



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 01 Iúil 2014

Tuesday, 01 July 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 Pat O'Neill that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Children and Youth Affairs to consider enacting legislation to regulate the piercing and tattooing industry in Ireland in order to safeguard children under 18 years of age.

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

The need for the Minister for Health to discuss waiting times for orthopaedic patients at University Hospital Waterford, the average waiting time to see a consultant and the average waiting time for treatment to be carried out, and to outline what arrangements are being made for patients previously referred to Cappagh Hospital in Dublin.

I have also received notice from Senator Marie Moloney of the following matter:

The need for the Minister for Health to set out the reason a person in County Kerry who is under review for a medical card has not had an application for a review halted in accordance with an instruction from the Minister, and is not being treated in the same way as other people whose discretionary medical cards are under review.

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

The need for the Minister for the Environment, Community and Local Government to review the practice of only allowing one five-year period of extension to planning permissions.

I have also received notice from Senator Cáit Keane of the following matter:

The need for the Minister for Education and Skills to discuss the requirement for a permanent school building for staff and pupils of Gaelscoil na Giúise in Firhouse, Dublin 24,

who are currently operating out of Tymon Bawn Community Centre which is not suitable for this purpose in view of its overcrowded and inadequate facilities which are shared with other organisations.

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

The need for the Minister for Children and Youth Affairs to propose a change to the adoption law so that natural parents or birth mothers do not have to legally become adoptive parents when new spouses adopt their own birth child from a previous relationship.

I regard the matters raised by Senators O'Neill, Cullinane, Moloney and Daly as suitable for discussion on the Adjournment and they will be taken at the conclusion of business. Senators Keane and Healy Eames may give notice on another day of the matters they wish to raise.

Order of Business

Senator Ivana Bacik: The Order of Business is No. 1, motion regarding the draft Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and Shipping Sectors) Regulations 2014, to be taken without debate at the conclusion of the Order of Business; No. 2, motion regarding the proposed opt-in to Regulation (EU) No. 603/2013 on the establishment of Eurodac, to be taken without debate at the conclusion of No. 1; No. 3, Protected Disclosures Bill 2013 - Report and Final Stages - amendments from Dáil Éireann, to be taken on the conclusion of No. 2 and to conclude no later than 5 p.m. by the putting of one question from the Chair; No. 4, Housing (Miscellaneous Provisions) Bill 2014 - Second Stage, to be taken at 5 p.m. and to be adjourned no later than 7 p.m., with contributions from group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes; and No. 5, Education (Miscellaneous Provisions) 2014 - Order for Second Stage and Second Stage, to be taken at 7 p.m. and to be adjourned no later than 9 p.m., if not previously concluded, with contributions from group spokespersons not to exceed eight minutes and those of all other Members not to exceed five minutes.

Senator Mark Daly: In November 2010 Fine Gael published a document, Reinventing Government, which states "We want to introduce a new system of public appointments in which positions are advertised". Deputy Leo Varadkar said back then that this is part of our new political plan and at the same time he called for a moratorium on appointments to State boards and public bodies. I call for a moratorium now and ask Leo not to be a hypocrite. He too should stop-----

An Cathaoirleach: The Minister for Transport, Tourism and Sport.

Senator Mark Daly: I am calling on the Minister for Transport, Tourism and Sport not to be a hypocrite because if what is happening now was wrong at the time, it is wrong today. It is blatant, shameful, disgusting cronyism of the highest order. It is jobs for the boys and girls but not many for the girls and should stop. I remind Senators opposite of what is stated in the programme for Government, to which Fine Gael and the Party Labour signed up: vacancies for paid directorships on public boards will be advertised on the website, yet we see evidence of cronyism. Yesterday 64 voluntary and community organisations had their budgets cut and staff were let go. Three staff members were let go from the Irish Deaf Society. That is shameful. Ministers are too busy packing State boards and cutting funding to voluntary organisations;

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they are cutting funding for those that represent the most vulnerable. This is a stark example of those on the inside versus those on the outside. Why are budgets being cut? Ministerial office holders, like Leo-----

An Cathaoirleach: The Senator should refer to him as the Minister for Transport, Tourism and Sport.

Senator Mark Daly: The Minister for Transport, Tourism and Sport is too busy stuffing State boards. Ministers are not paying attention to their budgets. My colleague, Senator John Crown, has called for the Minister for Health, Deputy James Reilly, to stay in his current position. I would like him to come into the House before he goes anywhere else to explain the shambles in the Department of Health. We have seen the medical card disaster and the budget overrun by €158 million by May this year. We have seen appointments to State boards under the Minister's Department, with one person appointed because he was a good footballer for his county. Surely that is not a qualifying criterion for appointment to any State Board. The Department of Health is in a shambles and as a result 64 voluntary and community organisations have had their funding cut.

In 2010 the Minister for Transport, Tourism and Sport and the Taoiseach said there would be a new political plan and a democratic revolution - real reform is what they promised. In the past six months only 12 Bills have passed through both Houses, the worst performance of any Government in a generation. Deputy Enda Kenny promised openness and transparency.

An Cathaoirleach: He is the Taoiseach.

Senator Mark Daly: The Taoiseach promised openness and transparency.

An Cathaoirleach: The Senator is over time. Does he have a question for the Deputy Leader?

Senator Mark Daly: I seek a debate on openness and transparency. Last Thursday Senator Paul Coghlan promised openness and transparency on the part of the British Government in the case of the Dublin and Monaghan bombings. He might inform the House how he is getting on. Last Friday in *The Guardian* there was a special report on the Ballymurphy massacre in which ten unarmed civilians were shot in the space of 36 hours by the Parachute Regiment.

An Cathaoirleach: Does the Senator have a question for the Deputy Leader? He is way over time.

Senator Mark Daly: Yes, I have. I am looking for a debate on openness and transparency. While we can all name Jean McConville, the mother of ten who was abducted and murdered-----

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

Senator Mark Daly: Yes; it is related to the need for openness and transparency, on which I am looking for a debate.

An Cathaoirleach: The Senator can raise these issues during the debate.

Senator Mark Daly: I challenge the Members opposite to name the mother of eight who was shot in Ballymurphy by the Parachute Regiment. When Senator Paul Coghlan is attending the British Embassy tea party this summer, instead of asking for more cake, he might ask for

the truth.

Senator Paul Coghlan: I hope I am invited to a tea party, to whichever one the Senator is referring. I am sure he knows all about cronyism. Let it be stated the Government was the first ever to give members of the public the opportunity to apply for positions on State boards. Departments will continue on their websites to invite expressions of interest in vacancies on the boards of bodies under their aegis. This process has increased the pool of talent available and allowed the Government to target specific skills sets in filling vacancies on State Boards.

Senator Mark Daly: All Fine Gael members.

An Cathaoirleach: Senator Paul Coghlan to continue, without interruption

Senator Paul Coghlan: Unlike all previous Governments, the Government has cast the net much wider in seeking talent to serve on State boards.

Senator Mark Daly: From the party membership.

Senator Paul Coghlan: I challenge the Members opposite to name anybody whom they believe is not qualified to fill a position for which he or she has been proposed or is filling on a State Board. I will leave it to the Deputy Leader who I am sure will respond more fully on the issue.

Senator Mary M. White: We have talked about the local elections results already.

Senator Paul Coghlan: The local elections are over. We must look ahead.

Senator Mark Daly: As the Senator asked and to be helpful to him-----

An Cathaoirleach: Will the Senator, please, resume his seat?

Senator Mark Daly: -----the Minister, Deputy James Reilly, said some of the people he had appointed-----

An Cathaoirleach: The Senator has made his contribution already.

Senator Mark Daly: I know, but Senator Paul Coghlan was challenging us to give information. I just wanted to be helpful to Sir Coghlan.

An Cathaoirleach: Will the Senator, please, resume his seat? Does Senator Paul Coghlan have a question for the Deputy Leader?

Senator Paul Coghlan: I actually do not. I was going to raise something else, but in view of the interruption, I will deal with it tomorrow.

Senator Fiach Mac Conghail: I acknowledge in the Seanad the passing of one of Ireland's most under-rated writers, the extraordinary Dermot Healy whom I knew. We met at funerals, wakes and festivals. There is a terrible sadness when a poet and an artist leaves us without a celebration and acknowledgment. Eileen Battersby could not have put it better in *The Irish Times* today when she wrote that Dermot Healy "began as a fully formed writer". One of the great Irish novels of the 20th century was *A Goat's Song* which will stand the test of time. Of course, his memoir, *The Bend for Home*, is his apotheosis. I am sorry for his loss and extend the condolences of the House to his family, his wife and the members of the artistic community

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who are mourning his loss. The writer, Michael Harding, wrote about him:

He told me once that prose is poetry in the sense that a bird is still a bird when it sits still. And the last image he flung at me, with the glee of a Zen master, his eyes hugging me, his wisdom falling like rose petals from a teacher's hands was this: "If you want to break a dog's heart", he whispered, "throw a stone into the sea."

I ask for a debate with the Minister for Justice and Equality on the direct provision system. Last October the Independent group of Senators proposed a motion calling for an examination to establish whether the system of direct provision was detrimental to the welfare and development of children and whether an appropriate alternative form of support and accommodation could be provided which would be more suitable for families, particularly children. Last week I heard an extraordinary report on Sean O'Rourke's programme by the journalist Brian O'Connell who had spoken to a young asylum seeker who had spent all her life in direct provision accommodation. She was seven years of age. We are rightly concerned about, need a system of restorative justice and answers to many institutional incidents in our recent past, not least mother and baby homes. However, we do not need to be quoted in 20 years time as Senators who had raised the issue of a dehumanising process and how we had raised children under State control in 2014 and did not achieve anything. In this context, I welcome the announcement by the Minister for Justice and Equality yesterday that she would move swiftly to create a single asylum applications procedure so as to speed up the process and shorten the time people spent in the direct provision system. It is also bizarre, technocratic and Orwellian that the Ombudsman for Children is excluded from investigating such cases, while the Government's special rapporteur on child protection, Dr. Geoffrey Shannon, has said "the specific vulnerability of children accommodated in the system of direct provision has the potential to create harm by the particular circumstances of their residence, including the inability of parents to properly care for and protect their children and damage that may be done by living for a lengthy period of time in an institutional setting." When will the House make an impact to improve the lives of these young children?

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

Senator Fiach Mac Conghail: I do not want to wait for another 20 years.

Senator Sean D. Barrett: I express some concern about the wording of No. 1, a motion on the draft protection of young persons in employment regulations. We all support the motion and nobody supports it more staunchly than the Deputy Leader. However, the title of the draft regulations contains the words "Exclusion of Workers in the Fishing and Shipping Sectors". Fishing is an extremely dangerous activity, as we know from the mortality statistics, while shipping involves people being away from home. Perhaps we might have a debate on the motion, rather than merely sanction it. I raise this matter because of the Deputy Leader's strong record on the protection of young people and because it is proposed that No. 1 be taken without debate.

Senator Ivana Bacik: Let me clarify the position for the Senator. The draft regulations are to be referred to the Joint Committee on Jobs, Enterprise and Innovation. That is all that is proposed in the motion.

Senator Sean D. Barrett: I thank the Deputy Leader. I am happy to hear it.

On a happier note, I congratulate Mr. Jean-Claude Juncker on becoming President of the European Commission with the support of the Taoiseach. There are interesting links between

Ireland and Luxembourg as two small countries in the European Union. During the occupation of Luxembourg the arch duke joined the Irish Guards regiment of the British army and participated in the liberation of his home country in that uniform. Wearing shamrock on St. Patrick's Day is common to both small nations. Three of his grandsons also served in the regiment. I look forward to warm relations between Luxembourg and Ireland and hope Mr. Juncker will look after the interests of smaller countries within the European Union.

Yesterday was Mr. George Hamilton's first day as Chief Constable of the PSNI. He attended a seminar on restorative justice in west Belfast. I wish him well on his appointment and for continued warm relations between the PSNI and An Garda Síochána.

Senator John Gilroy: When Senator Mark Daly reduces the deaths of people in the Northern Ireland conflict to a mere counting game, it is something of which he should be absolutely ashamed. If that his type of republicanism, not mine. It is the type of republicanism in which no decent minded person would ever indulge, but that is not the issue I wish to raise. I refer to mental health issues.

Senator Mark Daly: I asked the Senators opposite for the mother's name.

Senator John Gilroy: Is it the names of Francis Quinn, Hugh Mullan, Joan Connolly, Daniel Taggart, Noel Phillips, Joseph Murphy, Edward Doherty, John Lavery, Paddy-----

An Cathaoirleach: That is not relevant to the Order of Business.

Senator John Gilroy: Which of them? With which names does Senator Mark Daly want to play games?

An Cathaoirleach: That is not relevant to the Order of Business.

Senator John Gilroy: Senator Mark Daly reduced the deaths of people to a mere counting game. It is absolutely disgraceful and shameful.

An Cathaoirleach: That is not relevant to the Order of Business.

Senator John Gilroy: Sinn Féin moved from it years ago.

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

Senator John Gilroy: I have plenty of questions for her. Sinn Féin moved from it years ago and reached out a hand to its former opponents and enemies. That is not something Senator Mark Daly has even moved towards. It is despicable nationalism; it is despicable republicanism, the republicanism of no decent minded person.

I have raised mental health issues time and again. Many find section 59 of the Mental Health Act 2001 troubling. This matter was raised previously by Senator David Norris. The section provides for the administration of electronic compulsive therapy, ECT, without people's consent, whether they are unwilling or unable to give it. It needs to be repealed. This Minister of State with responsibility for this area has indicated her willingness to repeal the element relating to being unwilling to give consent. The Leader agreed to have a comprehensive debate on mental health issues in September, but it is important to bring this issue to the attention of the Minister of State, as she is drafting legislation to repeal the section.

Senator Terry Leyden: I would like to follow up on Senator Mark Daly's interesting

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contribution. With regard to fairness and transparency in making appointments, I refer to a position advertised - an Irish member of the Council of Europe committee for the prevention of torture and inhuman or degrading treatment or punishment. I hope the media report on this issue. The closing date for the receipt of nominations is 3 July, at noon. The nomination process is interesting. Selection will be based on an examination of the applications received and a short list of the most suitable candidates will be placed before the Minister for consideration. The Minister may, at her discretion, consider and select additional persons not on the list. That is real transparency as far as the Government is concerned. As a member of the Council of Europe, I will maintain a watching brief on the way the position is filled. It has to be filled in a fair and equitable way. The curriculum vitae field does not have a section on the political party to which the applicant is affiliated, whether it be Fine Gael or the Labour Party. That is the usual requirement in how all appointments are made. They must have declined to include it in this application form. It is for a four-year period and is a very prestigious position.

Senator Tom Sheahan: If the Senator applied, he would be out of here and life would be much easier. I will second his nomination.

An Cathaoirleach: Senator Leyden without interruption.

Senator Terry Leyden: Mr. Seán Aylward, the former Secretary General of the Department of justice, was the outgoing member. It is very important that the right candidate be selected on a fair and equitable basis and because he or she is qualified for the position, not because he or she is a card-carrying member of Fine Gael or the Labour Party. The Minister for Justice and Equality, Deputy Fitzgerald, can prove she is without blemish on her character if she goes ahead with this appointment properly and chooses the person best qualified. I have confidence that she will.

An Cathaoirleach: The Senator is way over time.

Senator Terry Leyden: The Deputy Leader of the House would be ideally qualified to act and I recommend she apply for it because she certainly will get it.

Senator Marie-Louise O'Donnell: If the Senator is confident, why do we need a big speech?

Senator Terry Leyden: The Labour Party is not getting a commissionership. The Minister for the Environment, Community and Local Government, Deputy Hogan, has been given the job and is on the way to Europe.

An Cathaoirleach: The Senator is way over time. He must resume his seat.

Senator Terry Leyden: I wish him well in his position.

An Cathaoirleach: That is irrelevant to today's business.

Senator Terry Leyden: It is very relevant. It follows up on Senator Daly's statement and I have asked the Deputy Leader to ask the Minister to allow a fair and equitable application process.

Senator Hildegard Naughton: I raise the issue of the free travel pass for senior citizens and recent speculation that it might be stopped or withdrawn for some of those of pensionable age in the next budget. The present review of the system is not due to any wish on the part of

the Government to withdraw the pass but rather that the Minister wishes to review the operation of the scheme in relation to the avoidance of fraud and the provision of the service via private operators. The free travel scheme permits free travel on most CIE public transport services, the Luas and a range of services offered by more than 90 private operators throughout the country at an annual cost to the Exchequer of €75 million. More than 745,000 customers are eligible for free travel and when spousal and companion passes are taken into account, more than 1.1 million customers have free travel eligibility.

Under the programme for recovery, increases in subventions for private operators were frozen and no new operators were allowed to join the scheme. Given the state of finances at the time, this decision was warranted. What is happening now is a review of the situation as the programme comes to a close. I note the comments by the Minister for Transport, Tourism and Sport, Deputy Varadkar, that the removal of the benefit is not on the Government's agenda. For the avoidance of all doubt, perhaps the Deputy Leader would invite the Minister to address the House on the matter. I would be happy to put it down as an Adjournment matter if that is a more convenient method of addressing the speculation.

Senator Marie-Louise O'Donnell: Like my colleague, Senator Mac Conghail, I lament the passing of the poet and novelist Dermot Healy. When such people pass away, a pulse of the nation is gone somewhere into the ether. We do not cherish our poets, playwrights and artists half enough. Their contribution to the country can be greater than and above politics. I lament it even more when I see what is happening to the arts in education. Emphasis is constantly being put on computers and technical education, while not enough money and emphasis is put on artistic education, which can do as much for young people. We have lost a great heart beat, and we tend to forget that when we get caught up in politics. He was a marvellous writer and a lovely man. He was from Cavan, where I attended school for many years. I knew him well and lament him greatly. He cherished this country. He lived in Sligo, loved it and wrote about it, and it is something special. It is a tragedy that he has passed away.

A young German student was brutally murdered in this country two years ago and his trial was recently heard in the Central Criminal Court. His parents stood with great dignity and eternal sadness as they lost him. He was his mother's only son. The assailant got a sentence of nine years. While I am not one to take on the courts, there is something wrong in society when the punishment does not fit the crime.

3 o'clock

A six year sentence was handed down to a person who was importing garlic and people are being brutally murdered-----

Senator Mark Daly: Hear, hear.

An Cathaoirleach: Senator O'Donnell cannot comment on individual sentencing.

Senator Marie-Louise O'Donnell: -----on our streets. I am asking a question. Punishments must fit the crime. They must be a deterrent to crime - they must be at a level to be a deterrent. There is one murder a week in this country. We have had 62 violent murders in the past year. I request that the Minister for Justice and Equality come into the House. A conversation must begin, through politics, about what we can do to ensure sentencing is a deterrent to crime in terms of future assailants, future violent crime and people having had to leave this country without their children because they have been knifed on the street. I am sick of it.

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Senator Tom Sheahan: It is glaringly obvious this afternoon that Members opposite from the Fianna Fáil group cannot hide their hurt, anger, disappointment and probably disillusionment-----

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

Senator Tom Sheahan: -----at the loss of their greatest vote getter, Brian Crowley. As Trapattoni used to say, “the cat is in the sack” but I wonder is it that the cat has been let out of the sack by the grouping that the former Fianna Fáil MEP, Brian Crowley, has joined?

An Cathaoirleach: That has nothing to do with the Order of Business. Has the Senator a question for the Leader?

Senator Tom Sheahan: One cannot but observe-----

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

Senator Tom Sheahan: I do. I ask the Deputy Leader to request the Minister for Social Protection to come into the House in order that we can have a debate on homelessness. I know of the case of a young man who granted might have a few blemishes on his CV but he is a citizen of the State. He is homeless and while accommodation is provided in a hostel-type building, he will not go there because he has found it is full of drugs and drink and, hence, he cannot receive any social welfare payment because he does not have an address. I believe that in other counties people in similar circumstances are being accommodated by community welfare officers etc., but that is not the case in County Kerry. This young man has no money. He made a good point recently when he said to me, “Tom, if you had not eaten for three days, you would steal too.”

An Cathaoirleach: That might be a suitable matter for an Adjournment debate.

Senator Tom Sheahan: No, I believe this is a big debate. I request that the Minister for Social Protection come into the House to debate this matter. A debate on homelessness must commence sooner rather than later. It is a serious debate that needs to take place.

Senator David Cullinane: In the past few weeks several calls have been made for a debate on health care with the Minister for Health, Deputy James Reilly. We were told by the Leader that the Minister would be in last week----

Senator Mark Daly: He could be out soon enough

Senator David Cullinane: -----which he was, to take a debate on Senator Feargal Quinn’s Bill on private health insurance. Any issue that was raised by a Senator on any side of the House, which was outside the scope of the Bill, was ruled out of order. The debate on that Bill was not the appropriate time to have a proper debate with the Minister for Health on the wide range of issues that are affecting health care. I again call for a proper debate on health care. The issue of the medical card fiasco, which was mentioned already, is still not resolved. There are still people without their medical cards and we have not had a proper resolution of that issue. The budget overrun is just a symptom of what is wrong in the health service. We have a budget overrun but front-line services are under attack all of the time.

We had the cronyism which led to the resignation of the then junior Minister, Deputy Róisín Shortall, hospital beds and wards are closing and have been for some time. Now we have the

OECD report which shows that Ireland has fewer doctors. We pay consultants more than the average rate in OECD terms yet we are continuously told by the Minister for Health that the reason we do not have enough consultants is that we do not pay them enough or that they will not come to work in this State for the salaries that are in place. The OECD report, interestingly, shows that in terms of State money consultants in this State get much more than in any state in Europe, which is what we in Sinn Féin have been saying for some time. It also states that we spend less *per capita* than any other country in the OECD region on health care. That is why we have a crisis in health care. We are just not investing and spending enough. I come from a school of thought, from which the Labour Party once came, whereby if one wants proper public services one has to raise enough taxes in a fair and progressive way to pay for them. Let us get back to that and have a debate on health care and the problems therein. I ask that the Minister be invited to come to the House for a debate in the coming weeks. I will not table an amendment to the Order of Business. I have flagged the issue a number of times. I hope the Deputy Leader will convey my request to the Leader for a debate to be arranged in the next few weeks. Whether it is the old Minister for Health or a new Minister does not matter. We need the person who has responsibility for health care to come to the House as soon as possible.

Senator Terry Brennan: I wish to comment on the review of the free travel pass for pensioners, as has been mentioned already by my colleague Senator Hildegard Naughton. The Government very much values the free travel scheme. The review is being conducted with a view to modernising the scheme; it is not about taking it away. That is not the agenda of the Government. I am glad to say pensioners will be protected in the review of the free travel scheme. We are all aware that issues relating to the misuse of passes, fraud and ID must be addressed. Any suggestion that the Government will remove the free travel pass from pensioners is not a reflection of what is on the agenda, as stated by Senator Hildegard Naughton. Pensioners who are entitled to it will not have it taken from them. I am happy to allay any fears pensioners may have on the review issue. Those who have travel passes will keep them and those who are misusing them will be found out.

Senator Denis O'Donovan: I rise to pay tribute to the Minister for Justice and Equality, who got specific training in this House when she was leader of the Opposition in the last Government. The announcement today that she is taking on board the recommendation of the Joint Committee on Justice, Defence and Equality to empower GSOC to do a proper job, among other things, is a positive development. I said previously that even though the principle was good, GSOC was toothless. The Minister is a breath of fresh air in the Department of Justice and Equality. She is committed to restoring confidence in the Garda Síochána and modernising the dinosaur that is the Department as it has existed for many decades. Sometimes I am very critical of Ministers, but today is a day for paying tribute to the Minister, Deputy Frances Fitzgerald. I wish her well and congratulate her on what she has done.

This year and last year I called for debates on farming, fishing, rural decline, sustainable jobs for rural Ireland, and legal services - the legal services Bill has yet to come before the House - and others have called for a debate on health care. These debates have been promised *ad nauseam*. Given that the House is going into recess within the next three weeks, I demand that these debates take place beforehand if at all possible.

No. 5 on the Order Paper is the Education (Miscellaneous Provisions) Bill 2014. However, this Bill was published only in the past three or four days. It is a Bill on which we could reflect and debate next week or the following week, rather than rushing into it today, which is a mistake. In view of the fact that so many other debates have been demanded, I ask the Deputy

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Leader, given that it was published on 24 June, to arrange to take the Second Stage debate before the summer recess and the other Stages in the autumn. As it is not an urgent matter, I ask the Deputy Leader to reflect on it. I am making a fair point. I am not being opportunist or antagonistic towards the Deputy Leader. It could be dealt with in a less rushed fashion, given the fact that many debates have been promised on various issues, some of which I have outlined, but have not been arranged. Some of those promises date back more than 12 months.

Senator Catherine Noone: I welcome the further reduction in roaming charges today thanks to the European Commission. Ms Neelie Kroes, the Commission's vice president, has done the right thing, as it will benefit tourism and business. In our digital age, it is important that businesses continue to thrive at home and abroad. This is a step towards the realisation of a vision of an interconnected Europe and I encourage the Commission to go further and allow people to use their telephones as if they were at home by the end of the year. This is the Commission's intention.

I wish to raise the issue of water safety, given the two tragic drownings last weekend. The forecast is for good weather. While we are glad of that, water safety is something of which we must all be mindful. One in three drownings is alcohol related. Of the 140 people who died last year, one third had alcohol on board. A large percentage of those in question were under 21 years of age. I put this problem down to the ridiculously cheap drink that is available to young people. One can get a can for 89 cent in Lidl or a 250 ml bottle of beer for 41 cent in Aldi. International surveys shows that, if the price of drink is cut, people buy more. It is not necessarily targeted at them, but this benefits young people who want to purchase drink. I call on the Deputy Leader to invite the Minister of State, Deputy White, to the Chamber as soon as possible to discuss the upcoming legislation, particularly as regards minimum pricing. We are constrained somewhat, as we are waiting to see what happens with the Scottish Government's case in the EU. This is a serious issue and I would appreciate if attention was given to it.

Senator Fidelma Healy Eames: I support Senator O'Donnell's call for a debate on a review of sentencing so that we might have a fair approach. It causes a great deal of hurt and pain when questionable sentences are handed down.

Last Friday, I was delighted to be present for the awarding of an honorary doctorate to European Commissioner Máire Geoghegan-Quinn at NUIG in recognition of her public service, particularly in her current Commission role over research and innovation in which she is widely regarded as having done well. However, I was gobsmacked by the report in today's *Irish Independent* that, on retirement and without meaning to cast slight on the Commissioner, she will be due a pension of more than €3,000 per week under current rules.

Senator Marie-Louise O'Donnell: What?

Senator Fidelma Healy Eames: It is an immoral amount of money for any individual.

Senator Marie-Louise O'Donnell: Some €3,000 per week.

Senator Fidelma Healy Eames: Under our recently released policy document, one pension should be enough for anyone. I call for a debate on pensions, particularly public service ones. What is fair and reasonable? Pensions are a time bomb, but €3,000 per week would make for many travel passes.

The same Commissioner has advised the Taoiseach to move swiftly to lobby hard for a high-

value Commission portfolio. I agree. I call on the Taoiseach to be confident and to bat hard for a high-value portfolio, particularly an economic one. Ireland has earned its spot. We saved the EU's banking system. I will throw another name in the ring for the role, one not previously mentioned. He has credibility in Europe.

An Cathaoirleach: The Senator is way over time.

Senator Fidelma Healy Eames: It is the Minister, Deputy Noonan.

Senator Imelda Henry: I move an amendment to the Order of Business to the effect that No. 18 on the Order Paper be taken before No. 1.

Senator Labhrás Ó Murchú: A number of people have referred to the free travel pass. I was glad to hear the positive comments made by the Government's side. We all realise that this particular document is very valuable. Its receipt is a cause for celebration because it is a testimonial to the worth of our senior citizens and an acknowledgement of the contribution they have made to the State, particularly in very difficult times. A lot of them would view the free travel pass as a birthday and anniversary card rolled into one on the occasion of its arrival in their house. I would be very sad if I thought it would in any way be diminished as a result of the review that is due to take place. We should remember that the travel pass gives senior citizens a sense of independence and mobility, which is very important when people are advancing in years. Many of these people live on their own and might wish to visit relatives, or they may have to visit a sick person a long way from home. There are so many cases, and if there are abuses - and I am not too sure what abuses are being referred to - obviously the matter must be examined. However, the basic concept of the travel pass must be protected at all costs.

I genuinely believe - I am not suggesting this is going to happen - that if we start in any way tinkering with what was a very generous scheme when it was first set up, it will make a lot of senior citizens feel very uneasy about their future. I know many people who fall into that category, and the pass makes their lives liveable. I know that is an exaggeration, but it does, in effect. I appeal to the Government to be very cautious in ensuring we do not add extra concern onto the shoulders of people who already have had a lot of disappointments and concerns. All of us in this House, from all political persuasions, want to see the right thing done in this case.

Senator Michael Comiskey: I second Senator Henry's proposal. I also want to raise an issue that I raised back in the spring - costs for hauliers in the Republic of Ireland, particularly hauliers who operate along the Border, because £10 must be paid every time a vehicle enters and exits the North. The same applies to all hauliers in the country, but the cost is of particular importance to hauliers who operate along the Border. I know this because I have been contacted by a number of them over the past week or ten days. The Irish Road Haulage Association was here last week to brief us on a number of issues. Hauliers must pay huge costs due to the price of insurance and diesel, so a £10 fee is an added cost. Some hauliers travel from Donegal into the North and then leave the jurisdiction via Cavan or Monaghan, because they want to go through the North in order to deliver items in other parts of the Republic. Action should be taken and something must be done to help hauliers with their business, because they employ quite a large number of people and move many goods from one part of the country to another. The £10 fee is an unfair cost for them and we must do something to help them out.

Senator Thomas Byrne: I call for an urgent debate to be arranged on the independent commission on electricity transmission, headed by Mrs. Justice Catherine McGuinness as

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chairperson. The commission was tasked with looking at Grid West and Grid Link in terms of an underground solution. I believe an underground proposal for the west of Ireland route was made subsequent to the setting up of the commission. We have heard today that the commission has washed its hands of the North-South electricity transmission route. It has been thrown out. Unfortunately, that is what we expected, because this was done in the heat of an election, and, as we all know, that is what Pat Rabbitte tends to do during an election.

An Cathaoirleach: The Minister, Deputy Rabbitte.

Senator Thomas Byrne: That is what he tends to do during elections. It is the second time this has happened in north Meath. The issue of wind turbines was treated in exactly the same manner. One thing is said before an election but there is a different scenario post-election. This is a really serious issue. The people of the north east have been treated with disdain and contempt and are now effectively second-class citizens. I refer to the people in Cavan, Monaghan and parts of south Meath and west of Navan who are affected by this major imposition on their lives. We need a full debate on why certain counties are getting overhead lines and other counties, such as those where the Taoiseach lives and counties where a by-election is due in the coming weeks, are getting underground lines. I want an answer to that question and the Seanad is a good forum for a full debate. We need equality of treatment for people in this country.

Senator Martin Conway: I agree with the sentiments expressed by Senator Marie-Louise O'Donnell about a debate on sentencing. Members of the Joint Committee on Justice, Defence and Equality went to Stormont as part of deliberations leading to the committee's positive recommendations on Garda oversight. We met the justice committee of the Northern Ireland Assembly for an interesting discussion. The chief justice comes before that committee on an annual basis and explains the rationale behind sentencing. Members of the Oireachtas committee asked about the separation of powers and the response indicated that if issues arose that could not be discussed, the chief justice said so. That is an excellent suggestion for the House. The Committee on the Procedure and Privileges could consider inviting the Chief Justice to make a statement to the House and have a discussion on justice issues and the rationale and thinking behind sentencing. It would be a useful exercise and is appropriate to Seanad Éireann. It could be considered for the autumn.

I agree with the call by Senator Noone for caution in respect of water safety during the fine weather. It is a splendid country at the moment, people are enjoying themselves and thousands of tourists from all over the world are enjoying the fine weather. I pass on my sympathies to the families that have lost loved ones as a result of drowning and I call on people to be careful and cautious and to treat water with the respect it deserves. I also appeal to people to bring home their rubbish from the beach and not to leave it there. We have beautiful beaches but they are being destroyed every day by people leaving rubbish there. It is not too much to expect people to bring home rubbish and not have local authority workers, who do a fantastic job, working at 6 a.m. needlessly cleaning up rubbish.

Senator Mary M. White: It gives me great pleasure to remind Members in the Chamber that Mr. Charles Haughey, when he was Minister for Finance, introduced free travel for older people in 1967. It was a milestone in legislation. The other milestone he introduced was the Succession Act, whereby a man could no longer sell the family home over the head of his wife. Recent press reports, including in *The Irish Times* yesterday, frightened older people, those over 66 and those with disabilities. My Government colleagues have raised this point and denied it but a senior Government source quoted in *The Irish Times* stated it was unlikely that additional

money will be made available next year. Many of the private transport providers have said they can no longer afford to do it. We hear regular discussions about a less restrictive budget in 2015. Why should the free travel scheme not benefit from this? The House should fully support the campaign of Age Action Ireland entitled “Hands off our travel passes”.

Senator Paul Coghlan: No fear.

Senator Mary M. White: This is a neoconservative Government.

Senator Pat O’Neill: Typical Fianna Fáil scaremongering.

Senator Mary M. White: Older people are discarded by society because they are no longer of use-----

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

Senator Mary M. White: We should also oppose all the restrictions proposed for Government consideration, including limiting the times when older people can travel. Of course, we are against fraud-----

An Cathaoirleach: Is the Senator looking for a debate?

Senator Mary M. White: -----but I am looking for the Minister for Transport, Tourism and Sport, Deputy Varadkar, to tell us, in respect of the report yesterday, that there is no question of touching the free travel scheme introduced by Fianna Fáil and Mr. Charles Haughey.

Senator Pat O’Neill: The comments by Senator White amount to typical scaremongering. The free travel scheme, which is a great benefit to the people of this country, will be retained but the Government must take steps to cut out fraud and that is why people have received letters in respect of identification.

I wish to raise two matters on the Order of Business, one of which has been raised already. I raised this matter last April. I asked that swimming lessons be put on the curriculum at schools. A total of 40,000 students every year receive certificates under schemes run by Irish Water Safety - one of the best organisations in the country - which oversees voluntary water safety at different venues. This means 450,000 children are not benefiting. I ask that the schools, headmasters, principals and so on take up the primary aquatics water safety scheme, a free scheme set up by Irish Water Safety. Children can proceed from PAWS level 1 to up to level 8, which is swimming. This is very important because we have seen incidents recently. I sympathise with the families affected where we have had tragedies in the past two weeks because we have had very good weather. We need greater awareness. I heard on the radio this morning that more than 500 people were rescued last year by our lifeguards, an amazing statistic. If we did not have the people who are well trained by Irish Water Safety and other water safety bodies we would have had far more tragedies.

I call on the Deputy Leader to ask the Minister for Agriculture, Food and the Marine to come to the House to discuss what is at present a crisis in the beef industry. Another major problem is the grid pricing system and it is failing and robbing farmers. Farmers have a better chance of picking the lottery numbers than of knowing the price they will get for their animals when they are sent to the factory.

An Cathaoirleach: Senator, are you seeking a debate on the issue?

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Senator Pat O'Neill: I am. I want to finish this point. When the factories and farm organisations agreed on a new grid system some years ago it was supposed to benefit all in the industry such that quality would be paid for. Now the factories are using the grid system to their advantage. There are penalties in the same grade. Farmers face penalties for under age, over age and under weight cattle.

An Cathaoirleach: Senator, those are issues you can raise during the debate.

Senator Pat O'Neill: Certain breeds are being discounted. The quality assured bonuses are being renegeed on. I offer one example. This week-----

An Cathaoirleach: Is the Senator seeking a debate?

Senator Pat O'Neill: I am seeking a debate. Under the old grading system, if a farmer had-----

An Cathaoirleach: Senator, you are way over time.

Senator Pat O'Neill: The farmer was repaid exactly the same. At present, the cattle are being discounted in some factories by 70 cent on other factories.

An Cathaoirleach: Senator, you are way over time.

Senator Pat O'Neill: An R3 grade animal is being discounted by 66 cent.

An Cathaoirleach: Senator, resume your seat, please.

Senator Pat O'Neill: An 03 animal, especially a heifer, is being downgraded by 87 cent.

An Cathaoirleach: Senator Mullen is next.

Senator Pat O'Neill: Sorry. I want to make one point.

An Cathaoirleach: You are way over time.

Senator Pat O'Neill: Senator Mullen is very interested in this.

An Cathaoirleach: Senator, you are way over time. We are all interested but you are way over time.

Senator Pat O'Neill: At present an R grade bullock is worth €230 in certain factories and an O grade heifer is worth €287.

An Cathaoirleach: Senator, you are way over time. Resume your seat, please.

Senator Pat O'Neill: We need a debate on this immediately.

An Cathaoirleach: Senator, resume your seat.

Senator Rónán Mullen: Some colleagues have mentioned the free travel system, the maintenance of which is absolutely essential. There are many ways by which our treatment of older citizens in recent years has become quite shameful, including the elimination of various services and allowances and so on. It seems to me that the free travel system is probably among last remaining examples of evidence that we have some regard for our older citizens and it must

remain non-negotiable.

In yesterday's edition of *The Irish Times* we read that in Denmark high-voltage cables are placed underground in scenic areas and away from centres of population. The writer referred to his home island of Funen and how it is almost free of overhead lines. He stated:

Dig them down; it costs a hell of a lot of money but it is worth it. Pylons are not an issue in Denmark any more.

We heard last week that EirGrid is considering undergrounding options for the Grid West project, but with the veiled threat that it might cost a great deal more. We were told on 7 January by John Lowry, a project manager on the Grid Link project who is working for EirGrid, that the type of power generated and used here means that cables cannot be run underground. How can that be true in the light of what we have learned from Denmark and given what EirGrid is proposing to contemplate? If we are committed to protecting our environment we must place these pylons underground. We need look no further than my Bill, which is on the Order Paper, the Planning and Development (Strategic Infrastructure) (Amendment) Bill 2014.

The fact that the Government has not supported this legislation to date is telling. I will be calling votes on the Order of Business in due course to ensure we can debate this legislation. If we are committed to real representation of the communities that elect us, there can be no doubt that we ought to pass that legislation or very similar legislation.

An Cathaoirleach: Is the Senator proposing an amendment to the Order of Business?

Senator Rónán Mullen: Not at this point.

Senator John Crown: It is a given that the country found itself in a very difficult situation financially and found itself making what have been called difficult choices, clearly choices that were more difficult for some than for others, over the last few years. The two parties in the Government signed up to a programme which was largely based on trying to get the public finances into order through a process of curtailed public spending known as austerity. One of the most painful parts of that, of course, was the decline in spending on the health service to save money and, as a result, a decline in services. That there has been a decline in services is apparent in that waiting lists are longer and staffing levels are lower. I have seen figures of up to 10% for a global decrease in the number of those employed in the health service and 13% in the number of nurses employed in the health service over the last five years. While the pain and decreased numbers have occurred, what savings have occurred?

I recently saw figures, and we are depending on the very frail accountancy processes of the HSE and the Department of Health, which suggest that €14 billion was being spent in 2010 and that the projected figure for this year, when one factors in the various supplements that are made, is €13.8 billion. In return for a decline in service and a drastic reduction in the number of staff there has effectively been no saving of money. How have these resources been spent?

I have a suspicion that if one decides not to replace three nursing posts but when one is desperately stuck to replace them with two agency nurses who cost as much as three nurses, and the same applies to physiotherapists and junior doctors, one has a system where there is still a decline in the service and fewer people in post, but one spends just as much money. Is it possible to get answers to these core questions? What has been the year-by-year spend on the public health service in this country since 2008, what are the staffing numbers during that time

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and what number of people have been employed on an agency basis? Something does not add up. We have taken the pain in double terms. Patients and staff have taken the pain, but the savings have not been made. Something is badly wrong. This would be a good topic for debate in the House with the Minister for Health. It would be an opportunity to dissect the data, see what has been achieved and give the report card on austerity in the health service over these years.

Senator Ivana Bacik: Senator Daly raised a number of issues and called for a general debate on openness and transparency in a number of areas. If the Senator wishes to clarify tomorrow which Ministers he wishes to invite to the House to discuss which aspects of openness and transparency, we can arrange that. He raised, in particular, the issue of appointments to State boards. As Senator Coghlan pointed out, this Government was the first to give members of the public the opportunity to apply for positions on State boards, a break with the cronyism of the past.

Senator Thomas Byrne: That is not true.

Senator Ivana Bacik: Departments will continue on their websites to invite expressions of interest in vacancies on the boards of bodies under their aegis. This process has increased the pool of available talent. A number of Departments have already made progress in this area. The Department of Transport, Tourism and Sport, for example, has made a number of appointments to transport boards that came in via the public expressions of interest. However, all board appointees to date are entirely qualified to serve on their boards and to make a valuable contribution to the oversight of State organisations.

Senator Daly also raised a specific issue regarding the Irish Deaf Society. I was contacted today by somebody from the society about this issue and the closure of the advocacy service of the Irish Deaf Society, Deaforward. I am very concerned to hear about it and I have asked for more information on it.

The Senator also raised the Dublin and Monaghan bombings, Ballymurphy and so forth, but perhaps he would clarify tomorrow what debate he seeks and what Minister to invite on those issues. Senator Coghlan replied about the State boards, as I said.

We all join with Senator Mac Conghail in expressing condolences to the family of Dermot Healy and in paying tribute to his immense contribution to our poetic and cultural life. A beautiful poem by Dermot Healy is published in *The Irish Times* today to mark his passing. Senator Mac Conghail also asked for a debate with the Minister for Justice and Equality on direct provision. I will be happy to request that. That issue was the subject of a number of recent debates in the House. I was present at the Integration Centre yesterday for the launch of the ESRI's annual monitoring report on integration in Ireland, at which the Minister for Justice and Equality, Deputy Fitzgerald, made a very important speech about moving to a single unified system of application for leave to remain in Ireland. The purpose of such a system would be to streamline the current process, which has really been allowed to drift. That is the difficulty. Direct provision was initially introduced as a temporary, short-term measure to ensure that people involved in the asylum-seeking process would have shelter, food, etc. It is clear, however, that people are spending far too long in the direct provision system. Senator Mac Conghail referred to the terrible story of a child who has spent all seven years of her life to date within the system. Clearly, that is wrong. It is a dehumanising process, and many Senators have commented on this matter in the House previously. I hope that during the remainder of this Government's term of office there will be a distinct effort to tackle this problem. Senators should join together on

a cross-party basis to encourage the Minister in the approach she is adopting, which is designed to ensure that action is taken to reduce the amount of time people - particularly families with children - are obliged to spend in direct provision. Other matters arise in this regard in the context of the Ombudsman for Children. On previous occasions, for example, I referred to the lack of access to child benefit for children in direct provision. The Government will be obliged to tackle a number of different aspects of this issue.

Senator Barrett referred to a motion that is being taken without debate. If they read the Order Paper, colleagues will see that both motions being taken without debate involve the referral of matters to the relevant joint Oireachtas committees for debate. The Joint Committee on Justice, Defence and Equality will debate the motion relating to Eurodac tomorrow. Senator Barrett also congratulated the new President of the European Commission, Jean-Claude Juncker, and called for warm relations between Luxembourg and Ireland. He also called for warm relations between the PSNI and the Garda.

Senator Gilroy provided a vigorous response to Senator Daly on the spirit of true republicanism and I echo his words. Senator Gilroy also sought a debate on electroconvulsive therapy and section 59 of the Mental Health Act 2001. That is a matter on which the House has sought to take action in the past. We should engage in a debate on mental health in September and try to move matters forward. We came close to amending section 59 of the Act previously but, unfortunately, moves in that regard did not come to fruition.

Senator Leyden referred to the Irish nomination to the European Committee for the Prevention of Torture, CPT. I thank the Senator for his suggestion that I put my name forward. I must inform him that I have no intention of applying for the post.

Senator Mark Daly: We will nominate the Senator, despite her wishes.

Senator Ivana Bacik: Senator Sheahan suggested that Senator Leyden might put his own name forward.

Senator Mark Daly: An excellent choice.

Senator Ivana Bacik: I have every confidence in the Minister for Justice and Equality, Deputy Fitzgerald, in making the appointment to this important position in a transparent manner.

Senator Naughton and others referred to the free travel scheme. I wish to clarify the Government's position on this matter. There has been a huge amount of scaremongering about the review of the scheme. However, the Government has made clear that it fully appreciates the importance of the scheme and the value it provides to the hundreds of thousands of people who use it. The Minister for Transport, Tourism and Sport, Deputy Varadkar, and the Minister for Social Protection, Deputy Burton, have made clear that they do not envisage any changes to the benefits received by people under the scheme. The purpose of the review is to consider the current operation and future development of the scheme and to examine a number of issues, particularly the control of fraud. I am sure we would all support the latter. I must point out that the previous Fianna Fáil Government, in its National Recovery Plan 2011-2014, capped funding for the free travel scheme at €77 million per annum. This means that the cap in question predates the current Government, which has proven to be a difficulty. The number of people eligible for free travel has increased each year since 2011 and, as a result, the Department of Social Protection has imposed a freeze on the amounts paid to private companies. That is why

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such companies have been involved.

Senator Mary M. White: The Minister must speak to the private companies.

Senator Ivana Bacik: The Minister, who is going to examine the report of the working group-----

Senator Paul Coughlan: Senator White is suffering from selective amnesia.

Senator Ivana Bacik: -----has made clear her commitment to the scheme, as has the Minister for Transport, Tourism and Sport, Deputy Varadkar.

Senator Mary M. White: Who was the senior Government source who commented on this matter yesterday?

Senator Ivana Bacik: That should pre-empt the scaremongering in which people have been engaging in respect of this matter.

Senator O'Donnell referred to the death of Dermot Healy, arts and education and sentencing. Like her, I was hugely impressed by the dignity shown and inspirational words spoken by the parents of a young German student who was murdered in Ireland and whose killer was recently sentenced. I would like the House to engage in a debate on sentencing because I am of the view that it would be a good exercise. However, the sentences handed down in individual cases are a matter for the courts. In 1993 the Oireachtas introduced legislation by means of which the Director of Public Prosecutions, DPP, was provided with the power to appeal any sentence imposed on the grounds of undue leniency. That is an important mechanism to review sentences where an issue in respect of leniency arises.

Senator Sheahan requested a debate on homelessness with the Minister for Social Protection. We can certainly seek such a debate in the autumn. The Minister will be coming before the House tomorrow to deal with the Social Welfare and Pensions Bill. The Senator also sought a debate on an issue relating to a particular individual, which, I understand, may be the subject of one of the matters on the Adjournment.

Senator Cullinane requested a wide-ranging debate on health care, particularly in the context of funding and recruitment difficulties within the health service. I will be happy to ask the Leader to facilitate such a debate. Tomorrow we will debate three health Bills, including the ground-breaking Bill providing for universal health care for children under the age of six years which I hope will be supported by all sides.

Senator Terry Brennan referred to the free travel scheme. I believe I have dealt with that issue.

Senator Denis O'Donovan paid tribute to the Minister for Justice and Equality in respect of the radical policing reforms being proposed by the justice committee which are reflected in the heads of the Bill on GSOC oversight she has seen approved by the Cabinet today. I agree absolutely with the Senator that these are important reforms for which I hope there will be cross-party support in the House, as was the case at meetings of the justice committee. The required reforms became very clear to us in the hearings we had with representatives of GSOC, the Garda Inspectorate and other bodies. It is very important that better oversight be provided for.

Senator Denis O'Donovan also referred to the education Bill that we are to consider this

evening. I agree with him that it is not ideal to have a Bill debated in the House so soon after its publication and gather the reason is the lack of ministerial availability later in the week. He also mentioned the need to have debates on farming and fishing. I have been provided with a list of the debates we have had. We have had quite a few wide-ranging debates on a series of such topics, apart from specific debates on agriculture Bills or issues such as greyhound racing. The most recent was on 22 January with the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, in which only nine Senators spoke. There were statements on CAP reform in October 2013 and again only nine Senators spoke. There was also a debate on the CAP in October 2012. I am happy, however, to ask the Minister to return to the House for another such debate and he is always very willing to do so. He is one of the Ministers who attends most regularly.

Senator Catherine Noone welcomed the reduction in roaming charges agreed to by the European Commission. We all agree with it. The Senator also commented on water safety in the wake of the dreadful tragic drownings of two children, which are absolutely devastating for the two families involved. We all send our condolences to the bereaved families. The Senator also referred to alcohol pricing and asked for the Minister of State at the Department of Health, Deputy Alex White, to come to the House to discuss this issue and Government policy thereon. We can certainly look for such a debate.

Senator Fidelma Healy Eames asked for debates on the issues of sentencing and pensions. We can ask for them.

I am happy to agree to Senator Lorraine Henry's amendment to the Order of Business to allow the Intoxicating Liquor (Amendment) Bill 2014, No. 18 on the Order Paper, to be taken.

Senator Labhrás Ó Murchú referred to the free travel pass. I have dealt with that issue, particularly the Fianna Fáil doublespeak thereon.

Senator Michael Comiskey referred to the cost for hauliers of insurance and moving in and out of Northern Ireland. Perhaps this issue might be raised as a matter on the Adjournment as it might secure a debate or a ministerial response more swiftly than calling for statements.

Senator Thomas Byrne called for a debate on the commission chaired by the former Supreme Court judge, Ms Catherine McGuinness, the electricity commission and EirGrid. We can certainly seek a full debate on it once the report is published.

Senator Martin Conway called for a debate on the issue of sentencing and asked for the Chief Justice to be brought before the Seanad. We can certainly put it to the Committee on Procedure and Privileges. We would have to examine the matter in the context of our constitutional framework, but it is an interesting model. The Senator also referred to issues concerning water safety and litter on beaches. We all concur with him in that regard.

Senator Mary White referred to the free travel pass scheme. I have referred to that issue.

Senator Pat O'Neill referred to free travel and including swimming lessons in the curriculum. I believe they are included in the curriculum for second class pupils in national schools. As part of the national physical education programme, all students take swimming lessons every week. However, I agree with the Senator on the need to roll out the Irish water safety scheme to ensure children are also trained in water safety and rescue methods in water. As he did, I pay tribute to the work of lifeguards who rescued over 500 people last year.

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The Senator also sought a debate on agriculture. We have such debates regularly with the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, whom we can certainly invite to come to the House again.

Senator Rónán Mullen referred to the free travel scheme and sought a debate on the review of EirGrid and the subject of underground cables. We can seek such debates.

Senator John Crown referred to the health budget and called for a debate on it and certain figures. I have a briefing document in this regard and the Senator will be well aware of many of the figures. To be clear, the Government is committed to introducing the most comprehensive and radical reform of the health care system. This was a major matter of policy proposed by both the Labour Party and Fine Gael before the last general election. As part of it, we will see a new system of universal health insurance introduced, with strong financial incentives through the introduction of the money-follows-the-patient principle. This is a new funding model, as the Senator is well aware. The reforms being introduced in the health system are in the context of an increase in the population, demographic changes and an ageing population. There has been population growth of 8% since 2008 and a €3.3 billion reduction in the budget since 2008, as well as large staffing reductions, about which the Senator spoke. The reforms we have seen have saved the taxpayer over €500 million including, for example, savings relating to the use of generic drugs. We have tackled waiting lists and the issue of patients waiting on trolleys, the number of whom has been reduced by one third in the past two years. For the first time, an out-patient waiting list was compiled in March 2013 while MRSA infections are at their lowest levels since record-keeping commenced.

These are some good news stories from the health service. Even in the boom years, we saw overspending in the health service with, arguably, less efficient returns. Certainly, the Senator might want to seek to table a matter on the Adjournment to address the specific issue of the information sought. However, I can also ask the Leader to arrange a debate on health care more generally, which Senator Cullinane also sought. We will have three health Bills in with us tomorrow while the Health Service Executive (Financial Matters) Bill will be before the House on Thursday. The Minister for Health will, therefore, be in the House for extensive periods this week.

An Cathaoirleach: Senator Henry has proposed an amendment to the Order of Business: “That No. 18 be taken before No. 1.”

Amendment agreed to.

Order of Business, as amended, agreed to.

Intoxicating Liquor (Amendment) Bill 2014: First Stage

Senator Imelda Henry: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Licensing Acts 1833 to 2008 and to provide for related matters.

Question put and agreed to.

Intoxicating Liquor (Amendment) Bill 2014: Order for Second Stage

Bill entitled an Act to amend the Licensing Acts 1833 to 2008 and to provide for related matters.

Senator Imelda Henry: I move:

That Second Stage be taken on Tuesday, 8 July 2014.

Question put and agreed to.

Second Stage ordered for Tuesday, 8 July 2014.

Draft Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and Shipping Sectors) Regulations 2014: Referral to Joint Committee

Senator Ivana Bacik: I move:

That the proposal that Seanad Éireann approves the following Regulations in draft:

Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and Shipping Sectors) Regulations 2014,

a copy of which has been laid in draft form before Seanad Éireann on 9th June, 2014, be referred to the Joint Committee on Jobs, Enterprise and Innovation, in accordance with Standing Order 70A(3)(j), which, not later than 10th July, 2014, shall send a message to the Seanad in the manner prescribed in Standing Order 73, and Standing Order 75(2) shall accordingly apply.”

Question put and agreed to.

Regulation (EU) No. 603/2013 on the Establishment of Eurodac: Referral to Joint Committee

Senator Ivana Bacik: I move:

That the proposal that Seanad Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to accept the following measure:

Regulation (EU) No. 603/2013 of the European Parliament and of the Council of 26th June, 2013 on the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of Regulation (EU) No. 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes,

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and amending Regulation (EU) No. 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast),

a copy of which was laid before Seanad Éireann on 16th April, 2014, be referred to the Joint Committee on Justice, Defence and Equality, in accordance with Standing Order 70A(3)(j), which, not later than 3rd July, 2014, shall send a message to the Seanad in the manner prescribed in Standing Order 73, and Standing Order 75(2) shall accordingly apply.”.

Question put and agreed to.

Protected Disclosures Bill 2014: [Seanad Bill amended by the Dáil] Report and Final Stages

An Leas-Chathaoirleach: This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 118, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question “That the Bill be received for final consideration”, the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. The only matters, therefore, which may be discussed are the amendments made by the Dáil. For Senators’ convenience, I have arranged for the printing and circulation of the amendments. The Minister will deal separately with the subject matter of each related group of amendments. I have also circulated the proposed grouping to the House. Senators may speak only once on Report Stage.

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

An Leas-Chathaoirleach: I ask the Minister to speak on subject matter of the amendments in the first group, including amendment No. 1.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): We had a very useful discussion on this important Bill when I was last here and that continued in the other House. I have reflected on many of the very positive suggestions made in the House and crafted amendments accordingly. We are dealing with group 1 and amendment No. 1 in particular, the text of which reads:

In page 5, line 19, “not later than the end of the period of 5 years” deleted and “not later than the end of the period of 3 years” substituted.

The shorter review period will provide an earlier opportunity to assess whether this vital legislation is working as intended and to propose any reforms needed to strengthen it in light of its operation.

An earlier review was proposed in this and the other House, so I have reflected upon that. I think three years is a more appropriate timeframe rather than the five years we originally proposed.

Senator Thomas Byrne: I am at a loss here because I do not have the Dáil amendments, although I have read them. I thank the Minister because I recall that debate very clearly and I

am glad the Minister listened. It reminds me of the Seanad referendum when they said the Seanad did nothing and that amendments were never made to Bills, but, of course, this is the way the debate happens. The debate takes place and the Minister puts forward his amendments, so we are glad to support that.

An Leas-Chathaoirleach: I call on the Minister to speak on the subject matter of the amendments in group 2.

Deputy Brendan Howlin: The amendments in this group are very important in providing clarity on the definitions of “employee” and “employer” and that part of the definition of “worker” relating to contractors. I will discuss each amendment in turn. The original Bill contained quite convoluted definitions and I have sought, with the help of the Parliamentary Counsel, to produce clearer and more user-friendly definitions. The purpose of amendment No. 2 is to ensure that members of An Garda Síochána, including members of the Garda Reserve, and civil servants who do not work under formal contracts of employment will have access to the full range of protections available to all employees under this legislation. These persons are specifically referenced in section 2(a), introduced under amendment No. 6, which explicitly deems them to be employees for the purposes of this Bill. Amendment No. 3 simplifies and clarifies the definitions of “employer” and “worker” in the Bill so as to minimise the risk of any legal uncertainty as to the relationship that exists in any particular case. Amendment No. 4 focuses on the definition of “worker”, which is now defined in simpler terms. Amendment No. 5 is designed to specifically confirm that the definition of “worker” includes a member of the Permanent Defence Force, so as to ensure that they also fall squarely within the ambit of the Bill. Amendment No. 6, as I have already mentioned in connection with amendment No. 2, specifically deems members of An Garda Síochána and civil servants to be employees embraced by this Bill.

An Leas-Chathaoirleach: Are there any comments on the amendments in group 2?

Senator Thomas Byrne: Was there some chopping and changing in respect of An Garda Síochána?

Deputy Brendan Howlin: That will come later on.

Senator Thomas Byrne: That is further on?

An Leas-Chathaoirleach: I call on the Minister to speak on the subject matter of amendments in group 3 - amendments Nos. 7 to 13, inclusive.

Deputy Brendan Howlin: Amendment No. 7 provides greater legal certainty that a disclosure made prior to the enactment of this legislation can qualify as a protected disclosure provided that penalisation or detriment is continuing after the enactment of the Bill. This makes the provision contained in section 5(9) of the Bill no longer necessary, and amendment No. 9, therefore, deletes that section of the Bill. In essence, it ensures that we have retrospective effect as long as detriment to an employee is still occurring after the enactment of the Bill.

An Leas-Chathaoirleach: Are there any comments on the amendments in group 3? No. I call on the Minister to speak on the subject matter of the amendments in group 4 - amendments Nos. 14 and 15.

Deputy Brendan Howlin: These amendments provide clarification in respect of the cir-

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cumstances in which advice from a solicitor or trade union official on legal matters constitutes legal advice. The Office of the Attorney General endorsed the proposal that a text in parentheses should be included in the provision to make clear that legal advice extends to advice on the operation of the protected disclosures regime. The revised wording of section 9 also encompasses an official of an accepted body within the meaning of the Trade Union Act 1941 and a body included on the register maintained by the Registrar of Friendly Societies for the purpose of representing workers in their relations with employers or to act as representative bodies for particular interest groups.

We had a discussion in other House. While legal advice is protected, often on a matter of this type, trade union officials give quasi-legal advice and to make sure that is captured, I have proposed and accepted the amendment.

An Leas-Chathaoirleach: We will move on to group 5, subject matter of amendment No. 21.

Deputy Brendan Howlin: The amendment deletes section 10(3)(d) of the Bill originally passed by the House. Section 10 sets out the circumstances under which a disclosure made to a person other than an employer, a prescribed person or a Minister - what we have classified as an external disclosure - will attract the protections of the legislation. One of the circumstances listed is that “in all the circumstances of the case it is reasonable for the worker to make the disclosure”. Section 10(3)(d) specified one of the matters to which particular regard must be had in determining whether it was reasonable for the worker to make the disclosure as “whether the disclosure is made in breach of a duty of confidentiality owed by the worker’s employer to any other persons”. It is evident by their very nature that many whistleblowing reports will involve a duty of confidentiality. On that basis, and having reflected on it, disclosures made under section 10(d) would not qualify as protected on account of this element of the reasonableness test as set out. The amendments proposes to address what might otherwise create an obstacle for the appropriate use of the legislation.

Senator Tom Sheahan: If a staff member goes to a more senior staff member and the senior member reports this to management or the employer, is the junior staff member covered by this provision? One can assume that would happen in the workplace. A junior staff member might not have the confidence or wherewithal to go to the boss or the management. There should be no ambiguity about whether he or she would be protected if the complaint went further.

Deputy Brendan Howlin: The amendment does not relate to that; it relates to a disclosure to somebody outside the company. It is being made to ensure the reasonableness requirement is not an obstacle to that.

With regard to the Senator’s question, it is possible to report to a line manager and not necessarily the most senior manager and to have full protection under the legislation.

An Leas-Chathaoirleach: Group No. 6 is the subject matter of amendments Nos. 22 to 25, inclusive, and amendment No. 36.

Deputy Brendan Howlin: This relates to the issue raised regarding An Garda Síochána. The group of amendments provides for what can be termed the “mainstreaming” of the Garda for the purposes of the Bill. The combined effect of the amendments is to ensure members of the Garda will be subject to this legislation in the same way as any other worker. In addition, the particular arrangement relating to the confidential recipient that currently replies in respect

of the making of confidential reports by members of An Garda Síochána will no longer apply. The position has been wound up. Following the enactment of the Bill, all such reports will be made in accordance with the provisions set out in this legislation.

Three distinct elements are required to bring members of the Garda fully within the remit of the Bill. The first element is to ensure members have access to the same redress provisions as every other worker in the State for the purposes of this legislation. This is addressed by amendments Nos. 22 and 23, both of which, though relatively minor technical changes, reverse the current exclusion of members of An Garda Síochána from the protections available under the legislation. The effect of amendment No. 22 is to give them access to the Unfair Dismissals Acts for a claim of dismissal following the making of a protected disclosure while the effect of amendment No. 23 is to give them access to the industrial disputes resolution mechanisms of the State such as rights commissioners and the Labour Court in respect of claims of penalisation following the making of a protected disclosure.

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The second element is to make consequential amendments. These are addressed by amendments Nos. 24 and 25. The changes to section 19, to which I will refer in a moment, require some tidying up of the legislative framework which is affected by these amendments. The third element ensures the ending of the separate and distinct arrangements in the Garda Síochána Act, which currently exist for the making of confidential reports. The new and completely revised version of section 19, set out in amendment No. 36 provides for the revocation of the regulations governing the current confidential recipient arrangements.

In terms of the findings of the Guerin report regarding the operation of the confidential recipient system for Garda whistleblowers, Senators will agree that this is a very significant, important and welcome reform. Amendment No. 36 also provides that GSOC will, in accordance with the commitment given by the former Minister for Justice and Equality, be prescribed as a body suitable for the acceptance of protected disclosures, in accordance with the provisions of section 7. I intend to prescribe GSOC under section 7 as soon as possible once this legislation has commenced.

Senator Susan O’Keeffe: Does this mean a member of the Garda Síochána can make a disclosure only to GSOC, or is the person protected only under GSOC and therefore cannot make a disclosure anywhere else? Is only the Commissioner of the Garda Síochána exempt? What is the role of other senior members of the Garda Síochána should they wish to make a disclosure?

Deputy Brendan Howlin: It is the intention to mainstream the Garda Síochána. A reporting body for every body must be set out. Within a company, it would be the management, before they can disclose externally, and the same will apply to the Garda Síochána. While GSOC is a designated recipient of complaints, it would be possible for a member of the Garda Síochána to make an external disclosure should nothing happen after a disclosure to GSOC, for example a garda could make a disclosure directly to the Minister for Justice and Equality. As Members know, the Minister for Justice and Equality will shortly bring forward reforming legislation regarding GSOC, and it will be the appropriate body to receive complaints or suspicions from members of the Garda Síochána in the normal course of their work.

An Leas-Chathaoirleach: We move on to group 7, amendments Nos. 26 and 27.

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Deputy Brendan Howlin: Amendments Nos. 26 and 27 relate to an important issue at the core of the Bill which was of concern in both Houses, namely, the protection of the identity of whistleblowers. Having considered the arguments put to me in both Houses, I carefully considered this matter and consulted widely with the Attorney General. The amendments before us seek, as much as possible, consistent with the objective of the legislation and other important public policy objectives, to differentiate between the message and the messenger and to protect the identity of the person who makes a protected disclosure. Amendment No. 26 removes the “all reasonable steps” qualifier so as to make it the recipient’s duty to protect the identity of the whistleblower. While the original legislation requires the recipient to take “all reasonable steps” to protect the whistleblower, I am making protection an absolute requirement.

It is essential that recipients of disclosures are not precluded from taking necessary action on foot of the information disclosed to them because it would require them to disclose the identity of the whistleblower. It would be a moot issue if one could not act on the information because to do so would disclose the identity of the whistleblower. Once the issue was being investigated, the disclosure of the information might point to one individual exclusively. We must have provision that action can be taken, otherwise there is no point in the whistleblowing.

Section 16(2) makes explicit the specific and limited circumstances where objectively it would warrant a departure from the mandatory prohibition on disclosing the identity of the whistleblower. The effect of amendment No. 27 is to place the burden squarely on the recipient of the information to demonstrate where the identity of the whistleblower has been revealed that all reasonable steps to avoid such a disclosure have been taken. When considered in conjunction with the provisions of section 16(3) where the holder of the disclosure can be subjected to an action for any loss arising, this sets a very high hurdle for the recipient of the information in ensuring that he or she protects as far as possible the identity of the whistleblower.

An Leas-Chathaoirleach: As there is no comment on Group 7, we will move on to Group 8, which is the subject matter of amendments Nos. 37 and 38.

Deputy Brendan Howlin: This group of amendments relates to the very constructive and helpful debate on the Bill that took place in this and in the other House. The specific proposals concern the case that the Minister should issue guidelines to public bodies setting out the matters which their internal procedures should address to ensure consistency across public bodies - Members will recall that Senators raised the issue in the debate on the Bill in this House that there should be a consistent approach across all public bodies in regard to handling of whistleblowing - as well as to seek to make sure that internal procedures in all public bodies are as effective as possible. The case was also made that public bodies should report on their activities in regard to protected disclosures once they had been received.

Having considered all the points made and given that these matters are important, I have reflected further and have tabled these amendments. I am confident that amendments Nos. 37 and 38 fully address the issues raised in this and in the other House.

An Leas-Chathaoirleach: Does Senator Bradford wish to comment?

Senator Paul Bradford: I welcome the Minister and apologise for not participating in the earlier Stages of the legislation but, notwithstanding that, I want to raise with him how this proposal and these amendments will impact on whistleblowers in banks throughout the country. As we all know, the protection of whistleblowers in our banking institutions is very important

as we hopefully see the beginning of a new economy and a new banking structure, system and ethos. The Minister will be aware that the Central Bank (Supervision and Enforcement) Act 2013 provides a certain level of protection for whistleblowers within certain banking structures but it does not provide the same level of protection as is provided for within this legislation.

We are dealing in these amendments with public bodies and a public body is defined as “a company ... a majority of shares in which are held by or on behalf of a Minister of the Government”. I am sure the Minister will be in a position to confirm that the provision would therefore apply to AIB, Permanent TSB and NAMA but significantly it would not apply to Bank of Ireland, presumably because the majority of the shares in it are not held by the Minister on behalf of the Government.

In that regard, there will now be two types of bank employees from the point of view of protection under this Act. Bank employees in AIB, Permanent TSB and in other financial institutions such as NAMA will have the full support and protection of the Minister’s proposed legislation but it will be different for employees in Bank of Ireland. Section 38 of the Central Bank Act is being amended to ensure that protected disclosures, as prescribed in this Act, are protected in banks, but why would we simply not repeal the particular section of the Central Bank Act and replace it by the current definition which the Minister is preparing this afternoon? While his proposals are welcome and a very significant step forward, there will still be this anomaly particularly within the Bank of Ireland which will not have the same reporting obligations as far as my reading of the legislation and its definitions are concerned. It is a worry that there will be that difference between what employees feel obliged to do in one banking institution as opposed to other financial institutions. The necessity to support and assist whistleblowers in our financial institutions is accepted by all of us. Even at this stage, could the Minister contemplate, by way of further legislation, the repeal of section 38 of the Central Bank Act and its replacement by the type of legislation presented here today, in order that all employees in all our financial institutions, which are public bodies, but also banks which are not deemed to be public bodies will have the same protection and feel equally safe in coming forward to highlight wrongdoing which they consider is being practised?

Deputy Brendan Howlin: The whole purpose of this legislation from the start was to have overarching legislation that captures everybody, both public and private, without distinction. All the banks will be covered by this legislation, whether their majority shareholding is in State hands or in private hands. There will be no distinction between the capacity of a whistleblower in Bank of Ireland, AIB or in any other institution who will be able to make such a disclosure. On the points made about the Central Bank, the Central Bank will also be captured by this legislation. The Bill will supersede the requirements set out in the Central Bank legislation. We sought advice on any necessity to repeal any element of the Central Bank Act. This legislation will simply supersede it and provide the protection to workers in the Central Bank and any other agency to whistleblow and have the protections set out for redress.

An Leas-Chathaoirleach: We will move on to group 9, subject matter of amendment No. 39.

Deputy Brendan Howlin: Senators will recall we had a debate on interim relief in this House. I accepted an amendment in this House to have interim relief which is new for breaches of labour law. This is sitting into the suite of labour law. The time limit for seeking interim relief in the Bill passed by the Seanad was set at seven days. It was put to me subsequently that in practice it is likely to take longer to identify and engage with solicitors before a case can

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be made. Having considered the matter I have decided that a longer period than seven days is required and I propose that 21 days be allowed to make an application for interim relief. I think that is more satisfactory.

An Leas-Chathaoirleach: We will move on to group 10, subject matter of amendment No. 40.

Deputy Brendan Howlin: This is a minor technical amendment to the first line on page 21 to correct a typographic error.

An Leas-Chathaoirleach: We will move on to group 11, subject matter of amendments Nos. 41 and 42.

Deputy Brendan Howlin: These are technical amendments necessitated by recent legislative developments. Amendment No. 41 removes the reference to the Labour Services Act and amendment No. 42 inserts a provision for the amendment of the Further Education and Training Act 2013. As other legislation has overtaken us, I am correcting it to ensure it is up to date.

Question put and agreed to.

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

Senator Thomas Byrne: I thank and congratulate the Minister for shepherding this legislation through the Houses. Many of the problems that governments and society are dealing with relate to things being hidden and stories not being told and crimes being committed that nobody knew about. It also relates to people being afraid to speak out and voices being silenced by pressures in the all-powerful society. I hope this legislation will change matters so that, where wrongdoing is happening in any organisation, an employee will not only feel safe and free to speak out, but also compelled to do so. It should become the done thing. It is one matter to have protections, but it is another to make people feel they should be doing something to better society. If people speak out when they see wrongdoing, future Governments and societies will not have to deal with the problems of the past, as Irish Governments have constantly been doing because people were neither brave nor protected enough to speak out.

Senator Susan O’Keeffe: I thank the Minister. It is a good day to have this Bill passed. The Minister has listened, taken advice, consulted and reverted to Members. People always complain that Ministers never listen in the Houses, but here we are and the Minister has listened. That is good.

This is also a good day for the political system because we are constantly accused of not keeping our promises or of not making or seeking changes in the secret ways in which we operate. We must find a balance with regard to the need for some privacy in documentation, but this Bill marks a good departure. As the Minister stated, it ensures that everyone is captured in so far as possible. Including the Central Bank and the Garda is a welcome step, as is the provision of additional responsibilities to and the strengthening of GSOC. Like citizens and workers, police officers now know that the State has provided the protections it can, debated this matter at length and consulted with those involved. This strengthens everyone. It is not anti-State or anti-employer. Everyone should feel better when we have a more open society and when we openly say that we oppose the secret environments that have led to such poverty of thought and action.

I thank the Minister for his considerable efforts. I also thank his staff, who have spent many long hours straightening the Bill out and making it fly right.

Senator Tom Sheahan: Like my colleagues, I congratulate the Minister. He is a Minister who listens, the proof of which is the Bill's unanimous acceptance today. I will tell the truth: I am glad to see this Bill pass, as it was only a number of weeks ago that a public servant contacted me to complain. I told her that she was protected when approaching management, but her response was "No way". I made the complaint, but I was asked who the public servant was seven times. I can understand why she did not want to make the complaint herself. Although it was dealt with immediately, even I felt threatened because when the matter went to senior management, it also wanted to know who was making the complaint. This legislation will protect employees thanks to how the Minister has approached it. The input from all sides must be complimented.

An Leas-Chathaoirleach: Does Senator Bacik wish to contribute?

Senator Ivana Bacik: Once the Minister has concluded, I wish to amend the Order of Business.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I thank Senators. We did our business expeditiously today, but we held a long debate when the Bill was before the House in the first instance, when useful and thoughtful suggestions were made, which I appreciate.

The legislation that has been enacted is innovative in international terms. I presented on this Bill at the Open Government Partnership forum in London recently. It is regarded as being among the best international whistleblowing protection regimes which we can all be proud of. It is necessary in the context of the points made about our recent history. I look forward to its full implementation. Obviously there will have to be training and advices given to both employees and employers, plus a common code must be established across the public service, so it can be used effectively and well plus alleviates the very lonely position that whistleblowers sometimes find themselves in. It is never easy to be a whistleblower no matter what regime we put in place. We have tried to change the culture so that people will not have to resort to legislative protections and the culture of exposing wrongdoing is not only the norm but fully accepted and lauded. We have made an important step in that direction today and I thank Senators for their contribution.

Question put and agreed to.

Business of Seanad

Senator Ivana Bacik: I propose an amendment to the Order of Business, "That No. 4 be taken now on conclusion of this item and adjourned after two hours, if not previously concluded, and that No. 5 be taken on conclusion of No. 4 and adjourned after two hours, if not previously concluded." My proposal is to avoid a gap in the schedule and Ministers are available now. I propose that the housing Bill starts now and the debate lasts two hours.

An Leas-Chathaoirleach: Is that agreed?

Senator Thomas Byrne: Has the proposal been agreed between the Whips? I do not know

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whether the spokesperson is aware of the proposal.

Senator Ivana Bacik: It is in response to something Senator O'Donovan had asked.

Senator Thomas Byrne: That is fine. I just have not spoken to a spokesperson. Are they available now? I presume they are.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Housing (Miscellaneous Provisions) Bill 2014: Second Stage

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

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

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I am pleased to be here to initiate the passage through the Seanad of this important piece of housing legislation which provides for innovative and necessary changes to social housing support and assistance in Ireland.

The Housing (Miscellaneous Provisions) Bill 2014 before the House today will bring important changes to the framework of social housing support. With the publication of the Bill, the Government meets another commitment in the programme for Government and achieves one of the key reforms contained within the current housing policy statement, namely, that the main focus in terms of housing supports must be on meeting the most acute needs of those unable to provide for their accommodation from their own resources. This is particularly so because of the constraints on our resources. Nevertheless, there are clear signs that we are turning the corner on the Government's aims of achieving economic recovery and growing employment which, ultimately, will enhance what we can achieve in the areas of housing and will also help to reduce the numbers of those at risk. In line with these promising trends it is important to note that work is under way in my Department on reviewing and renewing the social housing policy, which will be published later this year.

We are all only too familiar with the issues currently arising in the housing sector, more acutely seen perhaps here in Dublin than anywhere else. The serious constraints and supply problems place a spotlight on the housing policy and finances. As public representatives we see the growing and changing demand for housing supports every day. We need a system of housing supports that is more effective, more efficient, more coherent and that better serves the needs of people. It has long been accepted that one of the key State housing supports, the rent supplement system, was ill-used and was becoming a much longer-term support than was ever intended. The Bill will reform how the State provides rent support. The new housing assistance payment, which is provided for in the Bill, will introduce a more coherent and joined-up system of housing support which will be better for tenants, landlords and housing authorities.

I wish to on the record of this House that the main avenue, in my view, is to tackle social housing demand is to create more social housing units, either through local authorities or the not-for-profit voluntary sector. That is the most important challenge in social housing policy. To date this year, I have announced more than €200 million in funding that will be used to build, purchase or refurbish some 2,900 units in the coming 24 months. As the economy improves, I

am determined to fight for additional housing capital resources to increase social housing supply. However, it is important to be realistic. More than 70,000 households are in receipt of rent supplement. A large number of households will in the short to medium term meet their housing needs in the private rented sector with State support. These households cannot be ignored. For too long, they were dependent on a rent supplement system that was not fit for purpose. It resulted in a fractured approach to social housing; it penalised people for taking up employment; it created a poverty trap; and it made inspection of standards difficult for local authorities. The Bill reforms how we support households in meeting their housing needs in the private rented sector. It is good for the State and tenants and recognises the problems faced by landlords.

In providing for a more coherent, responsive system of housing support the Housing (Miscellaneous Provisions) Bill 2014 places all long-term supports with local authorities, which will make for a better, fairer system. In addition, the Bill provides for implementation of mandatory direct deduction of rental contributions due to housing authorities from the welfare payments of housing assistance payment, HAP, recipients and local authority tenants, which is a key provision in avoiding and combating the build-up of rent arrears that cause significant financial difficulty for local authorities but more significantly for tenants. The HAP scheme is an opportunity to improve standards and levels of compliance, remove employment traps and create a more equal and fair social housing system where the rights and opportunities available to tenants in different forms of social housing are vastly improved. Households that move onto the new HAP will retain the ability to apply for other social housing options. I stress this point because it was raised frequently in the other House. These options include the traditional local authority house or a unit provided by the voluntary sector. As the household will be within the local authority system, they will do this by joining the relevant local authority's transfer list. The transfer list will reflect the specific priority or previous position the household had on the previous waiting list within the authority area in which they are resident. The principle will be that the reasonable expectations of households should be preserved. They will, therefore, be placed on a transfer list with no less favourable terms than if they had remained on the main housing waiting list.

Following the passage of this legislation I will, using my powers under section 22 of the Housing Act 2009, require every local authority to provide access to the transfer list to households that transfer to the HAP scheme and also to reserve a proportion of allocations for households on the transfer list. The Bill also provides for two other significant areas of reform, namely, the termination of local authority tenancies and the tenant purchase of local authority houses.

Section 62 has withstood judicial scrutiny during the years, but the passage of the European Convention on Human Rights Act 2003 resulted in a stream of litigation claiming that the section 62 repossession procedure used by housing authorities was incompatible with the convention. The Supreme Court delivered a judgment in 2012 in two such cases, making a declaration under the European Convention on Human Rights Act 2003 in respect of one of these cases. In its judgment it declared that section 62 of the Housing Act 1966 was incompatible with the convention where there was a factual dispute about the basis for the evictions as it did not provide for an independent hearing of the merits of the proposed eviction. However, the court made no such declaration in the second case, in which it found there was no dispute about the basis of the proposed repossession. New legislation is, therefore, required in this area to provide for repossession procedures compatible with the European Convention on Human Rights Act.

The changes proposed in the Housing (Miscellaneous Provisions) Bill 2014 deserve the widespread support of the Seanad. The Bill is set out in five Parts, with 58 sections, and I will

refer in some detail to the main provisions.

Part 1 of the Bill contains standard provisions dealing with Title, collective citations, construction and commencement. It also provides for the interpretation of key terms, regulations, orders and directions, repeals, revocations and amendments to the Housing Acts, including the Housing Act 2009 which remains a core housing statute, as well as other technical provisions such as legal savers and provision for expenses.

Part 2 of the Bill repeals the repossession procedure set out in section 62 of the Housing Act 1966 and sets out a revised procedure for repossessing local authority dwellings where serious breaches of tenancy agreements have occurred, including anti-social behaviour and breaches of rescheduling arrangements for rent arrears. Warnings issued to tenants by housing authorities for such breaches will include the right of the tenant to request a review of the warning.

Sections 7 to 11 set out procedures for tenancy warnings and their review. In the case of non-compliance with tenancy warnings for anti-social behaviour housing authorities will have strengthened powers under sections 12 and 13 to either recover possession of the dwelling or seek an exclusion order, as appropriate. Sections 14 to 17 deal with abandoned local authority dwellings and recovery of property in the case of death of a tenant and certain other cases. We can all agree that we have no wish to see very many tenancies terminated in this way but we also know the havoc and misery that anti-social behaviour can cause to communities. It is important to have a mechanism available that meets the highest standards of our human and civil rights obligations for all concerned. This part also provides a legislative mechanism to update all existing local authority tenancy agreements to reflect new legislation without the necessity to terminate all existing agreements for the purpose of entering into new agreements incorporating updated terms and conditions.

Part 3 provides one of the measures most sought after by tenants, that is, an incremental purchase scheme for existing houses which will cover local authority houses other than newly-built or newly-acquired houses and local authority apartments, which are covered by the existing incremental purchase schemes under the 2009 Act. The incremental purchase scheme detailed in sections 21 to 30 offers a number of key benefits. For families, the scheme offers the path to home ownership for those willing and able to undertake a house purchase. The scheme is structured to make it attractive for people to retain long-term roots in the community and to continue their commitment to an area, thereby contributing to more stable and integrated communities. On Committee Stage in the Dáil I deleted the requirement in section 25 on a tenant purchaser of an existing local authority house to obtain the prior written consent of the housing authority to carry out material improvements to the house during the period of the incremental purchase on the property. This will make it easier for purchasers to improve their homes with consequent benefits for the construction sector generally.

In due course, I will make regulations on specific aspects of the new scheme, including the qualifying conditions for applicants, calculation of discounts, the method used by local authorities to determine the purchase price and discount and the period of the charging order. The Bill also includes provision for a claw-back to enable the State to benefit appropriately from any resale of the purchased property. This is a worthwhile and innovative initiative deserving of the support of the Seanad.

Part 4 is probably the most important and certainly the most reforming part of the Bill. It provides the statutory framework for the introduction of the housing assistance payment. This

new scheme is being designed to bring together all long-term social housing services provided by the State under the local authority system. The qualification of a household for social housing support will have to be determined by a housing authority through a statutory social housing assessment and the authority must be satisfied that assistance under the scheme is an appropriate form of support for that household. The provision of assistance under the scheme can include a path to alternative forms of support, where appropriate and where required. HAP beneficiaries will source their own accommodation in the private rented market, as currently happens with rent supplement, and will enter into a tenancy agreement with the landlord concerned. The housing authority will pay the rent for the accommodation directly to the landlord on behalf of the household, which will be required to pay a rent contribution to the authority calculated in accordance with the authority's differential rent scheme. To be included in the HAP scheme the accommodation must meet the statutory standards for rented accommodation and the landlord must be tax compliant. These provisions will provide a new framework for the provision of long-term rental assistance. They can, in collaboration with other measures, help to create a more coherent and effective system for all concerned. The new framework can also facilitate the removal of some existing barriers to employment by allowing HAP recipients to remain in the scheme if they gain full-time employment. The Bill includes provisions detailing ineligibility for HAP, the cessation of a HAP payment and amendments to the Housing Acts 1966 to 2013 that are consequential on the introduction of HAP. There are also provisions allowing for transitional arrangements to facilitate the roll-out of HAP in Limerick and the six housing authorities selected for participation in the first phase of HAP following enactment. On Committee Stage in the Dáil, I put forward an amendment which provides for an internal review procedure for certain HAP decisions. This provision is contained in section 48 of the Bill.

Part 5 of the Bill includes a number of miscellaneous provisions, notably section 53, which provides for the implementation of mandatory direct deduction of rental contributions due to housing authorities from the welfare payments of HAP recipients and local authority tenants. This Part also includes provisions for data sharing and exchange between housing authorities, the Department of Social Protection, my Department and other relevant bodies for the administration of the housing functions of local authorities. This Part now also includes a new section 54 making a range of amendments to the rent supplement provisions in the Social Welfare Consolidation Act 2005 that are required as a result of the introduction of the new housing assistance payment.

What was very clear from all the contributions during the passage of this legislation through the Dáil was the passion that representatives feel about the need to tackle housing issues. The same passion is strongly held by this Government and by me, as Minister of State with responsibility for housing and planning. I know it is also very strongly held by Members of the Seanad. The Government is committed to turning our passion into effective action and reform. This Bill provides long-awaited coherence and equity to long-term social housing support. I am confident that it will improve the ability of housing authorities to plan and deliver their services in a coherent, flexible and responsive manner by bringing all long-term social housing services provided by the State together under the local authority system. The Bill provides for legal clarity in respect of repossession procedures and brings coherence and consistency to tenant purchase within the State.

It is an important reform. However, as I mentioned earlier, it is by no means a panacea. The real challenge in social housing is to supply more social homes, so that families are not left on waiting lists or transfer lists for an inordinate period of time. We are currently using every euro

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available to us to increase the supply of homes. I mentioned that funding for 2,900 has been approved this year, but much more must be done.

I commend the Bill to the House.

Senator Denis O'Donovan: I welcome the Minister. I and my party have serious concerns about this legislation, which fails to address the scale of the housing crisis facing the country, in particular for those who are homeless or on social housing waiting lists and those on low and middle incomes who are renting.

The economic recovery's most tangible impact is to make the prospect of home ownership and stable accommodation a more distant possibility than was the case previously. The Bill does not address the chronic lack of supply of housing units and the Government's inaction on this matter. The switch to the housing assistance payment, in the absence of any details of how it will work, smacks of a desperate move by the Government to try to massage the social housing waiting list figures. The Government's strategy should be to get its act together and pursue a viable housing strategy. My party has already put forward its housing strategy, which the Minister is aware of and from which the Government could draw.

The ultimate failing of this Bill is its complete lack of solutions to the crisis of adequate supply to the housing market. This is crazy in view of the major over-supply that existed during the property crash. The Government's plans to reform the housing assistant payment fail to confront the primary issue behind the housing crisis, the shortage of supply. Not only will the measures contained in the Bill adversely affect the cost of rent paid by the householder, but the sheer shortage of supply will severely reduce the number of people who can avail of the scheme. The volatility of the rental market at present, with rents reaching runaway levels, is severely hindering the capability of RAS and the rent supplement. Increasing rents are forcing tenants to pay a top-up from their social welfare payment, undermining living standards and driving tenants back towards substandard accommodation that is not approved under the scheme. Whereas I have seen this in places such as west Cork and in other rural areas, it is obviously far more acute in parts of Dublin, particularly on the south side of Dublin where property prices as well as rents are rising.

The Government has established HAP without any clear outline of what will happen to people who are moved onto it and off the social housing waiting list. The Minister's claims about transfer lists have not been supported with any clear guidelines or information. We appreciate that there may be extenuating circumstances by which continued breach of a tenancy agreement may require extraordinary action to be taken, but surely the focus should be on dissuading the tenant from committing such breaches. There must be an independent appeal mechanism to ensure the process is fully compliant with constitutional obligations. If a housing authority is to recover such a dwelling, who becomes responsible for housing the tenant who has been evicted? Removing people from their homes simply feeds into the cycle of homelessness and passes the problem back to the local authority which is legally obliged to house such people.

The most recent quarterly report from the property website *daft.ie* and written by Ronan Lyons, assistant professor of economics at Trinity College Dublin, identifies some alarming trends in the rental sector and states the country is in the midst of a serious housing crisis. The report also states rental prices are approaching the levels which obtained at the peak of the boom and that rents rose in all cities, with Cork and Galway experiencing a 6% rise, Limerick a 5% rise and Waterford a 1% rise. The biggest annual increase in rents - some 14% - occurred in Dublin

and the trend in this regard is continuing. The supply of accommodation in Dublin must be quadrupled, otherwise those on lower incomes will be further marginalised and pushed out of the market. The lack of social housing means that there is now little or no safety net for a housing market that is fast becoming the preserve of a few at the expense of those on middle and low incomes. Homelessness levels continue to surge in the capital and across the country and Inner City Helping Homeless recently stated the issue had surpassed crisis point. Each day Senators on all sides express their concerns about the number of people - particularly in the capital city - who are homeless and sleeping rough.

There are over 90,000 people on social housing waiting lists and the figure appears to be increasing. The aim behind the new housing assistance payment, HAP, is to reduce these lists by transferring those on them to the new scheme and removing them from the register. This is merely massaging the figures. The Government has failed to clarify the status of people transferred from the current lists onto the HAP and how they will access permanent homes. The Minister of State's claim that they will be put on transfer lists must be confirmed. In addition, full details must be provided of how existing credits will be used.

Legislation introduced by the Government such as the Land and Conveyancing Law Reform Bill has further exacerbated the problem by giving banks the power to repossess struggling homeowners' properties. There have been consistent delays in transferring NAMA properties, which only 500 being transferred to date, this despite the fact that ten times that number have been identified by NAMA as suitable for transfer. Perhaps the Minister of State might comment on this matter, either in her reply or on Committee Stage or on Report Stage because there is a serious roadblock in place.

In 2012 the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, stated 2,000 housing units would be made available in 2012 to people on social housing lists through NAMA. Two years on, the Government has made no progress in this regard. Only 450 properties have been acquired to date and this figure represents a tiny fraction of the actual number in need of housing. What is the position on NAMA which has huge numbers of houses in its portfolio? Is it selling these houses? There are certain towns and villages in west Cork where there is a need for social housing. Obviously, the position there is not as acute as in Dublin, but I recently wrote to NAMA to inquire why houses it owned in these locations were not being sold privately or to local authorities in order to alleviate this need. I have not received a satisfactory reply. Perhaps the Minister of State might address this aspect.

Overall capital expenditure by the Department has been reduced from €740 million in 2013 to €311 million in 2014. That is another serious issue. I was a member of Cork County Council for many years. At one point, with many other local authorities, it introduced a programme of acquiring land near towns and villages and providing serviced sites for those with housing needs. The programme worked admirably in places such as Skibbereen, Bantry, Schull and Clonakilty. The council purchased land in these areas and provided serviced sites which those who were on the housing list and trying to get onto the property ladder were able to buy at a reduced cost and then build their own homes on them. As a result, the numbers on the housing list decreased. I accept that many people would not qualify for such a programme. However, a percentage of those on the housing list are caught between two stools because they are not sufficiently well off to buy homes and get onto the property ladder. Perhaps the Minister for the Environment, Community and Local Government might re-examine the position in this regard. NAMA has land banks throughout the country. I am aware that it possesses several around Cork city. Perhaps the proposal I am making in this regard might be taken into consideration.

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My party has outlined a series of steps which need to be taken to tackle the interlinked private and social housing crises. They include the establishment of a new social housing construction programme; the development of voluntary housing associations to a scale where they could access credit and start to build; the use of the tenant purchase scheme to fund future investments by local authorities; allowing families on waiting lists to move into vacant homes and defray the costs of refurbishing them from future rent payments; the creation of specialist NAMA transfer units in local authorities to spur on transfers; the easing of restrictions on planning permissions and reducing development levies; the reduction of windfall zoning tax to encourage development; the introduction of a vacant site levy; and the full protection of Part V and the establishment of Part V teams in each local authority area.

While I welcome the Minister of State to the House and the idea behind the Bill, I do not believe it comes close to solving the serious circumstances that obtain. There is a large number of people on the housing list in every town and village. It galls me that since the property boom there have been several empty houses in many villages and towns throughout the country, but perhaps not in Dublin, completed or half-completed. Something should be done in that regard. Is there a lack of cohesion between NAMA and the Department? Something is radically wrong if houses are left unoccupied for several years although they would be suited to greatly alleviating the social housing crisis.

Senator Cáit Keane: I welcome the Minister of State to the House. She is doing trojan work in her Ministry trying to resolve a very serious set of circumstances. There has been much misleading and grossly inaccurate information on the HAP. I am delighted the Minister of State has clarified once again in the Seanad today what the payment means. Representatives of various agencies have appeared before the Oireachtas committee, of which I am a member. Those representing the homeless are closest to my heart and that of the Minister of State. Very many people who cannot afford escalating rents are ending up homeless. Landlords do not want to take tenants receiving the HAP. The Minister of State has done some service by ensuring it will be easier for landlords to take on tenants in receipt of the payment and that they will not be fearful of non-payment of rent when the legislation is introduced.

The Bill deals with three major strands of housing policy: providing a legislative basis for the housing assistance payment; introducing a new tenant purchase scheme, as the Minister of State said; and reforming the process for the termination of local tenancies. The important housing legislation will bring about the most radical reform of public housing support, which has been badly needed for decades. Considering that we had the boom and plenty of property, one would think there should be no homelessness at all. However, there were still homeless people during the boom. That the problem could not be sorted then must be considered. Despite the fact that the Minister of State has her hands tied behind her back, she has done a good day's work in bringing in this measure.

It has long been accepted that the current rent supplement was and is not fit for purpose. The Minister of State is taking the necessary action to change the system. Data from last May suggest 78,000 people, or perhaps more, are in the rent allowance scheme. I may have the figure wrong. The new HAP will be better for tenants, local authorities and will be representative of a more coherent and joined-up system of housing support. It will be better for landlords in that it will encourage them to take on tenants in receipt of the HAP. The arrangement will benefit those who require assistance with their housing needs and it will ensure that all long-term household support will be assessed through each local authority rather than through the current, fractured system that involves the Department of Social Protection making payments.

In addition, importantly, it will ensure that people will be able to take up employment and still retain housing support, and it will improve standards of accommodation for tenants with a more coherent inspection system under the control of the local authority.

I welcome the removal of the possibility of tenant arrears for landlords as it will encourage more acceptance of housing tenants. If one is on the housing list, one can take up the HAP. As the Minister of State said, and contrary to what I have heard in the media, one will be able to seek a transfer to a council house, RAS unit or accommodation from a housing association, provided that suitable accommodation is available. The Minister of State has outlined that very clearly today. One will be able to move to the system if one's needs and circumstances change. This is worth reiterating.

It should be recognised that not everybody in receipt of rent supplement or who will be in receipt of the HAP will want a traditional form of housing support. However, access to the supports will be provided, despite what I have been hearing. I will not ask the Minister of State to confirm this again.

The allocation and transfer policies will be reviewed throughout the piloting phase. There are seven or eight in the pilot programme. How long will it run for? Will seven more come in after the first pilot? Under the new scheme, the tenant can find his or her own accommodation provided the council is happy that it is up to standard. The HAP scheme will ensure that the standard of accommodation is sufficient. As I stated, that is important. Tenants will make their contribution to the council, in contrast with the arrangement under the RAS.

The Bill also contains reforming provisions on tenant purchase and tackling anti-social behaviour. Those of us who have been local authority members know that anti-social behaviour takes place. I am pleased that a new tenant purchase scheme is being introduced in the Bill. It is only fair that tenants have the opportunity to purchase their own homes in a transparent and equitable way. It makes for a coherent community working together when people are allowed to purchase their own homes, with the highest discounts to be available to the families in the lowest income bands who can sustain the mortgage payment. The scheme aims to enable tenants to become homeowners in their communities. It is a fundamental policy pillar to assist people to own their own homes by providing them with the necessary flexibility to do so. The Bill contains provisions to discourage the sale of a home immediately after purchase, which I welcome. One would obviously have trading on and trading up with the dilution of local authority housing.

The Bill reforms the termination of tenancies on which I have a couple of questions. As the Minister of State has said, termination of tenancy is a last resort, but there are occasions when tenancies must be terminated or repossession embarked on by a local authority. The new system will be transparent and include review provisions for tenants while facilitating local authorities to recover possession of dwellings. If a house has been vacant for some time, is the HSE informed or could it be? A tenant may be in hospital for four weeks unbeknown to the local authority. If there was a notification to the HSE, it could automatically inform the local authority and the tenant would not come out to find his or her home repossessed after four weeks. I do not believe it could happen, but it is important to put it in there.

The manner in which repossession takes place is set out in the Bill. I note the court judgment, on which the Minister of State may wish to comment, which recommended a proportionality test. It was brought to my attention and I raise with the Minister of State as it is easier to fix

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it than to let it happen. A proportionality test should apply where a person is proposed to be put out of his or her house. If it is not, there might be a problem from a human rights perspective.

I note the extension of the remit of the Private Residential Tenancies Board, which is to become the Residential Tenancies Board, to include voluntary housing association tenants. I ask the Minister of State to consider going a step further to include local authority tenants, if not in the Bill then in later legislation having considered all the recommendations. It would be useful if the Minister of State required an explicit statement of landlord obligations in tenancy agreements to ensure that the rights of tenants and landlords are all on the same footing.

Homelessness must be avoided. I note the 2016 aim of the Government on which it is working hard. NAMA is offering buildings to local authorities, which I welcome. However, I also want to ensure that it does not offer a huge number in a single location as with the offer of 500 units in my own local authority area. The policy of integration must stand true. I ask for a diktat to be issued to local authorities on the current integration policy of 20% social housing. Getting the planning rules right is also important. Building housing down the country and in the middle of nowhere are issues. If we get planning rules, lending for building and service sites right, the Minister of State will have done the State some service.

Senator Fiach Mac Conghail: I welcome the Minister of State to House and thank her for setting out the arguments for the Housing (Miscellaneous Provisions) Bill 2014. The Minister of State's brief involves an extraordinary responsibility but it is one she wears well and with the utmost commitment on housing and homelessness. A mark of the success of the Government will be whether housing and homelessness, which issues are linked, can be resolved or hope established in relation to them in light of the Government's aim of eradicating homelessness by 2016. I have not prepared a Second Stage speech but I have a few points I would like to make and a few questions that will determine which way I might vote. I wish to put on the record that there are many reasons families become homeless. I will then speak about the Bill. The main reasons are structural and economic, be they insufficient housing, high rent or poverty. The next one is the underlying reason for homelessness concerning the individual, be it addiction, mental health issues or relationship breakdowns. Making a sweeping statement that homelessness is just about accommodation and shelter does not necessarily involve understanding the overall crisis.

The recession has also resulted in an increase in the number of families becoming homeless, primarily due to the structural economic costs, particularly in Dublin. The vast majority of families who have become homeless over the past 18 months were previously living in the private rented sector. The main external reason families give for becoming homeless is that they are unable to afford their rent because the maximum rent supplement levels are insufficient to meet it in a number of cases or because at least one parent is working and, therefore, the family is ineligible for rent supplement. There are many examples of new types of families who are increasingly finding themselves homeless.

The Minister of State recently launched the homeless strategy national implementation plan. In response to that, Fr. Peter McVerry came up with a more nihilistic or less positive approach to that. While the implementation plan might be achieved by 2016, the changing profile of the homeless population will increase the pressure. Although I support the Minister of State in this, I am not so optimistic that it will be eradicated by 2016.

I am broadly in support of the Bill, particularly in respect of the HAP being transferred from

the Department of Social Protection to local authorities. However, I have a few caveats. One of them is my anxiety over delay and local bureaucracy and the question of whether there is sufficient staffing and support to ensure that these payments will be implemented. Perhaps we could look at monitoring and measuring that so that within six months of the implementation of the Act, we could examine whether this is achievable. I would worry about that. I know the Minister of State is rolling it out over a certain amount of councils. Perhaps we could look at monitoring how quickly that response takes place.

I know Barnardos is very particular about the quality of housing. It has called for a certification system, which I do not see in the Bill. Under the Bill, the landlord is responsible for tax clearance certificates and being tax-compliant but I do not see a measure to improve the standards of private rented accommodation by establishing a certification system whereby landlords seeking to lease a property would need a certificate stating that the property is of sufficient quality and compliant with legislative standards. I would like to hear the Minister of State's response to that to reassure me. Local authorities must be resourced to monitor and enforce standards across the private rented sector. Those two issues are interlinked for me. One is the application of the HAP and the timeframe for it, and the other is a certification system. Tax clearance requirements for landlords are very detailed but how clear are we regarding whether a property provides reasonable accommodation for a family?

I am disappointed that rent controls are not included in the Bill. I know it is something the Labour Party might be keen on. I sit on the Oireachtas Joint Committee on the Environment, Culture and Gaeltacht.

5 o'clock

Introducing rent control to stabilise the market and ensure rent prices rise at a modest rate in line with inflation will result in tenants in the private rented sector living in a more stable community and having a better quality of life. It is a feature of many European states where renting is seen as a viable, long-term option and if we are to encourage more use of the rental market, rent control is important. That came across clearly in our committee meetings when we met with many non-governmental organisations including Focus Ireland, Barnardos and so on. The Department of Social Protection argues that an increase in rent supplement levels will be swallowed up in rent increases. I have heard that but I believe those fears are exaggerated, and the risk of this happening could be offset to strengthen the existing measures in place to regulate rent levels. Bureaucracy, rent control, certification of standard of accommodation are the issues.

The final key point, and the Minister has been embroiled in a debate on this in the other House, is that in Part 4, a new scheme of housing assistance payment, HAP, by housing authorities in respect of rent payable by households that qualify for social housing support and who are long-term recipients of rent supplement from the Department of Social Protection will transfer to a new housing scheme. It is the infamous section 35. The Minister has calmed down the hysteria that emanated from the Dáil debate but I would like to hear her interpretation of section 35, which states: "Subject to regulations made for the purposes of subsection (4)(f) of section 20 of the Act of 2009, the provision of housing assistance under this Part shall be deemed to be an appropriate form of social housing support for a household that is determined by a housing authority under the said section 20 to be qualified for such support." My interpretation is that this Bill means a family will be deemed housed once they are provided with the housing assistance payment and will therefore be removed from the social housing list. The Minister might

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consider providing reassurance on that on Committee Stage by way of an amendment to allow me to consider how I will vote on Committee Stage.

Senator John Kelly: I welcome the Minister to the House again. I raised a number of these points with her in the past but will do so again now. I watched the Minister speak on a television programme last night. It was great politically to throw figures about on the number of people on the housing list but I have said consistently that the figure of 89,000 is most likely not accurate because many people on the housing list are only on it to get rent allowance. They are forced to do that. I have dealt with these people all my life and I know they do not want to be forced to go on the housing list to get rent allowance. We determine the accurate number of people on the list in need of council housing.

I refer to somebody on the rental assistance scheme living in a town such as my town of Ballaghaderreen, Castlerea or Boyle where there is no work, and no work in the service industry. If their only option is to move to a town like Galway or Athlone to get work, they cannot come off the rental assistance scheme. Having spoken to councillors into whose jurisdiction they would move I am aware they have tried to get on housing lists in those counties but they are not allowed do that. The only way they can be dealt with is if they present themselves as homeless. I explained that to officers in the community welfare service and they said that if they present to them having given up RAS accommodation they will not be granted rent allowance. Can somebody who is on RAS transfer to the housing assistance payment, HAP, to allow them acquire work in another town where work is available?

I welcome the measure in the Bill to deal with anti-social behaviour. I have seen local authority tenants engage in anti-social behaviour and it was not dealt with by local authorities. The last case I recall was a family that moved from Dublin with six young boys. They are grown up now but at the time they wrecked a house in an adjoining estate. The council's reason for not dealing with that anti-social behaviour was because it did not happen in the estate in which they were living, despite the fact that it occurred just around the corner in another estate.

Local authorities have bought houses in private developments. In my town the local authority bought six houses, three of which are now vacant because the people could not tolerate the anti-social behaviour taking place in the estate, which involved "wise-guy" children bullying other children. Parents are afraid to let their children out to play. The problem of anti-social behaviour must be tackled robustly.

On the way local authorities do their business, I know of a family who bought a house 13 years ago on the shared ownership scheme. They borrowed €60,000 for the mortgage part from the county council; the local authority share was €35,000. Thirteen years on they owe approximately €38,000 on the mortgage side, and they have another 12 years to pay off their mortgage. When the 12 years are up the local authority share that was €35,000 will be €78,000. The shared ownership scheme is a major issue. It does not make any sense. There is no way those people will be able to pay €78,000 to the local authority in 13 years time. The shared ownership scheme should be reviewed and cases such as this one dealt with because what is happening is illogical. Furthermore, this family is in arrears to the tune of €3,116 with the local authority but for genuine reasons. It was not because they were unwilling to pay or co-operate. They have engaged with the local authority on a regular basis about their rent. When they bought the house the couple was married. The man was working and she was on invalidity pension. Three years after buying the house he left. He has not paid any maintenance to the children and she has been left to try to pay the mortgage and the rent every month on an invalidity pension. Last

January, she agreed with the local authority to pay €300 a month, and she has not broken that agreement. Last week she got a letter from the local authority's solicitor informing her that she has 14 days to come up with the arrears or she will lose her house. Where is the logic in that? This woman does not have the money; if she did she would not be in arrears. That issue must be addressed. I hope the Minister can do that because what she is doing in this Bill is throwing somebody out of a local authority house and making them homeless when we are trying to deal with the problem of homelessness, as well as other problems. I await the Minister's response on that.

Senator Sean D. Barrett: The issues dealt with in the Bill are extremely important. Reading the explanatory memorandum I note the tenancy warning as an alternative to evictions. FLAC has made the point to the Minister that evictions should be the last resort, particularly in a country with a strong attachment to history and what happened when people were evicted in large numbers.

One of the reports on Irish housing that has stood the test of time was prepared by Mr. Gay Mitchell when he was on the Lord Mayor's Commission on Housing. Garret FitzGerald, the former Taoiseach, was the chairman. It also included the current city manager and Professor Yvonne Scannell. The context at the time is interesting. Local authority housing was found to be extremely expensive to maintain compared to what was on the open market and it was felt that some of the monopolistic practices of the trade unions that were maintaining local authority housing deserved scrutiny. I was quite surprised to see somebody like Garrett FitzGerald say that so strongly. He compared the maintenance charges in Dublin Corporation with those in the Northern Ireland Housing Executive and they were substantially higher here.

Recent research by Ronan Lyons at TCD also confirms that our construction costs are still higher than those in Germany, although we have been in a recession for five or six years. The required adjustment has not taken place, which makes the job of the Minister of State extremely difficult. Reference is also made to a dependency culture among tenants, who keep calling for extra maintenance expenditure, which again places a burden on the Exchequer, because not much is received in rent in comparison to the cost of these houses. Therefore, we face a major problem.

I would like to see housing treated solely as a place to live. I abhor the property supplements, which announce as good news the fact that prices are up 22%. Perhaps interest rates in Europe have been kept too low, but I would prefer if people invested in paper assets rather than buying houses for their pensions. Housing is an inelastic supply. As the great American economist Anthony Downs from the Brookings Institution said, we can have too much capital for housing, thereby inflating the prices of the existing houses and not inducing much extra supply into the market. We need more renting, with security of tenure for tenants. This is much more the custom in mainland Europe, as we have, perhaps for historical reasons, become much more attached to owner occupancy. We are also very attached to the rate of return, despite the slump in recent years. The rate of return on housing substantially exceeded anything else. Therefore, we wrecked the banking system and did not invest in small and medium enterprises, but instead bought and sold each other's houses. This was a contributory factor to the bubble. I believe the banking inquiry will address this issue.

From our current perspective, a house should just be some place in which to live, not a means by which to get tax-free capital gains or tax breaks. We on these benches were worried when real estate investment trusts were given favourable tax treatment. The problem previ-

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ously was that we kept favourable tax treatment going long after it was needed. I hope the Minister from Limerick, Deputy Noonan, will look at this when he is preparing the budget. He should consider whether that stimulus was needed at all and whether it is needed now. Mark Carney, Governor of the Bank of England, has set new rules for banks there in regard to the loan-to-income ratio and the required deposit relative to the value of a house. This sector is prone to bubbles, which can have disastrous effects, such as we have seen in Dublin in the past year. It is now 22% more expensive for the Minister of State to look after homeless people on the housing list because of what has happened to house prices. Nobody's income has risen by that much, and certainly Exchequer income has not increased to that extent.

On the issue of anti-social behaviour, I note the new chief constable of the PSNI went to a restorative justice seminar in west Belfast yesterday. This issue must be a priority for community policing. We must strengthen communities so that people can live in their communities and not become involved in spending their time annoying their neighbours and giving their neighbourhoods a bad name. The Garrett FitzGerald solution to this was to confine the maximum size of local authority estates to approximately 30. If all those on the housing lists live in the one place, some of those elements engaging in anti-social behaviour can give the place a bad name, which affects everybody else in the neighbourhood and makes life miserable for people.

Trying to make houses affordable is probably the major problem following the bust of the economy. Senator Cummins, our Leader, got figures from NAMA suggesting that it had offered 5,000 houses in the past six months but that local authorities had accepted only 1,000 of them. What is the blockage in that regard? We have a housing problem, yet local authorities are turning down offers made by NAMA. Another issue in regard to housing is that there is an incredibly long turnover period for local authority houses. The Minister of State said in her speech that she is trying to deal with this. However, Senators have referred to houses which have been boarded up for months on end after a tenant leaves and before the next tenant takes over.

The issue is either urgent or not. It is urgent, so let us go and do this. I commend the Minister of State on getting the extra money for this, if she can bring in rules for county managers so that they do not leave properties idle. We do not do that in any other accommodation areas. They should get the new people in as quickly as possible. This would help. Perhaps the Minister of State can also address the NAMA situation in her response. What is the problem and why has four-fifths of what was offered by NAMA to local authorities not been taken up? I wish the Minister of State well in her endeavour, because we will have a major problem if we do not tackle the issues now.

Senator Hildegard Naughton: I welcome the Minister of State to the House. I wish to concentrate on two aspects of the Bill, the first being the termination of local authority tenancies. Section 62 of the Housing Act 1966 has a long history of litigation before our superior courts, going back more than ten years at this stage. As Senators will know, that section gave the relevant council wide-ranging, unfettered and summary powers to deal with tenants whom they considered to be in breach of their tenancy agreements. This more often than not concerned allegations of anti-social behaviour and, to a lesser extent, non-payment of rent. While I acknowledge the more recent decision of the Supreme Court in *Donegan v. Dublin City Council*, the matter began with a decision of the Supreme Court in 2005 in a case that had already come before the District and Circuit Courts. That decision was in the case of *Dublin City Council v. Fennell*. The council won that case on what could be described as a technicality, given that the Supreme Court held that the European Convention on Human Rights Act did not have retrospective effect.

Then came the High Court case of Pullen and Others v. Dublin City Council, in which two judgments were delivered, in 2008 and 2009 respectively. In the first of those judgments the judge found that the State body - in other words, the local authority - had breached its statutory duty under section 3(1) of the ECHR Act 2003 in seeking to evict the plaintiffs from their home without affording them certain procedural rights. Those rights were, of course, in the nature of a review or appeal. The court awarded €20,000 to each of the plaintiffs on account of the distress, anxiety, loss of reputation and damage suffered. The second judgment concerned what injunctive reliefs were open to the court in the case and do not concern us here.

Lastly, we have the decision in Donegan, handed down in 2012, on which the revisions to section 62 contained in this legislation are based. While I acknowledge that the Department wanted the conclusive guidance of the Supreme Court before advancing amending legislation, it was surely obvious to them, as it was to legal practitioners in the area, that such legislation was warranted some years ago. This time lag again illustrates the very great need for the soon-to-be-established Court of Appeal. I wish to pay tribute to the former Minister for Justice and Equality for bringing about the establishment of such a court.

In regard to this Bill, it seems to me to provide warranted safeguards in regard to tenancy warnings and repossessions. I am glad to see that in regard to repossessions, an application to the District Court, appealable to the Circuit Court, is to be the way in which such matters are handled. It is positive that in place of granting the possession order to the local authority, the court may instead, if it so wishes, grant an exclusion order against an individual without affecting the right of the other members of the family to remain in the dwelling. It is a sensible provision. I also welcome the provision allowing for some or all of the proceedings relating to possession orders to be held *in camera*, given the sensitive matters that will be considered. Given the various decisions of our superior courts on this issue, the Bill is a very good response to the issue and gives a workable right of appeal to tenants while preserving and protecting the ability of local authorities to deal with anti-social behaviour and the non-payment of rent.

The second issue I wish to address is the housing assistance payment. This is the most radical shake-up of State family housing support in decades. It will, for the first time, allow those in receipt of housing assistance payment to take up employment, something current rent supplement recipients cannot do. At present, working families who work more than 30 hours per week are not entitled to the supplement. This Bill will do away with that requirement and allow full-time work. We are all aware of the difficulties faced by working families. This Bill will help them. Threshold, the voluntary housing assistance organisation, has strongly welcomed the HAP. In its 2014 budget submission it stated, "The new housing assistance payment, HAP, is recognised as a critical measure to improve employment activation." Additionally, the Dublin City Council pilot scheme will specifically target the homeless which is very much to be welcomed. With the present difficulty with landlords accepting tenants in receipt of payments, the new scheme will see landlords paid directly, accordingly removing the possibility of arrears and making such tenancies more attractive. It is simply untrue, as some in the Opposition have claimed, that those on HAP payments will be excluded from other social housing. Any such person wishing to avail of other forms of social housing will be able to be included on a transfer list from which housing will be allocated when available.

I very much welcome the Bill and commend the Minister of State for her very thorough legislation which will provide much needed assistance to working families.

Senator Thomas Byrne: It is widely acknowledged there is a serious housing crisis. All

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of us privileged and honoured to be public representatives are dealing with severe housing cases with people in really difficult situations. In some cases, people do not have a house in which to live. I have had a case where a family of five was considering moving into a one-bedroom apartment which belonged to a parent's sister who also lived there.

Part 2 deals with the termination of local authority tenancies. With this crisis in housing which every agency involved, including Focus Ireland and Society of St. Vincent de Paul, acknowledges, our clinics are filled with people with housing problems. The message sent out, however, is that the Government's priority is to terminate local authority tenancies. That is not a serious response to a serious crisis. Instead, it is outrageous. There may well be legal issues to be dealt with but these should not be the first priority in a housing Bill or any legislative response. Legislators should not be telling the public this is what they have done about this problem. That is a disgrace.

Part 3 deals with the tenant purchase scheme which is putting back in place a scheme the Government ended three years ago. This is at a time when homelessness is increasing. Last week, a young woman with five children came to my clinic because she had nowhere to live. The Government's response in Part 3 is repossessions and clawbacks.

HAP is being lauded by the Government when it is in fact the privatisation of social housing, putting people on a transfer list for private accommodation and a second-class position. This is occurring when there is no increase in housing supply whatsoever. Where there is a limited supply of housing in the private sector, we are pushing more public tenants into that sector. Directly, as a result of that, demand is sky-high, supply is reducing while rents are increasing dramatically. The Government's policy on social housing is playing directly into that.

As our No. 1 priority, we must restart, somehow, large scale local authority housing development. We have to have the large scale local authority estates that people had before, that workers aspired to, that provided housing to working families who could not afford to buy proper housing and from which fantastic communities were formed. We must be ambitious about this. If not, we will have more families becoming homeless and, as is a particular problem in County Meath, more people living in unsuitable accommodation. Housing which would have been empty for a long time in rural areas is now being re-used because people cannot find any other accommodation. I do not welcome HAP in the way the Minister has put forward because it will privatise the system.

This Bill is a shameful response to the serious crisis in housing. I do not know how it could be put forward by any politician, especially by the Labour Party. We see the housing problems in our clinics. We must put all our efforts and resources into increasing housing supply, putting more public housing in place, creating better and new communities and giving people hope. I was going to invite some people I know on the housing list into the Seanad to listen to this debate. I am glad I did not because it would have raised their expectations that they would be put up the list when, in fact, they will not be. I am ashamed this is our response to this serious crisis in housing. The Minister must listen to challenging statements like this and fight at Cabinet level for much more moneys for this sector. It must not just be for the refurbishment of existing local authority stock but for the provision of actual housing units. If the Government were to provide a greater supply, not only would it help solve our outrageous housing crisis but it would impact on the general market and assist the rent and price situation about which Senator Barrett spoke.

Senator Denis Landy: I welcome this Bill which aims to improve social housing and the social housing landscape as part of the commitment in the programme for Government. The last contribution was made in all seriousness. When one looks at the record in social housing of the last Fianna Fáil Government, however, between 2007 and 2010 the delivery of social housing units for people on waiting lists dropped by 73%. That is the stark reality of Fianna Fáil accusations of privatisation.

I would be the first to commend the Minister of State and her Department on tackling void social housing units with €15 million this year and a further €64 million being set aside to deal with them. No Member on the Opposition or Government side, is blind to the fact that when council houses become vacant, it takes too long for them to be filled. These moneys are being provided to speed up that process and ensure local authorities leave no house vacant for more than a couple of months. The Government has also put moneys into energy efficiency for local authority houses with a further €10 million for unfinished housing schemes. This has been positive for anyone who wants to look at this objectively. This Government, despite strapped resources, is tackling the social housing problem.

This Bill deals with the issue of the employment trap which, as has been said by other Members, is a real threat. The Government will remove this poverty trap by ensuring those on rent supplement can take up employment. In an ideal world, if the Minister of State had enough money, I have no doubt she would start a stimulus package of house building. It makes absolute sense that we increase the number of start-ups of old style council housing projects in the next budget, a point for which the Minister of State will fight at the Cabinet table. Much has been made of HAP with much misinformation about it bandied about by the Opposition. I am pleased the Minister has clarified the entitlements and position on housing lists of those who take up HAP. Will she confirm that, not alone is she using section 22 of the 2009 Act, but that she will bring in further regulations to ensure that, for those in receipt of HAP, dwellings will be reserved for them under the new system of priority lists for local authorities? This is important, given the disinformation on this matter. Our party has discussed it a great deal. When responding to this debate, I hope the Minister of State will comment on her commitment in respect of the regulation.

During the Lower House's debate last week, a Member of the Opposition stated that we should not tackle anti-social behaviour because doing so could create homelessness. I was a member of a local authority for almost a quarter of a century. We were powerless to do anything about anti-social behaviour in local authority houses. At long last, we now have a legal mechanism. The greatest fear of anyone partaking in anti-social behaviour is that he or she might be put out onto the side of the road. This is only right. We need the big stick because these people have been running riot in council housing estates across the country for years, frightening people out of their wits and destroying local residents associations and goodwill while we have been unable to do anything about them. A Government has finally decided to do something about this situation. I commend it in that regard. No longer will such people take control of and ruin local authority estates, be it through drugs or other means.

I commend what the Minister of State is doing in this Bill and look forward to her response to my comments on the housing assistance payment, HAP. I hope to see a house building stimulus package in the next budget.

Senator Kathryn Reilly: I welcome the Minister of State to the House. In my contribution on this issue, I will mention the wider problem of homelessness. A couple of weeks ago,

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someone came to speak at our party's meeting. One point made was that some of the exits from homelessness were closing, as there was not enough social housing and there were issues with high rents and a lack of availability in the private rental sector. We need to be realistic - another tsunami of homelessness is coming our way, and it will be one of the defining issues of the coming years. We would be naive to ignore it or to believe that the current plans are sufficient to deal with the issue. There will be additional homeless people by the end of 2015, but there is no plan to deal with them. When the resources allocated to the current plan have been used, that will be it. As television adverts say, when it is gone, it is gone. We need a steady stream of social housing to be made available.

We know the facts of the crises facing social housing and low-income private rental tenants. There are at least 90,000 applicants on the waiting list, with 77,000 people in receipt of rent supplement at a cost of more than €340 million. The dogs in the street know that we need more housing, private rents are too high and more families are facing homelessness or are in emergency accommodation. Many people who did not wish to acknowledge this problem in recent years have finally been forced to, particularly after comments by activists such as Fr. Peter McVerry put the issue centre stage. There is no more room for a see no evil, hear no evil attitude. Homelessness is more visible on our streets every day. While it used to be just the odd person here or there, it is increasingly common for families - little children with their parents - to be on the streets. This is heartbreaking and we cannot ignore it anymore.

This is the first substantial housing legislation to be introduced in recent years, but not only does it fail to provide concrete solutions to the problem, it also partly seeks to sweep the problem under the carpet and redefine the parameters of what constitutes housing and housing need so that we might pretend that a solution has been found. For the 90,000 applicants on the waiting list, the problem is not a definition. They are men, women and children in need of secure, affordable homes.

The HAP has been mentioned by many Senators. At first, it was presented as an opportunity to review many of the glaring problems in the rent supplement that we have all encountered in our time as public representatives. Allowing HAP tenants to work will be a positive step, but the negative elements of the plan are unacceptable. Under the Bill, HAP would constitute adequate housing and, as such, tenants would no longer be considered to have a housing need, resulting in their being removed from waiting lists.

Following firm questioning on this issue, the Minister of State replied that HAP tenants would be able to apply for transfers to council-owned homes and incremental purchase schemes, but the problem is that not all council areas have transfer lists and most have preconditions that would disadvantage new HAP tenants and wipe away the many years they had already spent waiting for housing. Some people will be damned if they do and damned if they do not. The Minister of State has claimed this is not true. Given what we have seen in this Bill, however, it constitutes an attack on the notion of social housing.

By its definition, private accommodation is insecure and open to the whims of the market and the landlord, and it has not served as a good, steady and affordable option for those who are unemployed, on low incomes or in precarious employment. In recent years, many more families have fallen into danger of losing their homes and being put onto the streets because of the whims of their landlords, especially when the latter have decided that they can get more rent from someone else. The people being squeezed do not trust that this Bill is enough.

My party submitted amendments in the Dáil and will do so again in this House to bring clarity to the Bill, protect the interests of those with a real housing need and propose better models for tenant-authority engagements on issues such as rent repayments. We oppose the plan to deduct rent arrears from source with no stipulation as to when this model can and cannot be enforced.

As most would agree, housing is a right and those in need of it, as well as social housing tenants, need to have that right protected, upheld and treated with equal dignity and respect. I look forward to the Minister of State's comments and further engagement with her as the Bill progresses through its Stages.

Senator Marie Moloney: I welcome the Minister of State and congratulate her on introducing substantial housing legislation that was badly needed. I have been pressing for HAP for many years because it gives people an opportunity to return to work without having to worry about losing their rent allowance payments. However, I have a number of concerns and observations that I wish to raise with the Minister of State.

If someone is to be evicted from a house because of anti-social behaviour, the ten-day period is too short. There should be at least 15 working days. I am doing a bit of house renovating and had to pack up a great deal of stuff. I would hate to have to move out of the house and have sworn never to do so again having done just that much. There is a lot of work involved in moving out of a house.

Beyond that concern, the issue will invariably go to the District Court, where a judge will either agree or disagree that the eviction can take place, before being appealed to the Circuit Court. This process takes at least six months, during which time no rent is paid despite people still being in the house. They are being evicted for a reason, be it anti-social behaviour or not paying their rent.

The law strengthens the local authority's power to act, but what then? If people are evicted, they will inevitably end up being helped by the HSE because they have nowhere else to go and will be considered homeless. The HSE will simply revert to the local authority, point to the homeless people and tell it to help them. The HSE could make the case that, due to the use of drugs or alcohol, the people in question were not responsible for their actions. The issue is open ended.

HAP, the rental accommodation scheme, RAS, and leasing are the only game in town. Landlords do not need to produce birth certificates or tax clearance certificates or undertake radon tests. If one comes from a place like Kerry, where radon levels are high, it should be obligatory for a landlord to produce a radon test before a council rents a house from him or her.

I am afraid the following provision might be a little bit discriminatory towards people with disabilities. Due to the fact that this is the only game in town, local authorities cannot carry out adaptations to a privately owned house. What I mean is that if a person with a disability wants to go on HAP, RAS or whatever, he or she cannot get adaptations done to a house because local authorities are precluded from enhancing the value of a privately owned house. That is something we might look at.

Section 16 refers to abandonment of houses due to ill health "or otherwise" which is very open to interpretation. The provision should be more specific, because anything can be included under "otherwise". We know of cases in which people have closed up their houses and

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gone to the Netherlands for six months. Does that situation qualify as “otherwise”? Is that acceptable? The provision needs to be tightened up.

With regard to tenant purchase, the legislation dates back three years. What happens if people were in arrears and have caught up with their payments now? In that case, going back over the years might be open to challenge. For example, people might say the provision had just come in and nobody told them. Would it be better to state that a person will be eligible for the tenant purchase scheme if he or she keeps up payments for the next three years?

At the moment we have a housing crisis and, therefore, people who are being offered a house should be given just one refusal, not two. In a housing crisis people should take the houses offered. If they are badly in need of a house then they will take one or another. To refuse it twice and still be eligible for the scheme is not suitable when there is a housing crisis.

The Cathaoirleach is looking at me so I shall mention one last thing. The HAP will go to local authorities. Will resources to cover the administrative cost of putting the HAP in place for local authorities? The work will be transferred from the Department of Social Protection, thus creating a whole new workload for the housing department. Will the housing department be able to cope with the workload if it does not have the staff resources to deal with it?

Senator Paul Bradford: I welcome the Minister of State and thank her for her genuine interest in the housing portfolio. I hope she will retain the portfolio following the Cabinet reshuffle. I would like her to hold that portfolio at senior Cabinet level. We have reached a stage of difficulty - I will not say crisis - in the broader remit of housing policy and provision. Therefore, the Cabinet table is the place at which the housing Minister should sit. One of our weaknesses in public policy is that we are very conservative in how we look at policy areas, and certain Departments appear to be untouchable and unchangeable. There should be a dedicated Cabinet portfolio for housing policy not just for the course of the next two years of this Government but for the next five or six years, and the Minister of State would more than admirably fit the bill. The portfolio would cover a wide range of issues, such as housing provision, supply, planning and ethos, which could be tackled. Housing is at the very core of every human's existence. Where one lives defines where and how one is educated, and it defines one's job and career opportunities. Basically, where one lives defines the rest of one's life. Therefore, it is crucial that we attempt to get housing right and put the correct policies and proposals in place, a matter that has been ignored over the past decade or so.

I welcome what the Minister of State has presented in the legislation. I am sure, like any proposal, it does not cover all the bases, but it is a positive step as long as we recognise that it is not the only necessary step.

I listened with very great interest to Senator Sean Barrett making a case that he has made many times in this House. We are again reaching the dangerous political point at which we are equating house prices with economic well-being. There seems to be a desire on the part of some Ministers and speakers in the other House and this House to welcome and cheerlead house price increases as if it is a sign that we are returning to the economic good times. In my view, an increase in house prices must be looked at with great alarm because it could be a return to the bad old days in which it was not the Government but developers who decided housing policy.

Senator Fidelma Healy Eames: Hear, hear.

Senator Paul Bradford: Developers do not see houses as places where people, families

and communities live. Developers in this country see housing as nothing but a method of getting rich pretty quickly. If we want a proper housing policy, the central aspect must be to ensure that houses - be they individual houses, housing estates, or community or voluntary houses - are built around the concept of community and not around the concept of making people multimillionaires overnight.

Obviously, anybody living in a house today that is worth €250,000 or €300,000 would, in the short-term, like to see its value rising to €350,000 or €400,000. That is one's initial instinctive economic view. However, over the past decade we have seen the tragedy of grossly exaggerated house prices ruining families, communities, an entire economy and almost the whole of Irish society. Therefore, we must try to ensure this situation will never happen again. That is why I feel the argument must be led not by somebody who is beholden to a so-called wiser Minister for the environment but somebody who sits at the Cabinet table and makes the case for a new housing policy. I make the plea that a senior Cabinet place be set aside next week for a housing Minister.

I welcome the provisions announced, including HAP, and the Minister of State's comments on RAS, voluntary housing and the broad variety of housing. There is not a one-size-fits-all solution to the problem; we need a multitude of solutions. I do not want to see a housing list of between 30,000 and 50,000 people leading to a mad housing spree which would corral these people into what I call ghettos. We do not have to name names, and the Minister does not have to name names, but we all know the communities that have been ruined by such a housing policy.

I would say - and I am not saying this to my friends in the Labour Party - that it suits certain politicians and certain political classes to create areas of entire State dependency. I refer to cases in which a politician pretends to get a person a house and pretends to get him or her a weekly social welfare payment or medical card and thus ensures that the person remains dependent not on the State but on him or her. We should not fall for that political trap. Let us see housing in a broad holistic fashion. Let us see a mix of private and public. Let us see a mix of local authority housing, RAS-type housing and HAP-type housing. If a constituent of mine felt that his or her housing need was best suited to private rented accommodation which is paid for by the State, then that would be good enough for me. I do not want to lecture him or her by insisting that he or she live in a more traditional form of so-called council house.

I appeal to the Minister of State - I do not think she is far from my thinking on the matter - to see a broad mix as the best solution to housing. We have a long way to go but we must start with a fundamental statement of how important housing and housing policy is for this country, and that is led by a mindset in which houses are for families and communities, not something to fill a field for a developer. Let us not go down that tragic road again.

Ministers and people higher than Ministers like to be seen as wining and dining the developers. However, I want the Minister of State and her colleagues to set the housing policy. I appeal to the Taoiseach to ensure that the importance of housing is recognised next week, or whenever the reshuffle takes place. As I said, housing sets the agenda for a person's entire life. The reshuffle would be an opportunity, for the first time in the history of the State, to have a full Cabinet Minister for housing, a post which is quite common in many European countries. Housing is one of our great national problems at the moment. I do not want to dismiss the importance of any particular Department, but no Department, at the moment, would be more important than one dedicated to housing.

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Senator Fidelma Healy Eames: The Minister of State is welcome. I support the words uttered by Senator Paul Bradford. I wish her well in the mammoth task she is faced with. There are 90,000 people waiting for social housing, 10,000 of whom are on lists in Galway, for example, and 30,000 of these have been on a list for over four years. There are a total of 90,000 people waiting for social housing, with 10,000 on the lists in Galway, and 30,000 have been on waiting lists for over four years. All of my comments aim to be helpful, to see how we can work through this problem. When one looks at those extraordinary numbers and considers that the Minister has secured funding this year for 2,900 units, and well done to her for that, one sees how difficult it is to decrease those long lists.

A question has occurred to me and a number of other public representatives, particularly at council level. Why do we not decouple the social housing list from rent allowance? I presume rent allowance will now be called HAP. I believe there should be two different sets of criteria for people who receive rent allowance or housing assistance payment. It is very easy to work out who needs a leg-up temporarily and might need rent allowance in the short term. In my view, they should never be on a social housing list. Then there is the other set of people who will meet the at-risk criteria. Those people should be on a social housing list. By carrying out that exercise the Minister will radically reduce the overall numbers on the social housing lists. To be honest, those lists are used as a stick to beat the Minister because that target is unattainable in the short term. The Minister should look at the criteria and divide them accordingly. That does not mean housing assistance payment would not be required by both sets in the short term.

Second, I welcome the measure to deal with anti-social behaviour. To get a house for free from the State is a gift. To abuse it is dreadful. A house is a person's sanctuary. One sees the stress families have been under due to debt and the fear of losing the home they have bought. On the opposite side of the coin, one sees somebody not only wrecking the home they got for free but also wrecking the community. I listened to Senator Moloney's comment that if there are two refusals, the person should not be left on the list. Sometimes it is not that simple. I have dealt with a number of people on the east side of Galway city whose homes and communities have been wrecked by anti-social behaviour. One example is a lady with intellectual disability, whom I was very grateful was able to come to see me, whose windows and doors were covered with human faeces. She could no longer go into the house and had to live with somebody else. The house then became vacant.

Another young woman, a lone parent with three or four children, had to get a psychiatric report to prove she could no longer stay in her house. She has since been offered two other houses, but they are in the same area so she is still in the area where she feels under threat every day. She is now talking about making herself homeless. I cannot recommend that. There are incredible situations where people are living in human misery because of anti-social behaviour, so I am glad the Minister will empower councils to tackle it.

I also welcome the tenant purchase scheme. The Minister has done well. I visited Chicago a number of years ago and was very impressed by the mayor, Richard Daley. At that time there had been 40 years of mayors named Daley. However, his goal was to ensure that he could wipe out social housing, on the basis that everybody could have their own home. That should be our goal, so everybody will have a home in which they can live and of which they can be proud.

On the issue of boarded-up houses, at the time of the local elections a month ago there were 78 such houses in Galway. They had been boarded up for months. Senator Colm Burke and I

have spoken in the House about having a seven day turnaround rule for councils. They should know the houses are due to become vacant and be ready to move in with a team. A family is waiting for the house and they should be housed in it. The Minister should incentivise such a turnaround at council level, be it through an extra minuscule percentage from the local government fund, extra property tax retention or, if they still exist, bonus payments for directors of services. There should be outcomes-based payments so there is an incentive to help people get into the house quite quickly.

I have a question for the Minister. A number of lone parents have approached me about their desire to get on the RAS so they can work, as opposed to being on rent allowance. Will it be easier to work if one is on the new housing assistance payment? Will it be easy for somebody who is currently on rent allowance to get onto RAS? To give an example, I am aware of a lone parent who has three autistic children. Her husband has disappeared and she is getting no support from him. She wants to get a few hours of work while the children are at school, but she cannot do so because she needs the rent allowance. Will this scheme make a difference to that woman's life? She needs the work not just for the money but also for the mental stimulation, the release of getting out of the house and to be productive. Perhaps the Minister would clarify that.

Finally, I wish to alert the Minister to another crisis coming down the tracks. It is in student accommodation. At present, the *Daft.ie* and *Rent.ie* websites are advertising houses for rent but no students need apply. One previously heard about no blacks or Irish being allowed to apply for accommodation in other countries, now it is a case of no students need apply. The Minister will also be familiar with the phrase "no rent allowance" in advertisements. Given the crisis in private accommodation, if students are not allowed to apply we will have homeless students. Many of these young people are quite vulnerable because they are only learning how to transition from home into private rented accommodation. I accept that some students have been less than good when in private property, but there are other ways of dealing with this, for example, through higher deposits for houses available to students and so forth. There should be a block on stating that certain people cannot apply. Perhaps the Minister would comment on that and on whether she is familiar with this situation. I have incredible figures which I can give her.

Senator Feargal Quinn: I appreciate the Minister's attention to this issue and the amount of work she has put into it. Well done to her and I wish her every success. Senator Bradford's comment on the need to have a senior Cabinet Minister with responsibility for housing makes a great deal of sense. Senator Healy Eames supported that as well.

There has been much talk about using National Asset Management Agency, NAMA, owned buildings for social housing and a number of people have been calling for a new social housing construction programme. Perhaps we should discuss some other ideas in this area. Why can we not consider other ways to meet the massive demand for housing, such as timber framed houses that can be constructed in one or two months compared to a year or two to construct a traditional house? This is obviously much faster and such houses are the norm in Scandinavia and are common in countries such as Germany. For obvious reasons, some people in the building industry have opposed such houses or criticised them as unsuited for Irish weather, even though Scandinavia has much harsher weather. We certainly cannot complain about the weather at present. Timber framed houses can be extremely eco-friendly. Some would argue that we could construct thousands of timber framed houses far quicker than constructing regular houses. We could thus make inroads on the problem of ensuring people are adequately housed.

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The Simon Community has called for the Bill to establish a national social rental agency which would rent properties from the private rented sector at market rates and sub-let them to long-term homeless people who have significant support needs. It says that this model has the advantage of providing homeless people with complex needs with a social landlord and removes perceived risks for the superior landlord relating to fears of non-payment of rent, anti-social behaviour and so forth. The Minister should consider this as I believe the proposal has merit.

I welcome the Bill's provisions, but more is required to address the wider housing problem. As a first step, the Government must examine the international options in this area as part of the solution, for example, by examining housing in Europe and how European local authorities manage property to ensure that the maximum amount of housing is available.

6 o'clock

A number of other suggestions I wish to make have been made by others so, rather than delay the passage of the Bill, I will come to a conclusion. The Bill is certainly worthy of consideration. The Minister of State deserves support on it because of the work she has done on it. It will benefit the community as a whole. I wish her well with it.

Senator Tom Sheahan: I welcome the Minister of State and congratulate her on this Bill. I do not believe it goes far enough, however. From my experience over recent years, I believe there are a number of points that have been overlooked. This could be dealt with if the Minister gave local authorities autonomy in bringing in by-laws on housing, because no legislation will cover housing needs, discipline, etc., for the whole country. Realistically, circumstances are different in every county. Local authorities should have the wherewithal to deal with their specific problems and issues through by-laws. I ask the Minister of State to comment on or consider that.

The vast majority of tenants are fine because they are well vetted by the local authorities. Could the Revenue Commissioners be involved in the allocation of houses? It is quite galling for people who have been on the housing list in my area for six or seven years, or maybe more, to see a BMW with a 141 registration outside a local authority house that has been gifted or given to a family. People find it very upsetting if they have been waiting for housing for an equally long period. If I bought a BMW with a 141 registration in the morning, I would probably be asked by the Revenue Commissioners where I got the money for it.

A gentleman who delivers for a hardware company approached me during the local election campaign - he was being facetious - and said we should vote for a certain candidate because if one wrecked one's local authority house, that candidate would get it done up. The gentleman said that if one wrecked one's house a second or third time, it would be done up yet again. The man to whom I was speaking said he had delivered hardware to certain houses three times after they had been wrecked by the tenants on three occasions.

We must tackle the issue of single people living in three-bedroom houses. One way to do that is by building two-bedroom houses. I have no audit in this regard but I have sought the figures and hope to have them soon. There are many people who want to scale down who are in three-bedroom houses. Two-bedroom houses would do them. Scaling down would help address the housing crisis.

People coming out of prison are not catered for, despite their having served their time. They

seem to be moving to certain areas. Something should be done in this regard through the justice system.

In Kerry, the prominent names are O'Sullivan, O'Connor and O'Donoghue. At present, there are 151 Wards in Tralee seeking housing. Is it right for people who are relocating from one area to another to expect a local authority to provide housing to them during a crisis? Must a local authority house anyone who comes knocking on its door from another local authority area or county? Through by-laws, something could be done in this regard.

A disappointing feature of local authorities, on which I may be contradicted, is that they do not really engage with the long-term lease scheme. They could go to the private sector and rent houses for ten or 20 years, thus giving applicants security of tenure for that term. The local authorities have not really engaged in this regard. Their doing so would have ensured security of tenure. If tenants have security of tenure, they are happy.

Senator David Cullinane: I welcome the positive elements in the Bill, most notably the measures on anti-social behaviour. There ought to be strong sanctions for those who engage in anti-social behaviour, be it in a local authority housing estate or rented accommodation attracting the rent supplement or any subsidy from the State. If they are involved in very extreme forms of anti-social behaviour, which unfortunately is characteristic of a small minority of tenants, there should be sanctions to protect the majority living in the affected areas.

It was said earlier that we all have constituents who come to us with problems. Often, when people seek transfers it is because they are victims of anti-social behaviour. The solution is to deal with the people causing the problems rather than having to take good families out of housing estates. Local authorities do not address this and people are left in circumstances in which they have to put up with the anti-social behaviour of others. Any move to deal with this will have my full support.

Senator Tom Sheahan referred to exceptions rather than the norm in respect of some of the examples he gave. I would imagine that very few social houses have 141 BMWs outside the door. There are very few examples from my city of Waterford. Having made representations for people who need genuine works carried out in their homes, I realise it is very difficult to achieve this because the budgets of local authorities have been cut. The housing maintenance budgets have been cut and it is much more difficult to get the council to move on anything. Therefore, if there are councils that repair homes three times because of damage caused by tenants, it should not happen. What the Senator described is an exception. It is certainly not the norm in the part of the country in which I live.

There are significant elements of the Bill that I oppose. In the second week of this Seanad's term we had a debate on housing, during which I made the point that there has been an unfortunate drift in recent years away from social housing and towards the privatisation of social housing. It is increasingly becoming the norm that the vast majority of people's housing needs are being met through the private rental sector, be it through the rent supplement, the RAS or the new HAP scheme. In reality, we are subsidising landlords and people in private accommodation, and the people who are benefiting most are the private landlords.

I agree with Senator Healy Eames that everybody has a right to and should have a home. The problem for many people in the private rental sector is that they do not have a choice. They want to have a permanent home. They want a place to call home, be it a social house or other-

wise. They do not want to have to move their children around every five or ten years. Unfortunately, an increasing number of people are being locked into circumstances in which they have no choice but to move every now and again because of the way social housing has developed and the privatisation of social housing. People should have a choice. There should be a balance between where we were ten or 15 years ago, when we exclusively built social housing estates, thereby causing problems, and today, when we do not build any social housing. We do not even purchase social housing any more to any great degree, yet the vast majority of people's needs are now being met through the private rental sector. There has to be a balance. There was a time when the local authorities and voluntary associations engaged in building social housing. Part V of the Planning and Development Act 2000 deals with the integration of social and private housing in new builds. All of this building has dried up. Few houses are being built by the voluntary sector and the local authorities are building practically none at all. Part V housing has completely dried up because the private sector is not building at all. There is an increasing demand for social housing but yet the vast majority of people's housing needs are being met by the private rented sector. For a large number of people this is not by choice but because it is the only option available to them. I think we must look at choice and ensure that people who want to own their own home or live in a place they call their home, even if it is social housing, can do so. People want a place where they can anchor their family and become part of a community instead of having to uproot and leave their house because of the system that is in place. I do not agree with that system. We are also spending hundreds of millions of euro every year subsidising people in private housing estates. The real winners are not those who occupy the houses but the private landlords who are making a great deal of money. With respect, it is the landlords who are driving the BMWs, not the tenants in the houses.

I do not like the concept of a housing assistance payment, HAP, scheme. I see it as a continuation of what I would argue is the privatisation of social housing. I do not like the fact that if one is living in a house under this scheme, one is deemed to be adequately housed and taken off the housing list. I know the Minister of State states that one can apply for a transfer, but if the procedures in Waterford city and county council are anything to go by, it is almost impossible to get a transfer at this time. There are very few cases of people being transferred unless there is a real medical need or the person has a disability. Due to cutback it is very difficult to get a transfer. It might be different in other part of the country but that is the case in the area I come from.

Senator Marie Moloney: It is not true that they are off the housing list.

Senator David Cullinane: They are deemed to be adequately housed. I have read the legislation and I know what it means. I have seen examples already where those people in the RAS scheme have been told they are adequately housed. They might be on the housing list but have no chance of getting a local authority house. As far as the local authority is concern, the people are adequately housed. That is where this will go as well. To pretend that is not the case is to bury one's head in the sand.

Acting Chairman (Senator Labhrás Ó Murchú): The Senator's time is up.

Senator David Cullinane: I will finish on this point. There must be an element of choice. One cannot force people into the private rented sector if that is not their preference. It might suit some people but it does not suit everybody. It certainly suits the developers and the people who want to buy multiple homes to make money, but it does not suit the people who may have to live there temporarily and then are forced to move every couple of years, through no fault of

their own.

Acting Chairman (Senator Labhrás Ó Murchú): As there are no other Senators offering, I call on the Minister of State to respond. She must conclude at 6.25 p.m.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): I thank all of the Senators who contributed to this wide-ranging informed debate. Many Members addressed the general issue of housing supply. I accept absolutely that the Bill does not do a great deal about housing supply. I agree that we need to increase the supply of houses. I certainly intend to fight for any money that is available in terms of addressing that whole issue. There are broader issues around the supply in the private sector. In the past two stimulus packages, some 33% in one and 25% in the other package went to social housing supply. We were able to announce albeit a relatively small mainstream housing construction programme this year. I intend to continue to fight for that.

A point strongly made by a number of Senators was that housing should not be a commodity, and should not be a means of making money. Housing is about homes and that must be the centre of our policy across the board. I agree with these general points. A number of other general issues were raised that may not be specifically covered in the Bill.

The role of this legislation is not to supply housing but to make law on housing. Three particular issues in regard to housing needed to be addressed in the legislation. We have had a long debate on the issue of rent supplement, which was envisaged as a short-term measure but in effect has become a tool in the long-term supply of housing. There is a poverty trap. I will address the specific case highlighted by Senator Healy Eames. If one goes on the HAP scheme, one will pay a differential rent, in other words one pays rent in accordance with one’s income. One will not lose the social housing support. That gets rid of the poverty trap of somebody losing all of their rent support when they go on the HAP scheme. That is one of the fundamental reasons that we are introducing the housing assistance payment scheme so that we get rid of the poverty trap. There will still be a short-term rent supplement scheme under the Department of Social Protection in line with the original intention of rent supplement which was to be a short-term payment when somebody could not meet their own housing needs through losing a job. There will be a short-term rent supplement payment under the Department of Social Protection in which the client will not undergo an assessment of housing need. That provision will be retained.

I will deal with specific issues raised about the Bill rather than some of the more general issues. Senator Mac Conghail raised the issue around standards. That is dealt with in section 39(1) which states, “it is a condition of the provision of housing assistance to a household in respect of a dwelling that the housing authority concerned is satisfied that the dwelling complies with standards prescribed under section 18 of the Act of 1992.”

Senator Kelly raised the issue of anti-social behaviour in instances where those engaged in anti-social behaviour are doing so in other areas where they do not live. The Bill makes provision for exclusion orders that relate to other places other than where those engaged in anti-social behaviour live. There was a wide debate on the issue of anti-social behaviour and the need for proportionality. Some Senators believe strongly that there are measures in the Bill to address anti-social behaviour and that tenants can be evicted for anti-social behaviour or excluded from certain places. If one person is causing problems in a particular area, that one member of a household can be excluded from the area but it does not mean the whole household has to lose

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their home. There was a lacunae and Senator Naughton described the legal case where section 62 of the Housing Act 1966 was struck down. What we now have is a fair procedure whereby if a tenant is disputing the reason that he or she is being evicted, he or she has the right to fair procedure. That was the issue under the human rights convention that needed to be addressed. It restores the ability of local authorities to evict if the situation warrants it. We all know of situations where whole neighbourhoods are destroyed by one individual or a family. It is restoring the right of the person who believes he or she is being wrongly accused to defend himself or herself and have proper representation.

Senator Landy wanted me to restate the position on the rights of a person availing of the HAP scheme to access a local authority house. Let me repeat what I said, namely, the transfer list will reflect the specific priority or previous position that household had on the previous waiting list within the authority area in which they are resident. The principle will be that the reasonable expectation of households should be preserved. They will therefore be placed on a transfer list with no less favourable terms than if they had remained on the main housing waiting list. I will use my powers under this legislation and under section 22 of the 2009 Act to require every local authority to provide access to the transfer list to households which transfer into HAP and also - to address a point raised by some people - to reserve a proportion of allocations for households on the transfer list. One Senator said that in some cases there are no transfer lists. Under housing legislation, all local authorities are obliged to have a transfer policy. Senator Sheahan was concerned that the local authorities should have more local autonomy in by-laws and so on. The local authority sets the scheme of letting priorities but within national policy. Therefore, on national policy, I can direct, but there is a certain degree of flexibility for local authorities also.

On the other point the Senator made about people wrecking houses and so on, local authorities have an obligation to manage their stock appropriately and well and to maintain it. I do not believe we should take all of these responsibilities away from them. They have rights and obligations and many Senators argued for more powers for them in many cases. Again, it is a matter of getting the balance right.

Senator Cáit Keane asked specifically about the pilot schemes. The first is ongoing in Limerick and I am obviously familiar with it. There will be a mix of six local authorities included in the next phase, including one in the Dublin area. There will be a mix of urban and rural local authorities and we intend to learn from the pilot schemes. The programme will then be spread to the rest of the country.

In regard to homelessness, there is also a proposal to have a pilot scheme. The Dublin local authorities, in particular, are very interested in piloting the HAP scheme among the homeless population. Many Senators referred to the importance of addressing the issue of homelessness, rightly so, while several Senators referred to the Government's implementation plan, under which a new scheme is being rolled out to encourage prevention. Part of it concerns people who are at risk of losing a private rented property because of the rent cap, rising rent and so on. There is a protocol in the four Dublin local authorities whereby they will have a process aimed at prevention. For example, they will have flexibility with regard to the rent cap if somebody is in danger of losing his or her home. This provision is particularly geared towards families where the rent cap is a particular issue. There is also a telephone line, while Threshold is involved.

In the Dublin area 80 new emergency accommodation beds will be coming on stream. The

big thing we are trying to do with the implementation plan is to move people who are inappropriately in emergency accommodation to supported housing - a home of their own in which they will have the relevant supports they need. This is a central part of the plan to deal with homelessness.

I am a little bemused by Fianna Fail suggesting that, somehow or other, we suddenly have this crisis and that we should be doing huge things to tackle it. In the Celtic tiger years - 2007 and 2008 - the numbers sleeping rough actually reached a peak. The housing waiting lists were building all the time and during the boom there was very little social housing construction. We inherited the problem. However, I am not saying we do not have responsibilities; of course, we do and we have to address the problem. I was interested in the comment of Senators Paul Bradford and Sean D. Barrett that this was a very serious matter for the Cabinet. I sit at the Cabinet table because I am Minister of State with responsibility for housing, holding the housing and planning portfolio and the Senators made an interesting point.

Senator Feargal Quinn talked about learning from our European neighbours in the use of timberframe houses and so on. We have a number of proposals on the types of housing that might be quicker to bring on board. In fact, a Dutch person I know gave me a newspaper that I could not read because it was in Dutch, but it contained an article on this issue. We will look at all issues. We particularly need to learn from our European neighbours in having a more stable private rented sector whereby people will have security, an issue raised by several Senators. We are looking at the issue of rent control, while the Private Residential Tenancies Board is conducting a study to see whether this would be feasible within Ireland. Certainly, we need greater stability.

We are not privatising housing provision. I assert a very strong commitment to the role of local authorities and that of approved housing bodies in the delivery of housing. However, the reality is that there are over 70,000 people in receipt of rent supplement. They are in a poverty trap and will lose rental support if they obtain significant work. We cannot just ignore them while we are in the process of trying to build capital moneys and other ways of securing significant funding to deliver social housing. We have to address their issues, which is why we are introducing the housing assistance payment. It is a significant reform which will make a very big difference to them, including the person referred to by Senator Fidelma Healy Eames who wanted to go out to work but was afraid of losing their housing support.

Senator Marie Moloney raised the issue of adaptations for people with disabilities. The reason the grants are not available is that, in effect, one would be adding value to a privately owned house from which the person concerned might have to move very quickly. However, in the limited amount of money available for social housing, we have prioritised people with disabilities. I have allocated money to local authorities specifically to house people with disabilities. The Minister of State, Deputy Kathleen Lynch, and I have spoken specifically about addressing their needs. Nonetheless, the other side of the coin is that somebody with a disability would be adding value to the house. We have to find some way of securing it for a longer term. For example, long-term leasing was referred to. If there was long-term security, it might be possible to consider making the grant available. I would certainly be willing to look at that matter.

The number of refusals was mentioned. A view expressed was that only one refusal should be allowed, whereas it was said in the Dáil that there should be three. We have to make a judgment on that issue to see what is the appropriate number before a person moves down to the bottom of the list. On the one hand, people should not be offered something not in their area of

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choice. On the other, if they are genuinely offered something in their area of choice and refuse twice, it is fair, as they are depriving somebody else of an opportunity if they keep refusing.

The issue of NAMA units was raised. The commitment was that there would be 2,000 units during the lifetime of the Government. It is correct to say approximately 4,000 have been offered by NAMA. It is partly about having them in the right places to address the need identified. There are still unfinished estates and houses available in parts of the country in which simply there is no need for housing; therefore, it would not make sense for the local authorities in these areas to take the NAMA units offered, particularly as they do not get them free and have to pay for them with Government funding. We want to obtain more units. As the housing market and the nature of those in need of housing have changed somewhat and we now have more families than before, some of the units that might have been considered unsuitable may well be suitable now. I have, therefore, asked local authorities to see if any of the NAMA units offered might now be suitable for use as social housing.

We want to make sure there is social integration. In this context, Senator Paul Bradford and others referred to social mix. We do not want social segregation. That did not work in the past and in our policy on housing we want to make sure there is a social mix.

The last time we had a debate on housing in the House Senator John Kelly asked if a person in the RAS who found a job in another local authority area could transfer to a similar house in that area. I said I would look at the issue. We are considering whether this needs to be done by way of a direction to local authorities. It is an issue for people who have to move because of their jobs or other reasons.

Senator John Kelly: Can they transfer from RAS to HAP?

Deputy Jan O'Sullivan: They would not transfer from RAS to HAP. They would probably transfer to the other local authority list either through RAS or another means. We will examine it, because it is a genuine issue.

The issue of landlords stating in advertisements for rental properties that no students or rent allowance recipients need apply has been raised. I will have to get legal advice. Although they are privately owned, we have anti-discrimination and equality legislation and I will have to see whether we can specifically prohibit the practice. The fact that I suspect landlords will find ways around it does not mean we should not try to address it.

Senator Fidelma Healy Eames: It is fine if a landlord rejects a prospective tenant on meeting him or her.

Deputy Jan O'Sullivan: We can examine it. It has been raised before, and the "no rent supplement" stipulation is very frequently seen.

The issue of empty houses was raised and I am trying to use a carrot and stick approach to it. I have allocated funding to bring back 1,700 boarded up, empty houses. I have also met the directors of service for housing and told them they must speed up the process by which they allocate houses. Some of them are much better than others at reallocating houses quickly. I think I have covered most of the issues raised and I thank the Senators very much for their contributions.

Question put:

Seanad Éireann

The Seanad divided: Tá, 28; Níl, 10.	
Tá	Níl
Bacik, Ivana.	Byrne, Thomas.
Barrett, Sean D.	Crown, John.
Bradford, Paul.	Cullinane, David.
Brennan, Terry.	Daly, Mark.
Burke, Colm.	Heffernan, James.
Coghlan, Eamonn.	Mac Conghail, Fiach.
Coghlan, Paul.	Ó Clochartaigh, Trevor.
Comiskey, Michael.	Ó Murchú, Labhrás.
D'Arcy, Jim.	Reilly, Kathryn.
Gilroy, John.	Zappone, Katherine.
Healy Eames, Fidelma.	
Henry, Imelda.	
Higgins, Lorraine.	
Keane, Cáit.	
Kelly, John.	
Landy, Denis.	
Moloney, Marie.	
Moran, Mary.	
Mulcahy, Tony.	
Mullen, Rónán.	
Naughton, Hildegarde.	
Noone, Catherine.	
O'Donnell, Marie-Louise.	
O'Keeffe, Susan.	
O'Neill, Pat.	
Quinn, Feargal.	
Sheahan, Tom.	
van Turnhout, Jillian.	

Tellers: Tá, Senators Ivana Bacik and Paul Coghlan; Níl, Senators David Cullinane and Kathryn Reilly.

Question declared carried.

An Leas-Chathaoirleach: When is it proposed to take Committee Stage?

Senator Ivana Bacik: Next Tuesday.

Committee Stage ordered for Tuesday, 8 July 2014.

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Education (Miscellaneous Provisions) Bill 2014: Order for Second Stage

Bill entitled an Act to enable an education provider to describe itself in certain circumstances as a university; to amend the Universities Act 1997; to amend the Education Act 1998; to amend the Student Support Act 2011 and to provide for related matters.

Senator Ivana Bacik: I move: “That Second Stage be taken today.”

Question put and agreed to.

Education (Miscellaneous Provisions) Bill 2014: Second Stage

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

Minister for Education and Skills (Deputy Ruairí Quinn): I am pleased to introduce the Education (Miscellaneous Provisions) Bill 2014. Its main purposes are to provide for the authorisation by the Minister of the use of the description “university” by a high quality education provider for specified purposes outside the State; to amend the Student Support Act 2011 to ensure the Minister has the power to prescribe post-leaving certificate, PLC, courses for the purposes of the student grants scheme; and to amend the Education Act 1998 to provide for a refusal of access to specified information that would enable the compilation of comparative information on relative school performance in terms of students’ academic achievement.

I will address the legal framework for the use of the description “university”. The Universities Act 1997 provides the legal framework for the operation and establishment of universities in Ireland. As part of this framework, a legal limitation on the use of the title “university” lies in section 52 of the Act. This section provides that, with the exception of the seven universities listed in the Act and any educational institution or facility established and described as a university before the end of July 1996, no person can use the word “university” to describe an educational institution or facility.

As for the rationale for this change, the programme for Government contains a commitment to “encourage more international students to study here and to create new jobs in the sector”, with the particular aim of doubling the number of students from priority and emerging markets outside the European Union. In support of this aim, the international education strategy is being implemented to put in place the necessary policies and actions to support the development of internationally oriented, globally competitive higher educational institutions within Ireland. However, global competition for higher education is high. Increasing access to online information for students and their families, coupled with international marketing and recruitment campaigns, means that a growing number of educational institutions have international recognition worldwide. International recognition of the quality of the educational institution and the qualifications on offer is a key issue in attracting students to study in Ireland. Greater efforts are required at national and institutional level to enhance awareness of the national brand and promote understanding of what Irish institutions offer to prospective international students and partners in simple terms that are understood worldwide. In this context, it has become clear that the limitations prescribed by the Universities Act need to be re-examined. The use of section 52 does not serve to decide an application by an Irish institution that needs to convey the level and quality of its education abroad to an international audience. The Bill is required to put in place an applications process for an Irish institution to use the description “university” to convey the

level and quality of its education.

It is, of course, of paramount importance to Ireland's internationalisation effort that the quality and reputation of our higher educational institutions remain fully intact. We are rightly proud to be leaders in Europe in terms of quality and the qualifications architecture put in place by legislation that I had the honour to introduce in the House just over two years ago. I will protect and enhance that reputation. The Bill ensures this opportunity will only be open to the highest quality providers. A provider's application to make awards to doctoral level will only be permissible where these awards are recognised in the national framework of qualifications. These strict criteria have been included to ensure a provider authorised to use the title for the specified purposes is offering education at a level recognised under the framework to be comparable to that offered by universities. In practice, these criteria mean that a qualifying provider will be subject to external quality assurance by Quality and Qualifications Ireland, QQI. A provider that applies must also have a strong internationalisation mission as its core focus and its ability to contribute to Ireland's strategic position on internationalisation is being constrained by a lack of understanding outside Ireland of its status. For this reason, an applicant provider must already have 40% of its registered student body in Ireland as non-EU students.

Supporting the export activities of our leading internationally oriented institutions also contributes to the Government's job creation agenda. International evidence indicates that high quality international education supports job creation and retention. The international education sector is a priority sector under An Action Plan for Jobs. Employment is created and supported through tuition fee income in educational institutions and student expenditure in the economy which boosts domestic demand. Estimates of the impact of international education on the economy usually range from approximately €800 million to €1 billion.

With this Bill I am also amending the Student Support Act. It is a short technical amendment clarifying the description of PLC courses under the Act. The provision of grants for students participating in further and higher education is provided for by way of secondary legislation through an annual scheme of grants and a set of regulations governed by the 2011 Act. The Act allows me to prescribe through regulation approved courses provided by approved institutions. Currently, an approved institution in the further education sector is one that receives a grant out of moneys provided by the Oireachtas, pursuant to a scheme administered by the Minister, for the provision of a PLC course. Following the transfer of the administration of these courses to SOLAS after its establishment this day last year, for clarity I propose to remove the current reference to PLC courses as being "pursuant to a scheme administered by the Minister". This will be addressed by way of a simple technical amendment.

Turning to the amendment of section 53 of the Education Act 1998, that section gives the Minister of the day the necessary powers to prevent the release of assessment and examination data held by bodies under the aegis of the Department of Education and Skills. Successive Governments have been of the view that access to such data would permit the creation and publication of crude league tables. Such tables would have the potential, particularly as they would not be contextualised, to be damaging to students, schools and the system as a whole. I support that view. While I also support the Freedom of Information Bill 2013 which significantly extends the range of public bodies that will come under the ambit of freedom of information provisions, it is necessary for section 53 to be amended to ensure the long-standing protection of examination and assessment data remains in place and that the issue of crude and distorting league tables does not arise. Within the spirit of the freedom of information legislation under consideration, however, I am taking a focused approach to amending section 53. The proposed

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amendment provides for the Minister for Education and Skills, in consultation with the Minister for Public Expenditure and Reform, to regulate prescription of access to the examination and assessment data held by specific listed bodies. Providing for regulation in this way gives flexibility by allowing the list of specific bodies to be amended by way of statutory instrument. The proposed regulations will only prescribe a limited list of public bodies such as the education and training boards, ETBs, ETB schools, ETB education and training facilities, the Education Research Centre and the National Council for Special Education, all of which hold examination and assessment information in the course of carrying out their functions. The amendment will also ensure the prohibition will apply only where it is necessary. Prescribed public bodies provided for in the amendment that currently release or share assessment and examination data with other public bodies for the purposes of research will continue to be able to do so, subject to ministerial approval or direction. Also, the existing provision that permits higher educational institutions such as universities and institutes of technology to release such information on the schools their student in-take attended will be maintained.

I turn to the Bill's key measures and main provisions, as set out in 11 sections.

7 o'clock

The principal purpose of sections 2 to 5 is to provide the following: the authorisation of the use of the description "university" in limited circumstances outside the State for specified purposes; for review of the authorisation by an tÚdarás; for withdrawal of the authorisation by the Minister on the grounds that it is not being used for the specified purposes or that the provider no longer fulfils the qualifying criteria for application; and for an appeals board to hear appeals relating either to a Minister's decision to refuse to grant an authorisation or a decision to withdraw an authorisation.

The intent of the legislation, as drafted, is to strongly restrict eligibility on quality grounds and mission focus for this authorisation. Eligibility is restricted to the following: providers who are authorised under Irish law to make their own awards; providers who have doctoral degrees recognised through the National Framework of Qualifications; providers who have 40% of their student body enrolled in Ireland who are non-EU citizens and lawfully resident in the State primarily for education and training; and it excludes those with delegated authority to make awards such as institutes of technology and, potentially, private higher education institutions in the future.

The use of the title is also restricted in its geographical application and in the purposes for which it can be used. Use of the title is restricted to outside of the State and for the following purposes: to market programmes of education and training provided by the authorised provider, or research services of the authorised provider; and to enter into an arrangement with any person outside the State for the purposes of participating in a collaborative project relating to the provision of programmes of education and training, or research services.

Section 6 provides for an amendment to the Universities Act 1997 and will amend section 52 to ensure that an authorised provider, under this Act, is exempted from the prohibition on the use of the title in the Universities Act.

Section 7 provides for a refusal of access to specified information through an amendment of section 53 of the Education Act 1998, as amended by section 5 of the Education (Miscellaneous Provision) Act 2007.

The Education Act is amended by the substitution of a new section 53 which confers on public bodies, within the meaning of the Freedom of Information Act 1997, prescribed in regulations made by the Minister following consultation with the Minister for Public Expenditure and Reform, the necessary powers to refuse access to information which would enable the compilation of information in relation to the comparative performance of schools in respect of the academic achievement of their students or learners.

Section 8 amends section 7 of the Student Support Act 2011. It will reflect the Department's decision to transfer the administration of the PLC scheme to SOLAS on the basis of its general functions relating to further education and training under section 7(1) of the Further Education and Training Act 2013. This change will remove the reference in the legislation to PLC courses as "pursuant to a scheme administered by the Minister" in section 7 of the Student Support Act, thus ensuring clarity regarding the basis for prescribing PLC courses for the purposes of the student grant scheme.

Section 9 provides for the service of documents. Section 10 provides for the expenses of the Minister in the administration of the Act to be sanctioned and paid. Section 11 sets out the Short Title, collective citations and commencement provisions.

In conclusion, this Bill is an important step in promoting Ireland's ambitions for internationalisation and for the protection of the educational interests of our children. I hope that Senators will agree that this is an important and vital piece of legislation. I look forward to listening to the views of the Senators today and to further debate as the Bill progresses through the Houses of the Oireachtas. I commend the Bill to the House.

Senator Denis O'Donovan: I welcome the Minister to the House. I have always found him to be very helpful and cordial. It was on a point of principle that I raised the following issue on the Order of Business today. The Bill was published last Thursday and there was a clear commitment given by the Government Chief Whip, both in the Lower House and this House, that there would be at least two weeks between the publishing of a Bill, Second Stage and the various Stages. Therefore, it is regrettable that we have rushed into debating this legislation this afternoon which is an important point to make.

In this House it is either a feast or a famine. I mean we have waited *ad nauseam* for legislation for many weeks and months and then, all of a sudden, in the past three or four weeks and coming up to the recess, there has been an abundance of legislation with people, Ministers and the Government trying to push through legislation. We could have taken Second Stage next week. When I got my schedule of business last Thursday evening or Friday morning, to the best of my knowledge the Bill was not included so there was an amended version.

I want to say the following as a point of protest. I laud the Minister for what he is trying to do and my party supports the Bill, on principle. In Government we brought forward an international education strategy. Therefore, it would be rather ridiculous for us to oppose something that we had planned when we were in government. I shall not say a whole lot on the Bill or go over what the Minister has outlined, most of which I agree with. However, I would like him to give an assurance that allowing certain colleges to describe themselves internationally as universities will not undermine the standing of Irish universities. If he could reassure me on that issue it would address one of the greatest worries I have about this legislation.

I am not the spokesperson for education in this House but I am taking the topic on behalf of

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my colleague. The legislation would have received a more fulsome debate, on this side of the House in particular, if we had been given a bit more notice. However, I do not want to be petty. I have made my play and raised the most important issue that concerns me and my party. I shall conclude and hope that we will have further discussion on the other Stages of the Bill.

Senator Jim D’Arcy: Go raibh maith agat, a Chathaorligh. Ba mhaith liom fáilte a chur roimh an Aire go dtí an Teach. Tá obair mhór déanta aige ar an mBille seo.

The first part of the Bill, as the Minister said, gives authorisation to describe an educational provider as a university outside the State in limited circumstances. I note that the provision will only apply to providers that have 40% of their student body enrolled in Ireland who are non-EU citizens. As he also said, it is one of the aims of the programme for Government to set out an ambition to “encourage more international students to study here and to create new jobs in the sector”. The provision will also help to fund third level education and keep costs down for local students. The high regard in which Irish third level institutions are held abroad, in places like China, India and the Middle East, is very obvious in the numbers attending these institutions. We must do all we can to assist in this regard while ensuring that perhaps less competent providers do not jump on the bandwagon. The 40% benchmark will assist greatly in this regard while helping providers, such as the Royal College of Surgeons, to continue with its excellent provision and aid its capacity to attract non-EU students.

The second main part of the Bill amends section 7 of the Student Support Act 2011 and deals with the provision of grants to second school students participating in further education. It allows for the fact that SOLAS is now the administrative agency for post-leaving certificate courses. It is very necessary for students to get their grants.

I would like to talk here about the Education and Training Boards Bill and the Further Education and Training Bill. They are two of the most important Bills to go through the Oireachtas in this Dáil term. We need top class PLC education courses for the many careers, trades and apprenticeships which are and will be in demand. The young people educated and trained in this way are the nuts and bolts of society. In a great many cases they will employ the degree holders of the future if not moving forward to tertiary education themselves.

Last week, I attended a debate at the Council of Europe on improving the status of vocational education and training, VET, courses in Europe. It is a big issue throughout Europe and it is considered absolutely necessary. This is a very crucial area of education. These training centres must not be FÁS by another name. They should be monitored to ensure that they are being reformed in line with what is envisaged in the Bill. Will the Minister comment on the fact that five education and training boards have no discrete training centre? Is there any indication that this might be causing problems even at this early stage of the development of the new training centres?

The third aspect of this Bill involves an amendment of section 53 of the Education Act 1998 to prevent school league tables in ETB institutions. I welcome this while acknowledging that parents should have sufficient information to be able to make an informed choice of schools. The blunt instrument of league tables is invidious and pernicious. A former British Minister for Education, Sir Rhodes Boyson, said that one judges schools by the amount of graffiti on the walls, the amount of litter in the schoolyard and the number of children who are awake when the teacher is teaching. As a teacher, I can sympathise with that.

Deputy Ruairí Quinn: They never went to sleep in the Senator's class.

Senator Jim D'Arcy: Some of them just gazed and I do not think "The wonder grew, That one small head could carry all he knew". I think they were saying, "He is not at his best today". Anyway, I did my best. As Seosamh Mac Grianna said in *Mo Bhealach Féin*, "Rinne mé mo dhícheall, agus is cuma liom". We all do the best we can.

I do not know how long the Minister will be in office as I believe I heard something on the grapevine about something he said, but the Bills he has introduced, many to the Seanad first, were strong and reforming. Everything was geared towards improving life for the school community. Pluralism in patronage is a huge issue. The Minister started that and it will be a major development in the years to come. We might have hoped there would have been a greater willingness, but I believe it will be huge in the future and I congratulate the Minister on it. On literacy and numeracy, as everybody knows the first steps are always the hardest. Well done to the Minister for his focus on literacy and numeracy and the various higher education measures. I could talk at length about him, but he can be very proud of all the work he has done in education. If he goes, I will be very sorry to see it. Go raibh maith ag an Aire.

Senator Mary Moran: I welcome the Minister for this debate concerning matters that must be addressed for third level institutions, PLCs and the issue of league tables.

One of the issues the Bill seeks to address is the use of the term "university" outside of the State. To clarify, one of my colleagues mentioned that the Bill was not on the timetable last week for debate this week, but it was. The Bill provides for the Minister to authorise the use of the term "university" outside of the State while also providing for the withdrawal of the use of the term and the creation of an appeals board regarding the withdrawal of authorisation or refusal of authorisation. Eligible institutions must have authorisation to make their own awards; provide a doctoral degree which is recognised through the National Framework of Qualifications; and 40% of their student population must be non-EU citizens who are lawfully resident in the country with the primary purpose of their residency being education and training. The authorisation by the Minister for the use of the term "university" will be for specific purposes, and the use of "university" would only apply to outside of the State. The use of the term would be restricted to the marketing of programmes for education and training or research services by the educational provider or the entering into an arrangement with any person outside of the State for participation on a collaborative project relating to the provision of programmes.

The programme for Government has set out to encourage more international students to study in Ireland and to create new jobs in the sector. It is important that we continue to attract international students to Ireland while also prioritising our reputation and maintaining the high quality education provided to all of our students. We often hear the word "globalisation". It is important that we remain connected with international partners while also capitalising on the terrific in-demand programmes that are run in colleges and universities across the country. The international education system in Ireland is a sector of our economy worth an estimated €1 billion and it is supportive of direct and indirect employment. A number of surveys undertaken abroad have highlighted our country as one of the best places in the world in which to study. Ireland has a tremendous reputation for education abroad and it is important that we maintain that reputation and continue to provide the same high level of education and training for our students at home.

While the Bill does not include institutes of technology for consideration, it is important to

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mention the excellent education and training our institutes of technology provide. Dundalk Institute of Technology has educated thousands of Irish and international students over the years who, upon graduation, entered the workforce as highly trained and well equipped jobseekers with the right skills. Dundalk Institute of Technology not only provides an excellent education but also an overall great experience for students.

The Bill also addresses the issue with freedom of information legislation and the partial exemption for schools run by education and training boards. Essentially, the Bill seeks to protect certain data that may lead to the creation of league tables. Like my colleagues, I agree with this. The concept of league tables has crept in and even though they are not supposed to be there, they are. However, some of the records we get are not a true reflection.

I will digress briefly and raise an issue that has been brought to my attention. It is something happening in schools which shocked me when it was reported to me. Somebody who was applying for a position in a school told me that one of the criteria for getting an interview was that they must sit a leaving certificate paper and get an A1 in the paper. That is totally undermining our third level institutions. I have great difficulty with it. I have heard of two cases in the last week where a school has given prospective teachers a leaving certificate paper in whatever subject they teach, telling them they were expected to get an A1. Surely we have enough faith in our third level colleges, the quality of our degrees and our education system that we can accept it that when teachers graduate with their degrees they are well and truly prepared to teach the young.

I totally agree that the creation of league tables is not reflective of the important work of schools in the area of special needs. Students' results should not be the only criterion on which we gauge the success of a school. In this regard, the Bill has been welcomed by education partners. I certainly welcome the provision. While I appreciate that I am digressing, I would appreciate the Minister's comments on that.

Senator Sean D. Barrett: I welcome the Minister. I endorse and agree with all the compliments paid to him by Senator D'Arcy.

Before I address the Bill, let me address two developments that have caused great satisfaction. The Minister will remember that on the Adjournment last year, reference was made to two mistakes on the leaving certificate mathematics paper. Former Senator Deirdre Clune was an engineer, the Minister had architecture experience and I had George Humphrey from the Irish Mathematics Teachers Association. The errors did not happen this year and over 100,000 young people were much happier. I commend the Minister on this. The Minister did ask people to sit the leaving certificate examination to determine whether it was possible to do it this year. It was very fair to 18-year-olds that some adults sat the paper. I commend the Minister on that.

Deputy Ruairí Quinn: It was entirely a matter for the State Examinations Commission. It was entirely in charge of the operation but I did commend it.

Senator Sean D. Barrett: The House shares those sentiments.

The other great improvement this year concerns SUSI. Some 165,000 students are now happier because of a system that works. I acknowledge that there are always matters to be evened out. The Ombudsman is examining 55 complaints. Some 21 were resolved, with ten in favour of the student. Some 165,000 students could have applied for the payments. The Department sent us a list for each county. A pupil who contacted me from Wexford rang the ap-

propriate contact number that the Minister gave us for that county and had a problem resolved instantly. Some tens of thousands of young people are better off and better served by the State Examinations Commission, SUSI and this House.

I welcome the interest expressed by Minister of State, Deputy Cannon, recently in apprenticeships in this country. He pointed out that there are hundreds of apprenticeship courses in Austria, Switzerland and Germany but just a couple of dozen here. We have lost in this regard.

What has occurred is progress and I endorse everything Senator D'Arcy said in that regard. Having listened to the debate, I wondered whether an amendment to the Universities Act might address the issue of the Royal College of Surgeons, which appears to be the only eligible body at present, rather than special legislation. However, that is the Minister's choice and I accept what he said. An applicant provider must already have 40% of its registered student body in Ireland as non-EU students. There is only one institution that meets that criterion. An applicant will have to be entitled to award degrees at least at doctoral level. There is only one institution that meets that criterion.

With regard to what is known as a university abroad as opposed to here, are some of our colleagues in the third level sector a bit sensitive about titles? One earns one's reputation from the quality of one's graduates and research. MIT has a worldwide reputation. Some people said that in some parts of the world a college means a secondary school. Does that mean the London School of Economics must be a primary school? I wonder about titles as it is the quality of graduates and work that matters.

The Minister referred to the commitment to encourage more international students to study here and to create new jobs in the sector, with the particular aim of doubling the number of students from priority and emerging markets outside the European Union. Is that a viable target? There is an increase in the birth rate here, to which the Minister has drawn attention. He referred to the amount of work being done at primary level to cater for the increase in the birth rate. If we removed from the system students whose parents paid the taxes to support Irish higher education to engage in the kinds of activities in question, a cost would be involved. If there was spare capacity in the Irish system, the target might make more sense. However, we will be put to the pin of our collar to satisfy the increasing demand from within the jurisdiction that we serve.

There tends to be fashions in higher education and offshore campuses were a fashion. Results from the United Kingdom and Dubai, in particular, have been somewhat less than impressive. Before the financial crisis in Dubai and before its economy went into freefall, 54 universities were on the waiting list to open international campuses. This is in an article published by Finnish economists in the March edition of *Learning & Education* by the Academy of Management. There is a herd instinct and group-think in higher education suggesting what one should do. I plead with the Minister not to neglect undergraduates, who comprise the majority of the population in our universities, nor should he neglect lecturing to undergraduates because of managerial fashions and the fascination with life upstairs in a jumbo jet flying around the world setting up offshore campuses. Whether the suggested institutions would ever make enough money to compensate for the shortage of domestic money in the system is a moot point. They probably will not. These are caveats pertaining to the Government's target.

I support the Bill. It allows the Royal College of Surgeons to continue with what it has been doing. There is a reputational risk that Members have referred to regarding the human rights

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record of some countries with which we could become associated. I must issue a caveat in this regard. It will not do Ireland's international reputation much good.

The Minister must ensure that if this is a money-making exercise, the degrees on the off-shore campus are directly comparable with those here and that the students are as good. If we say we cannot afford to fail a large proportion of the students, we are undermining the standards of the home university. This may be difficult to address in some parts of the world. If we are in the business of buying and selling education based on Ireland's reputation, we must ensure that reputation for excellence is not compromised by the fact that we need the money from those concerned. It is a commercial business. To fail too many would undermine the commercial business.

There is a fairly unimpressive record on the part of many countries, including the United States and the United Kingdom, with regard to offshore campuses. A large proportion of what is in the Bill is designed to protect Ireland in this regard, and I commend the Minister on that. The Minister is always welcome to the House. As with Senator D'Arcy, I believe he should be very proud of what he has done in Irish education. This Bill strikes the right balance. I have never worried about the league tables. I do not know whether they have any effect in any case. I appreciate the Minister's concerns about them and thank him.

Senator Ivana Bacik: As always, the Minister is very welcome to the House. Others have spoken about his reform record. I wish to pay tribute to him on that, particularly his work on pluralism in the primary sector regarding the patronage of schools. I have been directly involved with the Minister on the latter subject. He has really made considerable progress on what parents want to see, namely, greater diversity of choice in the schools available for their children. I thank the Minister for that and for the work he has done on literacy. There is to be a big launch of the Right to Read campaign later this week with Deputy Ó Ríordáin. The reforms of the junior certificate are very child centred. Others have spoken about the reforms involving SUSI and so on.

We would particularly like to thank the Minister for his willingness to initiate legislation in this House, including this Bill. We really appreciate that. It is great to get Bills like this first in the Seanad, particularly when they pertain to subjects such as higher education, in which a number of us clearly have a particular interest.

I agree with Senator O'Donovan on the timing. It was unfortunate that the Bill was published only so recently, on Thursday night. It was referred to in the schedule sent around on Thursday afternoon; Senator Moran and I checked that. There is always an issue in July with regard to legislation being rushed in. It is not ideal to have such a short period between the publication of a Bill and its introduction in a House.

Turning to the Bill itself, as others have said, it has one primary purpose and two other issues contained within it. The primary purpose, of course, is provision for a very restrictive recognition, or restrictive authorisation, to describe a provider of education as a university outside the State for specified purposes. Senator Barrett and I had a brief conversation as to whether a simple amendment to the Universities Act would have sufficed if we had wished, for example, to just include one institution, such as the Royal College of Surgeons in Ireland. However, on reading section 2 carefully, I believe it is a much more limited idea of university recognition. Indeed, it is not university recognition and is, in fact, authorisation to be described as a university outside the State for specified purposes. Furthermore, section 2 states that an "education

provider which is granted a university authorisation under this section shall not describe itself ... as a university otherwise than for a specified purpose outside the State”. I and, I believe, Senator Barrett would approve entirely of that very restrictive approach and that more limited authorisation.

We all appreciate, as Senator Moran and others have said, the need to encourage more international students to study here, as the programme for Government has stated. Indeed, we recognise the huge benefits, not just economic but also cultural and social, that internationalisation of our education system provides.

The Royal College of Surgeons has a strong tradition of educating international students and has made an immense contribution to the Irish health care system. On a day when we have seen a lot of publicity about the difficulty in recruiting doctors into our health service, it is important to note that we are offering high-quality medical education programmes such as those provided by the Royal College of Surgeons. There are some concerns, particularly with regard to its links with the regime in Bahrain, as other Senators have noted. However, it is already a recognised college of the National University of Ireland and it is clear that, given the very tightly drawn and restrictive criteria for eligibility, there are safeguards in place to ensure that the title of “university”, even in this limited sense, will not be overused.

There is a broader issue that has been raised by some of the Irish universities, which is a concern about the devaluing of the status of “university”. I believe that is covered by the very tightly drafted provisions in sections 2 to 5 in particular.

I also wanted to mention the issue of the school league tables. I entirely agree with the Minister about the need to guard against the publication of crude school league tables. We have seen in other jurisdictions that this can lead to unfair jockeying for position among parents. It essentially sets up a false competition because, of course, as Senator Moran has said, academic results are not the only measure of success for a school. Schools will have different demographics and it is hugely important that schools have diversity in their enrolment. One of the many reforms the Minister has brought in is to ensure that we have fairer enrolment policies in our schools. I believe the publication of school league tables militates against that sort of fair enrolment policy as it creates unfair competition and puts huge pressure on parents and on schools.

I support the Bill and I commend the Minister again on this great reforming work in the education sector.

Senator John Crown: I thank the Minister for his contributions to the education portfolio. I would like to state that one of the joys of my brief career here to date has been the opportunity to interact with the Minister. He has done, and hopefully will continue to do, very important work in the educational arena.

I completely understand the technical requirements for this Bill and the disadvantage that its absence would confer on certain institutions in the international educational arena, where several Irish organisations have punched way above their weight and done disproportionately and appropriately well. I would like to make three points about the reputation of Irish educational institutions. The international league tables and other league tables may be an irritation, but there is something to them. Those of us who live in the education world and look at the structure of our universities understand there are absolutely profound problems which need to

be addressed.

I can speak with the greatest authority in the area of the medical schools. The reality is that we labour under the handicap of the strange demographic of having six medical schools for 4.5 million people, which is twice the European average, while, parenthetically - I know this is not the Minister's doing - having the lowest number of career-level doctors per head of population of any country in the OECD. That is quite an extraordinary juxtaposition of records to find in one jurisdiction. One would nearly think it required an effort to simultaneously achieve those two, although I believe there are historical reasons why that situation arose. Partly, but not entirely, as a result of that, we have a very serious structural problem in the Irish medical schools. I feel a little like the people who did not like talking too much of their concerns about the economy prior to the meltdown lest they be seen as not wearing the jersey and perhaps causing a problem through scrutiny, which could create its own reality. All I would say is that those who are in charge of education in this country really need to look at the structure of our medical schools internally, and I do not just mean the number of medical schools. If we could sustain six medical schools - and we have enough patients in hospitals to do that - and if we had enough money to appoint the faculty and could attract high-quality students from home and abroad to fill the benches, I would have no problem with that. However, the reality is that we have under-provisioned medical schools which are unprecedentedly understaffed in a way that bears an eerie parallel to the situation with respect to the mainstream health service.

While I do not have the exact figure, we have something in the order of 70 to 90 career-level, full-time faculty clinicians at consultant level, in aggregate, appointed across our six medical schools, whereas Harvard Medical School has 1,500. Whole departments, whole divisions, whole specialties have no full-time academic. I am honoured that two universities in this country, one with a medical school and one an institution with a fine biotechnology and science base - UCD and DCU, respectively - have seen fit to honour me with the title of professor. However, I must stress that they honoured me with it. The professorship, and 50 cent, gets me coffee. There is no division, no department and no formal faculty of medical oncology in any of the Irish medical schools, nor is there for any of the other mainstream specialties. This is a highly unusual situation. I do not believe certain of these structures would bear a great deal of scrutiny, and there is an urgent need to reform them. The reform, I believe, will likely have to be undertaken in parallel with a fundamental and structural reform of the health service itself.

It must be acknowledged that much of the education that takes place in our medical schools takes place according to a principle of voluntarism by those who are primarily employed in the health service. I would have a certain modest reputation for having organised research and helped to organise a certain strand of cancer research in this country, although I would not over-hype my achievements in that area compared to other utterly brilliant people who are doing wonderful research here. However, I have not one minute of protected time for research in my contract, nor does pretty much any other Irish doctor. We are employed, by and large, by the health service and if we do educational research activities, this has to come out of time apportioned for other activities - or, indeed, for life.

I would like the Minister to set out his stall as a reformer and to look at this issue proactively, positively and creatively. I do not believe we are in the business of trying to close medical schools, but we need to be in the business of incentivising the medical schools to look inside themselves, see the fundamental problems they have and to try to remedy them. If we do not, at some stage, somebody may cast a harsh light of criticism on the structures of our medical schools and decide that perhaps there are implications due to a lack of adequate faculty numbers

assigned to them.

Finally, I am a huge supporter of the wonderful educational activity of the Royal College of Surgeons and of our other medical schools at home and abroad. I cannot let this opportunity pass without mentioning the names of three doctors, Dr. Ali Al-Ekri, Dr. Ghassan Daif and Dr. Basim Daif, three graduates who committed their young lives to studying medicine with a qualification that had the word “Ireland” on it. To the best of our knowledge, they are living up to the highest principles of our medical profession, providing in an unbiased, uncritical, professional fashion medical care to people who need it. These people, who are politically inconvenient, have found themselves, several years later, still incarcerated and facing very uncertain futures. I urge the Minister, the Irish educational establishment and particularly the Royal College of Surgeons to come out in forthright support of the rights of these young doctors and other health workers who make the decision to look after their patients rather than to do what might be personally, politically expedient. I thank the Minister and wish him all the very best in this office, hopefully for the next several years.

Senator Feargal Quinn: I welcome the Minister. It is good to see him again. To have a cousin in the Cabinet gives me a certain amount of confidence, although I do not necessarily get to use it on that basis. Last week, my 22-year-old granddaughter graduated from Shanghai University and last Thursday, she spoke to the 600 graduates at her masters ceremony. I am rather pleased that Irish and European students - my granddaughter is more French than Irish - are expanding into that part of the world, and we should encourage them to do so. I welcome the Bill, which will allow certain educational establishments in the State to call themselves universities outside the State. It will set the conditions for strong Irish educational brands to expand outside the State.

Irish university brands have been relatively slow to exploit their names and to expand abroad. It is very welcome that UCD plans to open a campus in China in a very short space of time. I have been involved with UCD’s Institute of Food and Health for a few years and it has had a very close relationship with the Chinese Agricultural University. The regard with which the institute is held and the close relationship is worthy of recognition. Is there a Government policy on Irish universities using their brands abroad? While it may seem lucrative to expand abroad with incentives from foreign governments, what will happen when the cash dries up? Will the Irish taxpayer have to foot the bill? Do we have a strategy to cover such eventualities?

As in all businesses, proper planning will give better protection to the State, taxpayer and university. While there has been a major rush among universities to expand abroad in recent years, they must be very careful. Investing heavily in physical campuses when online education is growing by the day is something that should be considered very carefully. The US Duke University has experienced a delay of two years in opening its campus in China due to construction delays while other American universities in China have experienced major problems recruiting students. Such projects must be considered from a business perspective, not just as a means of projecting a university’s image or brand abroad. There may be over-saturation, as some figures estimate that there are 200 international branch campuses which have massively increased in the past number of years, mostly in the Middle East and China. That is a huge number.

One of the major problems foreign campuses have is quality control. There are usually fewer courses on offer and the big name academics are often absent or fly in for just a few days. Sometimes the students are of lesser quality, given that they come from a developing education system. In the context of the Bill, could a foreign campus of an Irish university decrease

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the university's overall rating? A decrease in its rating would have a major impact on an Irish university's ability to attract the best students.

Do students in foreign campuses have the same rights to speak their minds? We all know certain countries where university campuses may be established do not have the same freedoms. How do we reconcile this with academic research and the ethos of questioning? If there are infringements in how the university conducts its business, would Irish law be applicable? I am not sure. Could Irish law be enforced in an Irish university campus in China?

While I support what the Minister is doing, I would like to ensure we have asked certain questions and talked our way through them. I have great confidence in what the Minister is doing and it will be very worthy of success in the years ahead.

Deputy Ruairí Quinn: I thank all the Senators for their contributions and I extend, through Senator Ó Murchú, my apologies for the short notice his colleague received, which was less than the desired two weeks. I appreciate the fact that the Seanad facilitated Second Stage as I want to try to get the legislation through before the end of the session. There are three aspects to this Bill. The main one has been very carefully drafted and was in gestation for almost ten months because we wanted to facilitate the institution that seeks it, namely, RCSI, and at the same time to protect the use of the word "university" and its application. Senators Bacik, Barrett and others have referred to this.

Third level education has been internationalised at an extraordinary rate, including through the Internet. Last week's *Economist* magazine devoted three separate related articles, including an opinion piece, to it. It raised a range of issues. The fact that one can generate a massive open online course, MOOC, does not necessarily mean one will get the audience and a proper accreditation system. Although the technology is new and a bit more sexy, this is distance learning with electronics. We have had correspondence schools since the century before last. Although distance learning is not new, the technology enables us to access it in a much different way. The issue of verification and standards remains to be satisfactorily addressed.

Senator Quinn addressed the pitfalls regarding the multiplicity of accredited campuses in other countries. The legislation does not address this. UCD's new president, Professor Deeks, has experience in both Australia and China and is examining UCD's links with China. There are other links between Irish universities and China because of the size of the country. The impression I got from talking to people who know much more about it than I is that a joint venture between an Irish institution and a comparable Chinese institution would result in a joint course whereby, for example, both Irish and Chinese students would do two years of a four-year course in China and two years in Ireland. The model of foreign students coming to Ireland, getting their education entirely here and then returning to their country of origin is evolving. The rebalancing of the world's economy and wealth is changing the dynamic. We are at a very early stage of this emerging model, and the historical model we are familiar with in places such as UCD, Trinity College Dublin, Oxford and Cambridge is not a static model but will change dramatically over the coming years.

The protection of the title "university" is very important. There are approximately 15,000 universities worldwide, although some would put the figure closer to 13,000, depending on what one includes as a university. Colleges of education are sometimes seen as universities. Our seven universities are in the top 600 of the category which, as Senator Crown said, for a population of 4.5 million is an extraordinary achievement. They are not getting some of the

resources. One of the issues that affected their ranking was the pupil-teacher ratio. The fact that we have reduced funding on a 1% basis over the past three years as an overall adjustment, has had a direct impact on the pupil-teacher ratio and, consequently, there has been a drop in ratings in that category. What has improved the rankings of the same institutions has been the extraordinary success in research in the universities, in terms of their funding through Science Foundation Ireland, and also through the improvement in participation in research and winning of research grants from the European Union and others. We are still very much in the first division in respect of our universities.

In the 1980s Mrs. Thatcher re-labelled every polytechnic in the United Kingdom, or certainly in England and Wales, with the title “university”. It had no effect on the Russell Group universities, the premier league, so to speak, but it played havoc with the reputation of middle-ranking universities and their ability to survive. I forecast that some of those universities will be in a powerless state in five, ten or 15 years due to the funding model, the cost of going to college and the loan scheme. Mr. David Willetts, the Minister of State with responsibility for higher education in the UK, all but admitted to Jeremy Clarkson that the €9,000 fee loan scheme introduced by the Tories is unviable, and that the cost will be picked up by the taxpayer because the vast majority of students will never repay their loans. Student loan debt in the US, which is the single highest category of debt after the national debt, is in the trillions and is more than all credit card debt in plastic terms. The funding model of universities worldwide will have to be looked at. That is one of the reasons that later this week I will announce a new review group to examine the sustainability of the financing of our universities.

I thanks Senators Jim D’Arcy, Mary Moran and Ivana Bacik for their kind comments. I thank Senator Sean D. Barrett for his correct observation about the way in which the State Examinations Commission addressed in a very satisfactory manner the problems that arose last year. I telephoned Mr. Richard Langford, chairperson of the State Examinations Commission, to congratulate him and his staff. They did what all good proofreaders do when they get tired of looking at their own script; they got somebody to come in with a fresh pair of eyes and to sit it anew. That worked. SUSI has also worked because we fixed the problem. Again, credit is due to the various people who brought that about.

Senator Barrett raised the question of spare capacity within the universities. Ireland is an island off an island off the west coast of Europe. We are not on a crossroads to anywhere. People who come here come out of choice. We do not have the through traffic in terms of cultural diversity that Munich, Rome or places in the middle of Europe would have. For that reason, until about 25 or 30 years ago, Ireland was a highly homogenous society. We need the internationalisation of talent and smarter and different teaching in our universities, which is already happening. It is clear from the nationality profile in his own university that there is a wide diversity of cultural and academic backgrounds and, as a consequence, experiences. At graduate level, students are bringing about that diversity as well. At undergraduate and graduate level, students bring a different perspective of their experience which enriches the indigenous Irish one. The income from non-EU students is an additional and welcome contribution. I put the benefits in the order I have articulated - the internationalisation of academic staff, the cross-fertilisation of students and finally student income - in terms of what we are trying to do in increasing the number of international students. We have to do that without damaging quality or damaging our reputation. The Australians, for example, have lost much reputational goodwill after being perceived to have exploited Asian students. Asian students in Australia encountered much racism and aggravation. It takes time to develop a reputation and it can be lost very quickly, but

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trying to redevelop and retain it is not easy.

Senator John Crown raised the whole area of medical schools. I would like to come back and hear his thoughts on that issue. It is not an issue we got into in this Bill. This Education (Miscellaneous Provisions) Bill is literally what it says: it is a Bill designed to address a specific request from the RCSI. It caused quite an amount of concern. We did not want to distort the existing landscape but we were persuaded, and in due course, when its plans are revealed, it will be self-explanatory. We were persuaded by the validity of its request, but at the same time we wanted to keep it as tight as possible. That is the reason it was drafted in the way that Senator Ivana Bacik stated.

Senator Mary Moran raised some questions about teachers being asked to undergo the test themselves. We are not aware of that issue. As the Senator is aware, in the initial changes in teacher education that have been introduced, post-primary teachers will have to complete a two-year course. The way in which that will work will be very different from the previous experience, when teachers got their HDip. Likewise, primary school teachers now complete a four-year course. Some 87,000 teachers are registered for the first time with the Teaching Council. One cannot get paid as a teacher here unless one is registered. The Teaching Council, which was established in 2006, took a long time to get to the point at which it is now. It is dominated by insider professionals, which is countercultural compared to most professional organisations. I think I am correct in saying that the majority on the Medical Council and the Irish Medical Organisation are non-medical people, but in time that may change. A requirement, which is not yet effective, of the Teaching Council for a teacher to renew his or her licence to teach will be that one will have to participate, as all professions do, in some specified form of continuous professional development, CPD. It is for that body to specify the CPD in order that teachers meet the qualifications that the interview process is presumably seeking.

I thank all the speakers who have contributed and also for the kind comments made in respect of me on Second Stage. I commend the Bill to the House.

Question put and agreed to.

Acting Chairman (Senator Jillian van Turnhout): When is it proposed to take Committee Stage?

Senator Ivana Bacik: Next Tuesday.

Committee Stage ordered for Tuesday, 8 July 2014.

Acting Chairman (Senator Jillian van Turnhout): When is it proposed to sit again?

Senator Ivana Bacik: Tomorrow at 10.30 a.m.

8 o'clock

Adjournment Matters

Tattooing and Body Piercing Regulation

Senator Pat O'Neill: This matter concerns the need for the Minister for Children and Youth Affairs to consider enacting legislation to regulate the piercing and tattooing industry in

Ireland to safeguard children under 18 years, although I understand it is to be dealt with by the Minister of State at the Department of Health.

In Ireland we have no legislation on regulation of the tattooing and body piercing industry concerning the age of consent of our youth or their health, well-being and safety. Having a tattoo or a body piercing is a big decision and, in most cases, a permanent one. With the evolution from the metrosexual to the birth of the spornosexual, there is huge pressure, through the media and celebrities, placed on our youth to customise their bodies through tattooing and piercing to keep up with the latest fashion trends. We are all too aware of the medical consequences, such as eating disorders, that some children and teenagers develop to look like their celebrity icons. With this additional pressure now on our youth, and in an industry that is growing and unregulated, we need to ensure the health, well-being and safety of our youth. Trends and fashion change all the time and every teenager wants to be up to date with the latest fashion or trend and there is nothing wrong with that. However, when a trend or fashion becomes permanent for an individual, we need to ensure the decision was not one taken for the wrong reasons, such as through peer pressure or because of the media.

Adults do not always make the right decision either when it comes to tattoos. Many celebrities, such as Megan Fox, Kelly Osbourne, Johnny Depp and 50 Cent, have had their tattoos removed as they stated that they wanted to clean up their image. It is not that they immediately regretted getting tattoos in the first place, but some of the reasons they listed why they spent thousands of dollars having them removed were that they no longer identified with certain things that initially inspired them or felt that they had held them back from future prospects. The procedure of having tattoos removed is not only prohibitive for the majority but the pain experienced going through the procedure of having them removed is excruciating. Tattoos are forever, so “think before you ink”.

This is a growing industry and according to the HSE there are no registration requirements, no minimum structural or operational standards to be attained before opening such a business, no basic training requirements for staff, no age of consent, and no medical history requirements for those availing of such services. Consequently, these premises are not included in any inspection programme by environmental health officers and receive no regular or routine visits from any statutory inspectorate. If not performed to the highest standards, tattooing and body piercing can potentially be an extremely hazardous practice. The risks associated with tattooing and body piercing range from acute infections to allergic reactions and can occur when the piercing or tattooing equipment becomes contaminated from contact with dirty surfaces or dirty hands, or from the infected body fluids or blood of the staff member or a previous client.

While most people associate tattooing with serious infectious risks such as hepatitis B, hepatitis C or HIV, even the most localised infection can be life threatening if it enters the blood stream and goes untreated. In addition, there is also a risk of an allergic reaction to the inks or metals used or the latex gloves worn by the service provider. Piercings are not permanent; they can close up but do leave a mark. Tattoos are permanent. I ask the Minister of State to consider regulating this growing industry as a matter of urgency to protect our youth. Parental guidance and consent should be required for those under 18 years of age.

Minister of State at the Department of Health (Deputy Alex White): I thank Senator O’Neill for raising this issue and for his insightful and well-informed survey of the issues. It provides me with an opportunity to update the House on this matter. At present, there is no legislation specifically regulating the activities of persons providing tattooing or body piercing

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services in Ireland. However, it should also be noted that there are many cases where young people acquire tattoos or piercings while on holidays abroad or travelling, so even the legal framework advocated by Senator O'Neill would not have extraterritorial effect. I understand the issues he is raising in respect of this jurisdiction.

Tattooing and body piercing businesses are required to comply with general public health and safety legislation in the same way as any other business. The responsibilities of all business operators include taking all reasonable precautions for the safety of persons using the premises. The infectious diseases regulations empower medical officers or health and environmental health officers to take any necessary steps to investigate the nature and source of any infections linked to tattooing or body piercing. Anyone who carries out tattooing or body piercing on a person without informed consent may face criminal prosecution. It is also an offence if tattooing or body piercing is carried out on certain parts of the body of a child, even if consent has been obtained or purportedly obtained. High standards of hygiene are necessary when carrying out tattooing and body piercing to minimise the risks of infection for both the person carrying out the tattooing or piercing and the client. Standard infection control procedures developed for the health care setting can and should be applied to any setting where there is potential for persons to be exposed to blood or other body fluids and this includes tattooing and body piercing premises. It is also advisable that persons carrying out tattooing and body piercing be vaccinated against hepatitis B.

My Department and the Health Service Executive are reviewing policy on tattooing and body piercing. The focus is on the development of best practice guidance and aimed at practitioners in the area. The main objective of the guidance is to encourage best hygiene practice by tattooists and piercers, thereby minimising the risk of infection and thus protecting them and their clients. The issue of obtaining informed consent will also be examined in the course of the review. The draft guidance document has been developed and is the subject of consultation within the health sector. It is expected that the Department and the HSE will be in a position to bring it to completion later this year. It is not advisable for anyone under 18 years to seek to have permanent tattoos and it is important that people be cautious in body piercing and the Senator has reflected as much in his contribution.

Senator Pat O'Neill: I thank the Minister of State for his informed reply. It is welcome that the Department of Health is reviewing the policy and I look forward to seeing how the policy develops. It is important that we have best practice in this industry because, as I have said, young people can be subject to peer pressure and tattooing and body piercing result in a permanent marking on the body. I, therefore, call for the sector to be regulated.

Hospital Waiting Lists

Senator David Cullinane: I have raised this issue several times with the Minister for Health as it affects the orthopaedic unit at University Hospital Waterford, formerly Waterford Regional Hospital. I refer to two matters - the trauma aspect and elective surgery. Let us consider the trauma aspect first.

We have the busiest trauma unit in the State at University Hospital Waterford, but there is only one trauma theatre. Each of the next three busiest trauma units outside Waterford has two trauma theatres. Obviously, there is a problem with capacity which is leading to long waiting lists for those who need treatment. There is also a problem for people in accessing consultants,

with referrals being made by general practitioners to consultants for treatment and elective surgery. One way of getting around this problem, as well as addressing the issue of long waiting lists, would be for the hospital to refer patients to private clinics and it has made arrangements with clinics such as Cappagh National Orthopaedic Hospital in Dublin for patients to be seen by a consultant and a report to be produced on what surgery is needed and then to have the surgery performed at that hospital. Many people - this applies to hundreds - have been referred to the hospital at Cappagh and some have been seen by consultants, while others have not. Many who were seen and did not receive treatment had their files sent back to Waterford. However, some files have not been sent back and people are trying to find out where they are on the waiting list. They have not seen a consultant; they were told they would, but that did not happen. Before I came into the House I spoke to an orthopaedic consultant who indicated that he was rather concerned about the situation. Let us consider elective surgery as an example. There are twice as many referrals than the hospital can cater for. Therefore, unless more consultants and more staff are provided, as well as more capacity, the position will get worse.

What are the waiting times? Do we see dishonest means being used to massage waiting list figures by sending people to places such as the hospital at Cappagh? Arrangements were to be made to enable patients to be seen by a consultant and treated, but that is not happening. In the meantime they are off the waiting list in Waterford, but the files will be sent back and eventually they will be back on the waiting list again. I have dealt with several cases of people who simply do not know where they stand. This is not good enough. If the orthopaedic consultants, the general practitioners who are making referrals and patients are concerned, we have a serious problem which can only be addressed by increasing capacity.

I appeal to the Minister of State to examine this issue and address it with the Minister for Health to ensure people are seen as quickly as possible. Furthermore, once they are seen by a consultant and if surgery is required, they should undergo that surgery as quickly as possible. There should be no massaging of the figures and no dishonest means used to reduce waiting lists. We need to be honest with people about the actual position and ensure the appropriate resources are put in place to ensure patients in Waterford and the south east are seen as quickly as possible.

Deputy Alex White: I thank the Senator for raising this issue and allowing me the opportunity to outline the progress made in reducing waiting times for treatment. I assure him and the House that there is no question of dishonest means being used in any respect with regard to the information I will give and reject any suggestion to the contrary.

As the House will be aware, the special delivery unit was established almost three years ago. Significant progress has since been made in reducing the numbers of patients on hospital trolleys and waiting lists. The number waiting longer than the 52 week target reduced from 27% in April 2013 to 7% in April this year. In addition, the period from January to April 2014 saw a 6% increase in outpatient appointments provided by the HSE, that is, an extra 56,810 appointments compared with the number in the same period in 2013. Furthermore, in terms of scheduled care, inpatients and day cases, a comparison of the data in April 2014 as against April 2013 shows a 5% decrease in the number of patients waiting over eight months.

The Senator made particular reference to orthopaedic services in Waterford University Hospital. I understand the current waiting time for outpatient orthopaedic referrals is 20 months. I am acutely conscious that this waiting time is outside the so-called no longer than 12 month target set for outpatient appointments. I am advised, however, that the SDU and the HSE are

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working on a series of options to address waiting list issues and continuing to explore options to reduce waiting times for patients requiring treatment. The consultant staffing complement at the orthopaedic department at University Hospital Waterford is eight whole-time equivalent posts. Currently, seven posts are filled, two on a temporary basis. I am advised that the vacant eighth post will be filled on a permanent basis with effect from Monday next, 7 July. The filling of this consultant post should help to ease the pressure on the orthopaedic department in the hospital and have a positive impact on waiting times.

In 2012 University Hospital Waterford undertook an initiative with Cappagh National Orthopaedic Hospital and the National Treatment Purchase Fund. As a result, a total of 1,871 patients were sent from Waterford to Cappagh with an agreement that the hospital at Cappagh would complete the episode of care for this cohort of patients. The initiative progressed as planned and the hospital at Cappagh managed the patients as required, including validation, musculoskeletal review, investigations, procedure and follow-up discharge. In June 2013 this initiative came to an end and responsibility for the care of these patients was returned to University Hospital Waterford. All of the patients who were previously seen at Cappagh will be seen by University Hospital Waterford orthopaedic consultants to complete their episodes of care. Some of these patients have already been seen in Waterford and any patient with an appointment outstanding will be seen as soon as arrangements can be made. University Hospital Waterford has assured me and the Minister that it is committed to completing the episodes of care for the cohort of patients who had responsibility for their care transferred back from the hospital at Cappagh and the hospital will continue to work to ensure the care pathway is completed in each case.

I have referred to the current waiting time of 20 months for orthopaedic treatment in University Hospital Waterford. The SDU and the HSE are working on a series of options to address waiting list issues and continuing to explore options to reduce waiting times for patients requiring treatment. This initiative, with the appointment of a new consultant at University Hospital Waterford next week, will, I expect, lead to an improvement in waiting times for patients.

Senator David Cullinane: The response from the Minister of State on behalf of the Minister for Health only reaffirms my fear because the Minister of State accepts that 1,870 patients were sent from Waterford to Cappagh. Furthermore, he has accepted that there was an agreement that the hospital at Cappagh would complete the episodes of care. That did not happen. The Minister of State then indicated that the initiative came to an end in June 2013. Why was that the case and why was the care not followed through on? He further indicated that people should return to Waterford for treatment. The logic behind sending them to Cappagh Hospital in the first instance relates to the fact that there are capacity issues in Waterford. In that context, the Minister of State accepted that there is a waiting time of 20 months.

This is a complete mess. No one is able to inform the patients why the arrangement with Cappagh Hospital was brought to an end in the way it was and neither can they tell them when they will be seen. With respect, all we get from the HSE in respect of this matter is spin and, in that context, the Minister of State was obliged to use the phrase “continuing to explore options to reduce waiting times”. What options is it exploring? I have been raising this issue for almost 18 months and I have been continually informed that options are being examined. I do not see any options, nor do I see any solutions. All I see is waiting times increasing constantly. Arrangements that were put in place - such as that relating to Cappagh Hospital - which were designed to reduce waiting times have been brought to an end without an explanation being provided.

I am not sure whether the Minister of State is in a position to respond to me in respect of these matters. If not, perhaps he could revert to me on them. This is a crucial issue for people who are awaiting treatment. I genuinely believe the situation is unsustainable. It is also unfair on the excellent staff employed in Waterford University Hospital.

Deputy Alex White: The objective of all concerned is to ensure that patients receive treatment. I do not know why the arrangement with Cappagh Hospital came to an end. If the Senator is unable to discover why that occurred, I will certainly assist him in trying to establish the facts. I reiterate that patients who were previously seen at Cappagh Hospital will now be seen at Waterford University Hospital in order to complete their episodes of care. Some of them have been already seen and any with appointments outstanding will be seen as soon as arrangements can be made. That is the commitment which has been made.

On the additional questions posed by the Senator, I am, as always, available to try to assist in any way. If he contacts me separately, I will try to obtain for him the information he is seeking.

Medical Card Reviews

Senator Marie Moloney: I thank the Minister of State for coming before the House to take this matter, which relates to the need for the Minister for Health to set out the reason a person in County Kerry who is under review for a discretionary medical card has not had an application for a review halted in accordance with an instruction from the Minister and is not being treated in the same way as other people whose discretionary medical cards are under review. My client was selected for a review and this was under way when the decision relating to discretionary medical cards was announced. Anyone would have formed the opinion that as soon as the decision to which I refer was announced, the review of discretionary medical cards would have been brought to a halt. However, the review is ongoing. The man in question telephoned approximately one hour ago to inform me that he was with his doctor earlier and discovered that his card has been cancelled. The man is paralysed from the shoulders down and confined to a wheelchair for life. As the Minister of State will appreciate, he has particular needs.

I am of the view that the person to whom this matter relates is being treated unfairly by the primary care reimbursement service, PCRS. Why is this man being treated differently from everyone else? His discretionary medical card was under review when the Government made its announcement and everyone expected the review to be brought to a halt. I contacted the offices of the PCRS and I was informed that he was up for a natural review and that this time was up. When I brought this to the attention of my client, I discovered that his card was not due to expire until May 2015. This means that his case was certainly not up for natural review. I do not know why he is being treated differently and I wait to hear from the Minister of State whether there is a reason for it. The man to whom I refer needs his medical card now.

Deputy Alex White: I should clarify that, under the relevant legislation, determination of an individual's eligibility for a medical card is the statutory responsibility of the HSE. It is very clear, under that legislation, that there is no role for the Minister for Health in assessing medical card eligibility. Furthermore, under the Health Act 2004, as amended, the Minister for Health may not give a direction to the HSE relating to a decision concerning the eligibility of an individual. As a result of her assiduous work in this area, I know Senator Moloney is aware of the PCRS contact service for Members of the Oireachtas so I will not read the part of the script relating to it.

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In the context of the person in County Kerry to whom this matter relates, I do not believe it would be appropriate to discuss an individual's financial or medical circumstances in public in the Seanad. However, I can advise the Senator and the House of recent developments with regard to medical card eligibility, including with respect to discretionary cards. The Government has decided to formulate a new policy whereby eligibility for health services can take account of medical conditions, in addition to the existing basis of financial means. The HSE has established an expert panel to examine the range of conditions that should be considered as part of this process and has been asked to submit a report by September. The expert panel, which is chaired by Professor Frank Keane, past president of the Royal College of Surgeons in Ireland and clinical lead of the national clinical programme for surgery, includes a range of 23 clinical experts from primary care, specialist services and therapies. In addition, the HSE has put in place a public consultation process to facilitate the public, patients, representative groups and professional bodies to feed into this process. I understand that more than 2,800 individual submissions have been received at this point. The HSE will also arrange a consultative forum of representative patient groups to support and enable them to feed into the process in a structured fashion. In the context of this policy development, the HSE suspended reviews - including appeals - of medical cards where discretion had been exercised to take account of medical circumstances, pending the outcome of this process. The HSE has extended the eligibility of the individuals concerned.

Whereas I am not in a position to discuss the specifics of the case to which the Senator refers, I can inform her that if the medical card of the individual concerned was under review in circumstances where discretion had been exercised, it is difficult to understand why his card was not covered by the decision to suspend reviews. That is, of course, if the person concerned falls into the relevant category.

The Government was concerned that a number of people with serious medical conditions had been refused the renewal of their discretionary medical cards since the centralisation of assessment was completed in mid-2011. Therefore, it has decided that medical cards or GP visit cards are to be issued to persons with serious medical conditions or disabilities who had the renewal of their discretionary card refused by the HSE, having completed an eligibility review during the period from 1 July 2011 to 31 May 2014. That does not seem to cover the individual to whom Senator Moloney refers. The HSE has been working assiduously to issue cards to the estimated 15,000 persons whose reviews were completed between 1 July 2011 and 31 May 2014. It had already issued 4,151 discretionary cards by the end of last week. This priority should see all those qualifying issued with cards by mid-July. Those who wish to obtain further information can contact the HSE via the relevant LoCall number.

It is also recognised that a small number of individuals may not have been able to have been reviewed during the defined period, whether due to circumstances relating to their medical condition, hospitalisation during treatment, change of residence during treatment, etc. As a result, the director general of the HSE may act, on his own initiative, to take account of an *ad misericordiam* appeal on a case by case basis to issue a discretionary card to such a person who has a serious medical condition. I take this opportunity to point out that regular probity reviews in relation to those who qualify for medical and GP cards on financial grounds. The provisions of the Act have not changed in that regard.

If the individual to whom Senator Moloney refers falls into the category of people whose reviews were in train when the Government's decision was announced, then he should be able to benefit from the suspension of the review process. That is all I can say in respect of this case.

I will, however, undertake to ensure that the Senator obtains a response to the query she raised with the PCRS.

Senator Marie Moloney: I thank the Minister of State for his reply. Unfortunately, he only told me that which I already know. He agreed with me that in the context of this policy development, the HSE suspended reviews - including appeals - of medical cards. Why was the review relating to the man in question not suspended? I accept the Minister of State's point to the effect that the Minister for Health has no input regarding an individual's eligibility for a medical card. However, he had a huge input when he announced that he was going to suspend that review and that discretionary medical cards would be reissued to people with medical conditions or disabilities. If we cannot obtain an answer from the PCRS, to whom should we turn if not the Minister for Health? Where should I go from here? Should I go to the Ombudsman if the Minister will not or cannot respond to my query? Surely someone in the PCRS could answer a question submitted by the Minister. I do not understand what is happening. In the meantime, the man in question who, as already stated, is paralysed from the shoulders down and who is confined to a motorised wheelchair, does not have a medical card. Where does he go from here?

Deputy Alex White: I accept what the Senator says, and if she is unable to obtain an answer to her question, we will have to assist her. We will do so. I understand this can sometimes be frustrating for Senators, but it was not the Minister who halted the reviews; it was the HSE. The Government made a decision on developing the policy framework to cover medical conditions in the future, not just financial means. Therefore, the Government made a decision on policy grounds, which was the basis for the HSE, not the Minister, suspending the reviews. People will ask what the difference is. The difference is very clear in the legislation governing the HSE.

Planning Issues

Senator Mark Daly: I have a very simple question on planning legislation passed by the previous Government whereby those whose planning permission was about to expire were able to apply to a local authority by way of a very simple mechanism to have it extended for a period of up to five years. Obviously, it was hoped that banks would begin lending and that people would be able to build on those sites in that five-year period, but many have found that they are unable to commence building. If planning permission lapses, the cost of reinstating it is quite large. There is always the issue of whether it will be granted for the same site again. Is there any proposal by the Government to amend the legislation by ministerial order or Act of the Oireachtas to allow for multiple extensions of a five-year planning permission?

Deputy Alex White: I thank the Senator for raising this important matter, which I take with the permission of the House on behalf of my colleague, Deputy Jan O'Sullivan, the Minister of State at the Department of the Environment, Community and Local Government.

The Minister of State considers it appropriate that planning permissions be subject to a time restriction to ensure that only bona fide developments likely to proceed to construction in the short to medium term are submitted for planning approval. Accordingly, the Planning and Development Act 2000, as amended, provides that, unless otherwise specified, the duration of a permission is restricted to a period of five years beginning on the date of the granting of permission. This five-year limitation, which is aimed at ensuring regulated development control, is considered reasonable in the circumstances.

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Section 28 of the Planning and Development (Amendment) Act 2010 amended section 42 of the 2000 Act to provide that the duration of a permission may be extended for a further five-year period where substantial works have not been carried out or where the development has not even commenced in cases where the planning authority is satisfied that there were factors of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against either the commencement of development or the carrying out of substantial works on the development in the original five-year timeframe. This provision is, however, subject to the submission of an application for extension of the duration of permission prior to the expiry of the original permission. Where an application is submitted, the planning authority must be satisfied that there have been no significant changes in the development objectives in the local development plan or in regional development objectives in the relevant regional planning guidelines since the date of the original permission such that development would no longer be consistent with the proper planning and sustainable development of the area. It is also subject to the requirement that the development is not inconsistent with proper planning and sustainable development of the area, having regard to any planning guidelines issued by the Minister under section 28 of the Act after the date of the granting of the original permission. Where the development has not commenced, the planning authority must also be satisfied that an environmental impact assessment or an appropriate assessment, or both of those assessments if required, were carried out prior to the granting of the original permission.

While the possibility of obtaining a second extension of permission was previously available to all holders of planning permission under the provisions of the 2000 Act, this was considered too open-ended. Consequently, the provision was removed via the 2010 Act on the basis that it was considered reasonable that a development should be completed within ten years of the original permission being granted. Where a development proposal is not completed within this timeframe, it is considered appropriate that it be required to go through the planning process again in order to ensure that it remains a viable and sustainable development and to give the public the opportunity to make submissions and observations on the proposed development, having regard to the time that has elapsed since the original granting of permission. Accordingly, the Minister of State, Deputy Jan O'Sullivan, has no plans to review the current practice of only allowing one five-year extension to planning permissions at this time.

Senator Mark Daly: I thank the Minister of State for his reply and wish him the best of luck in the election. The issue here is not only one for private developers who have zoned lands and planning permissions, but also for those who hold single permissions for one-off developments in the countryside. It is also an issue for the Government, because NAMA has a large number of properties which are subject to live planning permissions, as do the banks. Hopefully, they will have been diligent and extended the full five-year period. If a permission in respect of lands held by NAMA was granted in 2005 and extended in 2010, there is now the prospect that a huge amount of value will be lost, incurring for the taxpayer massive fees to reinstate planning permissions.

In Kerry County Council, it costs €89 to extend a planning permission. That could apply to NAMA. In the event that the Minister does not consider it prudent to allow for an extension, the burden of the loss will be borne by the taxpayer. If someone applied for planning permission in 2004, it would have lapsed in 2009 but for the extension period of five years. It may not have got the entire period, but in any event that five years will start to run out. Whether it is for a developer who has retained his portfolio and is hoping to build - we have a housing crisis - or a one-off development in rural Ireland, an entire planning process will have to be undergone. If

the planning permission were allowed to remain live, the holder could start to build much more quickly. NAMA and the banks will sustain the largest losses, and huge fees will be incurred on behalf of the taxpayer simply to reinstate planning on land that is currently covered.

Deputy Alex White: I listened carefully to what the Senator said. I thank him for his good wishes. There are competing imperatives here in terms of public policy. The planning system must have its own integrity. There is a general proposition that a five-year limit makes sense. Of course, things can change objectively in an area. That something is a sustainable proposal in a particular year may not make it a valid assumption in another year. It may not be acceptable from a planning perspective five years later. New issues may have arisen. There is a general proposition there that it is a good idea to have a restriction. There is also a case for allowing extensions for five years. One must balance the planning imperative with the issues the Senator rightly raises in terms of costs and commercial matters.

Overall, the Minister of State considers from a planning point of view that the correct balance has been struck by establishing a five-year limit and a single extension of five years. These are issues that the House and the community can keep under general review, but for the time being there is no proposal to make a change.

The Seanad adjourned at 8.40 p.m. until 10.30 a.m. on Wednesday, 2 July 2014.