutely huge and cannot be measured in any way. We certainly cannot measure it in financial terms. I include Senator Eamonn Coghlan and the manner in which he raised the spirit of the nation and all of the other iconic figures. I remember having a chat with Dr. Pat O'Callaghan, an Olympic champion hammer thrower. I was very friendly with him. Looking back on the occasions when I spoke to him, he did not make a big issue of it. As he saw it, he did what he had an opportunity to do and the opportunity had come from the support he had received at local level. He took it from there and fine-tuned his skills.

If I look back on my young days - we all have the tendency to do so - when there was not even motor traffic on the roads, every opportunity we had we were out with a hurley playing games or we played cricket or rounders, as we called it, with the bottom of a barrel. The tradition of sport in Ireland is absolutely rooted in the community, which is its main strength. It is in the main based on volunteerism, people creating pitches, facilities and racetracks through their own efforts. People are prepared to stand at the gate to collect the tickets and are also prepared to carry the jerseys when the team is going out on the field. Volunteerism is an absolutely vital part of sport. Today, I salute and acknowledge the parents who in the middle of a busy day still find time to bring their children to sport in the evening. That is widespread and a great many young people are involved in these activities. Sometimes one does not realise the extent of the involvement because what makes the headlines and dominates the news is professional sport. As Dr. Pat O'Callaghan would have reflected on all those years ago, all this activity is taking place on the ground. I salute the schools, in particular, the Irish Christian Brothers who did so much good work in promoting hurling, football, handball all those years ago. Everybody had an opportunity to participate, as generally speaking, a pitch was located next to the school. People were there to train youngsters and help buy the hurleys. They were others to take us to the games, whether it was for the Rice Cup, the Croke Cup or other competition. The Irish Christian Brothers made a significant contribution to sport at local and community level.

An Garda Síochána should also be mentioned, in particular when the members of the force are not being praised too highly, because the garda played a central role in local communities, extending beyond sport. Their role had a social aspect because they were providing an antidote to antisocial behaviour. When young people were at training in the company of the garda, they viewed him as a friend and confidant and not as somebody who was there to impose penalties. We should not underestimate the importance of that role because the statistics show that in areas where the gardaí were involved in sport in the community and were involved in the Garda League, the call out rate was 50% less. This is an example of antisocial behaviour being tackled in a positive way by activity that takes the young person who might otherwise be prone to taking different road and putting him into a challenging, competitive atmosphere which can be so energising in itself. An Garda Síochána played a very important role in that regard.

One report shows quite clearly, and I believe it to be correct, that for every euro we invest in sport there is a return to the economy of €1.50. If one had money to invest and was told

one could get a return of 50% on it, one would say it would be an exceptionally good investment. It is one of the arguments against cuts in supports for sport, whether in the sports capital programme or the elite athlete area. While we must make ends meet and accept elements of austerity in a recession, there are some areas where we must make an exception and sport can be the exception, even on the financial front.

At the end of the day sport is about the wellbeing of the people. If one is involved in sport or even if only out walking at a fast pace, one is benefiting not only physically but mentally from the activity. Likewise one is benefiting from being on the playing pitch. Can one imagine what it does for emotions? Can one imagine how the people of Clare felt when County Clare won the All Ireland? As somebody said, there was not a cow milked for three months after that event. I have seen the impact of winning in County Clare and in my own area, County Tipperary. When a team achieves success at that level one does not need drugs to lift the people. That is the drug for the people because it energises, lifts and inspires them. I think inspiration is a very important word. I know the Minister faces the challenge of going to Cabinet and being able to argue on behalf of sport. What we are really saying is that we must lift ourselves out of an abyss of depression, to which we as a nation have sunk, as a result of the economic challenges.

Many people have had to emigrate as a result of economic pressure and very often the saving grace for them in their countries of adoption is the opportunity to go to a GAA club and excel in sport. It is also the lifeline back to home. I think the jury is out on the decision of the GAA to sell the broadcasting rights to Sky television. I hear both arguments, but there are 70 million people of Irish extraction throughout the world. It would be significant if the GAA could reach the diaspora. I think we owe it to the diaspora. The issue of older people in rural areas losing out, as has been mentioned, is a genuine argument. We hope that when the GAA council was discussing this issue that it took on board arguments on both sides. I am glad to see that RTE will have free view for major Gaelic games. It would be very wrong if that were not the case.

The amateur status in sport should not be under estimated. If people have the skills and ambition to go forward in professional sport, that is an important choice whether it be in international Rugby or soccer. The success of our professional sports people means a great deal to people.

There are different ways of looking at sport. Let us consider the economic advantage of sports tourism which brings in €1.8 billion annually. We are ideally situated to develop and enhance that sector. I do not think we should feel we are wasting time or money in doing that. By all means we must think of those involved in the higher echelons of sport but we must also consider all the wonderful sports facilities that we have on the ground. These facilities are being well used, but they must be maintained. There will an ongoing requirement for funding. There are others waiting in the queue to develop their facilities, having collected a percentage of the money and identified a piece of ground. I hope the capital grant will not be cut any further. It is very important that we nurture sport at community level. If we do that we have less antisocial behaviour, a reduction in the incidence of crime and fewer older people feeling threatened in their homes. Young people will also have a sense of purpose and worth. Surely that is what all legislation should be discussing. My gut feeling is that the Minister will not be too far off from what we are saying here today and will bring that same message back to Government.

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** A Chathaoirleach, a Sheanadóiri, I am taking this business today as my colleague, the Minister of State, Deputy Michael Ring, is in Milan on official business related to the Giro d'Italia, which I will speak

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about later on.

As Minister for Transport, Tourism and Sport, I am committed to increasing and developing participation and interest in sport, improving standards of performance and developing sports facilities, all of which contribute to a healthier society and an improved overall quality of life. I strongly believe that sport has the potential to enrich the lives of all people and we should all recognise the benefits that we can gain from being active and striving for better performance.

This year, the sports and recreation services programme accounts for 6% of my Department's budget. This programme's allocation has increased by 28% on 2013, mainly as a result of the additional funding of €11.5 million voted under the Government stimulus plan for the sports capital programme and the allocation of €13 million towards the development of the indoor arena at the National Sports Campus. This is a very significant investment in Irish sport and a strong indication of our commitment as a Government. Funding from my Department to the Irish Sports Council for this year is €42.5 million, a marginal decrease on the figure for last year. The focus of this spending is on increasing participation in sport and physical activity. This is one of the key objectives of my Department and I am very aware of the considerable efforts the governing bodies and sports partnerships are making in encouraging greater participation. In 2013 this investment resulted in over 200,000 people participating in locally delivered programmes, an additional 20,000 participants taking part in the Women in Sport programme and over 700,000 children taking part in youth field sports across the country. I will continue to work with the Irish Sports Council to ensure there is significant progress in the provision of sporting opportunities for young people.

The health and social benefits of sport are widely recognised. One of the most urgent health issues in Ireland is obesity, with research showing that 38% of Irish people are overweight and 23% are obese. A worrying aspect is that one in four children carries excess weight and it is clear that an increase in participation in sport and physical activity, added to diet control and greater personal responsibility, would greatly benefit the overall health of the country and lower costs to the health sector. I am encouraged by the latest data which show an increase in the number participating in sport. The overwhelming role of Government policy is to increase participation in sport. Trophies and medals are important, but they are not as important as having the broader population participate in sport. Figures from the Irish Sports Monitor for the first half of 2013 show that participation in sport and physical activity in Ireland continues to increase, having increased from 45% in 2011 to 47% in 2013. I would love to claim credit for this, but I do not think that would be honest, as we cannot put it all down to Government policy. Lifestyles are changing and most people are becoming more health conscious, although there is a sub-group who do not care about their health. People have a little more time on their hands, probably as a result of the economic downturn. Certainly, they have less money in their pockets than they used to and perhaps they are taking up walking and individual sports more than they would have in the past. However, Government policies are helping and investing in sport is producing a real return. We will continue to work to increase this figure further. The Eurobarometer for sport, published last week by the European Commission, shows that Ireland is slightly ahead of the European average for those who exercise regularly or play sport. It also shows that Ireland is below average, for both men and women, when it comes to those who have sedentary lifestyles and never, or seldom, exercise or play sport.

Last year was an exceptional one for high performance sport in Ireland, with 67 medals achieved at world and European events. This is a record and I am sure 2014 will also be a good year for our sports people. We are lucky to have a host of talented and highly skilled sportsmen

and women who are reaching the top levels across a wide range of sports.

I know Senators on all sides of the House will join me in acknowledging the value and role of the sports capital programme. It is vital for sports organisations to be able to provide modern fit-for-purpose facilities to encourage and support participation and high performance across a range of sports at various locations throughout the country. One of the key features of the programme is that it helps to take some of the pressure off sports organisations by providing much needed finance to assist in the completion of capital projects.

My Department was delighted to make allocations of €31 million in the 2012 round of the programme. This was the first round of grants since 2008, when the programme was suspended. We were also delighted to be able to make changes to the programme in 2012 to make it accessible to more clubs and organisations than ever before, particularly those which did not have their own clubhouse, pitch or land and which were unable to avail of it previously. These changes led to a record number of 2,170 applications in 2012, a number that showed that that round of the programme was very much needed. With such a high demand, it was never going to be possible to fund all applications. Finite resources can only stretch so far and I appreciate some clubs were disappointed. Such disappointment is understandable and natural. However, this is the business of government - allocating scarce resources to meet competing needs. In 2012 almost 500 eligible applications did not secure any funding. It is important to emphasise that submitting a valid application did not in any way guarantee funding in 2012 owing to the high demand. There was simply not enough money available to fund all of the good projects submitted, but as part of the scoring system for this round, we are giving additional points to clubs which have not benefited from the programme in the past.

As Senators will be aware, provision was made in the most recent budget for another round of the programme, with allocations to meet demand. The Minister of State, Deputy Michael Ring, announced the latest round of the programme earlier this year, with €40 million available for allocation, a 33% increase on the figure for the previous programme. The 2014 round of the programme has allowed sports organisations for the second time since the Government took office to apply for funding for essential works such as new changing rooms, pitches, lighting, sports equipment and other projects. It means that clubs which missed out in the last round can make another application and provide jobs in their local communities. There are more than 2,000 applications in total, another clear sign of the continuing high demand and need for sports capital funding. All of this funding for sport is against the background of ongoing budget cuts. It demonstrates in the most tangible manner the Government's commitment to sport and clear understanding of the value of sport to the economy and the nation's health and morale.

The programme for Government includes a commitment that event tourism will be prioritised in order to continue to bring major events to Ireland. The hosting of major sports events, both participative and spectator sports, can provide a great showcase for Ireland and drive international visitor numbers. The media coverage of sports tourism events helps to put Ireland on travel itineraries as a holiday destination. Accordingly, I am supportive of the ongoing efforts of the tourism agencies and the national governing bodies of sport to attract international events, subject, of course, to an assessment of the costs and benefits involved in providing any State financial support, in particular, the number of overseas visitors they will attract.

Other important sports events take place each year, for example, the GAA all-Ireland series, the six nations rugby championship which brings in significant numbers of visitors from overseas without any need for State support and the Irish Open golf tournament. Where appropriate,

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the tourism bodies work with these and other sports bodies to maximise the tourism benefits of events. For example, the Irish Open receives significant support from Fáilte Ireland as its main sponsor. Tourism Ireland is the body responsible for promoting in overseas markets the island of Ireland as a visitor destination. Working closely with Fáilte Ireland, it is promoting key sports events taking place in 2014, including the visit of the Giro d'Italia cycle race which I mentioned and the Croke Park Classic American football game between the University of Central Florida and Penn State which is happening at the end of August. It is our ambition to host a college football game at least every second year in Dublin, following the Notre Dame-Navy game two years ago. NFL games are played regular at Wembley. We have not managed to secure an NFL game for Ireland, but we now intend to target college football games and have one played, perhaps in Dublin, every other year, if not every year.

Senators will be aware that in November last the Government considered a memorandum on a bid to host the Rugby World Cup in 2023. While the memorandum identified a number of challenges, the great potential of the event is also clear. Hosting it on a cross-Border basis in 2023 would be a significant opportunity for Northern Ireland and the Republic of Ireland. It is probably the biggest event we could host on the island. In response to the memorandum the Government expressed strong support for the proposal. In order to progress the matter further, on 22 January the Minister of State, Deputy Michael Ring, and I met the Northern Ireland Ministers, Ms Arlene Foster and Carál Ní Chuilín, who are responsible for tourism and sport, respectively, in the Northern Ireland Executive. We agreed to establish a working group to examine some key issues and report back to us in the summer. The working group, chaired by Mr. Hugo MacNeill, has held two meetings already, with the next meeting scheduled to take place on 11 April. I look forward to receiving its report.

More immediately, the focus of the cycling world will be on Ireland next month with the Giro d'Italia "Big Start". There will be three days of pre-race celebrations in Belfast, followed by spectacular opening stages in Northern Ireland, before racing from Armagh to Dublin. The giro's choice of Ireland for the *Grande Partenza* is historic. The famous landscapes of Ireland, North and South, will be on view via the global television broadcast coverage the giro achieves and the economic benefits the event will generate will be immediate. I pay tribute to the efforts of the Northern Ireland Executive, in particular, the Minister, Ms Foster, for her determination to secure the Giro D'Italia in 2014 and the support being provided for the event via the Northern Ireland Tourist Board. The Irish Government, through Fáilte Ireland, is also supporting the Giro D'Italia visit and I also wish to acknowledge the support being provided by Dublin City Council for the event.

Work is continuing on the development of facilities at the National Sports Campus at Blanchardstown. When they are completed, the National Sports Campus will provide world-class training facilities and support systems for Ireland's elite sports people, offering facilities that will compare favourably with the best internationally. A number of new facilities were opened in the past year, including a world-class national horse sport arena, a national modern pentathlon centre, a national diving training centre and a multi-sport synthetic pitch facility. Sports headquarters houses the offices of 20 sporting bodies. The FAI has located its headquarters on the campus, which also houses the National Aquatic Centre and the Institute of Sport. For the first time, athletes, specifically the swimmers, are also living on campus.

I recently had the pleasure of turning the sod for the development of pitches by the FAI and the GAA. Facilities that are commencing development this year include a high-performance training facility at the Institute of Sport building and two community turf pitches. A very sig-

nificant development is the commencement of work on the national indoor arena, which is one of the few major pieces of national sporting infrastructure for elite athletes in Ireland that remain to be built. While we have an excellent indoor track in Athlone, on which I have had the opportunity to run, the indoor arena will be more accommodating in that it will provide indoor facilities for 30 different sports. This project has been made possible by the funding provided by the Government from the proceeds of the sale of the national lottery licence. The arena will include indoor athletic and gymnastics facilities as well as a multi-sport indoor training hall. I acknowledge the support of the Taoiseach and the Minister for Public Expenditure and Reform for making funding available for the project. I hope that it will be possible to continue developing facilities in the coming years, including, for example, a velodrome and a badminton arena.

In regard to the important issue of education, I welcome the fact that physical education will become an examinable short course subject in the new junior certificate. I hope it can also become an exam subject for the leaving certificate in the way that art and music are currently examined. I understand the national curriculum advisory committee and the Minister for Education and Skills are open to this.

Senator Eamonn Coghlan spoke about the development of sports hubs, which is something I favour. I have seen how the *centre sportif* model and the municipal sports centres operate in France. That is a good model. This round of the sports capital programme awards additional points to clubs, local authorities and others where they are willing to share facilities or form joint partnerships with schools and other sporting bodies. For a long time that could not happen in Ireland because of the GAA's views on what it referred to as garrison games. Separate facilities were developed around the country for that reason, which is regrettable. If I was able to start all over again - perhaps my successor might do this - I would like to ring-fence a small capital budget of €3 million or €4 million to build one municipal sports centre every year. Just as we are currently building one new coastguard station every year, we could ring-fence money to build a *centre sportif* every year. It would be a slow process but we would have 20 of them in 20 years' time. We would probably need to identify a sports body or local authority that would act as an anchor tenant, but it could be a good model.

I agree with Senator Ó Murchú on the contribution that sport makes to personal well-being. I have discovered in the last few years how a simple run in the park can clear one's head. One sometimes comes home having made a decision. It might not be the right one but one is comfortable with it, having had time to escape the Blackberry and the iPhone. Throughout the darkest times of the recession, sporting achievements helped to lift national morale. I also concur with the Senator regarding what the GAA does for the Irish diaspora. Whenever I travel abroad I try to link in with the local GAA club because it is fascinating to see how many people who previously had no involvement in Gaelic games or interest in the GAA while they lived in Ireland discover the GAA when they end up in Singapore or Seoul. The GAA club is a *de facto* consulate for Ireland in places where we have no representation.

I would be cautious about the Senator's suggestion that every euro invested in sport delivers a return of €3 or €4. We always hear lobby groups and NGOs produce Jack and the Beanstalk research of this nature. If it was true, we could invest €1 billion in sport and heritage and with the €4 billion returned we would have no deficit. The reality is that there is considerable dead-weight when investing in anything. If the Government put nothing into sport, there would still be the Six Nations and the All-Ireland championship. By and large, the Government invests in areas of sport that do not generate an economic return. That is why Government investment is necessary. Many sports do not need governmental support and we want to invest in areas that

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probably do not generate particularly large economic returns. The exception might be sports tourism, where we make the calculation that the amount we invest will be less than the return.

I assure the House that the Government will continue its work to increase participation in sport, improve and develop sports facilities and promote Ireland internationally. I thank Senators for their continued support and interest in this matter.

**Senator Denis Landy:** I welcome the positive report we received from the Minister on the Government's activities in the area of sports. In 2013, sports contributed €2.4 billion to the Irish economy, and 40,000 jobs are supported through Irish sports. The economic analysis by Senator Ó Murchú may not stand up to scrutiny but it is a fact that €818 million was spent on sporting initiatives in Ireland. This investment is welcome because it puts money into local economies, from the supermarket providing the bottles of water to the sports shops selling the equipment. I welcome the progress report on the efforts of the country to host the 2023 Rugby World Cup. It would be a fantastic achievement to host it because it would put us on the world map in another way and bring in revenue from people visiting the country.

However, there a number of areas in which we can make improvements. One such area is tax relief on donations to sporting organisations. Where people make donations in other areas, such as in health, they can avail of tax reliefs. This does not happen in respect of sports but it has been recommended by the Commission on Taxation. I welcome the merger of the Irish Sports Council and the National Sports Campus Development Authority. The Minister outlined the progress that has been made in this regard in Abbotstown. In regard to the proposals on a betting tax, I understand the revenues accrued will be reinvested in horse and greyhound racing. I am a betting man who likes to have a punt almost daily, but many people bet on other sports besides horse and greyhound racing, such as soccer and GAA.

**Deputy Leo Varadkar:** Even politics.

**Senator Denis Landy:** They even bet on politics, although I do not expect the money to go back into politics. Perhaps the Minister will comment on whether revenues from the betting tax could be invested in other sports.

Credit should be given to the 500,000 adults who volunteered in Irish sports in 2013. As Senator Eamonn Coghlan noted, people volunteer to support sporting activities every day of the week. Sports also help to maintain the physical and mental well-being of our citizens, and participation rates have increased to the point at which 47% of adults participate in some type of sporting activity. It could be doing one of the looped walks on the Galtee Mountains or elsewhere. It does not have to be a competitive sport. As the Minister said, obesity, particularly childhood obesity, is a major problem in Ireland. Everything that can be done to ensure young people are enthused and encouraged to become involved in sport should be done. According to the ESRI, 88% of children are regularly involved in sport. That brings to the fore the participation rate of children in school-organised activities. The average number of hours dedicated to sport in schools is only 37 a year, which is in stark contrast to the number in other countries such as France where 180 hours in school year are dedicated to sport. We can improve on this figure. I recognise that sport will become part of the new junior cycle, but we need to intervene at a younger age. Irish pupils spend only 4% of the school year participating in sport, while, for example, in Croatia which will soon join the European Union pupils spend 15% of their time on participation in sport. It is often said that when countries accede to the European Union, they will learn from other member states, but we could learn from Croatia.

Tax credits for families to encourage all children to become involved in sport should be considered. There is such a credit in Nova Scotia, Canada and the system operates well. The parent of any child aged up to 17 years enrolled in sport can claim a tax credit. We say sports are amateur and free, but I have a son who, unfortunately, was involved with ponies and I was nearly broke. He still wanted to ride ponies and there was no point in telling him that Daddy did not have the money for it. Participating in sport costs money. It would be positive, therefore, if the Minister could examine the introduction of a tax credit.

**Acting Chairman (Senator Terry Leyden):** That was before the Senator became a Member of the House.

**Senator Denis Landy:** I am certainly broke now.

I acknowledge what Senator Eamonn Coghlan has done for sport in this country. Reference has been made to the GAA. Last year we had a fantastic occasion in my home town to honour Maurice Davin, the first president of the GAA, who was born there. He was the only president to serve two terms. Senator Eamonn Coghlan, a great sports ambassador, came for a one mile fun run.

**Acting Chairman (Senator Terry Leyden):** Who won?

**Senator Denis Landy:** We let the Senator win.

**Senator Eamonn Coghlan:** The over 60s event.

**Senator Denis Landy:** As the Senator said that night, Maurice Davin was the first president of the Gaelic Athletic Association and somewhere along the way in the mists of history it became a mainstream hurling and football association which I support strongly and athletics were not as prominent. It is great that the Senator, one of our foremost athletes, recognised Maurice Davin. I greatly appreciate it.

We all need sporting icons because when we engage in sporting activity, we have to think about somebody. It is easier on a winter's evening to sit in front of a television than go out and run. Sean Kelly, who is also from Carrick-on-Suir, is another great icon. It is great that the Giro d'Italia is coming to Ireland. However, it needs to be promoted more strongly nationally and internationally. It is approaching and there is not a great realisation either in the sporting world, particularly the cycling world about this event. Can anything else be done to promote this?

I commend the Minister for the work he has done since taking office. We have a long way to go, but a great deal has been done. His proposal for a local sports centre in every town is fantastic. I do not know how he will get over all of the historical events that have happened. When he mentioned garrison sport, I thought of the term "garrison towns" which my late father used all his life. He said it with disdain because he was a GAA man and the connotation was that a garrison town had a good soccer team. I love soccer, but he did not. The first time he ever watched the sport was when Ireland took part in the World Cup finals for the first time. Notwithstanding this, all sports must be brought together and we must ensure everyone has access to sport and that all sports have an equal opportunity to prosper. I hope the Minister can make a start with the provision of sports centres. Perhaps he will be in office for the next 20 years and see 20 of them built.

**Senator Jillian van Turnhout:** I welcome the Minister. I particularly welcome his open-

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ness to all sports and like the emphasis he placed on increasing the participation of women and young people in sport. We need to pay greater attention to this aspect. Previous speakers have referred to the positive role sports play and the benefits are endless. We have a proud sporting tradition in Ireland. One of our proudest moments as a nation was, undoubtedly, hosting the Special Olympics which highlighted our national strengths and celebrated our wonderful athletes.

Sports have many positive effects on society and, as legislators, we have a role in increasing participation and interest. Colleagues have referred to the economic benefits, but I would focus on the physical benefits and mental well-being of society. If we can improve mental and physical well-being positively, this will reduce health care spending in the long term, which everyone would like to see.

The Minister mentioned the GAA. I will not get into the current debacle about pay-per-view television and so on. However, he referred to emigrant clubs. One person tweeted me and asked about creating a role for these clubs which promote the GAA abroad and giving them a voice. There should be a two-way conversation.

Like many colleagues, I was on the edge of my seat as I watched the Six Nations match between Ireland and France which demonstrated the power of sport. We all became video referees that day in deciding on whether there was a forward pass. I congratulate the team, but I also congratulate the national women's rugby team on its success last year.

We have a fantastic history in sport and the development of new sports. One example is the mixed martial arts, MMA, fighter Conor McGregor who is promoting the sport on the world stage and acting as a role model for a different group of young people by promoting new possibilities in sport. We must encourage the development of new sports. It is imperative that we recognise the contribution of Irish women on the sports field because they encourage participation. Katie Taylor brought back a gold medal from the Olympics Games held in London in 2012. Little work was done in the country while her gold medal fight was on. The participation of females in sport can sometimes be under-reported. It is welcome that RTE has begun to broadcast women's rugby matches, but I would like other sports to be treated more equally. I do not expect coverage to be equal, but it needs to increase. It is welcome that women's rugby games are being moved from lesser stadiums to the main grounds such as Wembley Stadium and the Aviva Stadium. This should be encouraged in other fields.

I spoke to a camogie player who wanted to participate in women's rugby 7s as an opportunity to go to the Olympic Games. Opportunities are opening in sports to be part of the games. Paralympic sports have also developed. I recently read a fascinating article about wheelchair hurling and how it was developing. The possibilities are endless. While preparing for the debate, I learned more about ultimate frisbee and tag rugby. Cricket has also become popular at grassroots level, given the national team's success. I know many young people who are involved in the sport. Initiatives such as the get-into-cricket scheme are welcome because they provide a significant boost for the game.

We should support all sports to enhance choice. One of the issues I have relates to schools. If pupils attend a large school, they usually have a choice of sports to play, but they do not in small schools. Children are either good or bad at a sport and may not necessarily be exposed to other sports. That is why I wanted to raise the issue of the French municipalities and the *centres sportifs*. Bringing sports together in a community is something we really need to look at. We

must decide whether club or community will dominate. I would like to see that communities would have a stronger role and when we, as a State, are investing, we encourage organisations to come together.

The Minister mentioned the GAA. In my community, it is not the sole sporting organisation which will have territorial rights on pitches and on its turf where one cannot use it. Even though those pitches and sporting facilities lie idle during certain times of the day and certain times of the year, they have a dominance at one time, they lie idle, but they belong to that sporting discipline and they cannot share it. We need to look at how we can encourage people to share. When we are looking at the sports capital grants, we should ask what other sports in the community will be able to use this facility when it is not actively being used by the particular sporting discipline.

We need to discourage fragmentation and give young people the opportunity, as they do in France, where there can have different sports, such as tennis, swimming and rugby, under the one roof together, working in harmony rather than being seen to be in that competitive space, because we need to give people an exposure to the different types of sports.

I say, “Well done”, to the Minister on the Giro D’Italia. I wish Ireland every success in the tender for the rugby world cup. It is great to see us coming together as an island to work to hopefully bring it here in 2023. Sport is of immense importance.

I thank my colleagues in Fine Gael for moving this motion. It has given me an opportunity to research and learn more, which is part of our role as Senators.

I will finish with a powerful quote that I found from a US legend, Dean Karnazes. He said, “Some seek the comfort of their therapist’s office, others head to the corner pub and dive into a pint, but I chose running as my therapy.” That sums up sport. We should be encouraging people to get out and participate in a community. That is what we should be looking for as a society.

**Senator Kathryn Reilly:** I welcome the Minister to the House and thank the Fine Gael Senators for bringing this motion forward.

Following on from something Senator Landy mentioned about ponies, my poor father’s heart was broken when I was younger looking for a pony and horse-riding lessons, but it was not long until a concussion and a cracked collarbone knocked that one out of me,-----

**Senator Denis Landy:** He was lucky.

**Senator Kathryn Reilly:** -----although I can fairly nag, moan and whinge when I want to.

As we all know, sport is a rich tapestry made up of professionals, amateurs, community volunteers and leading sporting figures. It is a vitally important part of our culture and heritage, and especially for the economy.

I mention an event that happened last year in my county. In October, Cavan played host to the first test match of the International Rules Series in Breffni Park. With a capacity of nearly 35,000 for this test alone, never mind that of the second test in Croke Park, it was merely one example of the considerable benefits that these large sporting events can have for local economies. It was tremendous news and it gave a great boost to the local area. It was an endorsement of the quality of the venue. It was a great achievement that Cavan was chosen, not only for the local GAA organisation and the county council, but the chamber of commerce and other

organisations in the county which lobbied for it.

Seizing upon the opportunity that the event provided, Cavan County Council, under the able management of the outgoing county manager, Mr. Jack Keyes, in conjunction with the GAA and numerous others, organised a festival around the test match to showcase Cavan in its entirety. While the match was the centrepiece of the festivities, there was plenty to do over the weekend. Speaking at the time of the event, Mr. Keyes told the local newspaper that it was a once in a lifetime chance for Cavan to impress the country and people abroad, that it would showcase Cavan's ability to host a major festival, that it had something for everybody and the local authority was particularly encouraging families from around the county and beyond to come into Cavan town. Under the clever marketing banner, "Fun Rules", they were successful in hosting the Ireland versus Australia match as one of the highlights of a weekend festival of traditional music, street theatre, sessions, exhibitions, busking, family entertainment, an outdoor gig, a conference on mental health, and a traditional concert with the 2013 Comhaltas Ceoltóirí Éireann Tour of Ireland group. That, in itself, demonstrates that these sporting events, if done right, provide significant benefit, not only for the sporting organisations but for the local economy and all disciplines in the area.

The motion also mentions valuing the achievements of Ireland's sporting heroes. I would commend that but, like other Senators, I would also like to use the term here to describe, not only the athlete, the player, the Olympian or the person who is standing on the podium getting a medal but any person with any kind of involvement in sport. It is also the person organising the family fun days, registration days, going into the schools talking about the sport, coaches, mentors, and the mummies and daddies who are doing the drop-offs and pick-ups. It is the club official who is organising jerseys, team sheets, training, Jaffa cakes, buses. It is the physio who is bringing these competitors back to fitness. It is the whole structure that unites behind a person or team and gives him or her the structure to develop and flourish.

I acknowledge the work of my colleague, Councillor Brian McKeown, the head coach in Cavan Boxing Club who has been working with Olympic medalist John Joe Nevin since he was 13. I have seen first-hand the role that Brian plays in the club. Like those he trains, I would consider him a hero. In all such motions, it is important we recognise the role these volunteers and others play.

I have to give credit where credit is due. As has been mentioned already this evening, the sports capital grants have proven to be very successful. I would ask, in noting the funding success, that this becomes a regular stream of funding and that the Minister ensures it is prioritised for areas of social need and, as Senator van Turnhout mentioned, those who are sharing services.

Senator van Turnhout also mentioned women. It is really important that we give credit where credit is due. Most of our renowned and famous athletes are women. We have Sonia O'Sullivan, Catherina McKiernan and Katie Taylor who have become Irish household names, and Irish soccer player Stephanie Roche became an international viral hit - I am not sure how many Senators have seen it - when a YouTube clip of her goal was tweeted by the likes of Gary Lineker, Stephen Reid and Piers Morgan. One can see on YouTube the amount of hits that got. I do not know if there is a male soccer player in Ireland who could do something like that. More needs to be done to level the playing pitch for women. Often the coverage of women's sports places them at a clear disadvantage, not because of lack of funding but merely because it might not be at the top of the priority lists, perhaps, for some people.

We need to ensure that people are encouraged to participate in sports at all level and that funding resources are not denied to teams, groups and, as has been mentioned, communities. It is important that there is that community structure to engage as many as possible and to ensure that, no matter what sporting activity one wants to engage in, the facilities will be there, in one form or another. We have a rich sporting history and it is vital that we target resources to build on that legacy.

I thank the Minister for coming to the House and for the work that he and his colleague, the Minister of State, Deputy Ring, have done in that Department.

**Senator Susan O’Keeffe:** I thank the Minister for being with us.

I thank the Fine Gael Senators for raising this issue because it gives us an opportunity to show-off a bit, I guess, about our own area. As we all know, sport in the community is strong and we are lucky to have so many who are so dedicated to sport for both adults and children.

In many ways, the profile of sport has changed. It used to be just a case of going out and kicking a ball around, but now we have international, tourism, community and health dimensions to it. Whichever way we turn, there are things that we can do and things that we are doing. I am encouraged, when I join all the dots up, as the Minister has, by all the activity that is going on. It is a good day for sport.

I am sorry I missed Senator Brennan’s presentation, and also that of Senator Eamonn Coghlan. From the committee room, I could see the latter looking animated. Of course, no better man. He has made his own personal contribution to sport and it is great to see him contributing here. That is really what the Seanad does best, when people bring their individual skills and strengths to the Seanad and to the nation, and Senator Eamonn Coghlan is a fine example of that.

Senator Reilly spoke about women in sport. A couple of weeks ago, I attended the all-Ireland schools under-19 girls basketball finals in the national basketball centre. I was lucky that my daughter was playing for her school, Ursuline College, Sligo, and they won. Needless to remark, we all were overwhelmed and delighted. However, it was an important moment because that is the time at which girls in particular stop playing. They perhaps lose interest in sports and it always has been difficult to keep them involved. When one sees them becoming involved and being highly motivated by good coaches, it really is a good moment.

I acknowledge the encouragement that both the Minister and the Minister for Education and Skills, Deputy Quinn, have given on this issue in respect of the junior certificate. However, it would be very important to see it as a leaving certificate subject because that would encourage people to perceive it as being part of their lives and not simply something they did separately. I am aware that some programmes are being undertaken to keep girls engaged in sport because unless one does so, they will not proceed to women’s sports. The latter always has been the underdog but this should not be the case. Simply because women are physically weaker and do not have the strength does not mean they lack the skill or the enthusiasm or the commitment to sport.

I would love the Department of Transport, Tourism and Sport to continue to give a lead in bringing women properly into the 21st century with regard to sport. It is an extremely important issue both for women in general and for the sports as well. The aforementioned example made me realise how it did not matter that they were girls. They had won and had just as much

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pleasure and joy as any boys' team might have had. However, I should add that the boys of Summerhill College, Sligo, also reached the under-16 final, in which they were runners-up. That says a great deal about basketball in Sligo, which is not a county noted for basketball. Many people are doing a lot of hard work there and I wish to take this opportunity to thank publicly the coaches and parents who really have struggled, pushed and supported those students to do so well.

As the Minister is aware, there is a great scramble each year for the sports capital grants. It is a great system and there will never be enough money. As the Minister noted, there was a shortfall last year and undoubtedly there will be one this year. Is there a possibility of implementing something similar to the philanthropy system that operates in the Department of Arts, Heritage and the Gaeltacht? There is matched funding whereby if one can get support, that Department will also provide support. I do not know whether the Minister has considered such a proposal or whether it is possible but I humbly suggest it might be because there are always people who are willing to sponsor sport. Moreover, they are often willing to sponsor it at a local level with €2,000 or €3,000, rather than with the hundreds of thousands of euro that are needed for the showcase sports. I agree they are also needed and as a nation, we must take pride in the moments they provide, which are just as important. However, at a community level, another part of the funding perhaps might be made up in that way. That might open up the sports grants a little and bring in other members of the community, who perhaps once played but no longer play sports themselves but who wish to give something back in that way. Perhaps the Department of Transport, Tourism and Sport will be able to help in that regard.

I certainly would be shot if I failed to mention cycling. The Minister will be aware that again, Sligo has been leading the way with cycle paths on roads and so on to encourage people in general to cycle. In addition, close to where I live, the Coolaney Development Company intends to have one of four national off-road mountain biking centres. Again, this is a growing high-energy sport and the aforementioned company is doing this in partnership with Coillte. This is a terrific partnership between two arms of the State with people engaging in joined-up thinking to ascertain what can be done to make use of the available land in a new way for the benefit of the people, which I really encourage.

Forgive me if I have missed this point, but can a way be found to support cycling in primary schools in Ireland? My children attended primary school in the United Kingdom and they were all taught cycling at school. It was a great thing to give them confidence on the road and in cycling and not to be opposed to that from an early age. I acknowledge there is the matter of resources but there always are people in the community available. A number of vibrant groups in Sligo are involved in cycling, both the long-haul mad fellows, as I call them, who love to go out for 50 km or 100 km, and those who like to cycle around town and who always have a bike attached to them. Can their energy, enthusiasm and knowledge be harnessed to bring children into cycling at a younger age? Cycling is also very good because it is not very hard on the body, unless of course one becomes one of the mad fellows.

Finally, I welcome the Wild Atlantic Way initiative, of which the Minister's office, as well as that of the Minister of State, Deputy Ring, have been hugely supportive. It is a terrific piece of marketing for the west of Ireland. It is a great name that conjures great ideas. There surely must be an opportunity for wild Atlantic sport on the Wild Atlantic Way because we have the cliffs, the sea and the surf. I spoke to a surfer yesterday who loves to surf in Sligo but who finds the waves at Mullaghmore too big. There is an acknowledgement within that community that the beaches in Sligo and all the way up through the north west are terrific for surfing. While this

is known, there are many other sports and a chain of wild Atlantic sport would be another way of marketing the Wild Atlantic Way, as well as giving encouragement to those who are trying to invest in those slightly more high-octane sports. There is a market for such sports and people are willing to travel for them. They are not interested in the weather and do not care what it is doing but simply wish to get out there in a great fresh-air environment in a country that is just coming to such sports and which consequently is not yet overwhelmed and has not been spoiled. Ireland has much to offer in that area and from the perspective of tourism potential, it would go a long way towards supporting the Wild Atlantic Way in another fashion. I acknowledge that people are doing this in a small way but if it were grown out of the Minister's own commitment to sport, as well as that of the Minister of State, Deputy Ring, it would be a good thing. I thank the Minister for his attendance and for listening.

**Senator Brian Ó Domhnaill:** Much has been said this evening about sport and be it in respect of participation levels or elite athletes, sport is an international phenomenon here in Ireland. Ireland can be described as a sporting nation. People here probably are sporting mad with regard to athletics, soccer, Gaelic games such as hurling or football, horse racing and any and many sports. In recent years, the participation levels in sports certainly have increased. Anecdotally, one can perceive this on any street or town nationwide where people are involved in triathlons, duathlons and in 5 km or 10 km events to raise money for a local GAA club or simply for charity. This must be welcomed.

I certainly welcome some of the initiatives being taken by the Government on the development of sport in general and in particular, I welcome the reintroduction of the sports capital programme. It should never have been dropped in 2008 as that was the wrong decision. It was correct to reopen it on a selective basis and I greatly welcome the funding available under the programme. While everyone would wish to have more funding available for capital investments, we are living in times when the money simply is not there and there must be other ways to find such funding. I intend to touch on one such suggestion in a few minutes. I refer to the work being done at present by the Department of Transport, Tourism and Sport through the Irish Sports Council. It must be acknowledged that the work being done by the latter is second to none. Although it is administering a budget the Minister has indicated has been cut slightly, it is doing the absolute maximum with it. The council is governing the local sports partnership model and that model, which provides co-ordinated sport, facilitates the development of sport and assists non-governmental organisations, NGOs, in each county, has been shown to be a successful and proven model.

The issue of participation has been touched on in the first instance and participation in sport is vital. While there is a need to fund initiatives that will lead more women to being involved in sport, hand in hand with that there must be more recognition given to female leaders in sport. Regardless of whether this is achieved through the carding system or through the elite programmes for some teams, both go hand in hand. When a young kid on the street sees there is a female athlete or a male athlete achieving success and being recognised for that, it drives that child at that level to be involved, to participate and to interact with sport. Senator O'Keeffe is correct on the issue of high participation levels among children, young people and the youth age groups, after which there is a drop-off and the question is how can that be targeted. There is a need to target participation in sport, be it through the local partnership model or through other initiatives, and those initiatives require funding. Childhood obesity, which the Minister mentioned, is a difficulty, as is adult obesity. One of the ways to target that problem is through initiatives such as the healthy schools programme. A Trinity College survey carried out re-

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cently found that childhood obesity was 9% lower in schools that participated in the targeted health schools programme in the Tallaght area of west Dublin. It found that 16% of the children in schools that had taken part in the healthy school programme were obese compared to 25%, or one in four, in a comparable control group, which equates to a difference of nine percentage points. It showed that children who were not involved were more inclined to be overweight compared to children who were involved. That is only one programme and it is a pilot programme. It takes money to run such programmes on a national basis.

I very much welcome that physical education will be part of the curriculum up to the junior certificate. That needs to be extended to the leaving certificate programme. Initiatives need to be taken in schools at primary level as well. Senator Eamonn Coghlan brought forward such an initiative, and that template, together with other templates such as the healthy schools programme, needs to be funded. The question is how we can do that. The Minister will be competing with other Ministers to provide funding for initiatives such as the carding system for Robbie Heffernan types and those who achieve success at international, Olympic or world level. The question is how we fund such initiatives. On the other hand, how can we increase the participation levels in sport among children and fund more women to participate in sport, fund the provision of facilities, fund initiatives to keep young people engaged in sport rather than dropping out of it and fund other initiatives? One initiative could be a healthy towns initiative, a healthy townlands initiative, or a healthy families initiative such as that shown on an RTE programme recently, which I thought was a great success. How do we do all that?

Senator Landy raised the issue of the betting tax and that tax is available at present in this context. The horse and greyhound racing industries received €54 million this year and approximately 47% of that allocation comes from the 1% tax on betting. The loophole in respect of online betting will be closed but we should not leave the betting tax at the level of 1%. Online betting should be included and the percentage should be increased to 2% or 3%. We should let the horse and greyhound racing industries have the €54 million allocated but the differential in the tax yield should be ring-fenced and spent on sport. I listened to what the Minister said and some figures may be contradicted, but the figure cited by Senator Ó Murchú of €1.45 cent being generated in the Irish economy for every euro spent on sport is not Fianna Fáil's figure but a figure that was agreed by the Joint Committee on Transport and Communications. Irrespective of what the figures are, if we can reduce obesity and create a healthy society in Ireland, whether in terms of the mental health or the physical well-being of our population, we will reduce the overall health bill for the taxpayer. Irrespective of the economic benefit to the country, that will create a health and well-being benefit for our population. We need to ring-fence that money for sport. I - and, I am sure, all my colleagues in Fianna Fáil - would support the Minister if he fought the fight in that regard. I am currently involved in writing a short paper on the subject. If we increased the betting tax to 2% or 3% and the surplus was spent God knows where, it would be a disservice to sport and to everyone who puts €5 on a Celtic game, a Manchester United game, an athletics event or an any other sporting event apart from horse racing or greyhound racing.

On the GAA issue regarding the broadcasting of the 14 games, I believe the GAA has made the wrong move. It has gone down the wrong road. I am an avid GAA supporter and a member of my local club, but only allowing people-----

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

**Senator Brian Ó Domhnaill:** -----who can afford to pay €64 per month to watch 14 of our national games on television is going down the wrong road.

**Senator Maurice Cummins:** I welcome the Minister to the House. I will start by addressing the issue on which the previous Senator finished. I would agree with him totally regarding gambling and online betting. The vast majority of betting is now done online. We are dragging our heels as regards increasing the revenue we should be getting from that source. I have had reports from a number of people who are worried about gambling and the dangers of online betting. Now people who go into bookies are faced with two or three arcade betting machines, which are illegal, and the Revenue Commissioners are doing nothing about them. They have been creeping in for the last number of months. I have had complaints from quite a number of people that these machines are now being placed in bookies' offices where they should not be. I wonder why the Revenue Commissioners have not moved against the companies that have introduced these machines.

They say a rising tide lifts all boats. Certainly, when our sporting heroes achieve success, be they our county teams in the GAA or our national rugby, soccer or other teams, it raises the spirit of the nation. That does not apply only to those sports but also to all the other sports have been mentioned, including horse racing and athletics. I also include our golfing heroes and especially our boxing heroes - men and women - who have been the most successful team in Olympic sports for Ireland over the last number of Olympics. Success in any sport brings a great sense of pride to our nation. On that note, we have another world champion in walking, Robbie Heffernan, a man who put so much work and effort, like all sportsmen, into the preparation for the success he achieved.

The importance of physical education in our schools is paramount for many reasons, including health, fitness and educational reasons. We should have more joined-up thinking between the Minister's Department, the Department of Health and the Department of Education and Skills. I welcome the move to include the subject of physical education in the new junior certificate but, like the Minister, I hope it can become an exam subject for leaving certificate in the same way as art and music. Why should it not be? There should be a greater emphasis and joined-up thinking between the Department with responsibility for sport and the Department of Education and Skills in that regard.

We talk about all our national teams and our sporting heroes, but I would like to praise the volunteers, be they in soccer or whatever sport, the ones who mark the pitches and the ones who wash the dirty jerseys and so on every week. They are the unsung heroes where sport is concerned. I started my engagement with sport when I was involved mainly in schoolboy soccer. I saw the work that people did in all the areas to help young people to progress. I was delighted to become president of the schoolboys' FAI and the FAI youths during the time of my involvement. I must admit that I am a sports fanatic and that applies to all sports. I point to the importance of the work of the volunteers and of the sports capital programme under which we can give funding, be it even a small amount, to these clubs that are in every corner of the country. It means a great deal to them to be seen to get some support from the Government when they apply for funding. They certainly appreciate it and put it to good use. The Government is providing a considerable amount of money for sport, with more than €46 million allocated this year. In these trying times it is difficult to find large amounts of money and I commend the Minister for securing the funds. I hope the same amount of money will be forthcoming subsequent to the sale of the national lottery. I understand the same percentage is built into the contract with its new operators. I am old enough to remember when the national lottery was established with the purpose of supporting health and, mainly, sport projects. The money has since been spread across a range of areas, but we should never forget the importance of sport

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and such activities should receive their fair share from the national lottery.

I commend the Irish Sports Council for the work it has done. It is led by a Waterford man and an Olympic hero, John Treacy. Senators have been demanding a debate on sport for a long time. I am glad that so many women have contributed to the debate because women are giving a lead in many sports. I refer to women like Sonia O'Sullivan, Katie Taylor and the women's Six Nations rugby team who won last year. It should be acknowledged that three or four women Senators have spoken in this debate. We do not hear as many men speaking on so-called women's issues when they are debated in the House. This has been mentioned to me on several occasions.

**Deputy Leo Varadkar:** What exactly are women's issues?

**Senator Maurice Cummins:** I will not let the Minister get me into trouble.

**Deputy Leo Varadkar:** There are some very sensitive NGOs.

**Senator Maurice Cummins:** I commend Senator Terry Brennan for proposing the motion on behalf of our group.

**Senator Sean D. Barrett:** I had a clash of fixtures this evening as awards are currently being handed out for service to sports. The international rugby referee, Mr. John West, is one of the guests at the awards event and asked me to pass on his regards to the Minister, his former pupil.

There have been many great sporting moments. The highlight of the Queen's successful visit, which the President will reciprocate next week, was her tour of Croke Park. Seán Kelly's success in bringing rugby to Croke Park should also be noted. I was in Enniskillen on the following Wednesday when people expressed appreciation for his efforts. A man with strong Unionist tendencies told me that a man who loaned another the use of a barn while the other's was being repaired was worthy of respect. It was a wonderful way of bringing people together. Another moment that lives in everybody's memory was seeing President McAleese on the podium when Ireland won the grand slam in Cardiff.

TCD Rugby Club is the oldest extant clubs in the world. I hope this will help the Minister in his efforts to have Ireland host the Rugby World Cup. In that regard I note that Hugo McNeill is heading up the committee. In addition to enjoying a terrific rugby career, he scored a couple of goals in the semi-final and final of the Collingwood Cup. We brought him down for a trial with Liam Touhy who was then manager of the TCD team and he was amazed to find a rugby player who could head a ball. That was another magic moment and I wish him and his committee every success. The Northern Ireland Ministers, Arlene Foster and Carál Ní Chuilín, are also involved. This is an extremely valuable aspect of Irish sport. The rugby team brings both communities on the island together, as do other sports, such as hockey and cricket. I hope we will also see an all-Ireland soccer team at some stage in the future. Soccer has not yet achieved that degree of unity between the two communities which since the Good Friday Agreement have agreed to share this island.

The GAA is a unique organisation. I do not think any other organisation in the world has built such a range of community facilities in every town and parish the length and breadth of the island. As Senator Maurice Cummins has noted, volunteers in every sport have done immense work, whether in taking under-tens to matches in overloaded cars or using their kitchens

to wash the team's jerseys. It is an important element of bringing different generations together. The one thing that removes the generational gap is when younger people begin to discuss sport with their parents and grandparents.

I welcome the great success of Sonia O'Sullivan, Derval O'Rourke and Katie Taylor. As Senator Maurice Cummins has noted, the rise of women athletes is hugely important. I would like to see the women's all-Ireland championship become as popular as the men's. They are heading in that direction.

The Minister referred to the inclusion of sport in the new junior certificate curriculum. I have often thought that we are not making use of a good ally in tackling the problem of high school dropout rates among urban working class males. They may not be interested in many aspects of the curriculum, but they might stay for the football and grow to like the academic subjects. I look forward to seeing how this change works among those who might otherwise drop out of the education system and commend the Minister, Deputy Leo Varadkar, and the Minister for Education and Skills, Deputy Ruairí Quinn, for the initiative.

I commend Senator Terry Brennan for tabling the motion. This is something we do very well. I hope the Minister, Deputy Leo Varadkar, succeeds in bringing the Rugby World Cup to Ireland and the way the GAA is willing to assist with venues is commendable. It would be a fantastic occasion and I wish him every success in his endeavours. I also thank him and the Minister of State at his Department, Deputy Michael Ring, for their services to sport and their enthusiasm which I am sure is reciprocated. Sports people are enthusiastic and like having an enthusiastic Minister and an even more enthusiastic Minister for State.

**Senator Terry Brennan:** I thank the Minister for his positive comments and continued support and encouragement. His commitment to and vision for sport are not in doubt. He clearly realises the benefits participation in sport bring for young and old. Reference was made to the Wild Atlantic Way and the benefits it would bring to the west and south west. Perhaps in the future the Minister might extend the Wild Atlantic Way along the east coast to Carlingford Lough.

**Senator Sean D. Barrett:** Perhaps through rezoning.

**Senator Terry Brennan:** Senators Maurice Cummins and Sean D. Barrett referred to the contributions made by volunteers to sports. They are often the forgotten people, but they are involved in more than 60,000 sports clubs of all types. Approximately 500,000 people are involved in such activities and encouraging young people to participate in sport. I recall as a young fellow getting into a car with 14 other passengers to travel to a football match. It probably would not be allowed today. I acknowledge the part played by volunteers. I thank Senators from all parties for the support they have shown in this debate. It is seldom we get unanimity, so I thank all my colleagues for their support. I welcome the Minister's vision for, and commitment to, sport.

Question put and agreed to.

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

**Senator Maurice Cummins:** Ar 10.30 maidin amárach.

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## Adjournment Matters

### Roadworthiness Testing

**Senator Denis Landy:** I thank the Minister for staying on to take this debate. This matter relates to the request by the Irish Vintage Veteran Trucks Association to reverse the decision to exclude vintage or veteran trucks from exemption from roadworthiness testing under the regulations the Minister made in 2013. These vehicles are vintage trucks and are all pre-1980. They are used by those who own them purely for display and pleasure. I understand that the basis for the exclusion was that the Minister was concerned that perhaps these could be used for commercial purposes. I live very close to someone who has some of these trucks, some of which are old army trucks. Nothing could be further from the truth that these trucks would be used for commercial purposes. They are used for display at vintage rallies and at St. Patrick's Day parades as floats. In many cases, the trucks are not even roadworthy and are transported from one event to another on the back of vehicle carriers. I am a little bit at a loss as to why the Minister included pre-1980 motor caravan vehicles, cars and motorbikes but excluded this group.

In discussions on this, I understand the Minister has agreed to review it in 2015, but some of these people will give up their hobby or will not use the vehicles until 2015, which is very unfair. If the Minister reviewed it now, he would see that this is a genuine group of people who are law-abiding citizens and who use this type of vehicle as a hobby. Many of them have been involved in transport and trucking all their lives, while many others are mechanics and this is their hobby. Will the Minister take a further look at this?

The matter was raised at the Joint Committee on Transport and Communications, which unanimously agreed to raise the matter with the Minister a number of weeks ago when the Irish Vintage Veteran Trucks Association addressed the meeting. Perhaps the Minister might have some good news for me in this regard.

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I thank Senator Landy for raising this matter. As vehicles get older, their condition deteriorates, as evidenced by the increased failure rates for older vehicles undergoing the national car test and commercial vehicle roadworthiness tests. Components such as brakes, steering systems and tyres become more prone to developing faults. Consequently, older vehicles pose a greater risk to other road users and the general public than newer ones. It is, unfortunately, the case that not all vehicle owners adequately maintain their vehicles. Hence, significant numbers of defective vehicles are in use. Evidence from a number of international studies suggests that 4% to 5% of road traffic collisions are directly attributable to vehicle defects.

Introduced in 1991, the commercial vehicle test, formerly known as the DOE test, is a preventative road safety measure designed to ensure that commercial vehicles using Irish roads meet minimum acceptable standards. If used in a public place, commercial vehicles more than one year old, including vintage trucks and buses, must undergo mandatory roadworthiness testing annually and have a valid certificate of roadworthiness. The obligation to undergo mandatory roadworthiness testing annually has applied to vintage trucks since roadworthiness testing of commercial vehicles was first introduced in Ireland in 1991. Thus, the recent enactment of SI 347 of 2013 has not changed the obligation in this regard. Historically, it has been the case that older commercial vehicles have been used for commercial purposes, and that is why com-

mercial vehicles first registered prior to 1 January 1980 have to be tested.

All cars used for commercial purposes have always been required to undergo roadworthiness testing. This includes pre-1980 registered vehicles being used in a commercial capacity, such as wedding cars, limousines and other ceremonial vehicles. These vehicles are classed as small public service vehicles and are required by law to be tested annually up to the tenth anniversary of first registration and thereafter every six months.

I would like to clarify that while there is no exemption for older commercial vehicles, these vehicles are tested to the standards to which they were originally designed and not to the standards applicable to modern vehicles. Vintage vehicles are treated with exceptional care when undergoing an NCT and each vehicle is judged on its merits. For example, vintage vehicles will not be lifted on the wheels-free jacking system and many do not have their brakes tested using the rolling road; a road test is carried out instead.

In accordance with the Road Safety Strategy 2013-2020, the Road Safety Authority has undertaken to review the testing environment for vintage vehicles and to make recommendations to me on future roadworthiness testing arrangements for such vehicles. This review will be completed by the first quarter of 2015 and will include a public consultation with all stakeholders.

At the meeting of the Joint Oireachtas Committee on Transport and Communications on 12 March 2014, some members of the committee voiced road safety concerns and questioned why vintage trucks, irrespective of how well their owners believed they were maintained, should not undergo some form of roadworthiness inspection, even if only for the purpose of qualifying for eligibility for a reduced insurance premium. At that committee meeting, a suggestion was made that an engineer's report would address the safety issues. The Road Safety Authority will consider this as part of the review but it should be noted that roadworthiness tests are carried out to prescribed standards by personnel trained, supervised and audited against those prescribed standards. Difficulties often arise in verifying the qualifications of the suitably qualified individuals responsible for preparing engineers' reports.

I am also advised that in certain cases insurance companies are happy to have the results of the vehicle test conducted by the authorised test centres rather than relying on an engineer's report. Cars used for commercial purposes are more easily identified as they must be registered as small public service vehicles. On the other hand, it is more difficult to differentiate between goods vehicles used for commercial purposes and those used for social and personal reasons only.

The Irish Veteran and Vintage Car Club and other enthusiasts say that such vehicles generally do not travel more than 1,500 km per year on public roads and that using them in a commercial capacity is not viable due to the cost of maintenance and fuel. None the less, consideration needs to be given on how to best to link the motor tax, insurance and vehicle testing requirements to ensure that if the analysis being carried out by the RSA indicates that an exemption should be provided, we can ensure it is afforded only to those vintage trucks genuinely used for social and domestic purposes.

I can assure the Senator that issues will be carefully considered in the review to be conducted by the RSA later this year which, following consultation with the key stakeholders, I am confident will come up with recommendations which reflect the competing needs of road

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safety, vintage vehicles which have limited road use and those which are used for commercial purposes.

**Senator Denis Landy:** I thank the Minister for his reply. Unfortunately, the review has been as slow as some of the trucks. This is not good news. In the review will the Minister take account of what is done in other EU member states in this regard where they are included? Perhaps we might take a lead from them. It is welcome that he is trying to find a solution which I hope we will have sooner rather than later.

**Deputy Leo Varadkar:** As part of the review, the RSA will examine best practice in other countries. I can certainly commit to this. I will also ask it if it can bring forward the review and perhaps start it now and have it done before the end of the year. I cannot promise that it will be able to do this, as it has a work programme. The first priority I have given it is to sort out all of the driving licence issues. I will see if it is possible to bring the review forward as part of its work programme.

### Vaccination Programme

**Senator Martin Conway:** I welcome the Minister of State. I am pleased a Minister from the Department of Health is responding to this important debate.

The Government demonstrated a deep commitment to children by appointing a senior Minister with specific responsibility in this area. Through this and the children's rights referendum, it has displayed a commitment to children above and beyond what any previous Government did, which is appropriate. However, Ireland has the highest incidence of meningitis in the European Union which is not acceptable. An immunisation programme for meningitis C was introduced at one stage and dramatically reduced the number of children diagnosed with this awful condition to zero in 2012. It had a 100% success rate. Within two years one could count on one hand the number of children suffering from the disease. Thankfully, a vaccine became available for meningitis B at the beginning of 2013. It has been accepted in countries such as Australia, Germany, the Czech Republic, Poland and Italy and, in the past week, the United Kingdom. These countries are rolling out programmes to vaccinate all children against this dreadful disease.

Many people have lost loved ones to meningitis. We probably all know somebody who has. When my wife was aged four years, she was diagnosed with the disease and luckily survived it. We share a deep sense of responsibility to do what we can to ensure the lives of young people are saved when it is possible to do so. The national immunisation advisory committee, NIAC, met to discuss the new vaccine after the United Kingdom had decided to roll out a programme, but it postponed making a recommendation to the Minister, even though its members sit in on the deliberations in the United Kingdom on such programmes. They have all of the knowledge the UK Government has, but they decided to postpone making a recommendation to the Minister. This is serious. The families of people who suffer or who have suffered from meningitis and families who have lost loved ones to meningitis are appalled to think this vaccine is not being rolled out immediately. Children in Northern Ireland have access to a vaccine, but those in the South do not. What is worse is that if a family is wealthy, it can buy the vaccine because it is available to those who can afford it. Not alone is there inequality between people here and in Northern Ireland, there is also inequality between rich and poor. This does not equate to cherishing all the children of the nation equally.

I hope the Minister of State will outline a timeline for the introduction of the vaccine. If the NIAC is not prepared to make a recommendation quickly, I ask the Minister to direct the committee to do so and place a time limit on it. This is an important issue and a solution is available that will save children's lives immediately. There have been seven meningitis B cases in the past four or five weeks in counties Cavan, Limerick, Sligo, Dublin and Cork. Therefore, this issue needs urgent attention.

**Minister of State at the Department of Health (Deputy Alex White):** I thank the Senator for raising this matter as it provides me with an opportunity to update the House on it.

*Neisseria meningitidis* is a major cause of invasive meningococcal disease, commonly known as meningitis. In 2013, 81 cases of invasive meningococcal disease were notified in Ireland, with serogroup B, commonly referred to as meningitis B, accounting for 68 of these cases. This represents a decline of 77% from the peak in 1999 when 292 cases of meningitis B were notified. Despite this significant improvement, Ireland has the highest incidence of meningococcal disease, particularly meningitis B, among EU countries. Since 1999, 51% of cases have occurred in children aged under two years. The highest age specific incidence rate for meningitis B cases is seen in young children under four years of age, particularly those in the first year of life. In 2013 the age specific incidence rate was 35.9 per 100,000 for children less than a year old, with another smaller peak seen among older teenagers. Low rates are normally seen in those older than 25 years.

The immunisation programme in Ireland is based on the advice of the national immunisation advisory committee, NIAC. This is a committee of the Royal College of Physicians of Ireland comprising experts in a number of specialties, including infectious diseases, paediatrics and public health. The committee's recommendations are informed by evidence based public health advice, international best practice and cost benefit analyses carried out by the National Centre for Pharmacoeconomics.

In January 2013 a new vaccine against invasive meningococcal disease serogroup B received marketing authorisation from the European Commission. The NIAC is monitoring international data for the use of this vaccine as part of immunisation programmes. It has recently issued guidance relating to its use in the control of clusters or outbreaks of meningitis B. However, to date, as the Senator pointed out, it has made no recommendation on the introduction of meningococcal B vaccination in the primary childhood immunisation schedule. Meningococcal B vaccine was discussed at the NIAC meeting on 24 March. The decision on whether to recommend the inclusion of the vaccine in the primary immunisation programme raises complex issues that require thoughtful consideration. New information on this issue, including revised parameters for assessment used recently by the joint committee for vaccination and immunisation in the United Kingdom, is being taken into account.

I am sure the House will appreciate that it would be inappropriate to comment on anticipated outcomes of the deliberations of the NIAC. However, should the committee advise the inclusion of a new meningococcal B vaccine in the primary childhood vaccination programme in Ireland, the Department, in association with the Health Service Executive's national immunisation office, will then examine and address the matter.

**Senator Martin Conway:** I thank the Minister of State for his reply. In the past five weeks, there have been seven meningitis B cases. I raise this in case I got the figure wrong earlier. I fully accept that the Minister cannot intervene in the recommendation process but he certainly

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can give a timeframe. The Minister can say he wants a recommendation by a particular date. We need a timeline. I cannot see any reason the Minister cannot express to NIAC that he would like a recommendation, one way or another, as a matter of urgency.

**Deputy Alex White:** With respect, I do not believe it is open to the Minister to give a direction to NIAC in that regard although I understand what the Senator is driving at. NIAC, as I pointed out, is a committee of the Royal College of Physicians of Ireland. It is a committee that advises the Minister. I do not believe there would or could be any inordinate delay on the part of the committee with regard to its analysis of this problem or, as the Senator pointed out, this pressing issue. If I can establish further information on how matters stand, I will certainly do so for the Senator. As far as I am aware, I do not believe it is open to the Minister to make a direction because it seems to me, without my having checked the detail on the specific relationship between NIAC, the HSE and the Minister, that the advisory function of the committee is such that it must be left to do the work it conducts for the Minister and HSE. I take the Senator's point on the importance of this matter, however, and I will certainly obtain for him any further information I can glean on expediting this matter.

**Senator Martin Conway:** I will get my office to contact the Minister of State's office.

### **General Practitioner Services**

**Senator Fidelma Healy Eames:** The Minister of State, Deputy Alex White, is very welcome. I thank him for attending in person to address this matter because it is directly related to his brief. I wish to raise the need for the Minister for Health to outline the reason he will not enter negotiations with general practitioners on the delivery of free general practitioner care for those under six if he wants reliable universal delivery of care across the country.

I am sure the Minister of State is well aware that I stood for election on a platform of re-orienting care from hospitals to the community. I refer to complete reliance on primary care. From my having built a case in the past for a primary care centre in Oranmore, which case was dumped down the list by the Minister for Health, Deputy James Reilly, over 12 months ago, I learned there is no hope unless there is a general practitioner on board.

Just over a week ago I listened to approximately 200 general practitioners in Galway. I am not here to advocate for general practitioners but for families, including children under six. From what I have heard, the contract the Minister for Health is now presenting to general practitioners will fail. I do not want that to happen and I am sure he does not either. The main reason the initiative will fail is that the contract has not been drawn up in collaborative negotiation with general practitioners.

The Minister of State will know there has already been quite a strike at the incomes of general practitioners by way of the FEMPI cuts and the over-70s deal. This has led to a cut of approximately 35% to 40%. From all the evidence I have heard, I note this is the one area of the health service that is working well. Expenditure on general practitioner and primary care amounts to between 3% and 4% of the national health budget.

At the meeting I attended, a doctor said that, of the 100 patients he treats, 1.3, on average, go to hospital, and 98% are taken care of by him. That is a fantastic record. Therefore, let us be really careful not to break something that is not yet broken and move carefully. I will support

universal health care for those under six if we can make it happen. However, I will not support it if it is only for show. From what I have heard so far, show is what will be evident because few, if any, general practitioners are prepared to sign up to the contract. The issue is really the general practitioners' right to negotiate terms and conditions of their contracts.

The Government, represented by the Minister, Deputy James Reilly, is saying general practitioners are all independent contractors under competition law. The Government suggests general practitioners are working in a pure market and it asserts its right to design and price a contract with minimum or no consultation. It denies the right to negotiate, and this is the fundamental problem.

I am so serious about health care in this country, as is the Minister of State. Let us not let it fall owing to our not having the humility and courage to negotiate with general practitioners. Let them design the flaws if there are to be any. At least in that case the general practitioners will feel they are involved. If it means amending competition law, let us do so. It is clear that the under-sixes contract designed by the Department is flawed beyond recovery and that very few general practitioners will sign up to it. This was also the case regarding the cervical screening programme. It eventually required line-by-line negotiation to deliver a proper contract. The Minister of State will recall that himself.

There is a shortage of general practitioners. In rural areas, it is now almost impossible to get one, which is incredible. There is no market as there are fewer and fewer general practitioners available to take up posts. I will give the Minister of State a few examples. In Ballaghaderreen in County Roscommon, a list of 1,200 patients in the Westdoc co-operative could not attract one candidate. A list of 800 patients became available at the same time in Ballyhaunis and there were only two candidates. Eventually, the unsuccessful candidate in Ballyhaunis took the post in Ballaghaderreen. In Galway, the HSE dissolved a list in Dunmore after its having made it so unattractive as to attract no candidates, thus reducing the number of general practitioners in the area providing services. There was a similar case in the Mervue area of Galway city.

The HSE has been attaching many onerous additional requirements to contracts, such as the requirement to make a future commitment to move one's practice, despite the fact that general practitioners are expected to invest in their practices. This is ludicrous. The general practitioners borrow and invest heavily. Some young general practitioners, from whom I heard at the meeting in Galway, now regret their decision. This has happened in Frenchpark, Dunmore and Williamston, for example.

There are 264 general practitioners over the age of 64 in Galway. Some 1,100 Irish general practitioners have become principals in the NHS in the past four years, which amounts to 50% of the wholetime general practitioners in this country. The HSE recruitment policy is failing abysmally and the under-sixes contract has hardened the view of many young general practitioners that this is not a doctor-friendly country. They are leaving in their droves. Let us stop and think about this. It is deplorable for the general practitioners' families and themselves. It is particularly deplorable for the country. The Minister of State and I know the State has invested heavily in the young general practitioners' training. This must be watched and reversed. We need the doctors here; we need our own people.

The under-sixes contract represents everything that, to me, appears to be worst in the HSE. It is centralised and rigid and amounts to intrusive control of everything from data to the right to professional advocacy for patients. Does the Minister of State believe it is correct that there is

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gagging of general practitioners? I do not. We are trying to bring whistleblower legislation into effect but the gagging of general practitioners looks like the quelling of whistleblowers to me.

The ultimate effect will be that patients will find it increasingly difficult to gain access to quality general practitioners in the very near future. This is no way to start our journey to universal health insurance. I want from the Minister of State this evening a commitment to enter negotiations on a new general practitioner contract. If that means amending the Competition Act, let us do so. I do not want to see us lose fine young general practitioners, nor do I want to see general practitioners put on the breadline. One general practitioner, Dr. Casey, spoke about trading recklessly. He said he has now an insolvent practice. If this Government does not take this action it will be saying to me that this was nothing but an empty political promise and if it fails, the excuse will be to blame the doctors. I cannot stand over that. I am looking forward to the Minister of State's reply but we must find a way to work with our doctors and bring them on board if we are serious about delivering free GP care to those under six years of age.

**Deputy Alex White:** I thank Senator Healy Eames for raising this issue. The Government's vision for primary care is the development of a single-tier system where access is based on medical need and not on ability to pay. The Government, therefore, committed to introducing a universal GP service without fees, on a phased basis, within its term of office. The orientation of health systems towards primary health care and general practice has advantages in terms of better population outcomes, improved equity, access, continuity of care and lower cost.

As announced in the budget, the Government has decided to commence the roll-out of universal GP services by providing all children under 6 years of age with access to a GP service without fees. The decision to commence the roll-out with this age cohort is in accordance with the recommendation in Right from the Start, the report of the expert advisory group on the early years strategy. Universal screening and surveillance services are already made available for children in this age cohort. Evidence suggests that a high-quality primary care system with universal access will achieve better outcomes for young children. The Government is providing new, additional funding of €37 million to meet the cost of this measure. The implementation of this measure will require primary legislation which is expected to be published within days. The necessary administrative arrangements will be made when the specifics of the legislation are published.

The introduction of this service also requires a new contractual framework to be put in place between the HSE and individual general practitioners. In this regard, I emphasise that a draft contract is currently the subject of a consultation process. In excess of 280 responses were received by the HSE during the consultation process. These responses are currently being examined and a report will be published in due course. While there has been some negative reaction to the draft contract, I am pleased that the Irish Medical Organisation, the primary representative body for general practitioners, has confirmed that it is supportive of Government policy to introduce GP care free at the point of access, albeit conditional on the provision of adequate resources and full and meaningful negotiations with the IMO. I welcome this response and I have assured the IMO most recently in my letter dated 26 March, that the Department and the HSE are fully prepared to engage meaningfully with it and are prepared to negotiate with it on all aspects of the scope and content of the proposed contract. I have also explained to the IMO that there will be an opportunity for its input on the fee structure which will be addressed by means of a complementary consultation process. However, the ultimate setting of fees must remain a matter for the Minister for Health.

I trust that the IMO will accept my invitation to commence negotiations with the Department and the HSE. This will afford the IMO the fullest opportunity to obtain clarification from the Department and the HSE on any aspect of the draft contract and to raise any other issues which it may have regarding it. I am confident that a process of open discussion as advocated by the Senator has the potential to significantly enhance the draft contract for patients, general practitioners, the HSE, the Department and the people of Ireland, thus helping to progress our common goal of free GP care at the point of access.

**Senator Fidelma Healy Eames:** I thank the Minister of State. I am delighted he has stated he is open to full and meaningful negotiations with the IMO because that is what the doctors are looking for. I stress that they are not looking for consultation. I accept there is no doubt that we will improve population health if we have universal health care but only if we have the doctors to serve the patients. I take from the Minister of State's reply that he wants the doctors to co-operate. In the UK NHS system it could take seven days to get an appointment for free GP care for a child. That is not what we want to happen here because it would make a nonsense of the plan. I will take the Minister of State's reply in good faith. That information certainly had not trickled down to the doctors in Galway a week ago. I look forward to hearing that meaningful negotiations took place.

**Deputy Alex White:** For the information of the House it is important for me to emphasise again that on three occasions in recent weeks I have extended an invitation to the IMO and to the doctors' representatives to meet me in this regard. On 27 February 2014, I wrote to the IMO and I wish to put details of that letter on the record of the House:

The Department and the HSE are fully prepared to engage meaningfully with the IMO. We are ready to meet with you, and we are prepared to negotiate with you on all aspects of the scope and content of the proposed contract. I should state, however, that the ultimate setting of fees must remain a matter for the Minister for Health, though there will be an opportunity for your input on this aspect, and on the fee structure, which it is proposed to address by means of a separate consultation process....

Accordingly, I am now formally inviting the IMO to meet with the Department and the HSE to commence the process, and to afford you an opportunity to elaborate on your submission of 21st February. My preference is that this meeting should take place during the week beginning 3rd March 2014 but a mutually agreeable date can be arranged if this week does not suit....

It seems to me that we can work together to seek a consensus on the many important matters of mutual concern, and it is my genuine wish that we should proceed in that spirit.

I repeated those sentiments on 26 March 2014 and I made it very clear that we wish to proceed by way of negotiation:

I am confident that we can make good progress in achieving our common goal of GP care free at the point of access and therefore again invite the IMO to commence negotiations with the Department and the HSE.

**Senator Fidelma Healy Eames:** Why does the Minister of State think this has not happened?

**Deputy Alex White:** I cannot say that. I wrote these letters to the IMO. It is not for me to

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speculate as to why-----

**Senator Fidelma Healy Eames:** It does not sound good.

**Deputy Alex White:** These are the letters.

**Senator Fidelma Healy Eames:** It does not sound good if nothing has happened.

**Deputy Alex White:** I was asked to deal with the issue of the preparedness for negotiations and I think I have dealt with it.

The Seanad adjourned at 7.25 p.m. until 10.30 a.m. on Thursday, 3 April 2014.