



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 04 Meitheamh 2014

Wednesday, 04 June 2014

Chuaigh an Cathaoirleach i gceannas ar 14.30 p.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

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

The need for the Minister for Justice and Equality to allow members of the Garda Reserve who have a minimum of two years' service and who wish to become members of An Garda Síochána to proceed to interview level as a matter of course.

I have also received notice from Senator David Cullinane of the following matter:

The need for the Minister for Jobs, Enterprise and Innovation to outline the supports being put in place by the Government to protect jobs and wage levels at Bausch & Lomb in Waterford, the level of contact that took place between the Minister, his Department and the IDA before the announcement of job losses and pay cuts last Thursday, 29 May, and his views on the exclusion of the workforce and its trade union, SIPTU, from discussions leading up to that announcement.

I have also received notice from Senator Hildegarde Naughton of the following matter:

The need for the Minister for Jobs, Enterprise and Innovation to address the failure of the IDA to meet its FDI targets for areas outside Dublin and Cork.

I have also received notice from Senator Averil Power of the following matter:

The need for the Minister for the Arts, Heritage and Gaeltacht to accept that the role of women in Irish history and in the foundation of our State has not been sufficiently acknowledged in our public works of art and commemorative projects, to indicate if the Government is supporting the installation of any public works of art as part of the centenary commemorations that specifically recognise the contribution of women to that period of our history, and to reconsider the proposal for a sculpture of Ms Molly O'Reilly.

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.

Resignation of Member

An Cathaoirleach: Is mian liom a chur in iúl don Teach gur toghadh an Seanadóir Deirdre Ní Chalúin ina Comhalta de Pharlaimint na hEorpa agus, dá réir sin, de bhun alt 11 den Acht um Thoghcháin do Pharlaimint na hEorpa, 1997, arna leasú leis an tAcht um Thoghcháin do Pharlaimint na hEorpa (Leasú), 2004, scoir sí, ar a toghadh, de bheith ina Comhalta de Sheanad Éireann.

I wish to inform the House that Senator Deirdre Clune has been elected a Member of the European Parliament and, accordingly, pursuant to section 11 of the European Parliament Elections Act 1997, as amended by the European Parliament Elections (Amendment) Act 2004, she ceased on her election to be a Member of Seanad Éireann.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, State Airports (Shannon Group) Bill 2014 - Committee Stage (resumed), to be taken at 3.45 p.m. and to be adjourned no later than 5.30 p.m., if not previously concluded, and No. 50, motion No. 10, Private Members' business, to be taken at 5.30 p.m. and to conclude no later than 7.30 p.m.

Senator Darragh O'Brien: We are on Committee Stage of No. 1. One of its most important provisions is the Government's proposal to remove pension benefits and pension rights to a private pension scheme for the first time in the history of the State. I have tabled amendments in this regard. Should we not conclude the Stage by 5.30 p.m., is the Leader open to extending the time for the debate to provide for its conclusion as opposed to the Government guillotining it?

Senator Maurice Cummins: I said it was to be adjourned.

Senator Darragh O'Brien: Tá brón orm. I thank the Leader.

The Leader might request of the Minister for Justice and Equality an update on the District Court service, particularly in the city and county of Dublin. We have been hearing from a number of sources that the Government proposes to close District Court offices in Dublin and to centralise District Court services. I see Senator Bacik is surprised about this so it might be an opportunity for the Members opposite to do something about it in advance of the Minister making a decision. I ask the Leader to use his good offices to get confirmation from the Minister that no District Court in the Dublin metropolitan region will actually be closed and that they will not be centralised in the Phoenix Park.

At 7 p.m. this evening, the Committee of Selection will meet to select two Members of the Seanad as members of the banking inquiry. We debated the Bill in this House with the Taoiseach himself and I put it to the Taoiseach that all of us want to get to the truth of what hap-

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pened. While there are aspects of the terms of reference of the inquiry that we feel fall short, what I have always hoped is that this would be a genuine effort, in a non-partisan way, by the Government to inquire into what happened around the time of the banking crisis. I understand there are three nominees from the Seanad at the meeting this evening, namely, Senator Susan O’Keeffe from the Government side, Senator Marc MacSharry, my colleague, who was finance spokesperson for four years in the Seanad, and Senator Sean Barrett. Given we are the largest Opposition group in this House, I would assume the Government will support our nominee, Senator Marc MacSharry, to serve on the banking inquiry, which would prove the point that this is not going to be a party-----

An Cathaoirleach: That will be discussed at the Committee of Selection.

Senator Darragh O’Brien: I am giving the Leader an opportunity, while the House is in session, to let us know what is the Government position in this regard. I have no difficulty with any of the three. If there is a move by the Government to support Senator Sean Barrett to serve on this committee, fair play, but I would ask why the Government did not see fit to support Deputy Peter Mathews in the other House. Should the Government want Senator Barrett-----

An Cathaoirleach: That is a matter for the other House.

Senator Darragh O’Brien: I am sorry. This legislation was passed here by this House. It is important and relevant because this meeting is happening this evening. I will conclude now-----

An Cathaoirleach: This matter will come back before the House when the Committee of Selection meets.

Senator Darragh O’Brien: It will. All I am doing is asking that the Leader of the House-----

(Interruptions).

An Cathaoirleach: Senator O’Brien, without interruption.

Senator Darragh O’Brien: I am asking that the Leader of the House would this afternoon let us know what is the Government position with regard to the selection of Members from Seanad Éireann for the banking inquiry. Should the Government wish to have an Independent Member, Senator Barrett, on the committee, I put it to the Leader that the Government should offer up its place on that committee. Fianna Fáil is the largest Opposition party in the Seanad and it deserves a role on that committee. I hope the Leader will clarify the position and will confirm to me that the Government members of the Committee of Selection will be supporting our nominee, Senator Marc MacSharry, at that meeting at 7 p.m. this evening.

Visit of Mozambican Delegation

An Cathaoirleach: Before I call Senator Bacik, I am sure the Members of the House would like to join with me in welcoming, in the presence of the Leas-Chathaoirleach, His Excellency Mr. Armando Emilio Guebuza, President of the Republic of Mozambique and his delegation. You are very welcome. I know it is not your first time in Ireland but it is your first time here as President of Mozambique. We wish you and your delegation a very successful trip to Ireland on this occasion.

Order of Business (Resumed)

Senator Ivana Bacik: I join with the Cathaoirleach and other Members in welcoming our colleagues from Mozambique. They are very welcome to the House.

In respect of the Committee of Selection meeting tonight, I am sure the Leader will respond to Senator O'Brien. As leader of the Labour Party group, I am delighted that we are nominating Senator Susan O'Keeffe, who has unparalleled experience as an investigative journalist. I am delighted she will be supported by our Fine Gael colleagues as well as by myself. Speaking for the Labour Party group, I will be supporting the candidacy of Senator Sean Barrett who also has immense qualifications, experience and expertise.

Senator Darragh O'Brien: And leave us out while setting up a partisan committee.

An Cathaoirleach: Senator Bacik, without interruption.

Senator Ivana Bacik: Can I just say-----

An Cathaoirleach: Senator, we should not be discussing this; it will be discussed at the committee of selection. It must come before the House again.

Senator Ivana Bacik: I did not raise it.

Senator O'Brien also referred to what I suspect is no more than a rumour that the District Courts in Dublin are to be closed. I certainly have not heard that. There was a positive move under the previous Government to move the very antiquated Criminal Court sittings in the Bridewell to the Criminal Court of Justice and a new setting. All criminal justice practitioners, service users, gardaí etc. appreciated that modernisation. I will certainly look into Senator O'Brien's statement but if there is a programme of modernisation of District Courts throughout the country, that can only be welcomed. I have practised in sittings of the District Court outside of Dublin where it sits in hotel function rooms, community halls and other inappropriate spaces.

I ask the Leader to arrange a debate on the so-called phoenix syndrome exposed by the plight of the Paris Bakery workers from Moore Street who held a rally outside the Dáil earlier. This syndrome has been particularly marked in the restaurant industry, where employers abuse the principle of limited liability by closing down businesses and opening others under new brand or company names without paying outstanding debts to workers who are owed back payment of wages, holiday pay and so on. In the case of the Paris Bakery workers, they have been left owed some €100,000. They have been occupying the Moore Street premises since 23 May. Attempts have been made to reach resolution with the owners. Mandate and the Migrant Rights Centre of Ireland, among others, are supporting the workers but there is a bigger issue here of companies closing and failing to engage in an orderly winding down process to enable priority debts to be paid. This is a very serious difficulty and a number of other companies have engaged in similar tactics. We must examine how best to resolve issues for the workers, for example the insolvency payments scheme could be used to pay workers owed money. In these circumstances who face serious consequences as a result of lack of payment.

I support the call made last week by Senator Hildegard Naughton who called for an inquiry into the recent worrying revelations of the deaths of some 800 infants between 1925 and 1961 in a mother and baby home in Tuam in County Galway. I know considerable momentum has gathered around this as local historians have uncovered appalling information about these

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deaths and the way in which they went unreported and were hidden. We need to know more about what has happened there.

Senator Rónán Mullen: I take this opportunity to congratulate former Senator Clune on her election to the European Parliament.

As one who would be sceptical about the banking inquiry and the role of elected representatives in inquiries of this nature because of the potentially partisan nature of the engagements, I stress that someone like Senator Sean Barrett is ideally qualified and has proven himself to be an acute and incisive voice, particularly on economic and financial matters. People should be happy to see a person of his calibre who is a quality independent voice. This inquiry should only be conducted by independent politicians who do not have any political axe to grind. I make this point without in any way casting aspersions on Senator MacSharry's excellent credentials.

I refer to a Fianna Fáil motion on maternity services, which was debated in the House last week and I compliment my Fianna Fáil and Sinn Féin colleagues on bringing to light some important issues. I was attending a meeting of the justice committee when the debate took place. It seems to me that certain answers given by the Minister for Health on that occasion were woefully vague, to say the least.

Senator Ó Clochartaigh raised the question of a possible conflict of interest involving the chairman of the west-north-west hospital group. I think his question on that possible conflict of interest involving Mr. Daly stands and was not adequately addressed by the Minister. In the course of his response the Minister referred to an internal HSE review of the procurement of the contract with The Health Partnership. The first issue raised was the association of certain members of the west and north-west hospital group, and particularly the chairman, with The Health Partnership group.

An Cathaoirleach: Senator Mullen is making accusations against persons who can easily be identified and who are not here to defend themselves.

Senator Rónán Mullen: I have no intention of doing that but I seek further clarity from the Minister, who stated that he understood the director general wrote to both the hospital group chairperson and the chief executive officer to outline his concerns, and to seek to ensure that the recommendations of the audit unit were implemented and that there would not be further breaches of procurement rules. It is not acceptable for the Minister to refer to such breaches as an operational matter.

An Cathaoirleach: We are not reopening a debate.

Senator Rónán Mullen: It is the job of the Minister to come into this House -----

An Cathaoirleach: This issue was debated last week.

Senator Rónán Mullen: I am asking the Leader to invite the Minister to come before the House and, rather than dismiss these concerns as simple operational matters to be dealt with under the covers by the HSE, tell us exactly what the audit found. Did the audit find that a conflict of interest existed or, alternatively, that problems existed in the tendering procedures?

An Cathaoirleach: The Senator can make those points when the Minister comes in.

Senator Rónán Mullen: If there were problems with the tendering procedures around a

contract worth €20,000, who pays? Are the people involved going to pay the penalty or does the taxpayer have to pick up the tab?

An Cathaoirleach: Those points were made in the debate.

Senator Rónán Mullen: It simply is not acceptable to use the euphemism of operational matters to deprive this House or the other House of clarity on what occurred in this matter. I ask that the Minister come before us to give further details. That is the least he could do in the circumstances.

Senator Hildegarde Naughton: I wish to return to a matter I raised last week, namely, the babies buried in the septic tank in Tuam. Subsequent to my raising the issue, a number of politicians in the area took an interest in it and are rightly calling for an investigation. I wrote to the Taoiseach in this regard last week and yesterday I was in communication with the Minister for Children and Youth Affairs. I am assured that the Government is taking the matter most seriously at the highest level and that an investigation will take place. The matter is complicated by the fact that several Departments are involved, and discussions are under way on how best to proceed.

I have heard it said that the institutional church, namely, the local bishop, had no hand, act or part in the running of the home in Tuam nor any say over the Bon Secours nuns. To be clear, canons 394 and 397(1) of the Code of Canon Law provide that jurisdiction today. A bishop serving between 1925 and the 1960s had even greater power over the religious in his diocese. I remind those who try to pass these events off by referring to the historical context in which they occurred that death by malnutrition was regarded as manslaughter under common law as far back as 1918. A decision of the Court of Criminal Appeal in *R v. Gibbins and Proctor* found that where someone takes upon himself or herself a duty of care, as in the case of the Bon Secours nuns, he or she has an obligation to care for the children. It has been reported that some of the death certificates record the cause of death as malnutrition.

An Cathaoirleach: Is the Senator calling for a debate on this issue?

Senator Hildegarde Naughton: I ask the Leader to write to the Minister for Justice and Equality to request her to attend a debate in the Seanad on the matter of the unmarked graves of babies. Tuam is not the only graveyard in existence.

Senator Terry Leyden: I extend to the family of Joe Dowling, the former Deputy and Senator, the deepest sympathies of this House. I presume we will pay tributes to him in due course. He passed away this week and was buried today. He was a member of Dublin City Council and he served as a Member of Dáil Éireann from 1965 to 1977 and as a Senator from 1977. He had a distinguished career and was a great Irishman. I hope that in due course we will have an opportunity -----

An Cathaoirleach: The Leader will arrange for it.

Senator Terry Leyden: The family would appreciate that. I also wish Deirdre Clune success as a Member of the European Parliament. Our colleagues, Senators Byrne and Mullen, put up a great fight and they deserve credit for working so hard to put their case to the people.

I wish to raise the issue of the young Irishman, Ibrahim Halawa, who has been in jail in Cairo for 295 days. He was injured in riots. I appeal to the Tánaiste and Minister for Foreign

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Affairs and Trade, who might have a bit more time in the next few weeks, to dedicate the remaining weeks of his time as Tánaiste to getting this Irishman released. He has not done enough and I do not see why he cannot go to Cairo to demand the release of this young Irishman who was badly treated. He was shot in the hand, but the injury was not treated. His finger is still injured, yet we are standing idly by. I am surprised at the Labour Party which seems to be more concerned about leadership battles than an Irishman stuck in a Cairo jail. I suggest the Tánaiste work on this problem. He has an opportunity to go out in a blaze of glory, although not electorally, but he might get one man out of gaol, which would be a great contribution. As a Senator, I once visited Greece to help to get a man out of gaol. I hope the Tánaiste and Minister for Foreign Affairs and Trade will use his influence to do something about this case.

(Interruptions).

Senator Darragh O'Brien: Send the Minister of State, Deputy Alex White. He will have nothing to do after the contest.

Senator Mary Moran: I support Senator Hildegard Naughton's call for a debate on the horrific discovery of a mass grave in Tuam where it is believed up to 800 babies and young children were buried in a septic tank.

I also refer to the Government's recent announcement that the review of discretionary medical cards will be suspended pending the establishment of a new expert panel and the development of a policy framework that will take medical conditions into account. This is something for which I have been calling. I raised the issue as recently as last week and wholeheartedly welcome the Government's decision to step back and examine the process. Even though it has taken a long time for the announcement to be made, I am pleased that we will now see action on the matter. I have spoken to numerous individuals and families about this issue. I have been shocked by some of the cases in which a medical card has been removed. We need clear and comprehensive guidelines under which HSE medical card staff can operate when making decisions. We also need clarity for the many people who have had their discretionary medical cards revoked in recent months. There have been umpteen interviews and media reports in the past 24 hours, in particular. Many representatives of the health and political sectors have stated different positions on the restoration of medical cards. There is a high level of uncertainty and there are reports on children and individuals having their medical cards returned after making their cases known publicly-----

Senator Darragh O'Brien: The Senator voted for the measure in the budget.

An Cathaoirleach: Senator Mary Moran to continue, without interruption.

Senator Mary Moran: I never interrupt Senator Darragh O'Brien. This is the third occasion on which he has interrupted me on the Order of Business.

Senator Darragh O'Brien: I am just reminding the Senator that she voted for the removal of medical cards.

Senator Mary Moran: I ask that the Senator not interrupt me when I am trying to make a point.

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

Senator Darragh O'Brien: She voted for the removal of medical cards.

Senator Mary Moran: I ask the Senator Darragh to desist. I would like to raise the point-----

Senator Darragh O'Brien: I am just trying to set the record straight.

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

Senator Mary Moran: Yes, but I would like time and to have an opportunity to make my point.

An Cathaoirleach: The Senator is out of time.

Senator Mary Moran: I can thank Senator Darragh O'Brien for that. I would like to raise the point that individuals with conditions that have no name or require a difficult diagnosis should not be left out of the process. Just because an individual does not fit in a box, as is often the case with rare or unnamed medical conditions, he or she should not lose a medical card. Preference should be shown in this process. We need equality and clarity across the medical card issuance process.

An Cathaoirleach: The Senator is way over time.

Senator Mary Moran: I ask the Leader to arrange for the Minister for Health to address this urgent matter in the House at the earliest opportunity.

Senator Darragh O'Brien: The Senator should not have voted for the measure.

Senator Feargal Quinn: I support the appointment of Senator Sean D. Barrett to the committee on banking. There is little doubt in my mind that the House should be honoured to have individuals in it of the quality of Senators Sean D. Barrett and Marc MacSharry, either of whom could do this job.

An Cathaoirleach: That is a matter for the Committee of Selection to decide.

Senator Feargal Quinn: I thought it had been decided.

Senator Diarmuid Wilson: It has been decided.

Senator Marc MacSharry: The Dáil has sent word already.

*3 o'clock***An Cathaoirleach:** The Committee of Selection has not met yet.

Senator Marc MacSharry: Robert Mugabe is the Vice Chairman.

An Cathaoirleach: Senator Quinn without interruption, please.

Senator Marc MacSharry: He will ensure the Government's desire to-----

An Cathaoirleach: Senator Quinn without interruption, please. Do you have a question for the Leader, Senator Quinn?

Senator Feargal Quinn: While I believe Senator MacSharry could also have a role to play, I welcome Senator Barrett's nomination.

I was not aware that electricity in Ireland is 34% more expensive than in the UK. Of the

28 countries in Europe, Ireland is the fourth most expensive for electricity. Competing into the future is not going to be easy for Ireland. I understand that in her speech today the Queen will announce Britain's intention to introduce fracking. I know that fracking is not popular with Members, particularly those from the west of Ireland. However, we should not turn our backs on anything that can provide us with the energy we require in the future. There is a very interesting article in a recent issue of *National Geographic* in regard to fracking in North Dakota, which should be compulsory reading for everybody because it gives both sides to the fracking argument. There is little doubt that if we do not do something about our energy provision into the future and to address the fact that electricity in Ireland is 34% more expensive than in Britain and that we are the fourth most expensive country in Europe in this regard, we will not be able to compete. We must do something about this. I believe the Minister, Deputy Rabbitte, should ensure that whatever needs to be done is done.

Senator Cáit Keane: I, too, support Senator Naughton's call for a debate on unmarked baby graveyards. As mentioned by her, she was one of the first people to raise the Galway babies issue. The positive news announced by her today in regard to the inquiry is to be welcomed.

NAMA is offering units for social housing. While this is a good and positive development, I condemn NAMA's proposal to offer 500 units in one location, namely, Tallaght. This proposal was previously refused by South Dublin County Council but NAMA has recently announced its intention to put it back on the agenda. We all aware of the policy regarding 20% social housing provision in any area. Social integration is a must. However, when planning for housing, we must do so properly. A social mix is considered, not only in Ireland but internationally, to be best. South Dublin County Council is one of the most proactive in ensuring the social housing agenda is fulfilled. It is also one of the most proactive county councils in the country. NAMA cannot be allowed to do what was done in the dark ages when Dublin Corporation transferred people from the city to Tallaght. Tallaght is a beautiful area. It has all the facilities of the Luas, the hospital, a cinema and so on. In my view, NAMA should make some of the units concerned available for sale, with the remainder provided for social housing. Some €15 million has been ring-fenced by the council for social housing.

I call on the Leader to ask the Minister with responsibility for housing to ensure that every policy implemented by NAMA is in accordance with national policy. Everybody agrees that we need social housing, but it needs to be properly planned; otherwise, we will have problems down the road. Tallaght is a beautiful area. We must ensure it remains so and that we do not return to the dark ages in terms of implementing old policies when we should be implementing new ones.

Senator David Cullinane: I rise to raise the plight of the 1,100 workers at Bausch & Lomb in Waterford. It is a very tense time in Waterford city and, in particular, at the company concerned in terms of the-----

An Cathaoirleach: The Senator has already tabled that matter for discussion on the Adjournment.

Senator David Cullinane: Yes, but I would like also to raise with the Leader today the unilateral decision taken by the company last week to announce 200 redundancies and pay cuts of up to 20%. Negotiations in this regard are ongoing. We all wish the trade unions well in their discussions with the management. However, there will be a need for Government support

to shore up jobs at the plant.

An Cathaoirleach: The Minister will address this issue on the Adjournment.

Senator David Cullinane: On behalf of all members of this House, I ask the Leader to impress upon the Minister for Jobs, Enterprise and Innovation the importance of the retention of as many jobs as possible in Waterford and the need for him to do all he can to make that a reality. We have a responsibility to represent the 1,100 workers and this is the place to do so. Therefore, I ask the Leader of the House to use his office to impress upon the Minister the urgency and seriousness of this situation, given the very high level of unemployment in Waterford and the feelings of the workforce. I also want the Leader to impress upon him its importance and the need for the Government to be an active participant in finding a solution.

Senator Marie Moloney: I want to condemn the actions of Aer Lingus in withdrawing the staff concession of standby flights from the cabin crew who participated in a one-day strike action last week. A worker has a democratic right to strike and nobody should take it away. The staff concession was cost-neutral to Aer Lingus, because staff members do not get on a particular flight but remain on standby until a seat becomes available and then pay the taxes and fees. Therefore, the concession did not cost the company anything. As a matter of fact, Aer Lingus is punishing people for exercising their democratic right and has pandered to the request made by Ryanair to remove the concession. Aer Lingus is a disgrace to do this to its staff.

I know about the situation experienced by staff. I have been married to a shift worker for 34 years and, therefore, I know how important it is to know one's work roster in order to organise childminding, babysitting and the collection of children and to plan for a day away or a holiday. One cannot plan for anything if one has erratic rosters and does not know when one is needed for work. The situation is an absolute disgrace. I want the Minister concerned to come here for a debate on the matter.

Senator Marc MacSharry: I propose an amendment to the Order of Business and call for the Minister for Health to come to the House. Following on from what my colleague, Senator Mullen, has said - and it is a shame he was not here for the debate last week on the hospitals issue - two things remain to be discussed. First, we do not know why a report was prepared in the first place and we do not have its terms of reference. We do know that its underlying agenda - which was clearly considered by the board's management - is to downgrade, downsize and reduce the number of maternity centres in the hospital region. That is clear when one reads the report.

Second, the Minister mentioned that there was a breach of procurement policy. However, he did not bring into the public domain the fact that the chairman of the west and north west hospital group was a shareholder in the company that had compiled the report in the first place.

An Cathaoirleach: That matter is completely out of order.

Senator Marc MacSharry: What is out of order?

An Cathaoirleach: The Senator's reference to a person who is easily identified and is not here to defend himself or herself.

Senator Marc MacSharry: With regard to the person I should not mention, who is easily identifiable and happens to be in control of public funds, I make no apology for highlighting the

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facts in this House on behalf of the people. For far too long we have tiptoed around a practice that is not in the best interests of the people, but I will not tiptoe around it today. I ask the Minister to come to the House to highlight for us what precisely is going on with the west and north west hospital group, which is what we need to know.

I wish to say how delighted I am by the nomination of Senator Barrett to the banking inquiry. One feels absolutely assured that his contribution will be second to none in the context of his intended participation.

An Cathaoirleach: The matter will be dealt by the Committee of Selection.

Senator Marc MacSharry: It needs to be dealt with here, in fairness.

An Cathaoirleach: Senator, come back to the House.

Senator Marc MacSharry: I ask the Leader to go back to the Taoiseach, or whoever made the balls for him to throw on this particular occasion, and say the following in the interest of democracy as opposed to authoritarianism. I want him to say that, in contrast to the method of allocating speaking rights in this House, where the largest Opposition party has been excluded from certain things, and in contrast to the Government's policy in appointing the Houses of the Oireachtas Commission, whereby the Taoiseach and Ministers opted to take all of the discretionary appointments for Labour Party and Fine Gael members, on this occasion we should facilitate the inclusion in the banking inquiry of the expertise of the likes of Senator Barrett, including Members of the other House. That should be done as per the practice, which is fair. Irrespective of whether it is Marc MacSharry, Darragh O'Brien, Diarmuid Wilson or any other Fianna Fáil colleague-----

An Cathaoirleach: The Senator is way over time.

Senator Marc MacSharry: This matter is very important.

An Cathaoirleach: That may well be, but the Senator is over time.

Senator Marc MacSharry: This point is very important.

An Cathaoirleach: There are several ways for him to raise the issue.

Senator Marc MacSharry: They will have to wait. The situation is that the largest Opposition party is comprised of 14 Senators. This constitutes 24% of the membership of the House and they ought to have a Senator as a member. On this occasion, as the Senator who praises the Leader most for his innovations-----

An Cathaoirleach: I do not see how this is relevant to the Order of Business.

Senator Marc MacSharry: -----I suggest that the Leader speak to the Minister of State, Deputy Paul Kehoe, and the Taoiseach and say that he will not be the puppet with its strings pulled but that he will lead the Seanad in the interests of democracy as opposed to a hang-them-high fudge by the Government.

An Cathaoirleach: The Senator is over his time.

Senator Marc MacSharry: In the interest of the credibility of the inquiry, we would like to ensure the full participation of the necessary bodies.

Senator Denis Landy: Can we turn him off?

Senator Michael Mullins: I support my colleague Senator Naughton in her call for a statement from the Minister for Justice and Equality with regard to the bodies of babies found in Tuam and other locations. There is great human suffering and misery to be addressed and I urge the Minister not to rush the statement. The information has been made available to her quite recently so we need a comprehensive statement dealing with this in its entirety and dealing with what the Government proposes.

I assure Senator Terry Leyden that everything possible is being done to secure the release of Ibrahim Halawa, the Irish teenager who has been in prison in Egypt since August. On Thursday, the Joint Committee on Foreign Affairs and Trade, of which I am a member, met his family members to discuss the issue. The family expressed its gratitude for the wonderful support it receives from the Irish Embassy and for the frequency of visits made to their son. The family urged us to keep the pressure on the Egyptian Government to have him released as a matter of urgency. The Tánaiste has taken the matter very seriously.

It is timely that the Taoiseach is in Silicon Valley for three days, focused on securing investment and jobs for Ireland and supporting Irish firms and entrepreneurs. He will visit the headquarters of many of the major multinationals located here. That comes on the back of additional good news published in a recent Red C survey showing that conditions are improving for SMEs. Some 74% of respondents say they have improved turnover or that it has stabilised, and 23%, a significant number, will be adding employees this year. The situation is improving and I wish the Taoiseach every success in his significant trade mission to Silicon Valley.

Senator James Heffernan: I join Senator Naughton in calling for debate on the horrific discovery in Tuam. These children were not afforded the slightest bit of dignity or common decency and, even in death, they were still regarded as unclean. Their 800 bodies were discarded in unmarked graves. They were innocent infants, their only crime being that they were born of unmarried mothers, in most cases after a crisis pregnancy. I wonder how many more cases will be unearthed around the country. The issue must be discussed with the utmost gravity and seriousness in the House.

I was speaking to a friend of mine during the week and she revealed to me that, 18 years ago, she found herself in a crisis pregnancy. She was going to go to one of those mother and child homes to give her child up for adoption but, thankfully, her family got behind her and she received the support she needed. Her child is now sitting the leaving certificate. I extend my best wishes to all students sitting the leaving certificate. The issue is wider and is one I touched on before. I read a compelling review of a book, *Stolen Lives* by Bette Brown, in yesterday's *Irish Examiner*. It outlines the institutional abuse I spoke about previously in the House. I was castigated for describing it as being like a concentration camp. The phrase comes from one of the survivors in this book. Des Murray, who described Artane as a concentration camp, said he was singled out by two brothers, two sadists, and his biggest regret was that he did not kill those two bastards. The psychological scars that have been left on thousands-----

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

Senator James Heffernan: -----of survivors, families and on our national psyche as a whole-----

An Cathaoirleach: Have you a question for the Leader?

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Senator James Heffernan: The only crime of these people was to be born of unmarried mothers and taken away. I have a question. Some months ago the House extended a kind invitation to Pope Francis to come and address us. If he is going to come I will welcome him with open arms. I am certainly not anti-clerical or anti-church but I am anti-cover-up.

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

Senator James Heffernan: I am anti-deception. If he is going to come I would stress to him to come and certainly bring his cheque book with him such that we can, with the Office of Public Works and the Department of Education and Skills-----

An Cathaoirleach: Senator, that has nothing to do with the Order of Business. Senator Landy, please.

Senator James Heffernan: The Minister for Children and Youth Affairs should take this into account. A decent proper memorial should be given finally to the survivors of institutional abuse.

Senator Denis Landy: I have four minutes as well, have I?

An Cathaoirleach: Senator Landy, please.

Senator Denis Landy: I wish to offer my concern and support to the workers in Bausch & Lomb in Waterford city who are facing a difficult time at the moment in the absence of Senator Cullinane, who raised the issue earlier. In his absence last Thursday, the Leader of the House and myself raised the issue with the Minister for Jobs, Enterprise and Innovation, Deputy Bruton. We had a detailed discussion with the Minister and impressed on him in no uncertain terms - it was not that he did not already know - the seriousness of the problem. We have already raised this with the Minister and we have brought our concerns to his door already.

I wish to raise today my concerns on another issue, namely, the lack of service from the new Irish Water helpline to public representatives throughout the country. When the legislation was going through the House to set up Irish Water I raised the issue with the Minister of State with responsibility for this area, Deputy O'Dowd, highlighting the need for public representatives to have access to and be made aware of any developments in their area.

Two weeks ago the place where I live was subject to a boil water notice. Although a public representative for 26 years and a resident of the area, I knew nothing about it for 36 hours. In fact, my wife was in bed sick with a pain in her stomach. I had to find out from someone else that we were on a boil water notice. When I contacted Irish Water I spent 45 minutes on the telephone to the public representative section of the company but I got no answer as to why we were on a boil water notice. I tried again the next day and I still got no answer.

The concern I have is the number of other people who drank that water and did not know anything about it. There were 2,000 houses approximately on boil water notice. The way we are being treated is a complete shambles. I raised this already in the House in a different context last week. I want the Minister to come to the House. I am asking the Leader to call on the Minister to come to the House to give a full report on what was promised to us in the debate on the setting up of Irish Water while the legislation was going through the House as well as at committee level - I raised the matter at the environment committee. We are not getting the service. The people I contacted did not know what county Carrick-on-Suir was in. That is

how bad it is. It is unacceptable.

Senator Paschal Mooney: I second the amendment of my colleague, Senator MacSharry. I wish to reassure Senator Keane in respect of Tallaght and its developments. Now that Charlie O'Connor has been restored to his former glory as a councillor in Tallaght Central he will ensure that Tallaght is put back on the top of the agenda. I have no doubt whatsoever about it.

Senator Cáit Keane: It has always been looked after.

Senator Paschal Mooney: I imagine Senator Keane would agree with me-----

Senator Marie Moloney: Fianna Fáil is back in power.

Senator Paschal Mooney: -----that Charlie's unique talent will enhance the Tallaght area.

Senator Cáit Keane: We are always working together.

Senator Paschal Mooney: I wish to draw attention to the comments made by Senator Quinn about fracking. Not for the first time Senator Quinn has espoused the concept of fracking. He is fully entitled to his opinion, which I totally respect. However, I am unsure whether the research in America to which he referred relates to what is going on or what might happen in my part of the country, the Lough Allen basin, where exploratory licences have been granted. There is a very real danger, and total uncertainty, regarding what effects fracking can have on groundwater. As Senator Quinn will know, the area of Cavan, Leitrim, Fermanagh and Sligo relies heavily on its tourism economy in the absence of an industrialised environment. He should be somewhat cautious in embracing this new technology without ensuring that all of the facts are laid out. That is what I await and I applaud the Minister, Deputy Rabbitte, for having stayed the hand of the companies involved. Incidentally, County Clare is involved in this as well as an exploratory licence has been granted. The Minister has stalled the licence applications until such time as the Environmental Protection Agency produces a well researched report. That could take up to 18 months if the American experience is indicative, as the US Environmental Protection Agency has taken almost five years to reach conclusions about this very controversial concept. However, I fully agree with the Senator that there is a need to examine alternative forms of energy. I simply caution against embracing the concept of hydraulic fracturing at a time when there is still great uncertainty about it.

Finally, there is a little sub-plot under way in the pursuit of the leadership of the Labour Party, which is a very important role.

Senator Marie Moloney: Sounds interesting.

An Cathaoirleach: We are not discussing the leadership of the Labour Party on the Order of Business.

Senator Paschal Mooney: I am not discussing it. The reason I raise it is for my question to the Leader. The Minister for Social Protection, Deputy Burton, who is a contender for the leadership, has stated that taking €2 billion out of the economy in the October budget is both unnecessary and unhelpful. This question was put to the Taoiseach yesterday and he demurred somewhat and said he would have to await the economic indicators. The Minister for Finance, Deputy Noonan, and I wish him well in his recovery, also demurred today-----

An Cathaoirleach: The Senator is way over time.

Senator Paschal Mooney: -----regarding the €2 billion that might be taken out of the economy, yet an EU Commission official has said, a little like Mr. John Bruton, that we could continue to have austerity for forever and a day. I believe there is a need to have statements on the economy so we can get a clearer picture, even at this early stage of the budgetary negotiations which the Minister, Deputy Noonan, has indicated have already started. This House should debate the state of the Irish economy and get to the truth of what exactly will happen. The people have already spoken in the recent election. They will not take any more austerity.

An Cathaoirleach: The Senator is way over time. I call Senator Noone.

Senator Paschal Mooney: The question of where the money will come from remains. A debate on the state of the economy would be of assistance in that regard.

Senator Catherine Noone: I would favour a debate on the fracking issue raised by Senator Quinn so all sides of the issue could be discussed with the Minister, Deputy Rabbitte, including the different research that has been carried out in America and elsewhere, with a view to getting all the issues on the table. I agree with Senator Quinn that there is a great deal of scaremongering on this issue. If the Americans have been investigating it for five years, we should look at what their research has brought to light. A debate on the issue in this House would be very useful.

I have been looking into something recently which I did not believe could be true, but it is. There is largely a ban in place on running in many of our schools. This relates to the child obesity issue which I have raised on numerous occasions. One in four Irish children are now either overweight or obese. Poor diets and those with high fat and high sugar content are a major factor, but sedentary lifestyles are also a huge factor. The problem has escalated to such a degree that Temple Street Hospital, as I heard yesterday, has had to bring in new, larger theatre tables to cater for overweight or obese children. If it were not so sad, the idea would be almost funny.

It is a huge issue. Last year, the EU information network found that Irish primary schools offered fewer hours of physical education, PE, than schools in any other EU member state. Break time is a time when children should be allowed to run, within reason. The idea that they are being prevented from doing so in certain schools is somewhat mind-blowing. The National Parents Council has a great deal to say on the matter. While safety issues would be at play-----

An Cathaoirleach: Is the Senator seeking a debate on this issue?

Senator Catherine Noone: Yes, I am for ever seeking a debate on it.

Senator Darragh O'Brien: The Leader should be able to make time available for a such debate.

Senator Catherine Noone: Yes and I am sure he will do so. Childhood obesity is a matter which should be debated in the House and I would have a great deal to say on it. We have touched on the issue during previous debates but I would like the Minister for Health to come before us in order that he might indicate the strategy that is in place to deal with this escalating and serious problem.

Senator John Crown: In the context of news reports earlier today, will the Leader seek clarification from the Minister for Health and his Department on whether the discovery of a hitherto unsuspected complex and fairly ancient sewer system under the site for the proposed

national children's hospital could delay construction? As Senators are aware, conditions at the existing children's hospitals in Dublin range from unacceptable to simply Dickensian. There has been an understandable tendency to defer any major refurbishment of units in those hospitals pending the development of the proposed and long-delayed national children's hospital. I am somewhat alarmed because it appears that, despite a commitment to the contrary earlier in the year, the advancement of the next stage of the planning relating to the new facility has been delayed beyond the current budgetary year. I am seeking to ensure that this is not merely a budgetary strategy. In addition, I am of the view that the problem which has arisen is not insurmountable.

I support the calls for a debate on energy. As the Leader is aware, I have proposed that a public consultation forum on energy policy should be established. Such a forum would provide the right platform to allow us to invite large numbers of people to come before us to discuss food, water and energy, which are the three things that will determine our survival as a species during this century. If we get it wrong in respect of any one of them, then we will find ourselves in existential difficulty.

I echo what Senator Noone stated in respect of the obesity epidemic. I have just returned from a meeting of the American Society of Clinical Oncology, at which some tremendously interesting and also quite sobering data was presented. For example, it is estimated that all of the advances made in respect of the treatment of breast, colon and other cancers could be completely undermined by the number of new cases of cancer that will result from increasing obesity. Combating obesity makes incredible sense from both a health-humanistic point of view and also a health-economic one.

I urge all Senators to support the proposal that Senator Barrett should represent Seanad Éireann on the committee that will carry out the banking inquiry. One of the reasons for the establishment of this House was to bring into the Oireachtas non-professional, part-time politicians who have expertise in specific technical areas. I intend no disrespect to the full-time politicians who are also needed but there is something wrong if the most senior economist in the Seanad is not appointed to serve on the committee.

Senator Aideen Hayden: I thank Senator Mooney for his concern with regard to the leadership of the Labour Party. Unlike the position in Fianna Fáil, the outcome of our leadership contest will be decided by our members. In fact, the Labour Party is probably the only political party which has a one member, one vote system. The outcome of the contest will not be decided by Independent Newspapers or anyone else other than the members of the Labour Party.

Senator Paschal Mooney: I was not criticising the Labour Party's leadership process at all.

Senator Aideen Hayden: That is good. I thank the Senator for providing that clarification.

An Cathaoirleach: Senator Hayden, without interruption.

Senator Paschal Mooney: The Senator should not use me as a platform for-----

An Cathaoirleach: The leadership of the Labour Party is not a matter for the Order of Business. Does Senator Hayden have a question for the Leader?

Senator Aideen Hayden: Yes. In the context of the €2 billion to which Senator Mooney referred, I remind him that a great deal less was taken out of the economy last year thanks to the

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actions of the Labour Party in government.

Senator Paschal Mooney: More than €2 billion was taken out of the economy. The Senator should not be re-inventing the past.

Senator Aideen Hayden: That was done through negotiation and by means of a process of pre-budget submissions. I support the Senator's call for a debate on the economy. His suggestion in this regard is excellent.

Senator Paschal Mooney: The only reason I raised the matter-----

An Cathaoirleach: Senator Hayden, without interruption.

Senator Aideen Hayden: I ask the Leader to accede to the Senator's call.

I also support Senator Naughton's request for a debate on the unfortunate situation in Tuam and the discovery of the bodies of dead children in a septic tank. I read about this matter on the weekend before last but I did not grasp the full implications of what was involved. I had some idea that this had happened during the time of the Famine. It was only when I spoke to Senator Naughton after she raised it last week that I realised the true horror of what had happened. These children died during the 1930s, within the memory of people living today. I take this opportunity to reiterate a call I made previously. We need to establish a permanent body to inquire into all issues of institutional abuse. I sincerely believe that the issue still to come before us is what happened in the county homes. It is time we faced up to the fact that this situation is far from over, and we need a permanent inquiry to be established.

Senator Paul Bradford: I ask the Leader to avail of today's sitting of the Seanad to mark the 25th anniversary of the massacre in Tiananmen Square in China in 1989. It seems a long time ago but the murder of thousands of people whose only crime was that they favoured democracy and full participation in Chinese society is still a stain against the Chinese Communist Party and leadership. As we in this country and Governments throughout the Western world do economic and political cartwheels to curry favour with the new Chinese business elite, we must also avail of every possible opportunity to ask the Chinese Government to ensure that full human rights and citizens' rights are available to the 1 billion people in China. It is 25 years since that massacre but, unfortunately, it is almost unrecognised in China. Ireland, and every democratic country across the globe, must continue to mark it because it was one of the most horrific massacres known to civilisation.

Senator Paul Coghlan: Senator Keane raised a very interesting matter regarding Tallaght and NAMA. While I do not doubt the sincerity of the views she offered, in this instance we should remember that NAMA does not make housing policy for any local authority area. As I understand it, NAMA was only responding to calls from Government, civic leaders and others to make available housing stock that is currently surplus to its requirement and sell it on in the taxpayers' interests to investors. I am not aware of the position regarding the 500 houses in Tallaght but I am sure they are available and that the local authority would have suitable applicants to occupy them. It would be a matter for the local authority to decide who those applicants should be, the mix and so on. It might be fashionable, and I am not saying Senator-----

Senator Cáit Keane: They were turned down.

An Cathaoirleach: Senator Coghlan without interruption.

Senator Cáit Keane: Senator Coghlan should get the facts right.

Senator Paul Coghlan: Senator Keane was not doing it-----

(Interruptions).

Senator Paul Coghlan: I believe it was a sincere offer on behalf of NAMA.

Senator Cáit Keane: No.

An Cathaoirleach: Senator Coghlan without interruption, please.

Senator Paul Coghlan: This is a matter for the local authority to deal with.

Senator Cáit Keane: The local authority has not dealt with it.

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

Senator Paul Coghlan: The Senator should let it deal with it. With respect, it is not a matter we need to bring up in this House.

Senator Cáit Keane: On a point of order-----

Senator Paul Coghlan: It might be fashionable in some quarters to bash NAMA-----

An Cathaoirleach: Senator Keane on a point of order.

(Interruptions).

Senator Cáit Keane: On a point of order, it is important that the record is correct.

An Cathaoirleach: Senator, that is not a point of order.

Senator Cáit Keane: Dublin County Council has not dealt with-----

An Cathaoirleach: That is not a point of order.

Senator Cáit Keane: -----and they are offering them to other local authorities.

An Cathaoirleach: Senator, resume your seat, please. That is not a point of order. The record will speak for itself.

Senator Cáit Keane: It is other local authorities.

Senator Terry Brennan: I acknowledge and welcome the announcement of a €300,000 boost for Dublin city centre tourism projects announced earlier today by the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar. Some €300,000 is being allocated, from Fáilte Ireland's capital investment programme, for these two projects in Dublin.

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

Senator Terry Brennan: I do. Three quarters of overseas visitors stay in Dublin at some point during their trip to Ireland and tourism is worth over €1 billion to the local economy of Dublin.

I support the call made by Senators Feargal Quinn and John Crown for a debate on energy

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requirements, future plans, costs, etc. I was disappointed to hear Senator Feargal Quinn state our energy costs were among the highest in the European Union. I call for a debate on the issues of supply and demand, interconnectors and so on.

Senator Maurice Cummins: Senator Darragh O'Brien raised the matter of the District Court service in the Dublin metropolitan area. I will inquire into the matter and come back to him on it.

On the banking inquiry the Committee of Selection will meet this evening to decide who will represent the Seanad on the committee. Not too long ago we were arguing whether the Seanad would be represented on it and I made strong representations to the Taoiseach on the matter. As a result, we will have two Members of the Seanad on the committee.

Senator Marc MacSharry: Two more of your own.

Senator Maurice Cummins: This is a positive advance for the Seanad.

Senator Marc MacSharry: Well done.

Senator Maurice Cummins: The Committee of Selection will decide-----

Senator Marc MacSharry: Whenever the Dáil sends word.

An Cathaoirleach: The Leader to continue, without interruption, please.

Senator Maurice Cummins: One of the Members chosen will be from the Government side of the House and one will be from the Opposition side.

Senator Rónán Mullen: Senator Marc Mac Sharry is not in opposition.

Senator Marc MacSharry: Some 20% of the nine members will be Independents.

Senator Maurice Cummins: I am sure the person from the other side of the House on the banking inquiry committee will not interrupt when people are speaking.

Senator Marc MacSharry: The Leader is not being interrupted.

An Cathaoirleach: Can we hear the Leader, without interruption, please?

Senator Marc MacSharry: That is because it will include the people the Government wants to have on it.

Senator Maurice Cummins: It is regrettable that we have these constant interruptions which do nothing for the image of the Seanad.

Senator Marc MacSharry: It is the only way we can be heard. Even the Leader's party members do it. Senator Cáit Keane could not get a word in earlier.

An Cathaoirleach: Please, Senator, let us hear the Leader. Please allow him to reply to questions raised in the House.

Senator Marc MacSharry: I just want to put him straight when he is veering off course.

An Cathaoirleach: The Senator has asked his questions and should wait for the responses.

Senator Maurice Cummins: We know that the Senator is quite good in the theatre, but he does not have to prove it every time he comes into the House.

Senator Marc MacSharry: I speak in the interests of the people.

Senator Maurice Cummins: Senator Ivana Bacik spoke about the Phoenix syndrome in the context of the Paris bakery in Dublin and the workers involved. Any system under which workers are treated in the way mentioned by the Senator should be amended and dealt with as a matter of urgency. I am sure the matter will be brought to the attention of the relevant Minister.

Senator Ivana Bacik and several other Senators, including Senator Hildegard Naughton who was the first to raise the issue in the House, referred to the mass grave in Tuam and called for a proper memorial. The Government is treating the issue seriously and actively considering an inquiry into this appalling situation. It is of serious concern that the issue was first raised in 1975. How has it taken so long to deal with it? What happened was shocking and I hope an inquiry will be held as a matter of urgency. That is also taking into consideration the point made by Senator Hayden calling for a permanent body to be put in place to deal not only with industrial abuse but other abuse which has taken place. We are likely to see more of these situations coming to the fore.

Senator Mullen referred to maternity services in the west and north west, a matter also raised by other Senators. Senator Mullen was not here last week when I advised Senator Ó Clochartaigh to table a matter on the Adjournment on the points he raised. The Minister will be in a position to come to the House to give clear and concise answers to the questions raised by Senator Ó Clochartaigh. I do not think Senator Mullen took part in that debate.

Senator Rónán Mullen: I was at the Joint Committee on Justice, Defence and Equality but I read the transcript. He was woefully vague.

Senator Maurice Cummins: I think Senator Naughton has raised that point. Senator Leyden referred to the death of Joe Dowling, a former Deputy and Senator. We all express our condolences to the family of the late Joe Dowling. We will have tributes to him at a later stage in the House.

In relation to the Irish prisoner held in Cairo, I am assured that the Tánaiste is using every diplomatic means to secure this gentleman's release. It is a matter which Senator Mullins has mentioned also. Representatives met the families last week. They are quite happy with what has happened and with the assistance they are getting from the Tánaiste. Obviously, there is a need to ensure that pressure is maintained on the authorities in Cairo.

Senator Moran referred to the issue of discretionary medical cards. She welcomed the restoration of medical cards and mentioned the need for further clarity on the issue. Senator Quinn raised the need to be more competitive with particular reference to the cost of electricity. He asked that further consideration be given to fracking, something about which Senator Mooney has expressed concern. He has very different ideas to Senator Quinn on the issue.

Senator Keane referred to NAMA and the 500 units being made available for social housing. She referred to the need for a balance between social and private housing. That is a matter for local authorities. It is a matter which was addressed by Senator Paul Coghlan and there is obviously a difference of opinion with Senator Keane.

Senator Paul Coghlan: Not at all.

Senator Maurice Cummins: I am sure the local authority will make a decision on that as the appropriate body.

Senator Cullinane referred to Bausch & Lomb and the plight of the workers. The company is seeking 200 redundancies and a reduction of 20% in the wages of a further 900 people who are employed there. This is devastating news for the workers and their families as well as for Waterford and outlying areas. The Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, called a meeting with Oireachtas Members last week and outlined the situation to them. He set out the Government's commitment to provide any necessary assistance to the company. That is the position of the Minister. I spoke to the Minister today. Obviously, he is looking at developments in Waterford and is prepared to assist in any way possible to progress matters.

I had a meeting at which Senator Cullinane was present last evening with the vice president of Bausch & Lomb. It was a very constructive meeting. I wish the union and management every success in their very difficult negotiations. It is about protecting the employment in Waterford. There is commitment on both sides to achieving that. I wish them well in their endeavours in that regard. It is a matter of paramount importance that this issue is dealt with as Waterford has been hit harder than most places by unemployment. There is a need for greater investment and the establishment of a strategic development zone in Waterford and south-east generally given the difficulties being experienced there. This has been ongoing for the last number of years.

Senator Marie Moloney referred to the action of Aer Lingus in withdrawing discretionary travel concessions from staff and outlined her resistance to these moves.

I have dealt with the matter of the west-north-west hospital group, an issue also raised by Senator Marc MacSharry.

Senator Michael Mullins raised the question of the Taoiseach joining a trade mission to the USA. The Senator highlighted the recent report on small and medium-sized enterprises which outlined the vast improvement in conditions for these enterprises.

I note the points made by Senator James Heffernan when he spoke passionately on the issue of institutional abuse.

Senator Denis Landy referred to the response from the Irish Water helpline to public representatives. He outlined the position in Carrick-on-Suir which is subject to a "Boil Water" notice. The treatment meted out to the Senator and especially the people of Carrick-on-Suir is not acceptable. I suggest he seek to raise the matter on the Adjournment to receive a comprehensive answer from the Minister of State, Deputy Fergus O'Dowd.

Senator Paschal Mooney raised the issue of fracking and referred to the need to wait for the EPA's report. I think the Minister for Finance said it was premature to speak in May about the budget to be announced in October, but he did say the figures that would be released today would be evidence that the economic indicators were good and receipts would be ahead of target. It will all depend on what cuts, if any, will be necessary in October.

Senator Catherine Noone raised the question of childhood obesity, an issue to which Senator John Crown also alluded, and referred to the need for more physical education in schools. I will

certainly seek to arrange a debate with the relevant Minister on the issue. We had a debate on it, but there is obviously a need for a further one.

Senator John Crown referred to the sewer system at the proposed National Children's Hospital. I understand a statement from the people in charge of the project indicates that it will not affect it materially, but it is a matter that will have to be dealt with eventually. We will check to see what the true position is.

Senator Aideen Hayden called for a debate on the economy. I will certainly try to have the Minister for Finance come to the Chamber for such a debate. We all wish him well.

Senator Paul Bradford noted the 25th anniversary of the massacre in Tiananmen Square and called for a debate on the matter.

Senator Terry Brennan raised the question of grants for various tourism projects in Dublin which would prove very beneficial.

An Cathaoirleach: Senator Marc MacSharry has proposed an amendment to the Order of Business, "That a debate with the Minister for Health on the proposal to downgrade maternity services in the west-north-west hospital group be taken today." Is the amendment being pressed?

Senator Marc MacSharry: Yes.

Amendment put:

| The Seanad divided: Tá, 17; Níl, 22. | |
|--------------------------------------|--------------------------|
| Tá | Níl |
| Barrett, Sean D. | Bacik, Ivana. |
| Byrne, Thomas. | Brennan, Terry. |
| Crown, John. | Coghlan, Paul. |
| Cullinane, David. | Comiskey, Michael. |
| Daly, Mark. | Conway, Martin. |
| Heffernan, James. | Cummins, Maurice. |
| Leyden, Terry. | D'Arcy, Michael. |
| MacSharry, Marc. | Gilroy, John. |
| Mooney, Paschal. | Hayden, Aideen. |
| Mullen, Rónán. | Keane, Cáit. |
| Ó Domhnaill, Brian. | Kelly, John. |
| O'Brien, Darragh. | Landy, Denis. |
| O'Donovan, Denis. | Mac Conghail, Fiach. |
| O'Sullivan, Ned. | Moloney, Marie. |
| Power, Averil. | Moran, Mary. |
| Quinn, Feargal. | Mullins, Michael. |
| Wilson, Diarmuid. | Naughton, Hildegard. |
| | Noone, Catherine. |
| | O'Donnell, Marie-Louise. |
| | O'Neill, Pat. |

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| | Sheahan, Tom. |
| | Whelan, John. |

Tellers: Tá, Senators Paschal Mooney and Diarmuid Wilson; Níl, Senators Paul Coghlan and Aideen Hayden..

Amendment declared lost.

Question put: "That the Order of Business be agreed to."

| The Seanad divided: Tá, 22; Níl, 17. | |
|--------------------------------------|---------------------|
| Tá | Níl |
| Bacik, Ivana. | Barrett, Sean D. |
| Brennan, Terry. | Byrne, Thomas. |
| Coghlan, Paul. | Crown, John. |
| Comiskey, Michael. | Cullinane, David. |
| Conway, Martin. | Daly, Mark. |
| Cummins, Maurice. | Heffernan, James. |
| D'Arcy, Michael. | Leyden, Terry. |
| Gilroy, John. | MacSharry, Marc. |
| Hayden, Aideen. | Mooney, Paschal. |
| Keane, Cáit. | Mullen, Rónán. |
| Kelly, John. | O'Brien, Darragh. |
| Landy, Denis. | O'Donovan, Denis. |
| Mac Conghail, Fiach. | O'Sullivan, Ned. |
| Moloney, Marie. | Ó Domhnaill, Brian. |
| Moran, Mary. | Power, Averil. |
| Mullins, Michael. | Quinn, Feargal. |
| Naughton, Hildegard. | Wilson, Diarmuid. |
| Noone, Catherine. | |
| O'Donnell, Marie-Louise. | |
| O'Neill, Pat. | |
| Sheahan, Tom. | |
| Whelan, John. | |

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

Question declared carried.

State Airports (Shannon Group) Bill 2014: Committee Stage (Resumed)

SECTION 31

Question again proposed: “That section 31 stand part of the Bill.”

An Leas-Chathaoirleach: I welcome the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar.

Senator Darragh O’Brien: I also welcome the Minister. Section 31 provides for the renaming of the Dublin Airport Authority, DAA, to “daa”. When I made my point on this matter previously, I was assured that no taxpayer’s money would be spent in the renaming. I had asked whether it would be possible for an indication to be given from the DAA of what costs it would incur. Does the Minister have anything further to add before we decide on the section?

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I have checked with the DAA since we previously debated this issue and very little is involved. There will be new headed paper as paper runs out and a sign must be replaced at the airport, but it is only intended to do this as part of natural maintenance works. It is not anticipated that there will be an added cost.

Question put:

| The Committee divided: Tá, 27; Níl, 11. | |
|---|-------------------|
| Tá | Níl |
| Bacik, Ivana. | Byrne, Thomas. |
| Barrett, Sean D. | Cullinane, David. |
| Brennan, Terry. | Daly, Mark. |
| Coghlan, Paul. | Leyden, Terry. |
| Comiskey, Michael. | MacSharry, Marc. |
| Conway, Martin. | Mooney, Paschal. |
| Crown, John. | O’Brien, Darragh. |
| Cummins, Maurice. | O’Donovan, Denis. |
| D’Arcy, Michael. | O’Sullivan, Ned. |
| Gilroy, John. | Power, Averil. |
| Hayden, Aideen. | Wilson, Diarmuid. |
| Heffernan, James. | |
| Henry, Imelda. | |
| Kelly, John. | |
| Landy, Denis. | |
| Mac Conghail, Fiach. | |

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| | |
|--------------------------|--|
| Moloney, Marie. | |
| Moran, Mary. | |
| Mullen, Rónán. | |
| Mullins, Michael. | |
| Naughton, Hildegarde. | |
| Noone, Catherine. | |
| O'Donnell, Marie-Louise. | |
| O'Neill, Pat. | |
| Quinn, Feargal. | |
| Sheahan, Tom. | |
| Whelan, John. | |

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

Question declared carried.

SECTION 32

Government amendment No. 11:

In page 23, between lines 17 and 18, to insert the following:

“(iii) by substituting for the definition of “Shannon Airport Authority” the following:

“ ‘Shannon Airport Authority’ has the meaning assigned to it in *section 2* of the *State Airports (Shannon Group) Act 2014*;””.

Amendment put and declared carried.

Government amendment No. 12:

In page 24, to delete line 23 and substitute the following:

“(i) daa, public limited company, and”.

Amendment agreed to.

Government amendment No. 13:

In page 24, line 24, to delete “daa,” and substitute “daa, public limited company,”.

Amendment put and declared carried.

Government amendment No. 14:

In page 24, to delete lines 28 and 29 and substitute the following:

“(i) daa, public limited company,

(ii) Shannon Airport Authority (within the meaning of *section 2* of the *State Airports (Shannon Group) Act 2014*), and”.

Amendment put and declared carried.

Question, “That section 32, as amended, stand part of the Bill”, put and declared carried.

SECTION 33

Government amendment No. 15:

In page 28, line 14, to delete “subsections (2) to (6)” and substitute “subsections (3) to (10)”.

Amendment put and declared carried.

Government amendment No. 16:

In page 31, line 3, to delete “does” and substitute “does not”.

Deputy Leo Varadkar: The amendment involves the correction of a typographical error.

Amendment agreed to.

Question proposed: “That section 33, as amended, stand part of the Bill.”

Senator Darragh O’Brien: If the Minister was going to bring about the changes proposed in the section, he should have introduced separate legislation. Having section 33 included in the State Airports (Shannon Group) Bill means it will bring about the most sweeping changes to private pension arrangements in the history of the State. It is the first time a Government has proposed legislation to change pension benefits in a private pension scheme. In my contribute on Second Stage, I spoke about the 15,000 members of the IASS pension scheme, made up of Aer Lingus, DAA and some former SR Technics workers. It is split in three, with approximately 5,000 active members, 5,000 deferred members and 5,000 retired members. Through the Department, an expert pension group has been set up and it is seeking feedback and interaction with the three groups. This relates to the deficit in the IASS pension scheme. Every Member is aware of the significant budgetary deficit within the scheme.

The Minister for Social Protection, Deputy Burton, introduced the Social Welfare and Pensions (No. 2) Bill and the Bill signalled what the Government was about to do to the pension scheme. This pension scheme was one of many pension schemes whereby effectively people who had joined this scheme - by the way, they joined under compulsion - had to contribute to it. As a result of the deficit run up within the pension scheme, the Government is now proposing a drastic reduction in benefits and payments. This is a private pension scheme but, without any agreement having been made, the Minister is bringing forward legislation in this Bill which will allow him - I will quote some items within the relevant section - to transfer members out of existing pension schemes to wherever he wishes them to go. It will allow the Minister to vary the benefits or promised benefits in payment.

Let us all recall that this is a defined benefit pension arrangement. People signed up for this on the promise of receiving certain benefits at retirement, including a guaranteed percentage

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of final salary and a guaranteed lump sum. I have a major problem with this because over the course of the years - I mentioned this on Second Stage - and during the terms of successive Governments, Aer Lingus has used this pension scheme as a vehicle to entice people to retire early from the company. Following my research into the matter it is my view that the company was offering unco-ordinated pension benefit at early retirement. This meant the company was not deducting the social welfare, old age pension or contributory pension amounts, worth anything up to €12,000 to people who retired early, to encourage them to retire early from the pension scheme. In no way have any of the benefit statements - I will discuss the benefits statements, the actuarial valuations and so on - shown that any specific payments were put into this scheme to cover the early retirements of staff who remain part of the scheme from Aer Lingus, the Dublin Airport Authority or SR Technics. The company has benefited from the early retirements by reducing staff costs to the detriment of the pension scheme.

Certain Government proposals are not in this Bill but will be copper-fastened by what the Minister for Transport, Tourism and Sport and his Fine Gael and Labour Party colleagues are proposing to do. Let us suppose someone is within a year of retirement - I have received cases and I imagine the same people have written to the Minister - has paid into his or her pension schemes for 38 years and is expecting a certain amount at retirement. Now, based on the proposals of the Government, such people will have a 50% reduction in the pension benefits and retirement benefits they are due to receive in the next year or two.

Valid criticism has been made by the Retired Aviation Staff Association, RASA, and the deferred pensioners committee. They do not have a seat at the table, they have not been represented by the employer and they certainly have not been represented by the unions. These are people who are no longer employed by any of the three companies to which I referred and they are no longer union members. Therefore, they have no one to speak up for them.

This is the purpose of our opposition to the section. At the least we believe this section is premature because the Minister has not come to a final arrangement with regard to what he will do with the Irish airlines superannuation, IAS, scheme. This section will be the biggest stick to beat anyone at negotiations.

The proposed section 32A (11)(b) states, "The consent of the members or of a company or other employer participating in the IAS scheme or of any other person referred to in any provision of the IAS scheme shall not be required by the trustees for the exercise of the powers conferred on them by this subsection." This means the members need not give consent to be removed from the IAS scheme. No consent is required. This has never been done to any private pension scheme. Never has such Government legislation been brought in. This is a Government Bill to vary the benefits and remove the perfectly legal pension entitlements of thousands of members of this scheme. Now, we are removing their consent. The Government is conferring on the trustees the absolute power to remove members from these arrangements.

The Minister will have received correspondence, as will his colleague, the Minister for Social Protection, Deputy John Burton, who brought about these changes in the Social Welfare and Pensions (No. 2) Bill. Why this is important is that the Minister is allowing a scheme to be wound down in a single insolvency where there is a solvent and profitable company. Aer Lingus is a solvent and profitable company, thank God, but because it has an insolvent pension scheme the Minister is allowing it to wind down the scheme, without insisting on any real payment to deal with the arrears and the deficit in the scheme, even though it is a profitable company. At the time the Social Welfare and Pensions (No. 2) Bill was brought before this House

I put the Minister, Deputy Burton, on notice that this would happen with the Aer Lingus IAS scheme. That Bill was actually prepared over 18 months ago but the Minister pulled it at the time because word emerged that that was going to happen. My point is that the employer had advance notice that this was going to happen.

By passing this section the Government is giving free rein to the employer and to the Minister, as a major shareholder within the company, not to deal with the deficit in the pension scheme or, at the very least, to deal with only a small part of it and to write off the rest of the deficit. It will be written off, first, by reductions in payments to retired people. These are people in their 70s and 80s who have paid into the scheme and are retired and who have no ability to earn additional income. Second, the Minister is saying to the people who paid into the scheme over the years that despite what was promised to them under the laws of this country and under the rules of the pension scheme to which they signed up and contributed, the benefits due to be paid to them can be reduced by up to 50%, as some claim. Whatever the final figure is, the Government can insist on that happening. Not only that, the Minister can remove them from the scheme because he is setting up a new scheme for the existing members. The new scheme will be put in place and approximately 10,000 people, who have nobody to represent them at the table, will be left with this.

Can the Minister name one other private pension scheme where the Government has introduced legislation to remove the entitlements of its members? I cannot find any. I believe this is setting a really dangerous precedent. It is also causing immense distress to thousands of people who live in Dublin and in Shannon and who were expecting a certain level of income at retirement but now, based on the proposals we are hearing, it will be less than 50% of that.

When a person is a deferred member of a pension scheme, he or she is entitled to access to the trustees' annual report. The deferred pensioners committee and many of those deferred pensioners have told me that over the years they have not received copies of the trustees' annual report. They have also not received the benefit statement to which they are entitled under the Pensions Act 1990. The actuaries for part of this scheme were KPMG and one of the individuals who was an auditor of the scheme is heading up the Minister's expert committee in respect of the restructuring of the scheme. I will not mention the person's name and I am not impugning that individual at all. I am sure that individual is well capable and has the experience to do this. However, consider where the suspicion lies with people who say they never got a benefit statement when they were a deferred member and did not get access to the trustees' annual report. The company will still not tell them how much money was paid out for early retirements and whether any requisite payment was made by the company to fill the hole made by the incentives for early retirement for people from this scheme.

The company used this scheme as a vehicle to reduce its own costs. It has done that successfully and I welcome the fact that the company is a profitable company. We all want that to be the case. However, who is paying for this now? It is the retired members and the deferred members. I am anxious to hear the Minister's logic for proposing this. This is such a major change that, in my view, it should have been proposed in a separate Bill. I ask the Minister, even at this late stage, to withdraw section 33 in its entirety. It is premature to include it now while discussions are still ongoing as to how the deficit in the IAS scheme can be dealt with.

Senator Averil Power: I, too, object in the strongest possible terms to section 33. As Senator Darragh O'Brien said, this section represents a huge interference with the pension rights of members of the Irish airline superannuation scheme. Essentially, it will give the trustees

the power to wind up the scheme without fulfilling the minimum funding standard - as Senator Darragh O'Brien noted, the company remains profitable and, as a result, it just involves a single insolvency - and to transfer the members to a lesser scheme without their consent. In the context of said scheme, the members will receive far fewer benefits than they have been given a legitimate expectation of. These are entitlements for which the staff have paid by means of contributions from their wages and they were a key element of their terms and conditions. Staff who were made redundant from SR Technics were given assurances as part of their redundancy agreements and the pension scheme was used as an incentive to encourage former staff of both Aer Lingus and the Dublin Airport Authority to retire early. It is incredibly unfair, therefore, that legislation designed to unilaterally throw these agreements and the assurances given by the Government and the company out the window has been brought forward. It is particularly offensive that this is happening at a time when negotiations are taking place, when the expert panel is examining the scheme and the deficit relating thereto and when attempts are being made to reach agreement with everyone involved. It shows incredibly poor faith on the part of the Government to bring forward a section such as that before us while the negotiations to which I refer are ongoing. As a result of its actions, the pensioners are virtually going to have no negotiating position because the rug is being pulled from under them. The industrial relations environment within Aer Lingus is already incredibly sensitive and there is a further strike threat in respect of rosters and other issues. The Government has ridden into the middle of all of this and inflamed the situation unnecessarily by interfering with people's pension rights.

What is being done is ill-advised and incredibly unfair and the section should be deleted. The Minister should be setting aside what is proposed and allowing the negotiations to continue. The 5,000 people who retired early and have a right to deferred pensions are not represented at the negotiations and there is no one present at the expert panel discussions to speak on their behalf. The negotiations should be allowed to continue; the deferred members should be represented and the section should be withdrawn. If it is not, we will be opposing it and pressing the matter to a vote.

Senator David Cullinane: I am covering for Senator Kathryn Reilly who is unavoidably absent and previously participated in the debate on the Bill. I was obliged to get up to speed not only with the substance of the overall legislation but also with the section under discussion. I concur fully with the previous speakers. If one considers the matter impartially, it is very clear that the section has no relevance to the Bill. If any of us as an Opposition Member tabled an amendment similar in tone to section 33, it would be ruled out of order because it would not be in keeping with the substance of the Bill.

As we know, the legislation involves a merger of two entities into the Shannon Group. It is representative of the pattern followed by the Government in ramming through the contents of its agenda without proper scrutiny or debate. I would have been of the view that the recent election results would have taught those in government a lesson. Unfortunately, that has not proved to be the case.

I agree with Senators Darragh O'Brien and Averil Power that, as a result of the sweeping changes to which section 33 will give rise to pension schemes, this matter should have been the subject of separate legislation. Had that been the case, Government and Opposition Members would have had the opportunity to properly probe, discuss and even amend the relevant legislation. Tacking section 33 onto the Bill before us is both sinister and completely unacceptable. It is unacceptable for a number of reasons: first, because it bears no relation to the substance of the legislation; second, because it will make sweeping changes to pension schemes; and, third,

because the pension scheme to which it relates is the subject of an industrial relations process. What the Minister is trying to do is pull the rug from under those involved in the negotiations that are ongoing, which is both reckless and reprehensible. He will be obliged to account for this at a future date. We should remind ourselves what section 33 intends to do. I want to see the section removed from the Bill and if the Minister was of a mind to come back with a separate Bill, we could examine its merits but not something that is tagged on to this Bill. Section 33 introduces changes to the contentious Irish aviation superannuation scheme which is in the middle of an industrial relations process. In March of this year, the Minister for Jobs, Enterprise and Innovation and the Minister for Transport, along with IBEC, the Irish Congress of Trade Unions and a number of experts, were tasked with seeking a solution to the stand-off between the employers and the trustees on a way forward to deal with the pension deficit of €700 million. That expert group still has not reported back, yet the Minister is asking us to support this section today, which essentially could pull the rug from under that process. I will not give the Minister support in his efforts to do that.

The Bill as currently drafted repeals a provision from the Aer Lingus Act 2004, which provided that members transferred out of the scheme should not have less favourable terms than the new one. I have no doubt, given that Fine Gael's fingerprints are all over this section, that if it is passed this Bill will not be in the best interests of the workers or their pensions. To be frank, something stinks about this and I am far from impressed by the Minister's stunt in tagging this onto this Bill. I concur fully with what previous speakers said. There are very strong objections and reservations to what the Minister has attempted to do here. If he really believed in what he was doing he would have brought forward a separate Bill. That he just tagged this on is despicable, but the Minister can account for himself. I will account for what I believe is the right thing to do and the right way for legislators to behave. This is not the way to do business. It is the same old, same old from this Government in terms of not allowing for proper scrutiny and debate because if that were the case, we would have this as a separate Bill.

Senator Martin Conway: I listened to Senators O'Brien, Power and Cullinane and I agree with some elements of their contributions. There are many people based in Shannon, Limerick and along the west coast who took retirement in good faith. They made serious life decisions on the basis of an expectation that they had going forward and it is regrettable that the airport authority has not included people with deferred pensions in the negotiations. It seems that those with deferred pensions have been thrown to the wolves. Neither the unions nor the company care about them because they deferred their pensions but they did that at a time when the company was losing substantially and required significant cost-cutting. Those people were given options, and based on those options they made life decisions.

An intervention by the Minister to ensure there is a level playing pitch in the ongoing negotiations with those with deferred pensions is required. It is a badge of honour, so to speak. People fulfilled their side of the bargain by taking retirement. Many of them were probably close to retirement but they exercised the option outlined to them by the Government and the company at the time. It is unfair that they have no representation in the ongoing negotiations.

Another issue arises about people who transferred from the Department of Transport to new authorities in 1974. There is not many of them involved but they were given assurances at the time that they would receive Civil Service *pro rata* pensions and apparently that has not happened. I am aware the Minister has responded in parliamentary questions to others on this issue. No more than the pensioners who deferred pensions in the middle of the last decade and who exercised that option in good faith, these people entered contracts in good faith. I under-

stand some of the people who did not take the Government at its word back then are now enjoying the pensions as outlined to them at the time, but their colleagues who accepted the word of the Government at the time have suffered. That anomaly needs to be addressed.

Senator O'Brien referred to the serious issue of the deferred pensions. There is a question to be asked in regard to a company honouring its commitments and I would like to hear the Minister's comments in that regard. I have no doubt the issue will be resolved, but it must be resolved fairly and equitably for everybody. If there are cuts to be made, the group on deferred pensions should not suffer a significantly larger cut than those who are already on pensions. The cuts should be the same across the board. I agree there should be cuts. All of society has faced cuts, but these cuts should be fair.

Deputy Leo Varadkar: This is a State Airports Bill which mainly deals with Shannon Airport, but also deals with a number of other issues, including aviation security and the use of lasers to blind pilots. It is not just a Shannon Bill this matter has been tagged on to. If that had been the case, the Bill would not have been cleared by the Attorney General. Therefore, I cannot accept Senator Cullinane's charge in that regard. The Bill will get plenty of scrutiny, both in this House and in the Dáil. This is the third occasion on which I have been in this House on this Bill and I may well be back, if necessary.

In regard to Senator O'Brien's question, I am not aware of similar legislation pertaining to other private pension schemes, although similar legislation may well exist. I note his acceptance this is a private pension scheme, not a State or public sector scheme. However, some people do not seem to realise this.

In regard to the extra panel, it is important to point out this is not involved in negotiations *per se*. It is not a round table negotiation and the panel has more of an arbitration role and will meet individually with representative groups. It has already met the group representing some of the deferred pensioners and I have asked it to do so again. For what it is worth, I agree the trustees' proposal was disproportionate in its recommendations for the deferred pensioners. However, that was the trustees' proposal, not my proposal and it is not what is being debated now in this House. It may well be the extra panel's proposal, when we see it, will be different again.

It is important to recap on this topic because it is of great importance and is a major part of the Bill. I gave an overview on Second Stage of the intentions behind section 33 of this Bill, in particular the proposed section 32A to be inserted into the Air Navigation and Transport (Amendment) Act 1998. I listened carefully to the views of Senators at the time and welcomed their views. I fully appreciate that Senators have a keen and genuine interest in the subject and assure them that my interest is no less. We all share a common desire. Like Senators, I want to see the parties to the IAS scheme - the members, employers and trustees - reach an agreement to resolve the serious and long-standing problem with that scheme.

I must also ensure that if and when an agreement is reached, the parties have the tools available to them to implement that agreement. What will happen if an agreement cannot be reached by the parties and should we completely ignore that possibility? Should we not provide for some fallback mechanism other than a forced wind-up of the scheme in that eventuality? In a nutshell, these are the basic considerations behind the provisions in this section of the Bill, particularly the proposed new section 32A to be inserted into the 1998 Act.

It would be helpful and useful to remind ourselves of the current situation regarding the IAS scheme and how the proposals in this section are intended to assist the parties to implement whatever solutions are agreed by them to the serious problems in the scheme. As I said on Second Stage, the provisions of section 33 do not anticipate or pre-empt any solution the parties formulate. If the serious deficit in the scheme were to somehow disappear and the IAS fund were to find itself in a healthy surplus as soon as the Bill were enacted, the possibilities under the legislation would include the continuation of the scheme. The Bill does not preclude that as a possible outcome. One of the central problems with section 32 of the 1998 Act is that it currently provides only for that particular outcome. In short, it provides that any separate pension scheme that the DAA establishes for IAS scheme members must include pension benefits and terms and conditions relating to those benefits which are no less favourable than those which are currently applicable. In other words, if DAA were to establish its own separate pension scheme for those of its members who are in the IAS scheme, it would have to be a replica of the IAS scheme with which there is such a problem. All of the current scheme's problems and inflexibilities would transfer to the new scheme.

The DAA and SAA do not have a mandate in the current legislation to introduce any other type of scheme for the members of the IAS scheme, which is a potentially serious barrier to the implementation of whatever agreed solution emerges on foot of the problems in that scheme. We could find - and I very much hope we do - that a compromise solution to those problems is arrived at over the coming weeks. Even if it is, the current legislation precludes the DAA from implementing it. The DAA will not be able to implement that solution unless the flexibilities provided for in the Bill are passed by this House and the Dáil.

It was suggested on Second Stage and again here today that the provisions are premature and that we should wait for the current discussions among the parties to reach a conclusion. The implication of that suggestion is that I would bring a separate Bill to the Oireachtas at that stage to provide for the legislative tools to implement whatever compromise solution has been arrived at by the parties. Leaving aside the prospect that the Houses may not even be sitting, as the summer recess is almost upon us, it would be a very inefficient use of Oireachtas time and resources when there is absolutely no need to take that course. We can provide the necessary provisions here and now in the Bill which I hope can be enacted before the recess. In addition, any further delay to the implementation of a solution to this most complex of problems, which has been ongoing for years, is not one that should be attractive to any of us. It would certainly be grossly unfair to the parties involved.

Section 33 of the Bill contains two subsections, the first of which amends the superannuation provisions applicable to the State airport authorities that are currently contained in section 32 of the Air Navigation and Transport (Amendment) Act 1998, as amended by the State Airports Act 2004. The second subsection repeals section 9 of the Aer Lingus Act 2004. Subsection (1) proposes to substitute two new sections in place of the existing section 32 of the 1998 Act. There are new sections 32 and 32A. Most of the provisions of the new section 32 are similar to the provisions contained in the existing section 32 which it will replace. For the most part, it contains the standard provisions governing pension schemes which appear in legislation governing commercial State companies. Such provisions include the power of airport authorities to establish superannuation schemes for staff, a requirement for ministerial approval for such schemes, and provision for any proposed subsequent amendments to them. Powers to establish a fund associated with each approved scheme from which benefits can be paid, a requirement that an appeals mechanism be provided for in each scheme, and provision for the

laying of the schemes before the Oireachtas are further such provisions. The new section 32 also future-proofs the section, having regard to any future Government decision to separate Cork Airport from the DAA.

The new section 32A contains a number of different provisions to facilitate amendment by the trustees of certain provisions of the IAS scheme in the context of current discussions to find solutions to the problems in the scheme. As emphasised on Second Stage, the provisions do not pre-empt or anticipate any particular solution that may emerge from those discussions, nor are they intended to undermine the terms and conditions of the employment of staff.

It would assist with a better understanding of the new section if I grouped the relevant subsections together for ease of reference. Subsections (1) and (2) will allow IAS scheme members who become members of another pension scheme to cease to make contributions to the IAS scheme, which many of them would like to do at this stage. The airport authorities will, of course, be required to submit that other pension scheme for ministerial approval in the normal way under section 32, which I have just mentioned. The employer contributions to the IAS scheme in respect of such a member would cease simultaneously and no further superannuation benefit would accrue under that scheme for that member.

5 o'clock This is entirely voluntary and there is no obligation on IAS scheme members to cease contributing to the scheme. The problem with the IAS scheme will still remain to be solved by the parties. However, it does address the desire expressed by many employees who currently have no option but to make contributions in respect of future service to a pension fund other than the IAS fund where there is a prospect of a better future benefit. SIPTU had a vote on this issue last February and the overwhelming majority voted in favour of withholding contributions to the IAS scheme pending a solution to the problems in the scheme. The provision in the Bill are providing them with that option if, on a purely voluntary basis, they wish to avail of it.

The provisions in subsections (3) to (10), inclusive, are very much in the nature of a fall-back position. In the event that general agreement on the IAS scheme cannot be reached, they will facilitate each individual employer in negotiating its own pension solution with its own employees as an alternative to a wind-up of the IAS scheme. We must provide for all eventualities, including the possibility that, despite our best efforts, it may ultimately prove impossible for the parties to the current discussions to agree to a resolution. We must, therefore, provide some backup mechanism because, in such a scenario, the only other likely alternative would be a direction from the Pensions Authority to the trustees to wind up the scheme altogether. Continuing with a scheme with an unresolved substantive deficit is clearly not tenable.

A winding up of the IAS scheme would constitute a very serious situation for the members and be likely to have very serious industrial relations implications at airports and Aer Lingus also. In a wind-up the trustees would have to purchase annuities for the pensioners - an expensive exercise - and reduce their benefits in line with the provisions of the Social Welfare and Pensions (No. 2) Act 2013. Whatever little funding would be left would be distributed to the deferred and active members. In the Bill I am providing for an alternative to the winding up of the scheme, if it comes to this. This will keep a measure of control with the employers and their employees.

Subsections (3) to (10), inclusive, provide for what is called a “replacement scheme”. A replacement scheme is one which can be established by an employer for the specific purpose

of receiving a transfer of assets from the IAS scheme in respect of that employer's members of the IAS scheme. Essentially, we are providing for the break-up of the IAS scheme but in a circumstance that would be very different from that originally envisaged under the 1998 Act. These provisions will allow for the employers to take members out of the scheme and they can then each negotiate directly with their own staff representatives on a solution without the multi-employer constraints and inflexibilities inherent in the current scheme. It is true that these subsections do not provide for consent by employees. In the scenario about which we are talking, namely that the IAS scheme is about to be wound up by the Pensions Authority, that would not be appropriate. However, the replacement scheme put in place will, of course, have to involve discussions with staff representatives.

The remaining subsections of the new section 32A stand on their own and I will deal with them individually. Subsection (11) provides the trustee of the IAS scheme with power, without the need for the consent of members or employers, to amend the provisions of the scheme in order to cease contributions to the scheme by both members and employers and, of course, to cease the corresponding accrual of further benefits under the scheme. This will facilitate the implementation of an overall solution to the problems in the IAS scheme, be it along the lines of the Labour Court recommendations of May last year or some variation thereof.

In deciding whether to exercise power the trustees must consider what is in the best overall interests of scheme members and have due regard to the interests of the different categories of member and any other matter they consider relevant, including the funding deficit and the implications of the deficit for all members. Clearly, an agreement among the parties will make the trustees' job a lot easier. The trustees of the most modern pension schemes would, in conjunction with the schemes' employers, have this power. Obviously, there would be a requirement for the new pension scheme under which the IAS members and new employees would accrue benefits in respect of their future service and such new scheme would be subject to ministerial approval under section 32(1), to which I referred.

Subsection (12) is to clarify that the IAS scheme trustees have the power to amend any provision of the IAS scheme that is necessary in order to comply with the directions of the Pensions Authority pursuant to section 50 of the Pensions Act 1990, as amended. While it may seem strange that there should be any doubt about the power of the trustees to institute rule changes without seeking the consent of members and employers on foot of a statutory direction issued by the Pensions Authority, there is potential nevertheless owing to the inflexible nature of the scheme for a challenge to any such action taken by trustees. This subsection is designed to remove any doubt that there may be in any quarter that in order to implement statutory directions from the Pensions Authority under section 50 of the Pensions Act, the trustees may make any necessary change to the provisions of the scheme without any requirement to seek the consent of members or employers.

Subsection (13), the final subsection, provides a number of definitions for terms used in the new section, the most importance of which is perhaps the definition of a replacement scheme. I have explained this definition.

Section 33(2) repeals section 9 of the Aer Lingus Act 2004 which is similar to the existing section 32 in the 1998 Act applying to airport authorities. It allowed Aer Lingus to set up its own replica IAS-type scheme for its own staff. That section of the Act was never commenced and, thus, the provisions were never used. Replicating the significant structural issues inherent in the IAS scheme does not make any sense. Hence, retention of section 9 of the Aer Lingus

Act 2004 makes no sense either.

This section of the Bill, particularly the proposed new section 32A, is very complex. While I have taken a fair bit of time to explain it, it is important that we all appreciate the background to it and its intentions. Why should we not let the employees who have expressed a wish to do so to voluntarily cease making contributions to the IAS scheme if they so wish? The section provides for this. If the parties to the scheme can reach agreement on a way forward, surely it makes sense and is imperative to ensure the legislative tools are available to them to implement that agreement. This section gives them these tools. If, on the other hand, the Pensions Authority is about to move to wind up the scheme, does it not make sense that we should provide for that eventuality and an alternative that holds out a better prospect for those members? Thus, they would at least get to hang onto something in such an awful eventuality. This section allows for that to be the case.

I hope the Senators will appreciate that there is nothing sinister whatsoever behind these provisions. Nevertheless, I will take note of what they have to say. On Friday last the expert panel stated it was entering what it believes is now the final phase of engagement with the various parties. It expects to complete its work and make a final report by the end of next week. I will have regard to the outcome of its work in any further consideration of the provisions of this section when I return to the Seanad or the Dáil thereafter.

Senator Darragh O'Brien: I thank the Minister for his comprehensive response. I wish to address a couple of points mentioned.

It is welcome that the Minister agrees that the trustees' proposal was disproportionate in its effect on deferred and retired members. His statement, following my question, that he is not aware of any other private pensions scheme that actually had its own legislation to remove pension entitlements that members legally held is indicative of the truth. He is admitting this as the Minister responsible for transport. Let us examine the matter from the outside. In many instances, he has actually said he cannot become involved in the commercial running of Aer Lingus as a company. I happen to agree with him. The State is a minority shareholder in the airline, yet the Government and the Department are getting as actively involved as is humanly possible in the retirement fund and pensions scheme in that they are introducing legislation, particularly the new section 32A, of a kind that has never been introduced before in respect of a private pensions scheme. I find it really difficult to understand that there is nothing sinister in this. This is not a personal slight on the Minister. The publication of the expert panel's report is but one week away. While we all hope agreement will be reached, does the Minister not realise the problem is that what the Government is teeing up is such that it does not really matter whether there is agreement? Should this legislation be passed into law, agreement will not be required and it will not matter. For the first time ever, legislation is being brought forward by a Government which will mean that agreement will not be required regarding a private company and a private pensions scheme. It would make much more sense to withdraw this section of the Bill, insert another section or draft other legislation if, I hope, there is agreement. Can one imagine what the discussions will be like next week should this Bill be passed? It will effectively mean that what a swathe of members - probably 10,000 of the 15,000 members - say does not really matter. The Minister referred to the SIPTU vote of existing scheme members who do not want to make further payments into the scheme. Of course, I can understand this because the scheme has effectively been wound down in the past three years because everyone knew this day would come. All the employees and active members of the pension scheme see is their money going into a big black hole because nobody has taken charge of dealing with the

deficit. If I am making a contribution, I will look after my own best interests. I am saying the Minister is giving them a vehicle to transfer out and have a new scheme with no deficit. He and his Department are dividing and conquering. They are making distinctions between the different types of member and telling the active members working in the company that there is a much better way forward for them and that they can enter into a new scheme. The Minister constantly refers to employers being allowed to bring their members into a new scheme. What about the two thirds of members of this scheme, particularly the deferred members, who do not have an employer? They are not being listened to. I want agreement on how we move forward. The active, deferred and retired members all want agreement.

The Minister spoke about the Pensions Authority winding down the scheme which both he and the Minister for Social Protection facilitated through the passage of the Social Welfare and Pensions (No. 2) Act. They have brought it about through a very clinical, step by step approach because the Social Welfare and Pensions (No. 2) Act deals with the priority order in order that those who are already retired do not get priority in the payment of annuities. The position has changed completely; there has been a massive change in private pensions legislation. The irony is that the only changes the Government seems to make to pensions relate to private pensions and that there is no move to fund public pensions properly; this is not lost on many members of this pension scheme. We are still paying public pensions for politicians like us and civil and public servants from current revenues. We have not yet moved towards funding a separate pensions scheme. The only changes being made are to private pension schemes. With the passage of this Bill and the Social Welfare and Pensions (No. 2) Bill, there will be wholesale changes in what were State and semi-State companies, Government-sponsored pension schemes and defined benefit schemes, as we are seeing already. The passage of this Bill will mean that if they so wish, employers will start to run their schemes down. As the Minister knows, even though the trustees are a separate legal entity under law, they are heavily influenced by the employer who is the major contributor. He or she plays a very influential role in the operation of the pensions scheme.

I cannot accept the *bona fides* of the Government in bringing forward this section of the Bill. If it really wanted agreement from the parties involved and stakeholders, it would not hold back on this section. If there is agreement, I put it to the Minister that it does not matter whether the Houses are in recess. We recalled the Seanad last year, which means that both Houses could be recalled to deal with this issue which is very important nationally. I agree with what he says about potential industrial relations issues and strikes in the future. We all want agreement, but he is effectively telling people that it does not really matter what they think and say or whether they agree because he, the trustees and the Government have all the cards and he is going to go ahead with the changes anyway. I strongly oppose this section on that basis and ask the Minister once again to reconsider removing it. I put it to him that it is premature at this stage.

Senator Averil Power: I will touch on some of the Minister's closing remarks. He has said the reason this section is being brought forward is that if agreement is reached, the tools will be available to implement it. I share the same concerns of my colleague. What the section does is provide that if agreement cannot be reached, the trustees will have the power to unilaterally bring down people's benefits and transfer them to a less advantageous scheme. It is impossible to see it as anything other than this. It seems to assume that agreement will not be reached and that it is a stick with which to beat pensioners and deferred pensioners. How can they have any faith in supposedly ongoing talks when legislation such as this is being brought forward? If agreement cannot be reached and the situation is unsatisfactory for them, the trustees can do

whatever they want, which is incredibly unfair.

The Minister has stated one of the reasons for the section is to give trustees an alternative to winding up the scheme. He has pointed out that under the current arrangements and the changes made in the Social Welfare and Pensions (No. 2) Act, this would be disadvantageous and result in people losing out their benefits in line with the new priority order introduced. When that legislation was going through the Houses, I raised the following issue with the Minister for Social Protection. Whatever about a case involving a double insolvency, where the pension scheme and the company are insolvent and there is simply no money within the company to be transferred to the pension scheme, the Social Welfare and Pensions (No. 2) Act provides for situations where an extremely profitable company can wind up its pensions scheme because it is going through temporary financial problems, as the markets have dropped as they have in the past few years, and walk away from it, regardless of any commitment previously given to staff. This is unfair, which is why we have tabled an amendment to apply the OECD's recommendation that in a case involving a single insolvency where a company is still solvent and profitable, it should be unable to walk away from a scheme where pensions form a key part of its employees' and former employees' terms and conditions. It should not be able to tear up these entitlements, unless the scheme has reached the 90% funding standard.

The Minister spoke about how the need to have an alternative to the winding up of a scheme was the reason for this section. I suggest a better way of dealing with the matter is to accept our amendment which would ensure that in a case involving a single insolvency, employees would not end up in such a disadvantaged and unfair position.

Deputy Leo Varadkar: I covered almost everything in my earlier remarks, but I will comment on one or two other issues.

While we all agree that this is very much a private pensions scheme, it is slightly different from other private pension schemes in the sense that it is provided for in legislation. Therefore, any agreement to resolve the difficulties in the IAS pensions scheme would probably involve some legislative change. That is the only reason I am here. It is not because we are trying to get involved in the management of companies or anything like this. It may well be the case that in the past superannuation schemes or semi-State body pension schemes have been amended by legislation. I do not know for sure whether this is the case.

Senator Darragh O'Brien said one thing about public sector pensions that was incorrect. He said there had been no changes or that nothing had been done in legislation to change them. That is far from being true. Public servants now pay a pension levy which the Senator may see on his own pay slip. It is very substantial and goes a very long way toward funding public sector pensions on a pay-as-you-go basis. It is probably the case that public sector employees pay more towards their pensions than many of the people about whom we are talking in the aviation sector ever did. In some cases, contributions are up to 16%. There is a new scheme for new entrants to the public sector that offers very different benefits from those than were offered in the past. In addition, public sector pensions have been cut twice - once by the previous Government for almost everyone with a pension over €12,000 or so and once by the Government for almost anyone with a public sector pension over €30,000. Ironically, the Government has done a lot more to put its house in order when it comes to public sector pensions and the public sector pension deficit than the companies behind this scheme have done. If they were to copy the Government example - both the previous and current Governments - they would have been a long way by now towards resolving their issues.

Essentially, this section of the Bill contains three main elements. First, it allows members to leave the scheme voluntarily if they so wish. They cannot do that now. I think that should be supported. Second, it allows for any agreement to replace the IAS scheme to be realised and made a fact and it makes sense to do that now. Finally, it provides some backup in the event that the Pensions Authority forces the scheme to be wound down so that at least the staff and former staff can salvage something. The alternative which is being proposed by Fianna Fáil is one that I cannot accept, namely, to put it off again, maybe to the recess or for another few months or even years. That is the approach that was taken consistently by that party when it was in government - to hope there will be an agreement, that the Pensions Authority will not close down the scheme and to kick the can down the road for another few years in the hope that it will sort itself out. To me, that would be an irresponsible way forward so I am taking the opportunity presented by this Bill to provide for this long-standing problem, once and for all, to be solved.

Senator Darragh O'Brien: May I make one brief comment? I thank the Minister for his response. There is no question of anyone trying to kick the can down the road from my perspective or that of Senator Power. What we are trying to do is to protect peoples' legal entitlements. I am not going to go over the arguments again but I want to clarify that point with the Minister. We want an agreement but we do not feel the environment for an agreement is actually helped by the Minister passing this legislation because after its passing, no agreement is required.

Question put:

| The Seanad divided: Tá, 22; Níl, 15. | |
|--------------------------------------|-------------------------|
| Tá | Níl |
| Bacik, Ivana. | Barrett, Sean D. |
| Brennan, Terry. | Byrne, Thomas. |
| Coghlan, Paul. | Crown, John. |
| Comiskey, Michael. | Cullinane, David. |
| Conway, Martin. | Daly, Mark. |
| Cummins, Maurice. | Heffernan, James. |
| D'Arcy, Michael. | Leyden, Terry. |
| Gilroy, John. | MacSharry, Marc. |
| Hayden, Aideen. | Mooney, Paschal. |
| Henry, Imelda. | Ó Clochartaigh, Trevor. |
| Keane, Cáit. | Ó Domhnaill, Brian. |
| Kelly, John. | O'Brien, Darragh. |
| Landy, Denis. | O'Donovan, Denis. |
| Moloney, Marie. | O'Sullivan, Ned. |
| Moran, Mary. | Power, Averil. |
| Mullins, Michael. | |
| Naughton, Hildegard. | |
| O'Donnell, Marie-Louise. | |
| O'Neill, Pat. | |
| Sheahan, Tom. | |
| Whelan, John. | |
| Zappone, Katherine. | |

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

Question declared carried.

An Cathaoirleach: I ask Senator Darragh O'Brien to report progress.

Senator Darragh O'Brien: I assume the Bill will resume next week.

An Cathaoirleach: Yes.

Senator Darragh O'Brien: Every day is a school day.

Progress reported; Committee to sit again.

Racism in Ireland: Motion

Senator Fiach Mac Conghail: I move:

“That Seanad Éireann:

notes—

- that tackling racism and promoting diversity is not just the responsibility of Government: everybody in Irish society, including individuals, organisations, businesses, governmental and non-governmental organisations have a responsibility to address racism and its impact on the people who experience it;

- that the programme for Government (2011-2016) states: “We will promote policies which integrate minority ethnic groups in Ireland, and which promote social inclusion, equality, diversity and the participation of immigrants in the economic, social, political and cultural life of their communities”;

- that the 2011 Report of the UN Committee on the Elimination of Racial Discrimination stated its concern at the lack of legislation proscribing racial profiling by the Garda Síochána and other law enforcement personnel;

- that the 2013 Report of the European Commission against Racism and Intolerance noted that there are no provisions in Irish criminal law defining common offences of a racist or xenophobic nature as specific offences, nor is there any provision which provides for the racist motivation of a crime to be considered as an aggravating circumstance during the sentencing stage of a trial; and

- the inconsistent and unco-ordinated reporting of racist incidents in Ireland;

acknowledges—

- the excellent work of the Garda Racial, Intercultural and Diversity Office (GRIDO) and supports its ongoing training of members of An Garda Síochána;
- the important research and data collection work of ENAR IRELAND (The Irish Network against Racism) and the quarterly publication of IReport.ie; and
- the work of non-governmental organisations in working with businesses and communities across Ireland to tackle racism;

calls on the Minister for Justice and Equality—

- to review the Prohibition of Incitement to Hatred Act 1989 in order to introduce provisions to deal with racist crimes including definitions of ‘racial hatred’;
- to consider ratification of European Conventions on Cyber Crime to ensure a robust response to online racism;
- to consider a second National Action Plan to Combat Racism;
- to establish a centralised database and the use of the Garda PULSE system to ensure there is accurate recording of the levels of racism; and
- to return to Seanad Éireann within six months to report on progress.”

I welcome the Minister of State, Deputy Kathleen Lynch, to the House. I was going to congratulate her but it is not she who has moved job; it is the Minister, Deputy Frances Fitzgerald, and I had intended to congratulate her. I know she is otherwise engaged in the other House. I also welcome our many guests in the Visitors Gallery, including representatives of Pavee Point, the European Network Against Racism, the Immigrant Council of Ireland, the Integration Centre, the NASC Immigrant Centre, An Cosán and Sports Against Racism Ireland, or SARI. I look forward to them engaging in the overall dialogue.

The Minister of State knows this is an important topic for consideration, and one that is often not too far from the news, whether in this country or in other jurisdictions. Racism is insidious and can arise from the lazy attitude we have to our own moral compass when we deal with others who are perhaps more vulnerable in our communities. The worst is the complacent approach when we do not take notice or make an objection to the casual remark that is hurtful or, indeed, racist to other people. How many times have we heard the phrase “I’m not racist but...”? This caveat gives permission to speak about someone else in an insulting and hurtful manner.

This motion is about us, in the Oireachtas, taking a stance and calling on the Government to take account of what we feel strongly about. Some action needs to be taken in order to encourage a more tolerant, inclusive society. As laid out in our motion, the tackling of racism and the promotion of tolerance and diversity is not just a responsibility of Government. On this occasion, we cannot just shrug our shoulders and leave it to the Minister of State and her colleagues to resolve on their own. We cannot just shrug our shoulders and leave the Minister of State and her colleagues to resolve the problem on their own. Everybody in Irish society, whether individuals, organisations, Government agencies or non-governmental organisations, has a responsibility to address racism and its impact on the people who experience it. There are

excellent examples of actions taken by certain organisations, such as the “No room on board for racism and discrimination” campaign run by the Immigrant Council of Ireland, Dublin Bus, the National Transport Authority and Dublin City Council, the legal reforms on racist crime with Integration Centre Ireland, and the “Show racism the red card” campaign by Sport Against Racism in Ireland, SARI.

The Government can do more to offer leadership and clarity by reviewing the legislation. This motion seeks an affirmative response from the Minister of State and I look forward to hearing her contribution. To remove the perceived ambiguity around racist remarks and incidents, there is no room for complacency in degrading fellow human beings. The intensified presence of social media in daily life has presented new avenues for hate speech. Pavee Point defines hates speech as speech that attacks a person or a group on the basis of ethnicity, religion, gender disability or sexual orientation. This week, a Facebook page was removed due to its racist nature and the comments it was garnering. The page was based on the idea of the Roma not being welcome in Waterford and, over the course of 72 hours, it amassed over 3,000 likes and a threat of violence. Countless examples of racism could be cited from social media and, in addition to the difficulty of calling anyone to account for his or her actions online, the reality of not being able to call people to account for racial hatred is ever present.

The first issue I wish to raise concerns data and the lack of a co-ordinated approach to documenting racist incidents and attitudes towards racism. The qualitative and quantitative information available is disjointed, disconnected and diffuse. The Government’s data and reports on racist incidents differ from the data collated by other organisations. This motion attempts to deal with our lack of knowledge about the extent to which racism is an issue in Ireland and how it has increased or decreased over the past five years. That is a problem for us. The CSO states that the incidence of racist crime has decreased from 128 in 2009 to 92 in 2013. This covers all categories of crimes, including minor assaults, harassment, criminal damage and menacing phone calls. No crime was recorded under section 2 of the Prohibition of Incitement to Hatred Act 1989 in 2010, 2011 or 2013, although 12 such crimes were recorded in 2012. The Immigrant Council of Ireland’s independent reporting system, through *stopracism@immigrantcouncil.ie*, recorded an increase of 85% in cases to 144 in 2013, with a further 103 incidents reported since the start of 2014. The disparity between the CSO’s figure for 2013 of 92 and the council’s figure of 144 is clear. This is why we need a centralised partnership across Government and NGOs to accurately monitor incidents of race crimes.

This is only data, however. We also need to carry out a longitudinal study on attitudes towards ethnic groups and the level of xenophobia in society. Only last Wednesday, as we were preparing this motion, an article in *The Guardian* traced the rise of xenophobia in Britain since 1983. There was a bump in 2011, when 34% of respondents declared themselves somewhat prejudiced. That figure fell to 24% during the Olympic Games in 2012 and increased again to 30% in 2013. These are the kinds of data required in Ireland. The European Commission against Racism and Intolerance, ECRI, was established by the Council of Europe as an independent human rights monitoring body specialising in investigating racism and intolerance. Under the framework of its statutory activities, the ECRI conducts country-by-country monitoring work to analyse the situation in each member state in regard to racism and intolerance, and draws up suggestions and proposals for dealing with the problems identified. It published its third report in February 2013, and we have cited one of its findings in our motions.

According to the European Union Agency for Fundamental Rights, FRA, Ireland has a good system for registering racist criminal offences, a fact which was also acknowledged in ECRI’s

third report. According to the official statistics, 128 racist incidents were reported in 2009 and 122 were reported in 2010. These statistics indicate that the most common types of racist incidents are minor assault, public order offences and criminal damage. In 2009 the FRA analysed the discrimination in the everyday life experienced by immigrant and ethnic minority groups across the EU. For Ireland, a sample of Sub-Saharan Africans was surveyed. ECRI noted that 26% of the respondents reported that in the previous 12 months they had fallen victim to racially motivated crimes involving serious harassment, threat or assault. Such a high estimate led ECRI to consider that the official statistics do not correctly reflect the reality of the number of racially motivated offences in Ireland. In its report of February 2013 the ECRI strongly encouraged the Irish Government to improve and supplement the existing arrangements for collecting data on racist incidents and to work with civil society groups to find a standardised and centralised way of documenting and reporting attitudes towards xenophobia, racist incidents and crimes.

Without data there can be only a skewed attempt at policy making. Without proactive policy making there can be no coherent vision of what we as a society, whether in government, in the Oireachtas and in civil society, can do to improve the human interaction between us all in Ireland. A quantitative study that should be acknowledged and praised in this House is *iReport.ie*, which is produced on a quarterly basis by the European Network Against Racism, ENAR, Ireland. ENAR has been operating since July 2013 and its third report is due in a couple of weeks. This second quarterly report, as with the first report, demonstrates that a wide range of groups in Irish society experience racism on a daily basis. With reporting rates for people who identify as black or of African descent highest in this report, the racism experienced by Travellers, Roma, Muslims, migrants and minority ethnic Irish was also shown to be unacceptably high. ENAR Ireland's research has identified a wide gap in the number of racist incidents actually occurring and those reported to any official body, including An Garda Síochána.

The *iReport* system goes some way towards closing this gap, although in common with all racist incident monitoring systems it is limited in its ability to capture sufficient data to support broad claims about overall rates with any degree of certainty. With these limitations in mind, the figures demonstrate that racism is common to different communities in Ireland and that manifestations of racism may vary depending on the background of the person experiencing it. The figures suggest that gender, disability and sexuality may impact on people's experiences of racism, requiring further investigation into the relationship between hate incidents and variations in these intersecting identities. ENAR reported a total of 188 incidents in six months in 2013. This suggests that racist incidents are increasing and there is evidence of under reporting. This figure contrasts significantly with the official Government figures released by the CSO and the Department of Justice and Equality. Racist incidents in Ireland appear far more common than the official figures suggest but we need clarity on attitudinal change and the number of incidents occurring. I will deal with the issue of legislation in my concluding response.

Senator Katherine Zappone: I relish the opportunity to second this motion, and heartily commend Senator Mac Conghail for bringing it before the House. Since 2008, with the closure of NCCRI and the ending of the National Action Plan on Racism, and in spite of the excellent and progressive work to which the motion refers, I have no doubt that Ireland has lagged behind in its responsibilities to protect and promote the human rights of the ethnic, racial and national minorities, including Travellers, in Irish society. People are being violated because we lag behind. This harms our society and, equally, our economy. Most of all, it places an iron cage around the potentially productive and happy lives of Irish citizens and residents who are cultur-

ally different from those of us who are white Irish.

In a comment piece in *The Irish Times* at the beginning of the year, Mr. Shane O'Curry, director of the European Network Against Racism Ireland, ENAR Ireland, to which my colleague has already referred, wrote, "Language can so easily be used to dehumanise other ethnic groups". As we are all aware, an extraordinary woman who used language to humanise and wrote words to save generations and heal passed away last week. Ms Maya Angelou finally wrote a book at 40 years of age because, as she said herself, "there is no greater agony than bearing an untold story within you." With the publication of *I Know Why the Caged Bird Sings*, she broke her silence and, by doing so, set off a roar throughout the globe that still reverberates.

To prepare for this debate, I went to Tallaght west to a meeting organised by An Cosán to discuss racism in Ireland with people who have personally been affected by it. I met 15 extraordinary individuals and was privileged to hear their stories. Some of them are present alongside An Cosán's CEO, Ms Liz Waters. I will bring their voices - their song in the sense that Maya Angelou spoke of singing - to the centre stage of my remarks. I applaud their generosity and courage in sharing them with me. I am in no doubt that, in light of them bearing witness, the Minister for Justice and Equality needs to do at the very least what we have called on her to do.

Why should Ireland introduce provisions to deal with racist crimes? Senator Mac Conghail will also address this question. It is evident from the research conducted by the European Commission against Racism and Intolerance, ECRI, and ENAR Ireland that our justice system is unacceptably biased. Many of the testimonies from my meeting at An Cosán support the same. I will share a few of their stories with the Minister. One of the meeting's participants had witnessed an incident where members of the Garda physically assaulted a man who was of Islamic faith for no other obvious reason. The witness, a man of African descent, approached the gardaí involved and told them he had witnessed the assault and would be willing to testify against them. Subsequently, he was arrested. To this day, he has not been informed of the reason for his arrest despite a number of requests for same. We must ask ourselves whether this would have happened were he white and Irish.

It was also mentioned that the crimes against foreign residents were a lesser priority for the Garda. One woman at our meeting stated that crimes against such people were not solved, leading to people becoming frustrated and taking the law into their own hands and the media subsequently reporting that all immigrants are criminals. During the past three years, there had been 13 break-ins at the woman's house but none at the house of her neighbour, who was Irish. She stated that the Garda was doing nothing to help her.

Another woman spoke of the need for legal reform and the delivery of justice. She mentioned a saying in her country, namely, "If there is no law, there is no sin". She stated that there needed to be a law that prohibited racism in all its forms, starting with the shouting of racist slurs and name calling. She also stated that there should be a punishment for racist incidents and that these should be reported as a separate issue, but that gardaí were laughing at people who tried to report racism. She continued by telling us about the community effort in her local area where people were encouraged to report racist incidents to the Garda. She knows that many people did so. When they requested information at the end of the year on the levels of racist incidents in the area, though, the Garda report showed no recording of racist incidents.

According to ENAR Ireland, the reporting of racist incidents is unacceptably low in Ireland. Some 11% are reported to the Garda, with 18% reported to NGOs and other authorities. Of

those who reported to the Garda, the satisfaction levels with its response were low. After hearing this woman, we also need to ask how many racist incidents were there that were reported to the Garda but did not appear in its reports.

As Senator Mac Conghail has discussed at length, there is a need to establish a centralised database to ensure an accurate recording of levels of racism. This must happen in order to reform fundamentally the current, inconsistent and unco-ordinated reporting of racist incidents where the victims do not receive the public support and confidence that is required.

It is critical that the Minister of State and the Minister, Deputy Fitzgerald, bring a new vision and energy to tackling ongoing racism. I will conclude with Maya Angelou's own words. She wrote:

The caged bird sings
with fearful trill
of things unknown
but longed for still
and his tune is heard
on the distant hill
for the caged bird
sings of freedom.

Senator Martin Conway: I move amendment No. 1:

“To delete all words after “That Seanad Éireann:” and substitute the following:

“notes—

- that tackling racism and promoting diversity is not just the responsibility of Government: everybody in Irish society, including individuals, organisations, businesses, governmental and non-governmental organisations have a responsibility to address racism and its impact on the people who experience it;
- that the Programme for Government (2011-2016) states “We will promote policies which integrate minority ethnic groups in Ireland, and which promote social inclusion, equality, diversity and the participation of immigrants in the economic, social, political and cultural life of their communities”; and
- that a number of proposals have been put forward directed to strengthening existing legislation and other arrangements in this area, including proposals for specific offences and/or treating racist crime as an aggravating circumstance in the context of the criminal law as well as proposals in the area of racial profiling and regarding the reporting of racist incidents;

acknowledges—

- the work which has been done at Government level and in the wider public sec-

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tor to combat racism, including through the National Action Plan Against Racism 2005 - 2008 and subsequent measures as well as the work of the Garda Racial, Intercultural and Diversity Office; and

- the important contribution of non-governmental organisations in working with businesses and the communities across Ireland to tackle racism;

welcomes—

- the ongoing work of the Oireachtas Joint Committee on Justice, Defence and Equality on integration, multi-culturalism and combating racism;

- the review launched by the Minister for Justice and Equality on our approach to the integration of our migrant population with a view to the development of a new and updated overall integration strategy in keeping with the Government's commitment to the successful integration of migrants; and

- the establishment of the Irish Human Rights and Equality Commission with enhanced resources and powers and, in particular, the role envisaged in the Irish Human Rights and Equality Commission Bill currently before the Oireachtas in relation to support for programmes of activities and projects for the promotion of the integration of migrants and other minorities and respect for diversity and cultural difference; and

calls on the Minister for Justice and Equality—

- to take forward work on the review of our approach to integration and to ensure that measures to strengthen existing arrangements for combating racism and xenophobia are examined as part of that review taking account of the outcome of the public consultation process and the results of the Oireachtas Joint Committee on Justice, Defence and Equality's own examination of this issue;

- to consider, in particular, the following issues for the purpose of strengthening our approach in this regard:

- measures directed to promoting intercultural awareness;

- strengthening the Prohibition of Incitement to Hatred Act 1989;

- ratifying the Council of Europe Convention on Cybercrime and its Protocol on Racism and Xenophobia;

- how work begun under the National Action Plan to Combat Racism 2005-2008 can continue to be taken forward; and

- the reporting and recording of racist incidents in order to ensure the most complete picture possible of the situation; and

to return to Seanad Eireann to report on progress on these matters and on the review of integration policy currently underway.”.

I welcome the Minister of State, Deputy Kathleen Lynch, to the House. She is a regular contributor on these important issues. I thank our colleagues and friends in the Independent Taoiseach's nominees group, particularly Senators Mac Conghail and Zappone, for proposing

this valuable Private Members' motion. The Government is proposing an amendment, but not because it disagrees in any way with the sentiments expressed by the Senators. Rather, technical issues must be addressed, as the motion would require that significant amendments be made to a great deal of legislation that the Government is reviewing. The Minister of State will outline in her response the actions the Government is taking to deal with this menace.

The racism, racist comments and racially motivated gestures and provocation to be found in society are unacceptable. Unfortunately, though, they are the reality. Members of ethnic minorities and the Traveller community can give wholesale testimonials of what happens. In a modern, civilised and so-called equal society, one would expect tolerance to be something that could be taken for granted. Unfortunately, it is not. Many people suffer racial slurs and abuse in silence and do not have the courage to go to the Garda to make complaints or seek help or justice. Many young people among minority groups also suffer in silence because of their fear of bullies, etc.

The House has discussed cyberbullying, homophobic bullying and so on at length. It is all interlinked. I am fully aware of the Government's deep commitment to dealing with this issue. I look forward to the Minister of State's response to the motion. It will be detailed and constructive.

To this day, people with disabilities suffer this type of inappropriate behaviour, commentary, etc. Many do not speak out. For one reason or another, they are afraid of bullies. The young people going through this in silence are the ones who really need support.

This motion is timely and important because we need to continue raising these issues at every opportunity if we are to increase public awareness of what is happening in certain of society's underbellies. People have a right to go about their business free from racial abuse and intimidation. Some people in Ireland have travelled across the world and enjoyed different cultures and environments. They may have been treated badly, but in many cases they were treated with utter respect. Of all countries, we should be a leader in terms of tolerance. We should set the standard, not follow it. As a nation, the majority of us are tolerant and giving and embrace multiculturalism, diversity and minorities. However, the small minority of people who are not need to be dealt with firmly.

6 o'clock We need to ensure that there is proper education of young people in order to ensure they are aware of the richness that minorities bring. We need to ensure that we start the process at primary school level, the place where we teach and foster a culture of tolerance, equality and respect.

Big organisations need to play their part. It is worth pointing out in this debate the work done in this area by the GAA, as an association. We all remember the matches last year where the big screen in Croke Park showed the word "respect" as a key word. Obviously the GAA can do an awful lot more. All of us have a responsibility in this area. All organisations within this country that influence public opinion have responsibilities, particularly in the area of sports.

I commend my colleagues for tabling the motion. If Seanad Éireann does nothing else but give a forum for debating, discussing and helping create resolution to this type of menaces in society then we will have done a very good period of work.

Senator Marc MacSharry: I welcome the Minister of State to the House for a less adversarial debate than we are used to. My group agrees with the motion and will support it.

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However, I question the need for an amendment at all but appreciate what Senator Conway has said. The motion reminds me of the thing that I hated the most about being in government. I refer to motions being dealt with in a self-congratulatory tone and approved by Cabinet as a way of saying how good a job we were doing. Instead of doing something, as proposed by the Independent Senators, we propose that the motion might be considered or reviewed.

Sadly, Ireland is a nation of racists due to inaction in the past. While the 1989 Act was somewhat appropriate for its day it is outdated now and falls well short of a modern society, particularly one as cosmopolitan as Ireland has become and demands.

I take no pleasure from saying we are a nation of racists. I say that because there are not many of us who can honestly say that we have availed of the opportunity for our child, brother or ourselves, to sit beside a Traveller at school, had a sister or daughter bring a Muslim boyfriend home or had friends bring their gay friends home, for example. These are all things that, traditionally in Ireland, are frowned upon yet we like to come in here and pontificate about how bad racism is and we all aspire not to have a racist society. We all support campaigns like the GAA's initiatives called "Respect" and "Show racism the red card", which FIFA and UEFA have also done throughout the world. They are noble causes.

Have we made any real progress combatting racism on the ground? I do not think that we have because I have not seen a great level of integration. Every town has different ethnic groups who stick predominantly together. We do not invite them into our communities and into our day-to-day lives and, equally, they are not very becoming in welcoming us into their communities. I do not mean that they are racist. I mean we have segregation circumstantially, perhaps not by design, but that is what is happening.

On a personal level, I am not sure we will ever bridge the gap until we break down barriers and integrate. That will not happen until, for example, the Filipino community, who famously get together on O'Connell Street on Sundays, do not meet there anymore and, instead, go to St. Stephen's Green to mix with a bunch of Irish people, attend football matches in Croke Park or whatever. We all aspire to and like the idea of that taking place. What are we prepared to do to achieve that aim, in practice? That is where all Irish people are guilty of falling short. We can have as many Acts of the Oireachtas and initiatives as we like but in terms of practice, on the ground, who will invite Travellers into their home, or invite the Muslim community into their church? Who will invite various other ethnic groups to share in their everyday life? We will always have racism in a way that we do not want and in a way that we will not accept until such time as we conquer ways to integrate and share our everyday lives together.

I remember one very good thing that happened on radio. I am sure that the Senator will be here later. I do not mean to mention her while she is not in the House but I will do so in a positive manner. I refer to Senator Marie-Louise O'Donnell and her work as a broadcaster. I remember when she worked with the "Pat Kenny Show" she spent a week with a Nigerian family in Dundalk, I think. I am sure she will correct the record if I am wrong. I found her radio report hugely informative for me as an individual and citizen of Ireland because I did not know about the day-to-day lives of Nigerian people who came to live in Ireland. I learned about the struggles they had to put up with and their struggle to put their children through school and college.

The understanding that we have as individuals is closed. It was Orwell who said that all people are equal, but some are more equal than others. We are all happy with that kind of im-

perfection in life and that is what we must strive to overcome. I am not sure how we will do so or what initiative will work but it will be by practising rather than by Acts of the Oireachtas.

In terms of getting over some of the issues, perception is a big issue. For example, every town in Ireland probably has a number of people with refugee status. There is a perception that such people all get social welfare payments and people say “I am entitled to invalidity pension because everybody is getting it who has come in as a refugee”, or “Everybody is getting jobseeker’s allowance so why can’t I get family income supplement when I know that a family from such a country who are staying in Globe House in Sligo, for example, are getting it?”. That attitude breeds the kind of hatred that we all want to get away from.

Equally, when my colleague, Senator Paschal Mooney, commented on an issue he was very wrongly picked up and very wrongly scrutinised by the media because he made reference to the fact that quite a large number of taxi drivers who operate after hours are Nigerian. That is fine but again the perception needs to be explained to people. Fair play to them for being prepared to do the work. They work hard and provide a service so they are entitled to do the work. The Senator is the most fair-minded person I know and is not remotely racist. We must begin to explain these challenges to society. We must say “Here is why there are so many taxi drivers who happen to be Nigerian, and here is why there are so many refugees on social welfare payments or whatever.” We must explain to the rest of society what is actually going on.

I do not believe that anybody should be allowed into Ireland. I do not mean allowed in Ireland. I mean nobody should be left in Ireland and kept here in limbo while awaiting refugee status or whatever and not be allowed to work. That situation breeds further resentment. The vast majority of these people would like to contribute in terms of taxation and so on. In addition, their working would help combat racism. How many of us work side by side with foreign nationals? Not many; very few, in fact. Allowing them to work can lead to integration.

I support the motion and the spirit in which it was put forward. However, I do not support the amendment because it is classic Government of the day stuff. Fianna Fáil was no better when it was in government in that sense. I regret the fact that the Government side cannot just accept the motion tabled by the Independent Senators as a target for all of us to work towards. We have a lot of challenges in this area. I am not sure we are even close to the kind of integration and acceptance that we need to be. In that regard, we need to be guided by the Immigrant Council of Ireland and I welcome Mr. Jerry O’Connor and his colleagues from the council who are present. I also welcome the delegation from Pavee Point and the other groups that Senator Mac Conghail mentioned. They are the people at the coalface who know the situation. Clearly, there is work to be done by both sides in pulling it all together. I believe that it can be achieved but only if we strive for a level of integration that does not remotely exist at the moment in terms of sharing the experience, mutually, of our everyday lives. The solution to racism lies in integration. Please God, we will come up with some solutions through conducting negotiations, with the body that I have mentioned, in order to meet that challenge.

Senator Ivana Bacik: Go raibh maith agat, a Chathaoirligh. I welcome the Minister of State, Deputy Lynch, to the House. She is always welcome and is a regular attendee here.

I commend Senators Mac Conghail, Zappone and their colleagues, the Independent Taoiseach nominees’ group, for putting forward a motion on this important issue. I also commend them on their highly articulate speeches. It is nice to speak on a motion where we all agree with its sentiments. I also welcome the NGOs represented in the Visitors Gallery. They are the Im-

migrant Council of Ireland, the European Network Against Racism, Pavee Point and others. It is good to see the Seanad used in this way.

There is very little difference between the Government's counter motion and the Independent Senators' motion. As there is often discussion to try to arrive at an agreed wording, I hope we will not get bogged down in differences. They have the same origins and both seek to ensure progress on the work we can all do together to combat racism and promote integration. They note that tackling racism and promoting diversity are not just the responsibility of the Government but of everybody in society.

Both motions quote the commitment in the programme for Government, made in 2011, to promote policies which integrate minority ethnic groups in Ireland and which promote social inclusion, equality, diversity and the participation of immigrants in the economic, social, political and cultural life of their community. Clearly, a great deal more must be done to fulfil that commitment, but the counter-motion which I second acknowledges what has been done, what is ongoing and what commitments can be made. I hope the Minister will give a commitment to return to the Seanad to report progress on the issues we have raised in this Chamber and that we will receive that report within a six month period.

In addition to a general commitment to promote integration and tackle racism and xenophobia, some specific issues were raised which I will discuss. The first is the issue of hate speech and the need to strengthen the Prohibition of Incitement to Hatred Act 1989. I will return to that issue, but it is separate from that of hate crime. There is no doubt they can be related, but tackling hate crimes requires different legislation. I refer to racially motivated assaults and so forth. We must also examine racial profiling, an issue I raised last week in the Second Stage debate on the DNA Bill. There is a concern that the new powers and the DNA database could be used in a way that will bring about racial profiling; therefore, we must ensure there are safeguards in the Bill against this. There is also the issue of the reporting of racist incidents and the difficulty in gathering data. All of these issues are critical and require somewhat separate treatment.

The Government's motion also acknowledges the ongoing work of the Oireachtas joint committee on justice, of which Senators Martin Conway and Katherine Zappone and I are members. I am glad to point out that a key priority of our work programme for this year which we agreed at our meeting today is to examine how best to promote integration and multiculturalism and how best to combat racism. The Chairman of the committee, Deputy David Stanton, is due to receive an award on Africa Day next Saturday, a Metro Éireann award in recognition of the work of the committee. I believe it is the first time a committee of the Oireachtas has received such an award; therefore, we are very proud of it. There should be an acknowledgement of what has been done and what still needs to be done. The new citizenship ceremonies are a hugely important symbolic change that was made by the former Minister, Deputy Alan Shatter, to promote integration. I have many friends who have gone through these ceremonies and they have told me how moving and powerful they are. It is a very symbolic way of welcoming new communities to Ireland and a huge improvement. Under the old system involving a declaration in the District Court, one waited until the end of the criminal law list before standing up to engage in a very technical procedure in a dusty courtroom.

The direct provision system should be mentioned. The Seanad has had debates on that issue, but clearly more must be done to ensure the integration of asylum seekers and tackle the lengthy delays where families are in direct provision accommodation for years. A cross-departmental group was agreed to by the Cabinet in February to examine the general approach to the

integration of migrants. That group will also look at a strong anti-racism strategy.

To return to the specific issues of hate speech and the Prohibition of Incitement to Hatred Act, others have spoken about the flaws in that 1989 legislation. The critical issue with the legislation is that it is impossible to secure a conviction under it. The *mens rea* test is too high. We have seen instances of what appears to be hate speech to any objective lay person, but prosecutions have failed because they could not get over this hurdle. Clearly, the Act must be revised. The Constitutional Convention this year looked at replacing the blasphemy offence in the Constitution and the archaic, yet recent, statutory definition of blasphemy introduced by the former Minister, Mr. Dermot Ahern, in the Defamation Act, bizarrely, with a revamped Prohibition of Incitement to Hatred Act which would deal with hate speech on grounds that would include religion and ethnicity.

Hate crimes require different treatment and probably different legislation. I acknowledge the work and research of my colleague in the University of Limerick, Jennifer Schweppe, on this issue. There are different views on how best to tackle hate crimes such as racially motivated assaults, racially motivated public order offences, criminal damage offences and racially motivated homicides, of which there have been some in Ireland. Does one deal with them through the creation of specific new offences or through sentencing provisions providing specific grounds for aggravation? Ireland has traditionally had a discretionary based approach to sentencing. As we have not provided specific guidelines for judges in legislation, perhaps we might examine that issue. Our judges have robustly rejected any attempt to plead racist motivation as a provocation defence in homicide cases. I can think of two high profile cases in which this was attempted and I am glad the judge rejected it. However, we must look carefully at how best to tackle hate crimes. Ireland has received adverse comment internationally for not including something in its legislation to deal with this issue. The Minister of State recently signed the Idaho Declaration of Intent, on 14 May, which commits Ireland to considering legislation on hate crimes based on sexuality and gender identity, which I welcome, but we must look carefully at this issue. This is acknowledged in the Government's motion.

Non-governmental organisations, NGOs, are doing immense work on the reporting and collating of data, but we clearly require a much better system. The idea of placing all racist incidents on the PULSE system might not work, especially as some might not meet the hurdle of being a criminal offence, but we must have a system in place, whereby we can collate data for racist incidents generally. It is hugely serious if somebody is subject to racist abuse and even if it does not fall into a category of a criminal offence, we must ensure there is a way of reporting and recording it.

All Members agree on the need for a new national action plan. The action plan for the period 2005 to 2008 clearly continues to inform ongoing work at governmental level, but we require a new and revised national action plan.

To conclude on a positive note, the recent European elections resulted in a rise for those on the far right across European countries, including the UKIP in Britain and Marine Le Pen and the National Front in France, whereas Ireland has not experienced that rise of political xenophobia and racism. We might have what one guide book rather disparagingly referred to as a particularly crude and ignorant form of racism, while others have spoken eloquently about appalling incidents of racism in Ireland, but at least we do not have the type of organised racist political activity which has sadly risen to the fore in other countries.

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Senator Sean D. Barrett: I thank Senators Fiach Mac Conghail and Katherine Zappone for tabling this important motion. It was tabled within 24 hours of the First Minister of Northern Ireland having to apologise to the Muslim community. I believe he apologised genuinely and profusely to the Imam, Dr. Raied Al-Wazzan, in Belfast last evening. He regretted the incident which had been caused by the speech of Pastor McConnell in Belfast.

On the happier side, I think of the installation of President Higgins, when representatives of all Christian traditions, as well as Muslims and Jews, participated in the ceremony, as they do in the annual Easter Monday commemoration at Arbour Hill. It would be very useful for Irish society if representatives of the Hindu, Islamic and Jewish traditions were seen and heard more by people and if their traditions were explained to the wider community. We want to build friendships with those who have come to this country. There are some great successes in that regard. President Obama was warmly received here, while Kader Asmal, a colleague of mine and Senator Ivana Bacik, was a major community figure. There was Anna Lo's contribution to the Chinese and ethnic communities in Northern Ireland. Paul McGrath and Phil Babb were two of most popular footballers who ever played for Ireland. There is also the success of anti-racism campaigns in sport, in which respect the FAI and the GAA have been mentioned.

We must get to know one another. The happy and warm events I have described would contrast sharply with what happened decades earlier at the funeral of the former President Douglas Hyde. On that occasion, people either stayed away or remained outside the cathedral as a result of the fact that he was a member of a different tradition, namely, the Church of Ireland. We are learning and we will try our best to help all of the organisations that are seeking to combat racism. The presentation made earlier today was most impressive, particularly in the context of the garda involved trying to recruit Senator Ó Clochartaigh to deal with the problem.

Senator Trevor Ó Clochartaigh: He was a sergeant actually.

Senator Sean D. Barrett: Everybody is welcome and I am delighted Senator Bacik referred to the citizenship ceremonies which were introduced by the former Minister for Justice and Equality, Deputy Shatter. I still recall people waiting at the back of the District Court until all of those who had committed burglaries, etc., had been dealt with before they could be sworn in as Irish citizens. The new regime in this regard is much better.

Our economy has been through a disastrous period and that has made life difficult for everybody. For example, approximately 250,000 fewer people are currently in employment than was the case at the peak of the boom. Let us hope that the great tradition established by people such as Daniel O'Connell to work against racism internationally will continue and that we will remain generous. I take this opportunity to thank those who are in the Gallery this evening. They are most welcome to Seanad Éireann. I also thank those Senators who tabled the motion which is the subject of this debate. This is a great way for the Seanad to relate to new communities. We will always be here to help to promote tolerance and diversity.

We must use existing legislation to combat incitement. We are trying to build a more tolerant society and I am of the view we have made substantial progress in that regard. Sometimes the best can be the enemy of the good. If we hear about incidents of racism, let us try to ensure that they are dealt with immediately. As stated earlier, I am impressed by the stance the Garda Síochána has taken in respect of this issue. I wish to assure all new citizens of this country, visitors and asylum seekers that they are all welcome. We will be informed by them on how we can improve our performance. We wish to make them welcome and we seek their guidance on

how we might do so.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire. Ba mhaith liom fáilte a chur roimh na cuairteoirí ar fad atá sa Ghailearaí. It is great to see such a multicultural gathering in the Gallery. It is unfortunate that the membership of the House is not as multicultural in nature but perhaps it will be at some point in the future.

I welcome this very important motion. As someone who is involved in quite an amount of work with people and groups from different cultural backgrounds, what strikes me most are the practical and current examples of racism in Ireland. Probably the most profound aspect of a very recent and moving presentation on direct provision in Galway related to the videos made by three teenagers in respect of their experiences of direct provision in the city. The teenagers in question referred to the attitude of other people towards them and the names they are called simply because they return to a hostel each night. They went on to describe how this makes them feel somehow lesser than other individuals. What we are discussing here, in a general sense, is the cultural issue of racism. However, there is also an issue with regard to State-bred racism and the direct provision system is an example of this. People, including the teenagers to whom I refer, are being put into that system - which was invented by Fianna Fáil and which the Government has, as yet, failed miserably to dismantle - and are subjected to racist taunts, comments, etc., as a result. That is completely unacceptable.

It is not good enough for us to simply wring our hands in respect of direct provision. We need to take action in respect of the system of direct provision which, like the Magdalen laundries in the past, is a scandal. As I have stated previously, it is being allowed to continue on this Government's watch. I hope the new Minister for Justice and Equality, who has previous experience of working with children, will look more favourably on reviewing the entire system and having the issues that arise in respect of it addressed.

The system we have in place also discriminates against members of other groups. I welcome the representatives from the Traveller community who are present in the Gallery. From my work with that community, I am aware that its members have encountered systemic issues which breed racism in Ireland. Some of those issues relate to the education system. For example, the cutbacks relating to education for Traveller children has had a huge impact, particularly in the context of how they relate to other children in their schools and communities as a result of the opportunities open to them.

On work opportunities for people from all sorts of different cultural backgrounds, there are those who find it much more difficult to obtain employment as a result of the colour of their skin or their ethnicity. That is simply unacceptable. A number of groups have brought to my attention the experiences of people of African ethnicity who are constantly harassed by the police. Even if they are speaking with a male of a different ethnicity, officers assume that a business transaction is taking place. Many instances of activity of this type have been recounted to me. For example, I am aware of the circumstances of a man who is living in a direct provision centre and who has a car and a driving licence. That individual has been informed by the police that he has no right to drive because he is an asylum seeker. He was asked how he can afford a car and told that if he can afford it, perhaps he should go back home.

As Senator Barrett indicated, we received a very good presentation from a garda earlier today on the subject of racism. However, there is a great deal of work to be done by the new Garda Commissioner, whomever he or she may be, in order to ensure that racism among mem-

bers of the force is properly dealt with. At numerous meetings of joint policing committees in Galway city and county, I have repeatedly inquired about figures relating the reporting of racist incidents. Such figures are simply not available because they are not recorded. That matter was covered during the presentation to which I refer. I refer, for example, to circumstances where a member of the Traveller community might be attacked and where this would be recorded by the gardaí involved as an assault as opposed to a racist incident. There are serious misgivings about this matter among people of other varying ethnic backgrounds and we are not obtaining a true picture of the nature of the racist incidents that are occurring. Up to now, the Garda has not had the will to record the type of figures to which I refer. We, as parliamentarians, and the Government must ensure that it does so in the future because we need to be in a position to gauge what is happening.

Another area of concern is that which relates to the use of labels and terminology. I have witnessed incidences of such labels and terms being used in this House. I am not trying to be sanctimonious but there have been occasions on which Members have used language which was not respectful to the members of ethnic minorities. When describing people, the media, politicians and professionals use terms such as “bogus”, “illegal”, etc., and this automatically presents a picture of individuals from different backgrounds not being as good as Irish citizens *per se*. This is a practice which must be challenged.

I welcome the call from the Immigrant Council of Ireland for Senators to support the motion. Sinn Féin certainly supports the motion but we are of the view that, if anything, it does not go far enough. We also support the call to the effect that there should be a national awareness campaign - based on those run by the Immigrant Council - in partnership with the National Transport Authority, etc.

Sinn Féin did well in the recent elections and received quite an amount of support from people of all ethnic backgrounds. We invited two ladies who are living in direct provision in Galway to come and celebrate with us on the evening of the elections. One of the women has been in the city for eight years and she informed me that it was the first occasion on which she had been out in a pub there since her arrival. That tells us something about the welcoming nature of Galway, which we would all say welcomes many people. The fact that people are isolated in the way I describe leaves a great deal to be desired. When the two ladies accompanied us into a local bar, I was very conscious of the reaction of other patrons. There is no question but that heads did turn and people did look. That is something which is not going to be easy to tackle and we need to do more work in our schools, etc., in respect of it.

I again welcome this important motion. As already stated, action is required in respect of this matter. There is no point in the House engaging in a debate on racism every six months while nothing changes. The incitement to hatred legislation must be buttressed and strengthened. The funding for many of the groups which work with people from ethnic minorities has been cut. This means that those who work to support such individuals are finding it difficult to cope and to continue to deliver services, which is simply not acceptable. The Government must address this matter. If on the one hand we say that we need to combat racism, we need on the other to make sure that we fund the organisations that are doing the vital work on the ground such as those represented by the people in the Gallery. An méid sin ráite, fáiltim roimh an rún. Tá aiféal orm go bhfuil an leasú molta ag an Rialtas agus ní bheidh muid ag tacú le sin ach leis an rún atá curtha síos ag na Seanadóirí. Tá súil agam, faoi cheann sé mhí, go mbeidh muid ag caint ar an dul chun cinn atá déanta seachas a bheith ag caint faoin mhéid atá le déanamh.

Senator Catherine Noone: I welcome the Minister to the House. Those in the Gallery are also very welcome. I welcome the motion and commend Senators Mac Conghail, Zappone and others on raising the issue. It is a subject that is worth debating and taking the time to reflect on. Ireland has changed greatly in its demography in recent years and has become a much more diverse place. This fact should be celebrated yet, as other Senators have expressed, racism is unfortunately still rife in this country. A debate such as this is therefore absolutely worthwhile and I hope that it will allow us to give more consideration to finding ways around racism.

The motion rightly points out that the programme for Government has a stated ambition to “promote policies which integrate minority ethnic groups in Ireland, and which promote social inclusion, equality, diversity and participation of immigrants in the economic, social, political and cultural life of their communities”. If we focus on the political aspect of that, we see a marked rise in the number of people from minority ethnic groups in Ireland who participated in the recent local elections. That is most welcome. We had a girl who ran for Fine Gael in my own area who came ninth in an eight-seat district, so we were very sorry that she did not succeed in taking a seat at local level. We certainly need more voices to represent the many ethnic communities that are in Ireland. I am sure that she will be successful on the next occasion.

Socially and culturally right across this city, we have seen diversity being promoted more than ever. A great many literary and cultural festivals are now taking place, promoted particularly by Dublin City Council. That is fantastic and can only enhance Irish society and culture. It is certainly one much more gentle way to try to dissuade people of their beliefs or behaviours when it comes to racism.

The motion rightly references the 2011 report of the UN committee on the lack of legislation around racial profiling by the Garda Síochána, particularly when it comes to Border controls. Down through the years, we have heard a number of reports about people who were startled by the blatant racial profiling which took place on Dublin to Belfast train and bus services, where individuals seemed to be singled out for no reason other than race. This, too, needs to be highlighted and consideration should be given to putting legislation in place.

There is no question that the reporting of racist incidents and the mechanisms to deal with them are inconsistent and unco-ordinated. Senator Ó Clochartaigh has made reference to this. It is easy to understand, because in any situation, even if one is the subject of sexism, it is difficult in practice to fight that fight on a daily basis and to report it every time that it occurs because sometimes it would seem trivial. I know from my own experience that a great many racist incidents simply go unreported and far too many are shrugged off or sometimes dismissed with “banter”, which is a catchall word. It is exactly the same with sexism. Incidents seem minor, but if one is subject to racism on a daily, weekly or monthly basis it is very difficult to fight that fight and to report such incidents every time they occur.

An incident which took place last year highlighted the type of racial abuse that people have to endure all too regularly. The woman in question, Úna-Minh Kavanagh, who spoke about the incident on her blog and to the media thereafter, was waiting for a friend outside a hotel on Parnell Street when she noticed a group of about seven teenagers walking towards her. As they passed her, one of them shouted a racial term at her and then one of the youths grabbed her face and spat at her. It was a dreadful experience for her. During the months that followed, she documented online the process of reporting it to the Garda and how it dealt with it. All told, the experience is something that I would not want anyone to go through, and nobody should go through it, but I applaud Ms Kavanagh for her bravery in reporting it, and then speaking about

it so honestly and openly. It highlights again how difficult it is to deal with such incidents as an individual.

The motion singles out the excellent work of the Garda Racial, Intercultural & Diversity Office, and I wholeheartedly agree. Although we are in financially difficult times, I can only hope that the resources that this office needs are kept in place so that the job it does remains effective. I hope also that the data collection of the Irish Network Against Racism can continue, along with the quarterly publication of *iReport.ie*. Many people across the country are playing their part in combatting racism, and it all starts with individuals like us having the courage to start a conversation when a racist remark is passed, saying: “Hang on. Why would you say such a thing?” We need to fight that fight with each occurrence.

Further, the motion calls on the Minister for Justice and Equality to review the Prohibition of Incitement to Hatred Act 1989 - Senator Ó Clochartaigh has referred to this - in order to introduce provisions to deal with racist crimes including definitions of ‘racial hatred’ and to consider ratification of European Conventions on Cyber Crime to ensure a robust response to online racism. These are modest proposals with realistic and achievable aims which should be looked at by the Minister over the coming weeks. I again commend the Senators in whose names the motion is tabled on raising the issue and thank the Minister. I know that we on this side have a counter motion, but I gather that it is practically identical.

Senator Paschal Mooney: We Irish should be the least racist people in the world, primarily because of our huge diaspora and because of our culture, going back over hundreds of years and sadly right up to the present day, of exporting our people. In America, some 40 million people claim to be Irish and some 60 million or 70 million Irish people - it is a phenomenal figure - have settled worldwide. I, too, was among that number when I was a teenager and in my early 20s. I emigrated to London seeking work. I rarely encountered any racism directed towards me personally, although I was aware that there was an underlying anti-Irishness at that time - it was the late 1960s and mid-1970s - primarily because of the Troubles in Northern Ireland. It is because of all those experiences that I say that we Irish should not be racist people, yet figures indicate that, as a result of the entry of people of different cultures, different faiths and different colours during the past 15 years, those who are charged with monitoring racist offences and racist attacks point to an ever growing and concerning level of such attacks.

I applaud the Taoiseach’s nominated Senators for putting their name to this motion. We need to debate issues of this nature more regularly in this House and in Parliament generally. I was struck by the first part of the motion, which states that, “tackling racism and promoting diversity is not just the responsibility of Government: everybody in Irish society, including individuals ... have a responsibility to address racism and its impact on the people who experience it”.

I was chairman of the human rights committee of the Council of Europe until 2007. As chairman of Leitrim Country Childcare Committee, I have promoted diverse multicultural activities involving parents and children of those who have settled in our county, primarily but not exclusively the Kurdish population, under Programme Refugee. I remember standing for the council and promoting the view that we in Leitrim, along with other parts of Ireland, should welcome families of Programme Refugee, who at the time were coming from Kosovo. As a result of this I received a considerable amount of hate mail.

It would perhaps be surprising to this House, in the context of the remarks that Senator Mac-

Sharry made earlier in his contribution, that I stumbled and fell into this cesspit of racism while making remarks on a taxi regulation Bill, where in attempting clumsily to ask questions about why there was not more training of taxi drivers in Dublin I used language which was wrong, stupid and grossly offensive to those of a different culture to mine. I apologised at the time and I apologise again, considering the background that I outlined. One of my brothers, who lives in France, is part of a multicultural family. I would be the least likely to be accused of being racist but I was so accused. For an uncomfortable but brief moment - brief being a few weeks, which did not feel brief at the time - I came to somehow understand what it must be like to be the subject of racist abuse and attacks because I was attacked, vilely in many cases, and accused of the most outrageous attributes, which were totally alien to me then and remain so now. My experience of this abuse came through social media and because a political party represented in this House decided to make political capital out of my misfortune by publishing on YouTube an edited selection of what I had said in the House. I received a great deal of vile abuse as a result of that activity, including dozens of messages to my personal e-mail account. By the way, I replied to every one of these messages. I tried to undo the damage I knew I had done. Within hours I apologised but it seems my apology was not sufficient. This raised its own issues about those who are most liberal sometimes being the most intolerant.

I make these remarks as a brief example of what it must be like for somebody to suffer the sort of racism we are discussing today. I experienced it from a different perspective but in the same context. I was taken by the survey by Integration Centre Ireland and other bodies that monitor racist attacks, which found it 22 times more likely that racist incidents would be reported in England and Wales than in Ireland. The centre's public affairs director, Helena Clarke, has said that the under reporting of such incidents is a worrying problem in Ireland because it is obvious that racism is not 22 times more likely in England or Wales than in Ireland. The figures collated by the Garda appear to be in stark contrast to the data collected through a hotline which recorded 60 specific attacks nationwide over a three month period, compared to the Garda's figure of 19 incidents over the same period. To its credit, the Garda suggests that the discrepancy probably arose through incidents being recorded in other categories, such as assaults, where motive could not be initially established. I welcome that the Garda has appointed 322 personnel to act as ethnic liaison officers covering every district in the State. Uniquely in Europe, Ireland does not have legislation allowing crimes involving racist, religious or homophobic motivation to be considered as an aggravating factor in sentencing. That issue is dealt with in this very well worded motion.

A common theme running through several Members' contributions is the importance of education. Good manners dictate that I should have welcomed the Minister of State earlier, and I ask her to forgive me for failing to do so. A study carried out in England found that based on a sample of English educational institutions, racist attitudes and behaviours are common among both pupils and teachers. Most of the teachers surveyed had received little or no education on tackling racism or promoting race equality while training or teaching. Many considered that the best approach was to adopt a colour blind position of ignoring difference and attempting to treat all children the same. The study found a lack of evidence that the majority of institutions had made a serious attempt to embed race equality and highlighted the need for widespread training, including in-service training to empower educators with the skills and knowledge required to consider issues of race equality in lesson planning and delivery, value and acknowledge differences and similarity amongst their pupils, tackle racism and create an environment of openness in which young people can develop positive attitudes and a critical awareness of the world.

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Ultimately, however, it is what happens in the home that frames young people's attitudes. As parents, we have that responsibility. I welcome and applaud this motion.

Senator Mary Moran: I welcome the Minister of State back to the House and commend my Independent colleagues for tabling this motion and facilitating a debate on this matter. I understand the Minister of State will give consideration to a number of the issues raised in the motion, including the proposal for establishing a centralised database and the relationship such a database could have with PULSE. Late last year and early this year we were presented with a number of reports documenting an increase in racist incidents and behaviour. This matter was raised in the House on numerous occasions by my colleagues and I found the reports very disturbing. A key statistic provided by the Immigrant Council of Ireland, ICI, is that almost one in five cases of racial abuse is committed by people under the age of 18 years. I was shocked by that finding. The annual racist incident statistics for 2013 from the ICI found that school holidays were a peak period for racist abuse. In March, the ICI reported that it had been notified of 44 cases of discrimination and racism for the first two months of the year, representing an increase of 39 cases on the same period in 2013. Most worrying is that many of these cases occurred in the reporting individual's local community or home. Many people in society will condemn racist behaviour and acts of discrimination but, unfortunately, we continue to hear the comment: "I am not racist, but". Some people still begrudge the payment of social welfare benefits to immigrant families or people of a different ethnicity, race or religion. If people are entitled to such benefits, we should not begrudge them.

I thank Senator Mac Conghail for the briefing session he arranged in advance of this debate, although I apologise for being unable to attend it. A member of my staff attended the briefing, however, and was very impressed by it.

We have no idea of the experience or background of the immigrants who seek to live or are currently living in Ireland. I am aware of many individuals who wish they could return to their home countries but are unable to do so because of persecution, war or other valid reasons. During my time as a teacher, I dealt with a number of students who were very upset because they were at risk of female genital mutilation if they returned home. It was a major issue to ensure they could remain in Ireland. Many individuals who seek to build a new home in our country have been victims of unimaginable atrocities and witness to unbelievable horrors.

There are many resources at our disposal to deal with the reported increase in racial abuse. One of the most powerful tools is education but the Garda racial, intercultural and diversity office, relevant NGOs and the cross-departmental office for the promotion of migrant integration, to name but a few, also have a part to play. I am aware of the excellent work done by the Garda racial, intercultural and diversity office and, by extension, the trained ethnic liaison officers in providing a sensitive and co-ordinated monitoring function in communities across the country. These officers connect with sections of our society that, at times, can be overlooked or feel uncomfortable in reporting racially motivated behaviours or actions. The Garda racial, intercultural and diversity office, GRIDO, and ethnic liaison officers play an important role in our diverse society. It would be useful to see their work enhanced, given the increases evidenced in the 2012 CSO figures. NGOs and various partners have been excellent in promoting awareness and working with the Garda in ensuring that cases of racial abuse are reported.

The Department of Justice and Equality's office for the promotion of migrant integration is cross-departmental in its policy development and co-ordination and monitors trends in racist incidents. One of the office's functions is the provision of funding to organisations that work

with the migrant community. In 2013, €1.78 million was spent on initiatives that promoted integration and anti-racism measures.

This House could do more to provide a proper platform for minority groups and allow their voices to be heard more clearly. This suggestion could be investigated further in terms of Seanad reform. It would provide the House with a necessary and new perspective on the important issues being faced.

We all search for the happiest lives that we can provide for ourselves and our families. Families from other cultures, countries, religions and backgrounds are no different and should be embraced and included in our country's vision. We need to hammer home the idea that it is not "us" versus "them". Unfortunately, some people in our society still need to shake off this mentality. It is crucial that we continue to debate and remain vigilant on this issue. If it ceases to be a topic of discussion, I fear that we will end up discussing a much larger problem.

Minister of State at the Department of Health (Deputy Kathleen Lynch): Like others, I know that no one is perfect. I most definitely do not fall into that category. It was brave to point out that, if this happened to any of us, we would hide it and not want it mentioned. Equally, it was brave to admit that we can all be unfortunate sometimes in the words we choose.

Senator Mary Moran: Hear, hear.

Deputy Kathleen Lynch: We must be more considerate and tolerant of one another.

I thank Senators Mac Conghail and Zappone and their colleagues for tabling this motion. I am attending on behalf of the Minister for Justice and Equality, who Senators are probably aware is taking the Irish Human Rights and Equality Commission Bill 2014 in another part of this building.

Racism has no place in our society. It denies people not only their human rights, but also the respect and dignity they deserve. It is based on notions of superiority that are contrary to all right thinking. Listening to Senator MacSharry, it struck me that we do not want to fall into the camp of being patronising either. People from different backgrounds who come to live in this country want to be treated with respect and equality, but this does not mean that there can be no disagreements on how to proceed. Being able to disagree on an action is actually a mark of respect. Above all else, we must treat people with the respect we expect of them.

People coming to a different country can find themselves isolated. When the Irish went abroad, they usually travelled to countries where they spoke the language. Typically, they stayed together and supported one another to become prosperous. It did not happen for everyone, but it did for many.

My daughter, a postwoman and a tiny person, loves her job, finishes early and goes home to her babies. She once told me a story about a family to which she delivered a letter once every two weeks. It was such an occasion that the family members waited for her. She was the only person from Ireland with whom they spoke in all of that time. On the one hand, this is a significant plus for An Post but, on the other, it marks us down in terms of inclusion.

Therefore, this motion addresses an issue that goes to the core of our sense of ourselves in the context of the new Ireland that has emerged in the past decade or so. The data collected in the 2011 census showed that 12% of our population were migrants who had come to work, live

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or study here. Ireland has become a much more diverse society and has remained for the most part a nation of welcomes. This is reflected in a relatively low level of reported racist crime. I will deal with this point later, as I have taken Senator Mac Conghail's comments on board. In 2013, 92 such crimes were reported while figures for racist incidents released by the Immigrant Council of Ireland last December, which include incidents not amounting to a crime, reported 142 such incidents in the year to 7 December 2013.

For many generations, our citizens have sought opportunities in foreign lands. Many have prospered in doing so. We now find ourselves in the position of others coming to our shores seeking to avail of the opportunities that this State can provide. We benefit greatly from those skills and the cultural diversity such migrants bring with them just as other countries have benefited from the skills and culture that Irish emigrants have brought to their shores.

Successfully harnessing and managing this diversity is a key opportunity, and a key challenge, for everyone. Ensuring that racism has no place in our newly diversified society will be an important part of that endeavour. We cannot be complacent in this regard. Every citizen has a moral responsibility to help protect those in our society who are subject to actions on the part of others that are offensive or insensitive and to challenge such behaviour.

I will address some of the important issues raised by the motion. In the programme for Government, the Government committed to promoting policies that integrate minority ethnic groups and promote social inclusion, equality, diversity and the participation of immigrants in the economic, social, political and cultural lives of their communities. This is a commitment that the Government is and will continue to take forward. A key initiative in this regard is the cross-departmental review of Ireland's integration strategy, which is being led by the office for the promotion of migrant integration of the Department of Justice and Equality. That review, building on work already under way across the Government, will provide the basis for a new and updated integration strategy. It is important that the new integration strategy should be geared to current and expected future conditions and drive integration work forward at local and national levels, thus responding to the needs of a diverse Irish society.

A public consultation exercise has already resulted in approximately 80 submissions being received. A number of face to face meetings between officials and parties who have provided material for consideration will take place in the coming weeks and months. Promoting intercultural awareness and combating racism and xenophobia will be an important element of the work of the cross-departmental group. Proposals for better addressing the problem of racism are also among the many issues addressed in the submissions that have been made.

I am aware of the work undertaken by the Joint Committee on Justice, Defence and Equality as regards integration, multiculturalism and combating racism. I look forward to its report on these issues so that it can feed into the work of the cross-departmental group.

I welcome the acknowledgement that effective action to tackle the problem of racism cannot be taken by the State alone. I also welcome the acknowledgement of the important work being done in this regard by the Garda intercultural and diversity office. GRIDO has responsibility for co-ordinating, monitoring and advising on all aspects of policing Ireland's diverse communities and monitors the reporting and recording of hate and racist crime on a continual basis. GRIDO also supports the work of Garda ethnic liaison officers who are in place throughout the country and works with minority communities at local level. Garda ethnic liaison officers work in partnership with minority groups and representative organisations to encourage tolerance,

respect and understanding and to help prevent hate and racist crime.

7 o'clock I would also point to the important role that will be given to the Irish Human Rights and Equality Commission to support programmes of activities and projects for the promotion of migrants and other minorities and respect for diversity and cultural difference. As I said, that Bill is currently being debated in the Dáil.

The issue of strengthening the law to combat racism is raised in the motion. This is also an issue raised in the submissions made arising from the review of integration policy. It is important to remember that we have in place a comprehensive legislative framework on racism and discrimination which is, and will continue to be, informed by relevant international conventions and EU legislation. The Prohibition of Incitement to Hatred Act 1989 is directed to addressing the issue of incitement. This Act makes it an offence, *inter alia*, to use words, publish or distribute written material or broadcast any visual images or sounds which are threatening, abusive or insulting and are intended, or, having regard to all the circumstances, are likely to stir up hatred. In addition, offences which are committed with a racist motive can also be prosecuted under the general criminal law, and in this case the principal Acts that can be relevant for this purpose include the Criminal Justice (Public Order) Act 1994, the Non-Fatal Offences Against the Person Act 1997 and the Criminal Damage Act 1991. The relevant offences under these Acts are relied on where criminal offences such as assault, criminal damage or public order are committed with a racist motive. It is important to remember that in sentencing a trial judge can take aggravating factors, including racial motivation, into account. There is also the possibility of an appeal against the sentence in any case where the Director of Public Prosecutions believes it to be unduly lenient.

Defining common offences of a racist or xenophobic nature as specific offences or introducing aggravated sentencing would have wider implications for criminal law which would need to be carefully considered before changes are made. None the less, the Minister, Deputy Fitzgerald, has indicated her commitment to reviewing and strengthening the legislative framework where possible, including in relation to the 1989 Act. The Minister believes this issue should be considered in the framework of the reviews now under way and will return to this Chamber later in the year to update Senators on this matter. I know Senators are anxious to have a timeframe in this regard and I will do my best to get it for them following this debate.

Legislation to enable enactment of the Council of Europe Convention on Cybercrime is at an advanced stage in the Department. When enacted, this legislation will open the way to ratification of the convention. It will then be possible to consider ratification of the associated protocol on racism and xenophobia. I understand that, subject to confirmation by the Office of the Attorney General, it is likely that existing legislation would allow ratification of the protocol without any further legislative change.

The national action plan against racism was designed to provide strategic direction towards developing a more intercultural and inclusive society in Ireland, and is also integration-driven. Under the plan, support was provided towards the development of a number of national and local strategies promoting greater integration in our workplaces, An Garda Síochána, the health service, our education system, the arts and sports sectors and within our local authorities. The national action plan, therefore, continues to inform ongoing work. Against this background, the Minister will be happy to consider how work begun under the previous national action plan against racism can now best be taken forward, and consideration of this will be informed by the ongoing cross-departmental review of Ireland's integration strategy, to which I have already

referred.

The office for the promotion of migrant integration of the Department of Justice and Equality, in consultation with An Garda Síochána, the Central Statistics Office and other relevant bodies, including NGOs, continues to monitor trends in racist incidents. Statistics on racist incidents and information on where to go to report a racist incident continue to be made available on that office's website. The Minister is also aware of the work being done by non-governmental organisations such as the ENAR Ireland, the Immigrant Council of Ireland, the NASC and others in encouraging the reporting of incidents and in providing support to the victims of racist incidents. It is my hope, however, that racism will not be a silent crime, with victims afraid or unwilling to come forward, as it is only through the reporting of incidents that authorities can, as stated by Senator Mac Conghail, take action to ensure that individuals who engage in unacceptable actions are tackled. The Minister is committed to implementing whatever measures can be taken to improve the situation in this regard, including measures directed to improving and, where possible, centralising the reporting and recording of racist incidents in order to ensure the most complete possible picture of the situation. As stated, current reporting and gathering of this type of information and statistics is not good enough. I should, however, stress that the data contained in the Garda PULSE system refer to crime incidents which meet the recording requirements of the Irish Crime Classification System. PULSE is neither intended to be nor suitable as a database of racist incidents generally. Again, the Minister is happy to return to this Chamber later in the year to discuss progress on this front.

It will be clear from what I have said that the Minister is supportive of many of the ideas which inform the motion before the House today. In proposing an amendment we have sought to incorporate those ideas, while taking account of the work now under way on the different aspects of the issue, particularly in the context of the reviews now under way at Government level and in the Oireachtas. All issues raised by Senators, including the need for a strengthening of the criminal law, ratification of the convention and protocol on Cybercrime, taking forward the work begun under the national action plan to combat racism and the reporting and recording of racist incidents, will be further considered and taken into account in the work now under way.

Three central issues have been raised by Senators: the gathering and recording of information; the need for that process to be centralised; and the need for further training of gardaí to whom these crimes are being reported. We have all been present at or witnessed various incidents. In the two incidents I witnessed, I would put money on it that the persons being racially abused at the time, despite having the support of those around them, did not report them. We need to undertake research into the reason a person would consider it not worthwhile to report abuse. The other issues raised relate to legislation, which I heard loud and clear and will bring to the Minister's attention.

As stated, I will seek from the Minister a timeframe in respect of when she will come to this House to update Senators on this matter.

Acting Chairman (Senator Paschal Mooney): I also thank the Minister of State for her very kind remarks.

Senator Aideen Hayden: I will be brief. Like others, I thank the Independent Senators for bringing this motion before the House. I would like to make a couple of comments based on my personal experience in the area of housing. First, I believe we can also have racism by omission. It is important to remember in the context of access to proper information and advo-

cacy that a person, on the basis of his or her race, can be denied information in the right context, format and language. We need to be very aware of this.

Through my work on the Private Residential Tenancies Board, PRTB, I dealt with a number of cases of anti-social behaviour in respect of which it was very difficult not to conclude that there were racist motivations in the bringing of some of those actions. We need to be conscious when examining the law that the experiences of people in some cases which would appear to be benign can actually be disturbing. I was struck by a recent report in the *Irish Examiner* in which Denise Charlton from the Immigrant Council of Ireland stated: "...worryingly, 40% of the reported incidents so far this year relate to attacks on the family home or in a person's local community." We must be aware that people need to feel safe in their own homes. We also need to look at all of the legislation, across the board, to proof it for racism.

I want to ask the Minister of State about the Equal Status Acts 2000 to 2012. It is my experience that racism can sometimes be very difficult to prove because we have failed to include other grounds for discrimination. For example, I was privy to some recent reports in Belgium where research was being done on racial discrimination in access to housing. Belgium has equality legislation which prohibits discrimination on economic grounds. In other words, one cannot be discriminated against on the basis of one's source of income if, for the sake of argument, that is a social welfare payment. The research found that where people do not have that type of protection, persons are discriminated against on a racial basis using other grounds for discrimination, such as their source of income.

In Ireland - this is my current experience - it is very difficult to access housing, particularly in the private rental sector. It is my view that people are being discriminated against on a racial basis because we do not have legislation that prohibits discrimination on the basis of one's source of income. I ask that we consider changing the Equal Status Acts to bring in that ground - in other words, to provide that one cannot discriminate on the basis of the source of a person's income. In many cases, people are being discriminated against on the grounds of race in terms of access to housing. They are being discriminated against because they wish to access housing by means of a social welfare payment. I want to take this opportunity to ask the Minister of State to consider making that particular legislative amendment. It would make an important difference in the manner in which housing can be accessed in this country.

Senator Fiach Mac Conghail: I, too, acknowledge Senator Mooney's personal statement earlier. He showed great courage, and long may that continue in the House.

I also welcome the Minister of State here again. I have a huge amount of respect for her and am a great admirer. However, I cannot help but think - not of her personally - that her speech was completely kidnapped by the Department. It has been completely drowned in sentiment, though not sentiment that she expressed, in fairness. She stated: "Ireland has become a much more diverse society and, I believe, has remained for the most part a nation of welcome. That is reflected in a relatively low level of reported racist crime." This was accompanied by figures. Everyone in this House has questioned the veracity of those figures. I am not being discourteous to the Minister of State because I have great admiration for her. However, I have issues with statements she made about certain measures.

I know the Minister of State cannot commit to the timeframe, but the Government took the sense of our motion and cut and pasted it into its motion. We are waiting for some kind of commitment, particularly on the two basic issues of data collection and legislation. First, we have

all accepted the motion. I would love the Government to give a commitment today to establish a centralised partnership across NGOs and Government regarding data collection, once and for all, and we should also be given a timeframe.

Second, I accept that there might be some technicalities associated with legislation. The Minister of State spoke about defining common offences of a racist or xenophobic nature as specific offences. Clearly, there was no provision for the racial motivation of a crime to be considered as an aggravating circumstance during sentencing in a trial. That is a fact. We must depend on some judges having empathy towards the case. We need to look at the matter. Racism needs to be explicitly recognised as a crime.

I accept the interjection made by Senator Bacik on race crime versus race speech. The challenge is to develop a legislative framework to effectively deal with issues experienced on the ground. There was an infamous incident whereby Andy Cole travelled to Ireland and England, where he was racially abused by two Irishmen. If he had travelled to Ireland and it had happened the other way around there would have been no arrest or imprisonment. That is just the basic difference between Irish and UK legislation. There is an urgency about this matter, but I did not hear this in the cold amendment and the fact that there is no timeframe. Terms such as “whatever measures” were used, and that caveat appeared throughout the speech. Again, I qualify that these were not the Minister of State’s words. I understand that she has empathy towards the issue and appreciated the wonderful story about her daughter.

Is the Government committing to anything more than is already happening? Are we conflating the issues of integration and racism? They are completely different issues, although probably not within a holistic approach. The Government must try to achieve some modest but crucial developments in two ways. The first is to do with data collection, which is a no-brainer. Second, we need a commitment to review the legislation. That is what we are looking for. I accept the issues with regard to polls. If I were to press for a vote then I would have to accept that if our motion was rejected the Government would have to come back and address the matter.

I am disappointed with the Department’s lack of urgency and clarity in what it considers to be elemental in combatting racism. How can one begin to implement a policy without centralised data collection? How can one do so without a centralised understanding of qualitative and quantitative levels?

In terms of legislation, we need clear definitions of race crime and racial hatred. The Public Order Act 1986 in the UK, which preceded the 1989 Act in Ireland, was able to provide both definitions. We should have a debate on the matter within this timeframe. There was no sense of urgency and no commitment given to achieve that goal in the Minister of State’s speech, which, in fairness, was not drafted by her.

An Cathaoirleach: Is the Government amendment being pressed?

Senator Martin Conway: Yes.

Amendment put:

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| The Seanad divided: Tá, 18; Níl, 16. | |
| Tá | Níl |
| Bacik, Ivana. | Barrett, Sean D. |

Seanad Éireann

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| Brennan, Terry. | Byrne, Thomas. |
| Coghlan, Paul. | Crown, John. |
| Comiskey, Michael. | Cullinane, David. |
| Conway, Martin. | Daly, Mark. |
| Cummins, Maurice. | Mac Conghail, Fiach. |
| D’Arcy, Michael. | MacSharry, Marc. |
| Gilroy, John. | Mooney, Paschal. |
| Hayden, Aideen. | O’Brien, Darragh. |
| Henry, Imelda. | O’Donovan, Denis. |
| Keane, Cáit. | O’Sullivan, Ned. |
| Landy, Denis. | Ó Clochartaigh, Trevor. |
| Moloney, Marie. | Ó Domhnaill, Brian. |
| Moran, Mary. | Power, Averil. |
| Mullins, Michael. | Wilson, Diarmuid. |
| Naughton, Hildegard. | Zappone, Katherine. |
| Noone, Catherine. | |
| Sheahan, Tom. | |

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Fiach Mac Conghail and Katherine Zappone.

Amendment declared carried.

Question put: “That the motion, as amended, be agreed to.”

| The Seanad divided: Tá, 18; Níl, 16. | |
|--------------------------------------|-------------------------|
| Tá | Níl |
| Bacik, Ivana. | Barrett, Sean D. |
| Brennan, Terry. | Byrne, Thomas. |
| Coghlan, Paul. | Crown, John. |
| Comiskey, Michael. | Cullinane, David. |
| Conway, Martin. | Daly, Mark. |
| Cummins, Maurice. | Mac Conghail, Fiach. |
| D’Arcy, Michael. | MacSharry, Marc. |
| Gilroy, John. | Mooney, Paschal. |
| Hayden, Aideen. | O’Brien, Darragh. |
| Henry, Imelda. | O’Donovan, Denis. |
| Keane, Cáit. | O’Sullivan, Ned. |
| Landy, Denis. | Ó Clochartaigh, Trevor. |
| Moloney, Marie. | Ó Domhnaill, Brian. |

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| Moran, Mary. | Power, Averil. |
| Mullins, Michael. | Wilson, Diarmuid. |
| Naughton, Hildegarde. | Zappone, Katherine. |
| Noone, Catherine. | |
| Sheahan, Tom. | |

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Fiach Mac Conghail and Katherine Zappone.

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Maurice Cummins: Tomorrow morning at 10.30 a.m.

Adjournment Matters

Job Retention

Senator David Cullinane: It is not a good time for Waterford or the workers of Bausch & Lomb. Last Thursday, the dreadful news was delivered to us that the management had called in the members of staff to inform them that it was seeking 200 redundancies and pay cuts of 20% for the remaining 900 staff. Since then, there has been much discussion and many meetings between Oireachtas Members and the management of the company, between Oireachtas Members and the Minister's office and the Department, and between the enterprise agencies and the company. More importantly, union representatives are locked in discussions with management and we wish both parties well in their discussions. We are looking forward to a better outcome in terms of what was announced a number of weeks ago. I appeal to the Minister to ensure that every effort is made to protect and maintain jobs at the plant in Waterford and that every resource of the State, in terms of the enterprise agencies and the industrial relations machinery, is made available to the union, the workforce and the company to get the best possible outcome.

Perhaps the Minister will outline the discussions that have taken place between the Department, the Minister and the company in the lead-up to the announcement and why trade unions were kept in the dark about what was happening. It seems the workers and their union representatives were the last to find out. Perhaps the Minister can explain the supports offered in respect of supporting and retaining jobs at the plant. My understanding, from discussions with the vice president of the company, is that any support the Government is willing to offer is completely independent of the €20 million saving they say must be achieved to make the company viable. This includes the 200 redundancies and pay cuts of 20%. Why is Government support not part

of an overall package to mitigate the effect, especially the 20% pay cut that unions have articulated as unsustainable for families? We need the Minister and the Government to be active participants in what is happening. I acknowledge that the Minister has had discussions with the company and has put on record the Government's willingness to support the company where it can. How will that happen? What tangible support can be put in place and what practical support has been offered to the company?

The Minister knows there is understandable anger and frustration in Waterford because of the overall jobs situation in a jobs crisis. Even if we can mitigate the number of redundancies the company seeks and the pay cuts, there will be considerable hurt and the workforce must endure redundancies and some level of pay cuts. That will have an impact on the local economy, especially in a city with high levels of unemployment such as in Waterford city, the county and the south east. What practical steps has the Government taken to implement the Forfás report, published by an arm of the State that comes within the remit of the Minister, which made clear recommendations? Have all of the recommendations been implemented? The Minister is aware of the south-east economic development strategy published by the Oireachtas Joint Committee on Jobs, Enterprise and Innovation last year. A similar report was published by the newly merged authority in Waterford city and county, making similar risk recommendations about the need for university, a level playing field for foreign direct investment, regional grant aid, the need for regional office of the IDA based in Waterford, a regional director of the IDA based in Waterford, and a regional strategy of the enterprise agencies working to a regional plan. What concrete proposals have been implemented by the Minister and the Government since the reports were published? Does the Minister agree that far more must be done to shore up, protect, maintain and create jobs in Waterford city and county and the south-east region generally?

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I thank the Senator for raising this issue. I share his concerns following the recent developments in Bausch & Lomb initiated by the new owners of the company. I fully realise the exceptional pressures on workers and their families that stem from the restructuring proposals made by Bausch & Lomb. The company has provided significant numbers of jobs in Waterford for several decades for which it has been a valuable part of Waterford's industrial landscape. IDA Ireland has worked closely with it to help it to develop the plant in the city and seek to safeguard its future here. With IDA Ireland, I have been engaging with Bausch & Lomb for some time on recent developments in an effort to secure as many jobs as possible in Waterford. The company has stated its clear preference is to keep the Waterford plant open. I have been assured by it that it is seeking to introduce voluntary redundancies in the first instance. I am pleased to confirm that my Department and IDA Ireland are proposing substantial financial support for a major investment by the company to secure its future and position it for expansion in the event that restructuring is successful.

I met senior executives from SIPTU earlier today when we had a constructive discussion on all aspects of the difficulties. It is heartening that the discussions which commenced between the company and the unions in Waterford yesterday appear to be progressing in a satisfactory manner, although, of course, there are significant obstacles to be tackled. I urge both sides to engage constructively in discussions to secure the future of the plant and position it for future investment.

The Deputy has raised some other issues. In cases in which companies are facing difficult decisions there is an early warning system in place under which we seek to be alerted to dif-

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difficulties such that IDA Ireland can work with them to try to maximise job protection. Clearly, such discussions cannot be held in public or made public knowledge for public representatives. Having said that, I can understand people wishing to know everything that is happening. By their nature, these discussions are confidential and we work with companies, especially publicly quoted companies such as Bausch & Lomb, while respecting that there must be confidentiality. It is essential that we be able to work with companies to maximise the protection of jobs. I realise this issue got into the media before the company had an opportunity to sit down with the workforce and can understand how people were upset by this. As always, our efforts involve working with many companies that have different difficulties to try to maximise job protection in all cases.

I accept what the Senator says about the challenges faced in the area. On my initiative we took steps to put a particular concentrated focus on the south east. That continues to be the case and we have recorded progress in some areas. Of course, further work remains to be done. As part of An Action Plan for Jobs 2014 we are committed to developing a regional enterprise framework for the south east. However, as is the case for all regions, we need to look more carefully at the potential to develop the regions and their competitive advantages. I am moving to create a framework whereby all stakeholders can have a meaningful role to play. I acknowledge that this is something we need to develop and that it has not really been a part of enterprise strategy in the past.

Senator David Cullinane: Unfortunately, the early warning system did not involve the workers. I am not in any way concerned about the information public representatives are given. As it turned out, I ended up receiving information before the workers and the trade union. Clearly, the early warning system did not work for the workers.

I raised the wider issue of job creation in Waterford. The point I was making was related to the south-east economic development strategy and its core recommendations. I am making a direct appeal to the Minister. Is he prepared to meet me to discuss the report, its recommendations and the efforts that can be made by him and Government agencies to implement the report? Will he give me that commitment?

Deputy Richard Bruton: IDA Ireland's early warning system is about identifying companies within its remit that are facing difficulties and seeking to work through a transformation agenda. Over three quarters of IDA Ireland's budget is spent on the transformation agenda and working with companies to reposition them to protect jobs for the future. This work is not done in the public arena, rather it is done on the basis of confidentiality, which is expected by companies in their dealings with IDA Ireland. The agency must do this. Naturally, companies must work with their employees, but the relationship between them is a matter for which they take responsibility. We try to pre-empt job losses in every way we can and that is what we have sought to do in this case. We have published the south-east action plan and I have had several meetings with stakeholders in the south east. I am always open to and will plan to have further meetings with them. I have also met public representative and I am always open to meeting them.

Senator David Cullinane: I was referring to the joint Oireachtas committee's south-east economic development strategy report.

An Cathaoirleach: The Minister to continue, without interruption.

Deputy Richard Bruton: I am always open to meeting public representatives and I have no problem meeting them. This is an area in which I have taken an initiative to place a focus on the south east. I have recognised the need identified and taken an active role in trying to meet it. I welcome the support of public representatives in seeking to meet it.

Regional Development

Senator Hildegard Naughton: I welcome the Minister and thank him for addressing this important issue.

The most recent figures available from the Department of Jobs, Enterprise and Innovation indicate that IDA Ireland has not achieved its 50% investment target in areas outside Dublin and Cork. In fact, investments outside these two areas in the period 2010 to 2013 accounted for only 35% of all foreign direct investment announcements. The IDA Ireland strategy for the period 2010 to 2014, Horizon 2020, set a regional economic development target of 50% of investments in regions outside Dublin and Cork. In fact, this figure was vastly undershot. Only 35% of all investments in the three year period to 2013 were in areas outside Dublin and Cork. The actual monetary amounts in grant aid reveal the disparity in starker detail. In the three years to the end of 2012 IDA Ireland made grant payments to its client companies in Dublin totalling €111,620,999, with companies in Cork receiving €49,520,980, while companies in Galway lagged well behind, receiving €35,808,683. Companies in Limerick received even less.

I understand that under an Action Plan for Jobs 2014 IDA Ireland and Enterprise Ireland are working with the Department of Jobs, Enterprise and Innovation to develop a framework for a regional enterprise strategy to better integrate the work of the various state agencies involved, in conjunction with an analysis by Forfás of the foreign direct investment strategy. What is the position on the development of these projects? Rather than simply taking pot shots, we should be honest: by and large, technology workers wish to locate in cosmopolitan areas. Our manufacturing base is changing and it is increasingly difficult to attract jobs in what was the traditional industrial production sector, into which China, India and the East are fast expanding. The days when the local Deputy was able to organise a factory to open in the local town or village are long gone and anyone who suggests otherwise is merely playing politics. The new areas of excellence are due to our young workforce being able to compete in knowledge terms in the areas of research, finance, technology and related services.

While I acknowledge the attractions of Dublin and Cork as locations for investment, other areas have a considerable amount to offer. Dublin and Cork are not the only areas in Ireland which offer cosmopolitan living.

8 o'clock The recent sod turning for the remaining motorway between Galway and Gort will bring a major international airport within an hour's drive of Galway and also make the commute between Galway and Limerick very easy. We also have Knock international airport on the doorstep, as well as a first class motorway to Dublin from both Galway and Limerick. Galway is a hub for the medical devices industry, with Ireland fast becoming increasingly recognised as a major player in that sector. Galway is also well known for its cultural attractions and many festivals.

While I welcome IDA Ireland resuming building in regional locations, particularly the recent announcements of the construction of advanced technology buildings in the midlands

and the south east, are there plans for similar developments along the western seaboard? There is an enormous imbalance in the current system and a need for much greater concentration on regional development in the foreign direct investment strategy.

Deputy Richard Bruton: I thank the Senator for raising this important issue. She has underlined to a degree some of the difficulties facing IDA Ireland in securing a regional spread. Much of the mobile investment in recent years has been high tech, high skill, research-related investment which has, to a large degree, been focused on cities that offer that environment. The figures show that Galway is not doing particularly badly. It has had major employment expansion under IDA Ireland in each of the last three years; therefore, it is a very competitive urban environment in that context.

The Senator raised the wider issue of the ambition IDA Ireland had set in its original strategy of 50% of new investments in regions outside Dublin and Cork. It has been unable to achieve that target. The result for 2013, at 30%, was ahead of the outcome of 25% in 2012. Clearly, we would like to do better in this regard. To that end, we are considering a broad-based regional enterprise strategy. In looking at regional enterprise strategies we must also have a realistic view of the role of foreign investment. Foreign investment overall in Ireland represents approximately 8% of employment; 92% of employment is represented by other areas. Too often the debate on the need to develop successful regions tends to revolve around securing IDA Ireland companies. It is certainly my ambition to win IDA Ireland companies, but it is also my ambition to develop a strong indigenous engine of growth. In that context, the west has been particularly successful in identifying medical devices as a sector. Not only has it attracted some of the big international players with which we are familiar, it has also developed a very strong indigenous sub-sector. In many ways, it is one of the best examples of a thruster, where there are both international and domestic players. We must look at sectors in which regions have a competitive advantage. That means examining traditional areas of strength such as food production and tourism, as well as new areas of strength such as medical devices and ICT and seeking to identify where regions have a competitive advantage and building on it.

As the Senator correctly pointed out, we have reviewed the foreign directive investment strategy. Forfás has done work in that area which is close to completion. I hope it will help us to identify mobile investments that we could win and that would fit the competitive advantage of different regions. To promote that thinking we have got IDA Ireland to focus on emerging companies that are making their first move outside their home base in the United States, typically, or Europe. We have sought to identify these as companies that would probably be willing to look at regional locations more favourably than others. We have also developed ConnectIreland as a way of using the regional contacts people have as part of the instruments for attracting foreign investment.

We fought off efforts at EU level to narrow the amount of regional aid we can give. The European Union's initial proposal was that just 25% of the country be eligible for regional aid. We succeeded in reversing that figure to 51%. This year, therefore, we have been able to include County Kerry, for example, and three individual locations in Arklow, Kells and Athy, which allows us to give regional aid in these areas. That is an important tool for both Enterprise Ireland and IDA Ireland in seeking to develop a better regional spread. We also fought off efforts at EU level to withdraw all aid to larger companies in the regions, which was the European Union's initial proposal. We have protected that tool.

As public representatives, we must look more at entrepreneurship and its development with-

in areas and regions. The local enterprise offices have been put in place and are a very good model. They are rooted in a service level agreement with Enterprise Ireland which is the centre of excellence in developing new policy and have a local presence with the local authorities in order that they bring the might of the local authorities to bear on creating an environment that supports start-ups. While I acknowledge that we would like to do better in IDA Ireland area and that we will continue to seek to develop ways of doing this, we also seek a broader discussion of the challenges in developing a strong enterprise sector in the regions based on their competitive advantages. We must broaden that debate from just seeking to win a mobile investment. A far deeper debate is required. I hope that by establishing a regional enterprise framework we will be able to meet stakeholders in each region and have that broader debate which, of course, is also essential in winning additional foreign investment. We must put our best foot forward in each region.

Senator Hildegard Naughton: I thank the Minister. I accept and agree with the emphasis on the indigenous sector and entrepreneurship. That is key and I welcome the efforts the Minister has made in the past three years in this area. He has worked very hard in that regard. Perhaps he might return to the Seanad in the future to update us on the development of the regional enterprise framework and regional development in respect of foreign direct investment.

Deputy Richard Bruton: I would be happy to do so. We are focusing on it and I hope we will be in a position to update the Seanad later in the year.

Commemorative Events

Senator Averil Power: I welcome the Minister. As President Higgins pointed out earlier this year, the contribution of women to Irish history has not been adequately recognised by the State. One area in which this is very evident is the lack of commemorative public works of art to acknowledge the role women played in securing our independence and building the modern Irish State. In fact, of 34 statues of people in Dublin city, only four are of women and there are just a handful of sculptures scattered throughout the city. These commemorative structures and the fact that women are so vastly under-represented among them reinforce the bias towards men and their narratives in our history.

In the run-up to the 1916 centenary celebrations it is important that we reflect fairly on Irish history. It presents us with an opportunity re-evaluate the significant roles played by various people, male and female, who have not been given sufficient recognition to date. This gives an opportunity to redress the balance in our public works of art towards women and acknowledge the role played by women in bringing about the Ireland of today. I welcome the recent naming of the new bridge over the Liffey after Rosie Hackett but there is still a long way to go.

I understand the Government is planning a number of commemorative projects for the centenary of the 1916 Easter Rising. How were these projects selected? Was there a public call for the inclusion of certain works of art? Do any of the projects selected recognise the contribution of women to that period in our history? I know the Minister has received a proposal from Stuart Dunne relating to a sculpture of Molly O'Reilly. She was a young girl when she raised the flag of the Irish Republic and the proposed sculpture is to be a life-size statue depicting her in the act of doing so. This is symbolic of the role played by women throughout the period. I have written to the Minister on a number of occasions on this matter and I asked my colleague, Deputy Seán Ó Feargháil, to table a parliamentary question on the issue in the Dáil. The reply

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he received said the Minister could not commission additional sculptures as part of the centenary commemorations because he had already completed the selection of artworks. Will the Minister reconsider his position on this? The sculpture of Molly O'Reilly is a worthwhile piece of art and most of the work on it is already done. It would be nice to see it displayed in Dublin. How many of the projects chosen by the Minister recognise the contribution of women to Irish independence?

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I thank Senator Power for raising this topic. Before considering the commemorations of the 1916 Easter Rising I was conscious the contribution of women to the movement for Irish independence had not been given appropriate official recognition. I welcome the opportunity to address this in the commemorative arrangements for the decade of centenaries. In partnership with the Women's History Association of Ireland a series of special commemorative events was prepared to mark the centenary of the founding of Cumann na mBan. I am very pleased that this partnership continues and that the role and achievements of women will be acknowledged in the coming years. I am also pleased to support a series of events relating to the centenary of the 1916 Easter Rising, including a formal commemoration led by the President of Ireland, Michael D. Higgins, and a commemorative conference of the Women's History Association of Ireland held at the National Museum of Ireland at Collins Barracks. I also note the recent official opening of the Rosie Hackett Bridge in the centre of Dublin. The forthcoming centenary of the landing of arms at Howth and Kilcoole will be an opportunity to remember the contribution of members of Cumann na mBan, including Molly O'Reilly. I understand Ms O'Reilly stored imported arms at her home. I am also conscious of the sacrifices made by women seeking suffrage and by those supporting the many Irishmen wounded in the First World War.

The Senator will appreciate that capital resources available for commemorative initiatives have been committed to key projects so that they will be completed in time for the commemorations of the Easter Rising. These priority projects were identified in my statement on the budget in the House on 16 October 2013 and in the statement of the Minister for Public Expenditure and Reform on 13 May 2014. In general, these projects relate to the development of visitor facilities at locations of significance to the Easter Rising and to the independence movement. Responsibility for the promotion of the arts, including sculpture and visual art, has been largely devolved to the Arts Council. The Arts Council is the principal agency through which State funding is channelled to the arts and it is a statutory independent body. It is funded by my Department and is independent in its day-to-day operations. I have no role in its funding decisions. The Arts Council engages with local authorities in supporting public art installations and I understand that, as memorials located in public spaces, sculptures cannot be considered solely on artistic merit. Issues relating to location and context are essential features of any proposal brought forward for consideration. I would be pleased to see the sculpture mentioned by Senator Power brought to completion if it were considered appropriate for inclusion in a current or future project.

I am glad to have had this opportunity to address the House and to underline the importance of commemorating the hugely significant role played by women in our political, social and cultural history.

Senator Averil Power: I thank the Minister for his response and welcome the fact that a number of events are taking place this year and in coming years to commemorate the work of women and organisations such as Cumann na mBan. It is important that there be more balance in public works of art. It is wrong that people walking around Dublin will see 30 statues of men

and only four of women. I could give the Minister a list of women who were involved in the labour movement. I do not refer only to Countess Markievicz, who has two statues in Dublin city. I refer to the many other women who were involved in the Irish Citizen Army, the struggle for independence, the campaign for universal suffrage and numerous other issues who have not been acknowledged. There is a deficit and I had hoped we could use the opportunity presented by the centenary commemorations to redress this.

The Minister referred to a list of commemorative projects that was laid before the House. I do not know what those projects are as I did not have a chance to see the list before attending the Chamber today. I am somewhat unclear as to whether these projects will specifically commemorate the role of women and redress the imbalance that has been outlined. I ask the Minister to revisit this matter and see the statue proposed by Stuart Dunne, as much work has been completed on it and it only requires a place to be displayed in Dublin.

Deputy Jimmy Deenihan: I agree that the role of women in the Easter Rising and the suffrage movement must be properly recognised. Anna Parnell of the Land League has been forgotten and was buried under a different name in England. The movement known as *Inghinidhe na hÉireann*, which included Maud Gonne, led to the founding of *Cumann na mBan* as a response to the founding of the Irish Volunteers, which did not include women. Jennie Wyse Power was involved in founding *Cumann na mBan* but she is now unknown. She was an extraordinary woman, and the Proclamation of the Irish Republic was signed in her shop. She was involved in two previous movements also but has been airbrushed from history. Agnes O'Farrelly, a professor, chaired the first meeting of *Cumann na mBan* and is also worthy of further consideration. Elizabeth O'Farrell, a nurse, attended the GPO with the Irish Citizen Army and played a critical role in the surrender. She risked her life as she walked to the barricade on Moore Street, approaching the British forces to tell them the provisional government had decided to surrender. She then conveyed the message around the city. There were some extraordinary women of that period, including Molly Childers and Mary Spring Rice, of whom many people do not know.

I was delighted to collaborate with the Women's History Association of Ireland and Dr. Mary McAuliffe, among others, to highlight the critical role played by *Cumann na mBan* and those women who founded it in April 1914 in Wynn's Hotel. There is now a plaque at Wynn's Hotel recognising the foundation of *Cumann na mBan*. I hope the role of women will be recognised during the commemorations. Around 2,000 people took part in the 1916 Easter Rising in Dublin, including members of the Irish Republican Brotherhood, IRB, the Irish Volunteers, the Irish Citizen Army and *Cumann na mBan*. Of the 2,000 who took part, 200 were women, and they did most of the courier work, along with very important medical back-up work. The role of these women was critical but they were not even recognised in some statements made afterwards by their comrades. It was as if their role was not important, which it was. They also played important roles in the War of Independence and the Civil War, in which they were very influential.

It is critical during this decade of centenary commemorations that the role of women is given fair recognition. As long as I have responsibility for the decade of commemorations, I will highlight that fact. I thank the Senator for raising this matter. The major projects will include the GPO and there is a sculpture space there and the money has been committed. I would hope the women who were in the GPO will be represented at the place of sculpture. There is also Richmond Barracks where men and women were taken to before being taken to Kilmainham, and there is Kilmainham Jail itself. I hope they will all be recognised and represented there.

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The final council of war was held at No. 16 Moore Street. The critical role played by nurse Elizabeth Farrell will have to be recognised. They would be the main centres. There is also Teach an Phiarsaigh in Connemara and the house of Seán Mac Diarmada.

Wherever women had a role that will be recognised in the decade of commemorations. I am sure the Senator will be keeping a watchful eye on it, but I assure her it will be done.

The Seanad adjourned at 8.20 p.m. until 10.30 a.m. on Thursday, 5 June 2014.