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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

SEANAD ÉIREANN

Dé Céadaoin, 16 Iúil 2014

Wednesday, 16 July 2014

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

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

The urgent need for the Minister for the Environment, Community and Local Government to reinstate the funding which the Neurological Alliance of Ireland has received for the past eight years.

I have also received notice from Senator Darragh O'Brien of the following matter:

The need for the Minister for the Environment, Community and Local Government to report on the progress made by the Pyrite Remediation Board since it opened for applications, with a particular emphasis on those homeowners who have applied for remediation, and whether the developer of their homes continues to trade and may be involved in litigation.

I have also received notice from Senator Michael Comiskey of the following matter:

The need for the Minister for Environment, Community and Local Government to examine the possibility of a tax credit for people who have paid tax on a road haulage vehicle which subsequently is not in use for the duration of time for which it is taxed.

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

Go dtabharfaidh an tAire Ealaíon, Oidhreachta agus Gaeltachta le fios céard atá beartaithe ag a Roinn maidir leis na h-aerstráicí ar an gCloigeann agus Inis Bó Finne i gContae na Gaillimhe.

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

The need for the Minister for the Environment, Community and Local Government to clarify the reason for the loss of funding to the Irish Motor Neuron Disease Association

through the scheme to support national organisations.

I have also received notice from Senator Denis Landy of the following matter:

The need for the Minister for Agriculture, Food and the Marine and Defence to discuss the recently published "Review of Certain Matters Relating to Bord na gCon" prepared by Indecon International Consultants.

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

The need for the Minister for Health to provide full-time podiatry service for diabetes patients in Our Lady of Lourdes Hospital, Drogheda.

I regard the matters raised by Senators Crown, O'Brien, Ó Clochartaigh and Comiskey as suitable for discussion on the Adjournment and they will be taken at the conclusion of business. Senators Conway, Landy and Moran may give notice on another day of the matters they wish to raise.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, motion re compellability directions, to be taken on the conclusion of the Order of Business without debate; No. 2, Employment Permits (Amendment) Bill 2014 - Committee and Remaining Stages, to be taken at 11.45 a.m.; No. 3 Housing (Miscellaneous Provisions) Bill 2014 - Report and Final Stages, to be taken at 12.15 p.m. and to adjourn no later than 1.45 p.m.; No. 4, Health (General Practitioner Service) Bill 2014 - Committee Stage (*resumed*) and Remaining Stages, to be taken at 2 p.m. and to adjourn no later than 3.45 p.m.; No. 65, Private Members' business, which is motion No. 11, to be taken at 4 p.m. and to conclude no later than 6 p.m. if not previously concluded; and No. 5, Court of Appeal Bill 2014 - Second Stage, to be taken at 6 p.m, with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes. The Court of Appeal Bill went through the Dáil quickly as it involves implementing the will of the people as expressed in the recent referendum. If no amendment is proposed, we could explore the possibility of taking all Stages this evening. I am open to the decision of the House as to whether Members want to take all Stages or Second Stage only of that Bill.

Senator Marc MacSharry: We have no problem with all Stages of the Court of Appeal Bill being taken today if that is what is required. At the outset, I welcome Senator Norris back to the House. It is great to see him looking so well and back in full spirits to participate with us.

Senator Jillian van Turnhout: Hear, hear.

Senator Marc MacSharry: It would be remiss to fail to wish the new Ministers of State well and to commiserate with those who have lost out on this occasion. Genuinely, we wish them all well. However, it speaks volumes when one sees the absence of a female Minister of State. There was ample talent on the Government side to consider. That is borne out by many Members on the Leader's side. As somebody from the north west, it is regrettable to see so many counties from the region without representation, including Sligo, Leitrim, Cavan, Roscommon, Galway, most of Donegal, Longford and Westmeath. It is a gaping wound in the north west.

Senator Pat O'Neill: We have the Taoiseach.

Senator Marc MacSharry: He seems to have forgotten where he is from. That is the issue.

Senator Terry Leyden: And the Cathaoirleach.

Senator Marc MacSharry: There is a point of view that it speaks volumes about the lack of seriousness with which the Government treats the regions, in particular its failure to empower them to perform to their potential. We express some regret notwithstanding our best wishes to the new Ministers.

I ask for an amendment to the Order of Business. The Leader might assist me in terms of what Minister should come to the House as we are somewhat confused as to who is responsible now for the roll out of the disability strategy. It seems responsibility has been removed from the remit of the Minister of State at the Department of Health, Deputy Kathleen Lynch. We are not sure if it forms part of the remit of the new Minister of State, Deputy Aodhán Ó Ríordáin, or if someone else is responsible. I will be guided by the Leader in that regard but in the interim I propose that the Taoiseach come to the House to explain why €1.2 million in cuts has been imposed on the Pobal funding of the scheme of support for voluntary organisations. I refer to organisations including the Neurological Alliance, the Huntingdon's Disease Association, the Migraine Association, Muscular Dystrophy Ireland, Chronic Pain Ireland, and the Irish Deaf Society, some of which will now have to close as their individual grants of what in some instances is €22,500 - a measly sum - have been cut. There was no audit, no contact or consultation with the groups and no suggestion that they were not playing their parts. In fact, in discussions with the Disability Federation of Ireland today, I was assured that the very point of these organisations and the vital contribution they make was as a conduit and a go-to point to ensure that people suffering from these illnesses could avail of exactly what they wanted. The CEO of the Disability Federation of Ireland told me today that these people will end up as unnecessary casualties because we cannot see the wood for the trees.

We are callously cutting €1.2 million in funding. It is a measly amount compared to what the contribution of these organisations has meant. The Minister of State, Deputy Kathleen Lynch, who had been responsible for this, was in the House last night. I do not know who is responsible now as the word "disability" has fallen off the radar in terms of the full titles of Ministers of State. Incredibly, she said last night that she was not even told about this until it made it into the media last week. That is disgraceful. Surely, the Department of the Environment, Community and Local Government, which is responsible for the community aspect of Pobal and its funding speaks to the Department of Health and tells the Minister what is going on. On that basis, we want to call the Taoiseach to the House to explain what has informed the decision of Government callously to cut this €1.2 million. We would like that to happen today.

Senator Aideen Hayden: It has again fallen on the Labour Party to ensure the presence of women in Cabinet. I welcome the appointment of Deputy Ann Phelan to her Minister of State role. I note that five reports into the deaths of children who were in the care of the State will be published by the Child and Family Agency later today. The reports relate to children who died either while they were in care or were known to the State. I ask the Leader to organise a debate on that in early course following the publication of the reports.

I note that the chairperson of the mother and baby home investigation is to be named to-

day. However, the commission of investigation's terms of reference and its membership are not ready for publication. This must happen in early course. I hope it is not suffering from the fact that we have had three Ministers in the portfolio within a very short space of time. It is a priority that must be addressed.

I remind Members that I am hosting an initiative today in the AV room. It is a question-and-answer session on the homeless prevention services in the Dublin region. It is not just a matter for the Dublin region, but one for the entire country. It is a service that must be rolled out nationally. Since the service was established on 16 June 2014, 1,252 calls have been received, and 449 families identified as at risk of becoming homeless. The statistics are shocking and demonstrate the need for initiatives like this one. It must be rolled out to the country as a whole as this is not just a Dublin problem.

I ask the Leader to organise a debate with the new Minister for Education and Skills, Deputy Jan O'Sullivan, in early course. Very recently, UCD received 10,000 e-mails within three minutes in respect of applications for its on-campus accommodation. There is a serious shortage of accommodation in the Dublin region in particular, but elsewhere also. We have 80,000 full-time students in Dublin and there is a major problem of access to accommodation for them and of the level of rents they are being charged. I note a recent report to the effect that college rentals are to rise by up to 13%, which is entirely unacceptable. The spokesperson for UCD stated the university had commissioned an estate agent to provide a report on current private rental markets within easy access of the campus to ensure the licence fees were not out of kilter with those charged in the private rental sector. That is outrageous. What relevance does the wider private rental sector have to the provision of on-campus accommodation? The property and land in question was provided by the State. The units were built using public private partnerships and the State had to forgo tax to build them. It is outrageous to suggest the same sum should be charged for on-campus accommodation as is being charged in the wider private rental sector. Education is a right, not a privilege. For those who are not from urban areas and must attend educational institutions, the charges being levied by universities for on-campus accommodation are entirely unacceptable. I ask that the Minister for Education and Skills, Deputy Jan O'Sullivan, be invited to come to the House to debate the availability of accommodation for students generally and ensure measures are put in place to ensure fairer charges are levied for on-campus accommodation.

Senator Jillian van Turnhout: The Leader was asked about the Court of Appeal Bill. I certainly support the view that All Stages should be taken together. The legislation reflects the will of the people. I have examined it and I am very supportive of it. I look forward to speaking about it.

I am concerned about the time allocated for the Employment Permits (Amendment) Bill. More questions arise the more I look at it. Sixteen amendments have been tabled. The Department of Jobs, Enterprise and Innovation and the Minister, Deputy Richard Bruton, have been very good and provided some very detailed responses to my concerns, but there are some concerns that warrant a debate in the House. I am concerned that only 30 minutes have been allowed for consideration of the Bill.

Senator Aideen Hayden has raised an issue I wanted to raise today, namely, that of children who died in the care of the State and the reports to be produced by the national review panel on serious incidents and child deaths. This is a wider issue for the House to debate with the Minister for Children and Youth Affairs, Deputy James Reilly. The debate should cover the issues

of aftercare for children who were in the care of the State, special care placements, out-of-hours services and the role of alcohol and drug addiction. I ask that the Leader organise this debate at the earliest opportunity.

I refer to the cuts in funding under the scheme to support national organisations, an issued raised by Senator Marc MacSharry. I have been raising it since or even before May 2013. I had a premonition that what has occurred under the new scheme would happen. I wish I had been proved wrong, but, unfortunately, the cuts have happened. It is not the Taoiseach who should come to the House to address the issue but the Minister for the Environment, Community and Local Government. With the greatest of respect to Senator Marc MacSharry, this matter is within the remit of the Minister. The scheme has long been connected with community services for people with disabilities. If we study the funding allocations for 2011–13, we will note that there were 64 participating organisations, almost half of which had a disability or caring orientation. Yesterday, when I spoke about this issue, I stated it went to the heart of every community. I wish to list the organisations that have been subject to cuts: the Alzheimer Society of Ireland; Arthritis Ireland; Aspire; Brí, the acquired brain injury advocacy association; the Centre for Independent Living; Chronic Pain Ireland; the Disability Federation of Ireland; the Dyslexia Association of Ireland; the Genetic and Rare Disorders Organisation; GROW; the Huntington's Disease Association of Ireland; the Irish National Council of AD/HD Support Groups; Irish Autism Action; the Irish Deaf Society; the Irish Heart Foundation; the Irish Motor Neurone Disease Association, IMNDA; the Irish Stammering Association; the Migraine Association of Ireland; MS Ireland; Muscular Dystrophy Ireland; Spina Bifida Hydrocephalus Ireland; the Neurological Alliance of Ireland; the Post Polio Support Group; the Asthma Society of Ireland; and the Carers Association. The Seanad should stand up in this regard. If we were to considere what we spent on consultants' reports alone, we would realise we could fund these organisations.

An Cathaoirleach: Senator David Norris is very welcome back to the Chamber.

Senator David Norris: I thank the Cathaoirleach and my colleagues for their good wishes. I hope to return full-time in the autumn.

At the beginning of the year, in January, I raised the question of a visit by His Holiness Pope Francis to Ireland. On 18 February the request was put through the Committee on Procedure and Privileges unanimously. On 19 February it went through the House unanimously and was sent to the Government. I would like to have an answer on it, or at least a partial one. I would like to see some movement by the Government. All of the churches have welcomed my call and stated it would be very good if the visit could take place. Remarkably, the leader of the DUP, Mr. Peter Robinson, has said he would meet the Pope. That would be a considerable advance in the complex structures of Northern Ireland. The attitude of the people is very positive. The Pope is a man who is not stifled by bureaucracy and whom I believe would definitely come if he received an invitation. However, we are being stymied by the attitude of the Government. The Committee on Procedure and Privileges has twice contacted it and requested an update. All it has received is an acknowledgement, which is extraordinary. It is part of the Government's arrogant attitude. The Church of Ireland Archbishop of Dublin raised the issue-----

An Cathaoirleach: The matter will arise at the meeting of the Committee on Procedure and Privileges later today. We will receive an update on it.

Senator David Norris: Yes, but I imagine it will be another acknowledgement. There-

fore, I want to push for a visit through this public forum and let the people of Ireland know that the Government is sitting on the matter and doing nothing. We have a new Minister from my county, County Laois, who may have something done about it. At this juncture, I wish him and all of the other new Ministers well. However, I would like to see a little action. There is a kind of selective democracy. The Church of Ireland Archbishop repeatedly asked about Bethany Home, as I did, but the Government ignored him. I cannot imagine it ignoring the Roman Catholic archbishop.

There was a question on the process of nomination regarding the presidency and its financing. I have no intention of running for the presidency again. Some 96% of the people at the Constitutional Convention supported a motion in my name in this regard, but the Government did nothing with it. It has done the same on the Pope's visit, which is most regrettable. I ask for some action. If the Government does not want the visit to take place, let it have the courage to state it does not want to have the Pope in Ireland and sign in the name of its constituent parties, Fianna Fáil and the Labour Party.

Senator Colm Burke: In response to Senator Marc MacSharry, it is important to realise 2,600 organisations are receiving funding from the HSE's budget. Their allocations account for 25% of the budget. Some €3.27 billion is being paid out to them. It is in this context that we should be considering the matter. I agree with the views of Senators Marc MacSharry and Jillian van Turnhout on the way in which the funding was cut in that no notice was given. I certainly do not agree with no notice being given. We should debate the number of organisations that have cross-representation. We talked about quangos being run by Departments. There is a need to examine how taxpayers' money is being paid to so many organisations with a view to determining whether we can get the organisations to work together, while providing for the same level of representation and care.

When we resume in plenary session in September, we will be facing the budget. It would be helpful if there was a debate before the budget on relevant issues. A very relevant topical issue which I constantly raise concerns the number of junior doctors who are leaving the country. An issue that has caught my attention is that of the number of people who are studying medicine under the graduate entry programme and paying over €16,000 a year in fees to the colleges. If they borrow the money, they cannot write off against tax the interest they pay on these borrowings. This incentive should be introduced in the next budget. I am sure every Member has an idea that could help to improve the taxation system. We should have a debate on this matter at an early date when we return in September. I ask the Leader to consider this suggestion seriously.

Senator Mary M. White: On behalf of Fianna Fáil, I call on the Government to clarify immediately which Minister of State has responsibility for older people. Yesterday the Cabinet signed off on removing the older people brief from the responsibilities of the Minister of State at the Department of Health, Deputy Kathleen Lynch. In 2011 she was appointed as Minister of State with responsibility for disability, equality, mental health and older people.

11 o'clock

However, today, the Minister of State has special responsibility for primary care, mental health and disability.

Last week, the Taoiseach spoke in a very profound manner when he said he wanted Ireland

to be the best small country in the world in which to do business, raise a family and grow old with dignity and respect. However, the reality is older people have been hit very unfairly with regressive cuts to social support by this Government and, now, they seem to have slipped off the radar altogether. Over seven years ago, Fianna Fáil recognised the need for older people to be given a specific voice within the political structures of the country when we created the post of Minister of State with special responsibility for older people, working across three Departments - the Departments of Health, Social Protection and the Environment, Community and Local Government - but this role is barely recognisable today.

One of the key organisations looking after older people, Alone, was set up, as many in the Chamber will know, by Willie Bermingham, a Dublin fireman who died 24 years ago. As a fireman, he regularly saw the condition of the residences of older people who could not look after themselves properly, and he set up Alone. Today, Sean Moynihan is a superb CEO of the organisation.

The reality is that everyone, including everyone in this Chamber, is going to grow old, although they all seem to forget about it. Certainly, this Government is forgetting about it. The number of people over the age of 65 is increasing by 20,000 a year. The demographics of the country are shifting considerably and it is essential that the Government immediately clarifies this situation and reinstates its commitment to giving older people a voice in government.

I thank Senator Hayden for raising the issue of housing and for holding her event this morning. There are 4,700 older people on the waiting list for housing, which is very serious.

Senator Denis Landy: My issue relates somewhat to what Senator White has raised, and I support her points. I have come from a committee meeting this morning where we did not know which Minister we should contact about an issue. I ask the Leader to ask the Government to issue a document today to all Members of the House to clarify the roles within the new Ministries. It is extremely important that we know to whom we should direct our concerns.

I want to raise the issue of the fair deal scheme, which was set up to assist people who had to move into nursing homes, whether public, private or voluntary. The current system provides that the person who is moving in contributes 80% of their assessable income and 7.5% of the value of their assets on an annual basis, or they can forgo that during their life. That scheme has worked quite well but, in recent months, something has started to occur across the country, where nursing homes have requested extra money from residents for extra facilities, some of which they are not availing of. This is causing great distress to elderly people in the nursing homes and to their families. In some cases, they are being asked for an extra €1,000 per annum. If one considers the 80% contribution that is taken off their pensions, there is very little left weekly to pay for their personal needs, yet they are now being asked for more money.

My understanding was that the facilities that were provided in a nursing home were catered for under the 80% contribution but another charge is now creeping in. I ask the Leader to get clarity on this matter from the Minister of State, Deputy Kathleen Lynch, who I believe is responsible. It is causing untold distress. I have been told by families of residents that the answer they got from the nursing homes was that they should pay the money. The reality is that those families do not have it because they are strapped for cash themselves. I am looking for clarity on this issue before we break for the summer recess. It has been going on for too long and it is starting to get legs now. We should not allow it to go on any longer.

Senator Trevor Ó Clochartaigh: With regard to the suggestion on the Court of Appeal, we would have no problem with that and we support what the Leader is trying to do.

I support other Senators who have talked about the cuts made to the different community groups. It is interesting to note that this funding came via Pobal. There was a media report recently that Pobal spent €250,000 per preschool visit for a number of the preschool visits that were undertaken. To see that it has cut on average €43,000 from the community organisations in question is an absolute scandal and this money needs to be reinstated immediately.

As we stand today, the humanitarian situation in the Gaza Strip is deteriorating minute by minute, with the continuous Israeli military escalation, threats to expand military operations and the continued and tightened closure of the Gaza Strip. The ongoing Israeli offensive on Gaza has resulted in 181 Palestinians killed, of whom 147 are civilians, including 36 children and 29 women. Some 1,181 others are wounded, mostly civilians, including 368 children and 253 women.

We call on the Government to call upon the international community to act immediately to stop these crimes, and to call on the High Contracting Parties to the Fourth Geneva Convention to fulfil their obligation, under Article 1 of the convention, to ensure that it is respected at all times and, under Article 146, to pursue perpetrators of serious violations of the convention, which are determined in Article 147, which lists violations of the convention amounting to war crimes. We call for the establishment of a UN fact-finding mission to investigate suspected war crimes committed by Israeli forces against Palestinian civilians in the Gaza Strip and to take necessary steps to prosecute those responsible for them, which is a very serious issue.

Agus mé i mo sheasamh anseo, caithfidh mé comhghairdeas a dhéanamh leis na hAirí Stáit nua atá ceaptha, ach chomh maith céanna caithfidh mé mo dhíomá a chur in iúl maidir leis an gceapachán atá déanta ó thaobh an Aireacht Gaeltachta. Is mór an náire i ndáiríre píre é duine gan Gaeilge a bheith ceaptha mar Aire Gaeltachta. Is botún mór é seo agus ba cheart don Rialtas a admháil go bhfuil botún déanta aige agus ba cheart duine le Gaeilge a chur sa ról sin le ceannródaíocht a thabhairt agus le taispeáint go bhfuil an Rialtas dáiríre faoin Straitéis 20 Bliain don Ghaeilge agus nach bhfuil sé ag déanamh ceap magaidh den ról sin.

Tá sé sách dona gan Aire le Gaeilge a bheith againn, ach níos measa fós go bhfuil Aire Stáit againn nach bhfuil ábalta fiú labhairt lena chuid feidhmeannaigh sa teanga ina bhfuil siad ag feidhmiú. Tá sé sin ag sárú na cearta atá acu ó thaobh fostaíochta de. Ba cheart go bheidís ábalta a gcuid oibre a dhéanamh trí mheán na Gaeilge. Beidh mise ag diúltiú Béarla a labhairt leis an Aire Stáit nuair a thagann sé anseo ar cheisteanna Gaeilge agus Gaeltachta. Sílim go raibh daoine ann go mba fhéidir leis an dTaoiseach a cheapadh sa ról sin agus sin is cóir a bheith déanta. Ba chóir don Taoiseach tarraingt siar as an ainmniúchán áirithe seo agus daoine a bhogadh timpeall le cinntiú go mbeidh duine le Gaeilge sa bpost.

Senator Martin Conway: I regularly speak in the House on the importance of tourism. I would like the Leader to organise a debate in due course, possibly in September or October, with the Minister of State with responsibility for sport, Deputy Michael Ring, on how we can source international sporting events. An American football match is coming up in Croke Park later this year and there are facilities all over Ireland, not just in Croke Park, where we can accommodate international sporting events showcasing the country, particularly in the area of golf. As we all know, Trump has taken over Doonbeg in Clare and there is also Lahinch in that county. There is significant potential to develop golf tourism.

In the context of the Wild Atlantic Way in particular, I would like to see a specific strategy promoting walking, hiking, cycling and running. This is an international phenomenon. In the Cathaoirleach's own county of Mayo, we have seen the huge success of the Westport to Achill walking and cycling pathway. There are significant developments in terms of creating cycle pathways throughout the west, in conjunction with the Wild Atlantic Way. However, I believe that, at this stage, we need a dedicated strategy for walking, hiking, cycling and running whereby we can attract groups and individuals from all over the world. We have the raw material or the resource, which is the landscape. We just need the tourists. While we have had success in this area, there is still huge potential for further development.

Senator Mark Daly: I support Senator MacSharry's call for the Taoiseach to come to the House for a debate on the funding cuts to those who represent the most vulnerable in our society. As Senator van Turnhout said, the Irish Deaf Society is among the organisations that had its funding cut.

I also thank colleagues with regard to the initiative we took last year to recall the Seanad in August. They will be glad to know we will not be repeating that this year. However, I wish to inform colleagues about the result of that. While it did not attract a huge amount of attention, it was due to the recall of this House that the night before it sat, two people were employed by the national transplant authority, which only had one person prior to that and one-seventh of a secretary. This August, 20 people will be employed in organ donation. People in that area have informed me that had the Seanad not been recalled in August, the issue of how our transplant process was not as good as it should be would not have been highlighted. Colleagues will recall that on the Sunday of the preceding weekend, the head of the Spanish transplant authority, Rafael Matesanz, said that the Irish organ donation system was the worst in Europe. Due to the recall of the Seanad, the efforts of all concerned and the fact that 20 people will be employed in our organ donation system this August, we will have a better system.

However, there is always a "but", because there is always more that can be done. When we had the debate last year we talked about the need for legislation, the human tissue Bill. The legislative programme we received from the Government stated that the human tissue Bill would be published in the spring and summer session of 2014, but we still do not have it. In the first 90 days of this session, the House dealt with one legislative measure. The human tissue Bill is an important part of the organ donation infrastructure. Colleagues on the opposite side of the House read statements they were given by the Government stating that the human tissue Bill would be introduced. Those statements were made in August 2013 and the then Minister of State, Deputy Alex White, said in the House that it would be introduced in the next parliamentary session. That did not happen.

An important part of the infrastructure required to have the best organ donation system in Europe is human tissue legislation which would provide for better systems and processes. I ask the Leader to arrange a debate on that but, hopefully, not in August.

Senator Mary Moran: I agree with the calls for a debate on housing as a matter of urgency. I have received numerous representations over the last number of months from people with very serious disabilities and medical conditions, which are daily becoming worse due to a lack of appropriate accommodation. I understand there are cutbacks due to the current financial situation but, in the meantime, over the last year I have been approached by many people with a disability who are waiting to be moved to a house, but one is continually told that they cannot be moved. It is a huge problem.

I raised the issue of long-term rental for persons with a disability in an Adjournment debate. When I raised it with the local authority the council said it could not be done because it could not make adaptations to any house. I seek clarification on that matter from the Minister. I know she spoke about it last week in the House, but in situations where changes could be made for people who are in social housing or who need to have their houses adapted for disability reasons, this should be done. Housing, and specifically the issue of disability and homelessness, must be a priority issue for debate in this House early in the new session and particularly before there are discussions about the budgets.

On a lighter and happier note, I had the pleasure of attending the fifth annual Dundalk LGBT - lesbian, gay, bisexual, transgender - Pride Festival launch on Monday. The festival has grown each year and it was brilliant to see the number of people there. It was launched by Fine Gael Deputy Jerry Buttimer. The festival aims to bring awareness to LGBT issues and to bring the excellent work being done by Dundalk Outcomers, which I can attest is an excellent local organisation, to the wider community. The theme this year is family. I have watched the festival grow in strength over the last five years and I was delighted to take part on Monday. I commend Dundalk Outcomers and everybody who is taking part in this excellent and inclusive initiative.

Senator Fidelma Healy Eames: Cromwell's words, "To hell or Connacht", have been enshrined in our memory. However, when the Taoiseach was making the appointments yesterday, even at Minister of State ranks, he appears to have forgotten Connacht. I realise that he is a west of Ireland Taoiseach but a Taoiseach cannot function as a Minister. I am appalled, in the interest of balanced regional development, that Galway was forgotten.

Senator Marc MacSharry: Hear, hear.

Senator Trevor Ó Clochartaigh: Hear, hear.

Senator Fidelma Healy Eames: It is not just about Galway, but about Galway as the economic driver for the region. It has 250,000 people, is a cultural capital, is a university city and has attracted foreign direct investment, FDI, although less in recent times. The majority of the announcements are now in Cork and Dublin. The entire west relies on Galway. If the Taoiseach had read the reports from the Western Development Commission, he would realise that there must be balanced regional development. Galway is an important counter-point to the other regions. Why has Cork had four appointments? It is unthinkable. To be fair, I do not often agree with Senator MacSharry, but it leaves a gaping wound at the Cabinet table. Can the Leader say what the Taoiseach's plan is to redress the balance for the west of Ireland?

An Cathaoirleach: This House has no role in that.

Senator Marc MacSharry: It should have.

Senator Fidelma Healy Eames: On another issue, will the Leader write to the chairman of the UN Human Rights Committee, Sir Nigel Rodley, who described Family & Life's submission in defence of the unborn child as "breathtakingly arrogant"? I ask him to remind Mr. Rodley that the unborn has constitutional rights in this country.

Senator Catherine Noone: The issue I wish to raise, namely, Alzheimer's disease, is related to an issue raised by Senators White and Landy. A very interesting study published earlier this week showed that a walk three times a week can help reduce the risk of Alzheimer's disease. It has been much publicised. What was not highlighted in the report was the fact that

research presented to the Alzheimer's Association international conference in Copenhagen last week demonstrated ways to identify the disease at a much earlier stage, involving simple, non-invasive eye and smell tests to catch the early clues that a person might suffer from Alzheimer's disease in years to come. This evidence is obviously subject to further study, but by the time Alzheimer's disease symptoms come to the fore, brain degeneration is often irreparable. These latest findings could be a game changer and are something our Department of Health should investigate. According to the Alzheimer Society of Ireland, 48,000 people are currently suffering dementia in this country. With a rapidly ageing population, the figure is set to almost triple to 132,000 by 2041.

Could the Leader arrange for the national dementia policy strategy, which is to be published in September, to be discussed in the House with the new Minister for Health next September of October? According to the Alzheimer Society of Ireland, there are currently gross inadequacies across Ireland in terms of accessing dementia-specific services, which is a particular problem for people with dementia living in the regions and for those under 65 years of age. It is vital we address the gaps in the supports. I ask the Leader to invite the new Minister to the House in September of October to debate the strategy the Government intends to implement.

Senator Paschal Mooney: I find it extraordinary that despite the comments made by our side of the House about the cuts to the voluntary sector, we have heard references to disability and Alzheimer's disease but no references to the 26 organisations that have had their funding cut from the Government side of the House. Fintan O'Toole published a very insightful piece about this particular proposal in *The Irish Times* yesterday. The amount involved is €7 million, which is spread across these 26 organisations, many of which employ people on a part-time basis and pay part-time wages for full-time jobs. These organisations are more or less doing the job of Government.

The leader of Fianna Fáil in the other House has raised the issue. The acting leader of Fianna Fáil has raised it here, as has Senator van Turnhout. It is becoming a major issue. If the Government thinks that the medical card fiasco was something terrible that came down the tracks, it is nothing compared to the reaction that will come from the voluntary organisations. I fully support the proposal of Senator MacSharry that the Taoiseach should come before this House and explain this miserly cut. What kind of lack of humanity does this Government contain that somebody somewhere with a stroke of a pen can get rid of an amount of money that is modest in the overall scheme of things considering the waste that is involved and whose removal will have such a detrimental effect on 26 voluntary organisations? It is a disgrace and those on the Government side of the House should be ashamed of themselves.

Senator Paul Coghlan: I join with other colleagues in welcoming back our dear friend and colleague, Senator Norris. I am glad to see him looking so well and long may it be so. I fully agree with his remarks concerning Pope Francis who is seen and recognised internationally as a great unifying figure. I believe that what Senator Norris is proposing, which I fully support, would do great good in Ireland both North and South. I intend to fully support Senator Norris at the next meeting of the CPP regarding the matter.

Senator Thomas Byrne: I am delighted to see Senator Norris here. Tá mise agus muintir na tíre ar fad a bhfuil grá acu don Ghaeilge ar buile maidir leis an maslú atá tugtha ag an Taoiseach do Roinn na Gaeltachta, do mhuintir na Gaeltachta agus don Ghaeilge mar phríomh theanga bunreachtúil na tíre. Níl sé ceart ná cóir go bhfuil beirt Airí sa Roinn sin nach bhfuil in ann obair na Roinne a dhéanamh trí Ghaeilge agus, mar a chonaic muid ar maidin, nach bhfuil

in ann obair na Dála a dhéanamh trí Ghaeilge. Ní bheidh siad in ann teacht isteach sa Seanad, áit ina bhfuil a lán Gaeilge á úsáid, agus obair an tSeanaid a dhéanamh trí Gaeilge. Tá sé seo go huafásach.

Tá agóid ar siúl inniu faoi seo agus táim ag tacú leis an agóid sin atá ar siúl taobh amuigh de Roinn an Taoisigh. Táim ag iarraidh ar an dTaoiseach agus ar Pháirtí Fhine Gael an cinneadh seo a chur ar ceal agus cinneadh eile a dhéanamh. Tá Gaeilgeoirí i bPáirtí Fhine Gael, cé go bhfuil an páirtí sin i gcónaí ag iarraidh na Gaeilge a chur faoi chois. Caithfidh Fine Gael daoine a bhuil Gaeilge acu a chur isteach sa Roinn. Nuair a d'inis mé an scéal seo do beirt fhear i gContae na Mí aréir, thosaigh siad ag gáire láithreach. Ní raibh siad in ann a chreidiúint go raibh seo á dhéanamh ag an Rialtas. Tá deis ag an Rialtas Airí a mhalairt agus tá Aire Stáit i bPáirtí an Lucht Oibre, an Teachta Ó Riordáin, agus d'fhéadfaí an tAire Stáit sin a chur isteach sa Roinn chun obair na Roinne agus obair na tíre a dhéanamh trí Ghaeilge, le cruthú don tír go bhfuil stádas oifigiúil agus bunreachtúil ag an nGaeilge agus go bhfuil muid ag iarraidh na Gaeilge a chur chun cinn.

Senator John Kelly: I wish to again raise the issue of wind energy and wind farm developments. I see in today's edition of the *Irish Independent* that there are proposals to put up 46 wind turbines, each of which is 165 m high, in County Meath. I see the way that Element Power does its business. Instead of community engagement, it goes to the GAA and offers the clubs of County Meath €375,000 to buy them off. All this does is, yet again, divide communities in two. The way Element Power does its business is disgraceful.

I will be calling on the Leader to have a debate on the issue of wind energy in September with our new Minister for the Environment, Community and Local Government because it is time this issue was dealt with. Unfortunately, it was not dealt with by the previous Minister in respect of proper setback distances. Whatever the Department is suggesting to the Minister in respect of setback distances is not sufficient to deal with this huge problem that is coming down the tracks. I call on the Leader to ensure this urgent debate takes place in September.

Senator Thomas Byrne: I look forward to the Senator supporting my Bill tomorrow on a moratorium.

Senator John Kelly: I will be at a wedding.

Senator Jim Walsh: I ask the Leader to convey to the Taoiseach as a matter of urgency the need for the preservation and restoration of the buildings in Moore Street. I know the Taoiseach met with relatives of the families of the 1916 leaders this morning and has arranged for them to meet the Minister for Arts, Heritage and the Gaeltacht in this regard but there is real urgency. In particular, I ask the Leader to bring to the Taoiseach's attention the fact that the National Museum has stated that this is the most important national historical monument in the country and it needs to be developed. The buildings and the evacuation route could be a major tourism attraction given the existence of Kilmainham Gaol. When people from foreign countries come and see what the British did in this country, it gives them an insight into our sad history and the evils of colonialism in this country and as a consequence, Ireland gets respect internationally.

Senator David Norris: The people in the GPO were all English.

Senator Jim Walsh: I raised the recent goings on in Geneva yesterday along with Senator Keane, particularly with the UN Human Rights Committee. The committee's bias was challenged, particularly with regard to the abortion situation in Ireland. The committee claimed

that abortion was a human right, which flies in the face of the very convention it is charged with upholding. The committee claims that Articles 6 and 7 are the basis for giving a right to abortion whereas Article 6 guarantees the individual's right to life and Article 7 prohibits torture and cruel, inhuman or degrading treatment.

The chairman, who was critical of Ireland in this regard, comes from a country where babies who happen to survive an abortion are left to die on the work tops of their sluice rooms and in some instances, they use the work tops to put the pieces of the dismembered baby back together to endeavour to see that they have all the pieces and that there is nothing left, which can obviously be a risk to a woman. I would challenge some of the pseudo-feminists on the other side of this House - I have already done so privately-----

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

Senator Jim Walsh: We should have a cross-party motion here with regard to the combination of gendercide. This is where people make decisions to have unborn innocent babies aborted simply because they are female. I cannot understand how people who would classify themselves as a feminist would not be revolted at such a procedure being allowed under law, as happens on the neighbouring island.

Senator Rónán Mullen: Ba bhreá liom i dtosach báire fáilte ar ais a chur roimh mo chomhghleacaí, an Seanadóir Norris. Ba mhaith liom a rá freisin go dtacaím go huile agus go hiomlán leis an méid adúirt an Seanadóir Byrne. Is aisteach an rud é amach is amach gur ceapadh beirt Aire le freagracht ar chúrsaí Gaeilge agus Gaeltachta gan iad a bheith in ann a gcuid gnó a dhéanamh trí Ghaeilge. Tá súil agam go mbeidh siad ag freastal ar chúrsaí sar i bhfad, mar léireoidh an cinneadh seo dímheas ar an nGaeilge agus ar an nGaeltacht mura ndéanann siad é sin.

I note the various reports in past number of days, some of which are deferential, about what the UN Human Rights Committee, so-called, had to say about various issues connected with Ireland's past and from which we must certainly learn lessons. Following on from what Senator Walsh and others have said, it is high time we reassessed our attitude and the attitude we present formally to scrutiny by groups such as the UN Human Rights Committee. The behaviour of Sir Nigel Rodley in particular was quite frankly a disgrace. One does not have to be a staunch Irish republican to resent the attitude of this particular Englishman to Ireland's abortion laws, given the barbarity with which British abortion laws operate on a daily basis and the welcome in the 19th century within the British establishment for Malthusian attitudes, which led to the deaths of hundreds of thousands of Irish people in the context of the famine. Mr. Rodley said he was sorry that the Protection of Life During Pregnancy Act did not extend to abortion due to, supposedly, a threat to the health of women, when he knows very well that it is the very ground of health that has led to such routine abortion in Britain. Not only did he ignore this reality, but he chose to suggest that Ireland was somehow unsafe for pregnant women. Not only that, but he described Dr. Tom Finnegan's submission that there was no right in the UN treaties or international law to abortion as breathtakingly arrogant. In private, he was even more arrogant. When told that embryology textbooks supported the proposition that life began at conception-----

Senator David Norris: How does the Senator know this if he said what he did in private?

Senator Rónán Mullen: -----he sneered, "Perhaps Irish embryology textbooks." We should take no lessons from these people who purport to be defenders of human rights.

An Cathaoirleach: The Senator is way over time.

Senator Rónán Mullen: Sir Nigel Rodley is in fact an abuser of human rights. Let us consider our attitude to these committees and their membership in due course and let our Government not be so fawning on them when they meet them in international forums.

Senator Jim Walsh: Hear, hear. It is a corruption of human rights.

Senator Cáit Keane: I had not intended to speak on the Order of Business today but must now do so as there was a reference to my having raised a particular issue yesterday with the Minister for Justice and Equality, Deputy Fitzgerald. I complimented the Minister on her excellent performance at the United Nations committee in Geneva and also complimented her on how quickly she has read into her brief. It was Senator Walsh rather than I who raised the issue of abortion. As the issue has been raised again, I agree it is an important issue, but I would like the record to reflect that I did not raise it yesterday. I only asked the Minister to deal with the issue of gardaí having to obey red traffic lights.

I would like to read into the record an article I read, which states:

> The last two days saw Ireland's human rights record being examined by a United Nations panel. Among the subjects discussed was Ireland's law on abortion. The panel warned that the Irish State could still be in breach of human rights legislation on the issue of abortion - because it criminalises pregnant women who seek a termination following a rape or due to a fatal foetal abnormality. Particular mention was given to recent opinion polls that indicate support for termination for medical reasons.

This issue formed part of the discussion at the United Nations and was not raised in the House. I believe it is worth putting the above quotation on record. Discussion on the issue is ongoing. While debate is no harm, it is important that the full story rather than part of it is put on the record.

Senator Diarmuid Wilson: I, too, welcome Senator Norris back to the House. It was great to witness him in full flow this morning. I agree with the Cathaoirleach that this House has no role in the appointment of Ministers. Perhaps, however, it should. We should certainly have had some influence in regard to the four excellent members of the newly formed Cabinet who are former Members of the previous Seanad, including the Minister for Environment, Community and Local Government, Deputy Alan Kelly, the Minister for Communications, Energy and Natural Resources, Deputy Alex White, the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, and the Minister for Justice and Equality, Deputy Frances Fitzgerald. I also welcome the appointment of two other former Members of this House, Deputies Joe McHugh and Paudie Coffey, as Ministers of State.

I rise primarily to welcome the appointment of Deputy Ann Phelan as Minister of State with special responsibility for rural affairs. As stated in this House many times, this Government has been the worst in the history of this State in dealing with rural Ireland. It has overseen the closure of rural Garda stations, schools and post offices. It has also overseen emigration from rural Ireland on a vast scale. I hope the appointment of Deputy Ann Phelan as Minister of State will focus this Government's attention on positive discrimination towards rural Ireland.

Senator Maurice Cummins: I do not propose to accept Senator MacSharry's amendment to the Order of Business. On the Senator's question in regard to which Minister has responsibility for the disability strategy, a change has been made to the official title of the Minister of State, Deputy Kathleen Lynch, to incorporate primary care. The Minister of State is still responsible

for the disability strategy and older people. It is not possible to include every responsibility in the title of a Minister or Minister of State's portfolio. I can assure the Senator that is the situation.

I thank Members for their agreement to taking all Stages of the Court of Appeal Bill 2014 this evening. I propose to amend the Order of Business, which currently provides that only Second Stage be taken at 6 p.m., with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes and the Minister to be given five minutes to reply, to specify that Committee and Remaining Stages be taken thereafter. I also propose to amend the Order of Business in relation to Private Members' business in that I referred to No. 65, motion No. 11, when I should have said No. 69, motion No. 12.

Senator Hayden spoke about women in Cabinet. The number of females at Cabinet level has doubled from two to four, which is to be welcomed by all. Senator Hayden also called for the Minister for Education and Skills, Deputy Jan O'Sullivan, to come to the House to discuss the issue of student accommodation, on-campus accommodation and the availability of accommodation for students generally. I will certainly ask the Minister to come to the House next term.

Senator van Turnhout raised the issue of employment permits and said that we might not have allocated sufficient time for that debate. If additional time is necessary, I will amend the Order of Business. I have no intention of curtailing the debate on this issue. If further time is required, it will be provided later or on Friday. The Senator and others also raised the issue of the scheme to support national organisations. The current funding scheme commenced in July 2011 and was due to expire in December 2013, but it was extended to June 2014 with a view to the commencement of a new scheme from 1 July this year. The overall budget for the new scheme is €8 million. During 2013, officials of the Department of the Environment, Community and Local Government carried out a review of the scheme. The review found that the scheme has fulfilled its main objective in providing national organisations with multi-annual funding towards the core costs associated with the provision of services. The review recommended that organisations be required to clearly demonstrate the added value of the work proposed. Effective use of the core funding in recipient organisations also requires that robust governance and cost control procedures be in place in all of these organisations.

The new scheme was advertised for application during the first quarter of this year. Pobal was asked to undertake an assessment of the applications received and this process, from submission of application to notification of suitable and successful applications, took place in quarters 1 and 2 this year. Pobal has significant experience of the design and assessment criteria and completion of assessment functions in this regard. A large number of applicant organisations sought the maximum level of funding available. In some case, an amount in excess of the maximum available funding was sought. As a result, the number of organisations that could potentially be funded under the scheme within the budget available was lower than for previous schemes. In order to making the funding available to as many organisations as possible in these difficult times, the situation was assessed and the allocations under the scheme were announced last week. Pobal received 157 applications for funding under the scheme, three of which did not meet the basic eligibility criteria. The remaining 154 applicants were appraised against the criteria as outlined in the application guidance, with 55 approved for funding for the two-year period from 1 July 2013 to 30 June 2016. Pobal has put in place a dedicated team to deal with inquiries from applicants and to provide detailed feedback to applicants. There is also an appeals process and Pobal has provided applicants with detailed information in respect of it. The

appeals process is now live and it would not be appropriate to make any further comment on the funding process as a result. As Senator Colm Burke stated, some 2,600 organisations are in receipt of funding from the HSE. A call was made on yesterday's Order of Business for a debate on the issue of funding for such organisations. A number of these organisations represent one or two groups. Perhaps encouraging them to work together would be a good idea. I am sure we will return to this matter early in the next term.

Senator Norris referred to extending an invitation to Pope Francis to visit Ireland. As the Cathaoirleach stated, that matter will be discussed by the CPP. I assure the Senator that the Government and the Papal Nuncio fully support the notion of extending such an invitation to the Pope. I understand that moves are afoot.

Senator David Norris: I thank the Leader.

Senator Maurice Cummins: For the information of Senator White, I have already outlined the fact that Deputy Kathleen Lynch is Minister of State with responsibility for older people. In the context of the housing list relating to older people, I need not remind the Senator that very little social housing was built during the Celtic tiger years when the country was awash with money. Social housing was forgotten by those in the previous Government.

Senator Marc MacSharry: Woe on them.

Senator Maurice Cummins: Senator Landy referred to the fair deal scheme and the fact that nursing homes are seeking additional funding. I will raise that matter with the new Minister and ensure that it is debated in the House.

Senator Ó Clochartaigh referred to the situation in the Middle East. I have invited the Minister for Foreign Affairs and Trade to come before the House to discuss that matter.

Other Members referred to the appointment of a new Minister and Minister of State at the Department of the Arts, Heritage and the Gaeltacht and the fact that neither has full command of the Irish language. I am sure both will brush up on their language skills. Fianna Fáil was one of the first parties to appoint a Minister who possessed very little Irish-----

Senator Thomas Byrne: That Minister was fluent----

Senator Maurice Cummins: -----and who was the granddaughter of the party's founder.

Senator Thomas Byrne: -----and her cousin was a Minister of State.

Senator Maurice Cummins: There is no point in the pot calling the kettle black in this instance. I assure the House that the two individuals who have been appointed are extremely capable and I am sure they will go on to prove that.

Senator Conway referred to the potential for tourism development in the context of walking, cycling and running. I agree with him in that regard and I am sure the matter will be discussed with the new Minister for Transport, Tourism and Sport.

Senator Daly referred to the organ donation system. I am aware that this system has been improved significantly and that it now employs over 20 people. The previous staffing complement was one or two. That is a good news story. I will seek to ascertain from the Government when it is intended to introduce the human tissue Bill.

Senator Moran referred to long-term rentals and adaptation grants for people with disabilities. Significant improvements in the money available in the form of such grants have been announced in recent times.

Senator Healy Eames referred to Galway being an economic driver for the region in which it is located. As she stated, there has been significant foreign direct investment, FDI, in Galway. I am sure this will continue to be the case. As the Cathaoirleach mentioned, the House does not have a role in respect of the appointment of Ministers. Like Senators Mullen and Walsh, the Senator raised the issue of the Human Rights Commission and the views of a certain member of that organisation. There are constitutional provisions in place and these will be upheld by the Government until the people decide otherwise. That is and will remain our position.

Senator Noone referred to the need to study the advances that have been made in respect of Alzheimer's disease and called for a debate on the national strategy relating to it. I will try to arrange such a debate for the next term.

Senator Kelly referred to wind turbines and wind energy, a matter in respect of which Senator Byrne has tabled a Private Members' motion. The House engaged in several debates on this issue previously, I will certainly invite the new Minister to come before the House following the summer recess in order that we might discover whether the policies that have been advocated up to now remain in place. I am sure the latter will prove to be the case.

Senator Walsh referred to Moore Street. As he indicated, the Taoiseach met the relatives involved. I am sure matters will be progressed as a result of that meeting.

Senator Wilson highlighted the number of Ministers and Ministers of State who are former Members of the House and wished them and their colleagues in government well.

An Cathaoirleach: The Leader has proposed two amendments to the Order of Business, "That Second Stage of the Court of Appeal Bill be taken at 6 p.m., with the contributions of spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes and the Minister to be given five minutes to reply, and that Committee and Remaining Stages be taken immediately thereafter"; and "That Private Members' business be No. 65, motion 12." Are the amendments agreed to? Agreed.

Senator MacSharry has also proposed an amendment to the Order of Business, "That a debate with the Taoiseach on the €1.2 million cut in the funding from Pobal for voluntary organisations be taken today." Is the amendment being pressed?

Senator Marc MacSharry: Yes.

Amendment put:

The Seanad divided: Tá, 19; Níl, 26.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Byrne, Thomas.	Brennan, Terry.
Crown, John.	Burke, Colm.
Cullinane, David.	Coghlan, Eamonn.
Daly, Mark.	Coghlan, Paul.

Healy Eames, Fidelma.	Comiskey, Michael.
Heffernan, James.	Conway, Martin.
Leyden, Terry.	Cummins, Maurice.
MacSharry, Marc.	D'Arcy, Jim.
Mooney, Paschal.	D'Arcy, Michael.
Mullen, Rónán.	Gilroy, John.
Norris, David.	Hayden, Aideen.
O'Sullivan, Ned.	Henry, Imelda.
Ó Clochartaigh, Trevor.	Higgins, Lorraine.
Power, Averil.	Keane, Cáit.
Quinn, Feargal.	Kelly, John.
van Turnhout, Jillian.	Landy, Denis.
Walsh, Jim.	Moloney, Marie.
Wilson, Diarmuid.	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Naughton, Hildegarde.
	Noone, Catherine.
	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.

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

Amendment declared lost.

Order of Business, as amended, agreed to.

Standing Orders: Motion

Senator Ivana Bacik: I move:

That, pursuant to Standing Order 90(1)(a), the Committee on Procedure and Privileges recommends that the Standing Orders of Seanad Éireann relative to Public Business are hereby amended by the adoption of the following as an additional Standing Order:

'71A. (1) The provisions of this Standing Order shall apply to a Committee conducting ordinary Committee business (i.e. any business, other than a Part 2 Inquiry) which is giving or has given a direction (referred to in this Standing Order as a "compellability direction") as defined in section 76 of the Houses of the Oireachtas (Inquiries, Privileges and Proce-

dures) Act 2013.

(2) The Committee giving a compellability direction will provide the person who is given that direction with:

(a) reasonable notice of his or her required attendance date; and/or,

(b) a reasonable period for providing evidence or a document, or otherwise complying with the direction.

(3) The Committee giving a compellability direction will inform the person who is given that direction of the broad areas of business that the Committee is or will be conducting to which the direction relates, and the direction shall at all times be relevant to the proceedings of the Committee.

(4) Any person attending before a Committee pursuant to a compellability direction may, having given reasonable notice to the Committee, be accompanied by one other person who may be a legal practitioner.

(5) A Committee which is giving or has given a compellability direction, and following the compliance by a person with a direction, will act with due regard to:

(a) fair procedures;

(b) the rights of the person given the direction; and

(c) the rights of any other person affected by the direction."

Question put and agreed to.

12 o'clock

Employment Permits (Amendment) Bill 2014: Committee Stage

Acting Chairman (Senator Catherine Noone): I welcome the Minister.

Sections 1 and 2 agreed to.

SECTION 3

Acting Chairman (Senator Catherine Noone): Amendments Nos. 1 to 3, inclusive, are related. Amendment No. 2 is a logical alternative to amendment No. 1. The amendments may be discussed together by agreement.

Senator Feargal Quinn: I move amendment No. 1:

In page 6, to delete lines 24 to 27 and substitute the following:

" "(3A) It shall be a defence for a person charged with an offence under subsection (3) consisting of a contravention of subsection (1) to show—

(a) that he or she took all such steps as were reasonably open to him or her to ensure compliance with subsection (1), or

(b) that his or her contravention arose as a direct result of exploitative work practices engaged in by the employer against him or her.”.”.

I welcome the Minister back to the House. We are getting very fond of him, or perhaps he is getting very fond of us, whichever way it is.

As the Minister is aware, the purpose of amendment No. 1 is to amend section 3(d). This amendment will ensure that the defences available to an employee under the legislation explicitly take into consideration the circumstances in which a young man, Mohammed Younis, found himself. An employee who is being exploited should not be penalised in any way by the requirements of this legislation. I believe it is necessary. The purpose of the Bill I introduced 18 months ago was to achieve precisely this end and I believe it is still necessary. I believe the amendment is worthy of consideration and I hope the Minister will accept it.

Senator Jillian van Turnhout: I have tabled amendment No. 2. I welcome the Minister to the House. I thank the Minister and his officials most particularly for the detailed response to a series of questions I outlined in respect of the Bill. It is appreciated and it really helps our engagement in this process.

This is the main issue I have with the Bill. I tabled the amendment to better ensure that the lacuna in the law relating to section 2 of the Employment Permits Act 2003 identified by Mr. Justice Hogan in the Mohammed Younis case is closed off and that exploitative work practices are recognised as a cause of action for judicial redress. The Minister will remember that when the Younis case came before the High Court, Mr. Justice Hogan was forced to overturn the determination of the Labour Court to award over €90,000 to Pakistani restaurant worker Mohammed Younis for alleged breaches of his employment rights, including threats, payments well below the minimum wage, and the imposition of extremely long working hours - around 77 hours per week - with insufficient breaks and no day off, as well as the failure to renew Mr. Younis’s work permit, thus rendering him undocumented in the State and altogether vulnerable to the exploitation and mistreatment meted out to him. It was the correct decision in law but it was not just or right. Mr. Justice Hogan clearly recognised this and, in overturning the Labour Court award, he stated that Mr. Younis had been “the victim of the most appalling exploitation in respect of which he has no effective remedy”. Furthermore, Mr. Justice Hogan felt compelled to send a copy of his decision to the Minister, the Ceann Comhairle and the Cathaoirleach.

I commend the efforts the Minister has made in the Bill to deal with the legislative gap identified by the Younis case and I believe the Minister has done an excellent job in this regard. However, there is scope for strengthening the protection we afford to vulnerable migrant workers. In the Minister’s written response to me on this issue he said that the inclusion of the explicit link between exploitative work practices and access to the compensation provision, as in my amendment, could actually raise the bar with regard to the evidence an applicant would have to submit to a court in order to satisfy the provision. I do not see that this is the case. My amendment offers a new and distinct defence on the basis of exploitative work practices. It is clear from the drafting that it is a separate cause of action and not an additional proof. It is designed to expand the rights of migrants to take a claim to the civil courts on the grounds of exploitation.

It is vital that exploitative work practices are articulated in this section to give courage to the scores of workers with work permits in precarious situations who are being subjected to exploitation as we speak at the hands of unscrupulous employers and to serve as a deterrent to

employers in such cases.

Senator David Cullinane: I am speaking to amendment No. 3, which is similar to the amendment tabled by Senator van Turnhout. I support both amendments. My arguments are in the same vein as those made by Senator van Turnhout.

I pay tribute to Migrant Rights Centre Ireland, which has done extensive work in the preparation of the Bill, in lobbying all of us and in highlighting issues that have affected migrant workers for many years. I pay tribute to the work done by those involved. They have argued robustly that the law containing the lacuna identified by Mr. Justice Hogan in the Younis case and provided for in this legislation needs to be strengthened to ensure that exploitation is addressed by the inclusion of a provision stating that any contravention by the employer is the result of or a feature of exploitative work practices. The problem is that nowhere in the Younis provision does the legislation refer to exploitative work practices, and that must be rectified. This was the problem identified by the judge. It is a serious omission from the Bill and it should be included. We will be pressing our amendment to a vote and I will be supporting amendment No. 2 tabled by Senator van Turnhout.

Senator Ivana Bacik: I welcome the Minister to the House. I also welcome Gráinne O'Toole, Mohammed Younis and their colleagues from the Migrant Rights Centre, who are in the Visitors' Gallery as my guests to watch the debate. I echo the words of Senator Cullinane in commending the Migrant Rights Centre on its work on this legislation, which aims to ensure an ending of exploitative work practices.

The Migrant Rights Centre has welcomed the provisions in the Bill, which are progressive in terms of seeking to assist migrant workers in re-entering the labour market. However, I know there remains a concern about ensuring that the provisions that seek to prevent exploitative practices are strengthened. In particular, the Migrant Rights Centre has noted that risks for migrant workers will remain prevalent if the Bill continues to tie workers to their employers. This is an important point and I call on the Minister to take it on board in the context of these amendments.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Like others, I acknowledge the work of the Migrant Rights Centre in this important area. I hope this Bill brings some fairness to the process. We have tried to ensure that we make changes in the legislation in order that if a person had a permit previously he is able to get back into the system. We have created a specific category of permit for such a situation. I realise this was an area that gave cause for concern.

In this section we have provided a defence for people who were working without a permit - that is what we are discussing in this case - and for people who have not been paid, as well as the possibility of getting compensation and of that compensation being retroactive. We have gone a long way in trying to strike a fair balance. That is the context. While I fully understand the rationale for seeking amendments Nos. 1, 2 and 3, I am firmly of the view, having considered the "Younis" provisions very carefully, that the inclusion of "exploitative work practices" would in fact raise the bar with regard to the evidence an applicant would have to submit to a court in order to satisfy that court of the applicant's entitlement to compensation under the provision. Under the legislation, as drafted, in the new section 2B(3), all the applicant has to do to enable a court to make an order for recompense for work done is to satisfy the court that he or she took all reasonable steps as were reasonably open to him or her to comply with the

requirement to have a permit. If I were to add recognition of the existence of "exploitative work practices" it would, I believe, run the risk of giving rise to an unintended consequence in the form of additional evidence which would have to be adduced and established before the test was met by an applicant.

How might a foreign national, who may well be hesitant about reliving the abuse or exploitation he or she had suffered at the hands of an unscrupulous employer, set about showing that his contravention arose as a direct result of exploitative work practices engaged in by his or her employer against him or her? The benefit of the provision, as drafted, is that it does not require the applicant to establish such facts in order to apply for the compensation. Apart from the considerable obstacle of defining what is meant by "exploitative work practices", the amendment additionally would require a nexus to be established between the particular work practices and the failure to obtain a work permit. It would have to be established in court to the requisite standard of proof that the exploitation was engaged in. The employer would have a right to defend himself in such a scenario therefore potentially giving rise to a trial within a trial. The existing provision will permit evidence of exploitation to be given in the course of an application to the court under the section without a minimum threshold of "exploitation" being a condition precedent to relief or compensation.

The defence was carefully drafted on the considered advice of the Attorney General's office and deliberately includes a test of "reasonableness". The test of "reasonableness" is well established within our legal system and gives a court hearing the application discretion to consider the application within the context of the particular facts of the case before it, which is crucial to the success of a provision such as this working in practice. The term "exploitative work practices" is not defined and would be difficult to objectively define without exposing the section to challenge and ultimately weakening the provision and creating an additional hurdle for the applicant to overcome. A provision, when invoked, which requires the court to make a determination of exploitation against an employer will necessarily be contested by impugned employers and will inevitably render the application more difficult and contribute a further unnecessary hurdle for the applicant and, as I said, it could give rise to a prolonged trial within a trial. It is for those reasons, I am not able to accept the Senator's amendments.

Senator Feargal Quinn: I have listened carefully to the Minister's reply and it was certainly not my intention in putting down that amendment that we would make it more difficult for somebody to take action on this basis. The Minister referred to the test of "reasonableness" and I am not sure that I follow entirely the direction he is going, but my intention was to make sure that this measure would be beneficial. The migrant rights organisation is of the opinion that a provision such as this is necessary. I am disappointed the Minister is not accepting it. I will withdraw the amendment and will consider submitting it for Report Stage if the Minister is not able to change his mind between now and then.

Senator Jillian van Turnhout: I also listened very carefully to the Minister's reply.

The difficulty I have is that I do not consider this to be an additional aspect, rather I consider it to be a very new and distinct defence. The amendments that have been put down are designed to expand the rights of migrants to take a claim on the grounds of exploitation to the civil courts. If the Minister checks the drafting, he will note it is a separate cause of action and not an additional proof. It is not that they are combined or conflating into one piece of proof. What is proposed provides another avenue for us to send a very clear signal to unscrupulous employers that exploitative work practices will not be accepted.

Acting Chairman (Senator Catherine Noone): Is Senator Quinn withdrawing his amendment?

Senator Feargal Quinn: I will withdraw my amendment.

Amendment, by leave, withdrawn.

Senator Jillian van Turnhout: I move amendment No. 2:

In page 6, between lines 27 and 28, to insert the following:

"(3B) It shall be a defence for a person charged with an offence under subsection (3) consisting of a contravention of subsection (1) to show that his or her contravention was a result of and/or a feature of exploitative work practices by the employer against him or her.",".

Acting Chairman (Senator Catherine Noone): How stands the amendment?

Senator Jillian van Turnhout: My difficulty is that all Stages of the Bill are being taken today. I would like to have heard the Minister's response to this proposal.

Acting Chairman (Senator Catherine Noone): We are actually finishing.

Deputy Richard Bruton: I am quite happy to respond. The truth is that I do not see this provision as adding the signal to the employers that the Senator has put forward. The legal advice we have is that it offers the alternative. It allows employers have a new avenue of defence. Whereas if we have a very simple test of why the person did not apply for a permit, namely, whether they take reasonable steps to have a permit, the court could say yay or nay to that. If we introduce this new subject matter as to whether there was exploitative conditions, the clear advice we have got from our legal people is that it opens up a whole new front of engagement where an employer will defend that. It is not a clear-cut test anymore. We would be offering a new front to fight the case. That is essentially the reasoning behind the judgment that the Attorney General's office offers us on the way we frame this.

Senator Jillian van Turnhout: I thank the Minister for that. Perhaps it is something we can examine in the context of regulations and guidance for employers. I will withdraw it on the basis of the Minister's response, given the time issue, but it may be an issue Senator Quinn and myself may raise again if we see that exploitative work practices are continuing.

Amendment, by leave, withdrawn.

Section 3 agreed to.

Acting Chairman (Senator Catherine Noone): I ask the Acting Leader, Senator Conway to move the adjournment of consideration of this Bill.

Senator Ivana Bacik: The time allocation for the Bill has been extended to 12.30 p.m. Senator Cummins had indicated he would extend the time to 12.30 p.m.

Acting Chairman (Senator Catherine Noone): My apologies.

Senator Ivana Bacik: I am not sure if Senator Cummins formally indicated that but I formally propose that the time allocated be extended to 12.30 p.m. and the debate will then be

adjourned as we will not have concluded it by then.

Acting Chairman (Senator Catherine Noone): Is that agreed? Agreed.

SECTION 4

Acting Chairman (Senator Catherine Noone): Amendment No. 3 has already been discussed with amendment No. 1. How stands the amendment?

Senator David Cullinane: I move amendment No. 3:

In page 7, between lines 35 and 36, to insert the following:

"(a) that his or her contravention was as a result or a feature of exploitative work practices by the employer, or".

I will resubmit the amendment in advance of Report Stage.

Amendment, by leave, withdrawn.

Senator David Cullinane: I move amendment No. 4.

In page 8, between lines 6 and 7, to insert the following:

"(3) Where an employer referred to in section 2(1)(a) or, in the case of employment referred to in section 2(1)(b), a person referred to in section 2(1A)(a) or a contractor referred to in section 2(1A)(b) has not paid a foreign national to whom this section applies and where the foreign national institutes civil proceedings he or she may seek and be immediately be awarded an employment permit for the duration of the civil action or longer if the Ministers so deems.".

We accept that compensation will not be treated as reckonable payment within the meaning of social welfare legislation and entitlements but this section highlights a particular concern which we want the Minister to take on board. If an individual is not allowed to work and on the basis that a civil action can take some time, we can conclude that he or she would not have access to the necessary supports to feed his or her family, to pay rent or to pay bills generally. If this Bill is to act as a real deterrent, it must facilitate those who are brave enough to expose wrongdoing. While the Minister can award a permit, the legislation, as it stands, does not specifically provide for those who take a civil action against an employer, who has engaged in exploitative work practices, to enable them to work at a minimum for the duration of the court case, which is what we are seeking in this amendment. I await the Minister's response.

Deputy Richard Bruton: The effect of amendment No. 4 would be to create a new employment permit scheme specifically for this cohort of foreign nationals. The normal criteria generally applying to employment permits - which are there to protect the Irish labour market from distortion - would not apply to such cases, for example, a specific job with a specific employer for a specific duration. In general, Government policy is to issue employment permits for the employment of non-EEA nationals for specific vacancies and in response to employer demand where there are demonstrated shortages. Such a permit type would run counter to this policy objective.

It is the case that many foreign nationals who opt to enter the civil proceedings provided for under this section will already meet the criteria for the new type of permit I am introducing,

called the reactivation permit - that is, he or she has a job offer, is not currently working, has a letter of permission from the Minister for Justice and Equality and previously held a permit - they will be eligible to apply for that category of permit.

The case of a foreign national who has never had an employment permit is a different matter. That person is still entitled, regardless of their never having been legally working in the State, to be compensated for work done for, or services rendered to, a person. We must be realistic. It is one thing to ensure that vulnerable people are not exploited, but that does not mean encouraging irregular migration. We must bear in mind the interests of Irish workers, lawfully present migrants and legitimate businesses that hire only those legally entitled to work. For those legitimate businesses, there is an important deterrent effect for any employer contemplating hiring illegal workers within these provisions - that is, compensation can now be claimed against the irregularly hiring employer. Where a person has never had any entitlement to work in the State and has taken it upon him- or herself to ignore Ireland's immigration and employment laws, it is not the duty of the State to regularise his or her status. Having said that, I understand that the immigration authorities will look at individual cases on their merits and take account of all the circumstances of the person's situation.

In summary, it was never my intention, in providing this compensation provision, that it would act as a back door for illegal economic migrants who have not been or would not be granted employment permits under current legislation. That is why I cannot accept the amendment.

Senator David Cullinane: I withdraw my amendment but will resubmit it on Report Stage.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Catherine Noone): Amendment No. 5 is in the names of Senators Cullinane, Ó Clochartaigh and Reilly.

Senator David Cullinane: I move amendment No. 5:

In page 8, between lines 26 and 27, to insert the following:

"(iii) an amount equal to that paid to regularised employees engaged in the same work in the same employment,".

I would like to hear the Minister's response.

Deputy Richard Bruton: My intention in creating this new civil proceedings option for illegal workers is to give them a chance to claim compensation in a situation where there is no legal contract of employment on which to base any other type of claim. The compensation provided for is the national minimum wage or other mandatory statutory rate of pay for the job, with the latter element to cover the reintroduction in the future of successors to EROs and REAs. These are rates provided for in law. There is no ambiguity or complex standard of proof for a court in determining compensation and is how the Labour Court determined compensation for Mr. Younis.

The amendment would only add complexity and ambiguity to a court's determination of what the foreign national should get paid. What is the rate for a regularised employee engaging in the same employment? A worker with a legal contract of employment is simply not an appropriate comparator to use in respect of an illegal worker. How would a court go about making

the necessary comparisons? Would it seek testimony from legal workers in the illegal worker's place of employment? Do the Senators think such legal workers would come forward and volunteer in open court to say what their salaries were? How would such matters as overtime, long service increments and productivity bonuses, which are individual-specific, be factored into such a comparator exercise? The amendment is inoperable in practical terms and would result in the applicant's claim failing if such a rate - that is, the rate paid to regularised employees - could not be established to a court's satisfaction. On the other hand, the national minimum wage, or other statutorily provided wage, is clear and unambiguous and makes both the job of the applicant in making his or her case, and the court's job in determining the compensation, clear and straightforward. On that basis, I am not going to accept the amendment.

Senator David Cullinane: The problem is that the legislation only allows for the compensation awarded to be calculated based on the national minimum wage or on other minimum rates pursuant to the statute, which in this case means a registered employment agreement.

The Minister has argued before that no worker in the State has a statutory guarantee to payment above these rates, and he is right. However, the rate provided in a lawful contract will be recoverable. What happens in a company if somebody is paid higher than the minimum wage for comparable work? What happens if people earn higher rates of pay in a company that has exploited a migrant worker? Will people be encouraged to come forward if they are only entitled to the minimum rate of compensation? Our amendment is reasonable and should be accepted, and we will press it.

Deputy Richard Bruton: We will get into all kinds of complexities if I accept the amendment. As we know, new recruits are often taken on at different rates of pay from existing recruits. The issue of setting out the comparator is a very complex procedure. In addition, we are providing retrospective action so that employers who engaged in such practices in the past will have to pay. We have to use a statutory payment because it clearly does not add some penalty element but recovers compensation that ought to have been paid based on a statutory minimum. The approach we are taking is robust and is the fairest in the circumstances.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 6:

In page 10, between lines 26 and 27, to insert the following:

"(14) A foreign national who has engaged in civil proceedings as referred to in section 2B may apply to the court for interim relief.".

I withdraw the amendment but will resubmit it on Report Stage.

Amendment, by leave, withdrawn.

Section 4 agreed to.

Sections 5 and 6 agreed to.

SECTION 7

Acting Chairman (Senator Catherine Noone): Amendments Nos. 7 to 9, inclusive, are related and may be discussed together.

Senator David Cullinane: I move amendment No. 7:

In page 16, line 12, to delete "or civil partner" and substitute the following:

", civil partner, or the former spouse or civil partner where a separation has occurred during the period of employment in the State".

The legislation extends a work permit to spouses, in very limited circumstances, to encourage highly specialised workers to come to Ireland. We argue that where a spouse has worked in Ireland and been awarded an employment permit on that basis, he or she should not be treated differently but as if the marriage had continued. It would be a barmy situation if a partner who had lived here for a number of years, had children and worked all of that time found him- or herself having to leave his or her job and children and the country because a marriage had broken down. Such cases have occurred, as highlighted by the Migrant Rights Centre and Nasc. We are trying to fix this anomaly with our amendment and we hope the Minister will accept it.

Deputy Richard Bruton: The purpose of providing access to the Irish labour market to the spouses, civil partners and dependants of critical skill employment permit holders and third country researchers, under Council Directive 2005/71/EC, is to differentiate Ireland by enhancing its attractiveness as a destination for this cohort of highly skilled migrants when compared with our competitors. As such, this is a deliberate policy decision.

First, let me emphasise that it is not my remit to define or determine matters relating to divorce or separation. That falls within the remit of my colleague, the Minister for Justice and Equality.

I understand the motivation for tabling the amendment. The Senators do not want such individuals to be made victims of circumstances by virtue of a separation. That is precisely why I have introduced in this Bill the proposed reactivation employment permit to facilitate individuals whose circumstances have changed, such as through a separation occurring during the lifetime of a spousal permit. The legislation refers to a person "to whom an employment permit had been granted and the permit is no longer in force". As the Senators will be aware, the dependant, spouse or partner scheme is one of the most flexible schemes because it allows an individual to work in almost every economic sector, with the only salary threshold being the minimum wage. It will not be subject to the labour market needs test either.

Opening up the permits system to the spouses and civil partners of all permit holders under this scheme would go against the Government's stated economic policy. It would lead to greatly increased numbers of permit holders being entitled to work with no labour market needs test, and would potentially fill job vacancies that would otherwise go to Irish and EEA nationals currently on the live register. In formulating employment permits policy, I must have regard to the potential for incentivising illegal foreign nationals to come to the State if measures are too liberal or rules too lenient. In my view, this could be one such measure. The Government's priority is to get Irish and EEA nationals filling job vacancies in all sectors of the economy as it recovers, not to open the Irish labour market to third country nationals who may not even be currently in the State. On that basis, and given the fact that the majority of cases of separated spouses will be catered for in the new permits system where they meet the criteria applying, I will not accept the Senator's amendment. However, there is nothing to stop spouses and partners of permit holders from applying for any permit type in their own right, provided they meet the criteria that apply.

Senator Martin Conway: I commend Senator Cullinane on tabling this amendment, as the situation is interesting. The Minister is right in that we need to make Ireland as attractive as possible for people with skill sets of which there is a shortage here, given the fact that neighbouring countries will also have that shortage. Many people make lifestyle choices when considering work options. I accept the Minister's contention in this regard, but the issue was well spotted by Senator Cullinane.

Acting Chairman (Senator Catherine Noone): As it is now 12.30 p.m., I ask Senator Bacik to report progress.

Senator Ivana Bacik: Our consideration of the Bill is to resume this evening on the conclusion of Second Stage of the Court of Appeal Bill 2014.

Acting Chairman (Senator Catherine Noone): I thank the Minister.

Progress reported; Committee to sit again.

Housing (Miscellaneous Provisions) Bill 2014: Report and Final Stages

An Cathaoirleach: I welcome the Minister for the Environment, Community and Local Government, Deputy Kelly, back to the House. He seems to have been living here for the past day or two.

Minister for the Environment, Community and Local Government (Deputy Alan Kelly): I am.

An Cathaoirleach: Before commencing, I remind Members that a Senator may speak only once on Report Stage except for the proposer of an amendment, who may reply to the discussion on the amendment. Also on Report Stage, each amendment must be seconded.

Amendments No. 1, which arises out of committee proceedings, and No. 2 form a composite proposal and may be discussed together by agreement. Is that agreed? Agreed.

Senator Kathryn Reilly: I move amendment No. 1:

> In page 6, between lines 2 and 3, to insert the following:
>
> " "authorised advocate" means an elected public representative, social worker, medical or legal professional or a representative of a tenants or housing rights body recognised by the local authority;".

I discussed most of these amendments on Committee Stage with the then Minister of State and current Minister for Education and Skills, Deputy Jan O'Sullivan. I will go over some ground again with the new Minister, Deputy Kelly, to get further clarity, having reviewed the legislation.

These amendments relate to the issue of advocacy and the requirement for an authorised advocate. On Committee Stage, the then Minister of State suggested that an advocate would have to be arranged for in all dealings with the authority, but that is not the case. No tenant who is

reasonably able to deal with an issue would want the delay caused by arranging for an advocate. As such, the amendment places the onus for arranging an advocate on the tenant. If he or she cannot do so at the appropriate time, it should not delay anything.

These amendments are meant to ensure that, should a tenant request the presence of an advocate, the authority cannot refuse, which may have happened in some cases. As the then Minister of State mentioned on Committee Stage, this requirement would not change matters for some councils. For others, though, tenants could not be denied advocacy if they could arrange for it.

Deputy Alan Kelly: I cannot accept these amendments, as a blanket provision permitting a local authority tenant to have an authorised delegate in all dealings with the local authority would hinder and delay the normal process of landlord-tenant communications that tenants are generally well able to handle themselves. It should be noted that housing authorities engage with third parties speaking on behalf of tenants who need assistance in this regard, but extending this practice across the board would formalise tenants' dealings with housing authorities unduly and depersonalise communications between them to the detriment of the landlord-tenant relationship.

As explained on Committee Stage, housing authorities need to have good communications with their tenants. In cases where tenants clearly need support in their dealings with their landlords, the housing authorities intensify their efforts to communicate effectively with them and persons speaking on their behalf. It is my understanding that this represents current good practice.

I will consider whether it may be necessary to issue guidance to housing authorities in this regard, but I will not accept the amendment now.

Senator Kathryn Reilly: I accept the Minister's response.

Amendment, by leave, withdrawn.

Amendment No. 2 not moved.

An Cathaoirleach: Amendment No. 3 arises out of committee proceedings. Amendment No. 4 is a logical alternative to amendment No. 3. Amendments Nos. 3 and 4 can be discussed together by agreement. Is that agreed? Agreed.

Senator Kathryn Reilly: I move amendment No. 3:

In page 37, between lines 16 and 17, to insert the following:

"Replenishing and refurbishment of housing stock

23. All proceeds from the sale of local authority housing stock must be ring fenced by the local authority concerned for use in the replacement of said units or, in the case where demand is not present, for the maintenance of existing local authority housing stock.".

This amendment goes over ground covered on Committee Stage.

The amendment means that any money raised under the tenant purchase scheme would be used to improve and replenish existing stock and provide new housing. During the debate

on Committee Stage the Minister made a point about section 13 of the 2009 Act, but I do not have confidence that it is a strong enough provision. The section states money may be used for housing and maintenance works, but my amendment states it would have to be ring-fenced and used for housing. This could be a better way of doing things, by encouraging local authorities to invest in their housing stock.

Deputy Alan Kelly: In respect of amendment No. 3 and the second part of amendment No. 4, as has been explained at every stage of consideration of the Bill in the Houses, in accepting the amendments we would duplicate an existing provision in the Housing (Miscellaneous Provisions) Act 2009. I will, therefore, not accept the amendments.

Section 13 of the 2009 Act provides that the capital moneys accruing to a housing authority from a number of sources, including the sale of dwellings under the old tenant purchase scheme provided for in the 1966 Act or the incremental purchase schemes provided for in the 2009 Act, will be ring-fenced in a separate account and, subject to the Minister's prior approval, used for the provision of housing or the refurbishment or maintenance of existing houses or related purposes. Such provisions relate to local authorities' internal capital receipts.

Furthermore, section 34(a) of the Bill amends section 13 of the 2009 Act to provide that moneys accruing from the sale of a dwelling under Part 3 of the Bill will also be subject to the provisions of section 13. Since 2007, local authorities have had delegated sanction to use their internal capital receipts for housing purposes, subject to certain terms and conditions. Under these procedures, local authorities are required to submit an annual programme of works to be funded from their internal capital receipts, primarily for the planned maintenance and improvement of their existing housing stock, for approval by my Department. It has also been agreed that local authorities can use their internal capital receipts funds to augment the revenue funding used to finance the funding, from their own resources, of the suite of grants for older people and people with a disability.

I cannot accept the first part of amendment No. 4 to the extent that it proposes to insert a new subsection (1A) into section 44 of the 2009 Act in what appears to be an attempt to extend the incremental purchase arrangements for newly built local authority and approved body houses in Part 3 of the 2009 Act to existing local authority and approved body housing. The proposed amendment is unnecessary in so far as it applies to a housing authority as it is already encompassed by the provisions in Part 3 of the Bill underpinning a purchase scheme for existing dwellings along incremental purchase lines.

In respect of extending purchase provisions to encompass existing approved housing bodies' stock, under the terms of the various funding schemes under which AHBs make accommodation available, they are the *de facto* owners of the properties and required to make them available for social renting for the duration of the mortgage or, as the case may be, the availability agreement. My Department cannot unilaterally make provision for their sale to tenants. Any such decision would have to involve the AHB and have regard to the mortgage on the property. In July 2013 my predecessor introduced a voluntary regulatory code for this sector as a precursor to a statutory regulatory framework to support the voluntary sector's long-term growth. In February she appointed an interim regulatory committee to oversee implementation of the voluntary code and advise on the development of statutory regulation. Regulation is an important element in providing for the conditions necessary for the growth and development of the sector. Financing that growth is equally important and the question of how best to utilise the existing asset base, including the option of selling existing stock to tenants, is a factor to be

considered in this process.

Having regard to work under way on the regulation of the voluntary sector and the fact that the principle of what is proposed in respect of the use of capital moneys accruing to local authorities from sales is already provided for in primary legislation - the Housing Act 2009 - I ask the Senators to withdraw their amendments.

Senator Kathryn Reilly: Seeing that the Minister asked so nicely, I will not press the amendment.

Senator Diarmuid Wilson: This is my first opportunity to welcome the Minister for the Environment, Community and Local Government, Deputy Alan Kelly. As I said on the Order of Business, he is one of four former Members of the last Seanad and we hope to have some influence on him in his decision-making. I hope he will not let us down. It is good to see four former colleagues as senior Ministers and I wish them well. The amendment proposes the following:

In page 48, between lines 27 and 28, to insert the following:

Amendment of section 44 of the Act of 2009

35. Section 44 of the Act of 2009 is amended by the insertion of the following subsections after subsection (1):

"(1A) Subsection (1)(a) does not apply in circumstances where a local authority and an approved body agrees that to dispose of a dwelling to a tenant that was constructed prior to the enactment of this Act would be in the best interests of—

(a) the tenant, and/or

(b) the local community in which the particular dwelling is situated.

(1B) The proceeds of sale of any disposal under subsection (1A) shall be ring-fenced for the purposes of—

(a) provision of additional housing by approved bodies in the local authority area in which the particular dwelling is situated, and

(b) to upgrade existing housing stock in the local authority area in which the particular dwelling is situated.".

I would like to hear what the Minister has to say.

Senator Aideen Hayden: With regard to one aspect of the Minister's response on approved housing bodies, it is the scenario that tenants of local authorities have the option to purchase properties under various tenant purchase schemes and now under the incremental tenant purchase scheme. Tenants of approved housing bodies do not have that option. There are legal issues relating to schemes to allow approved housing bodies sell properties to tenants. I welcome the Minister to his new brief. What measures can be taken to put in place a voluntary scheme for the sale by approved housing bodies of housing stock to tenants? Tenants have a natural aspiration to own their homes over time. This aspiration is satisfied for the tenants of local authorities but not those of approved housing bodies. Among certain approved housing bodies there is a willingness to consider a sales scheme and such schemes have been put in

place in the United Kingdom. Perhaps it is something the Minister might consider.

Deputy Alan Kelly: I have little else to say. To respond to Senator Aideen Hayden, it is a point we can consider in the future. In many ways, it is aspirational, but it could be welcomed. A voluntary code, in moving to a regulatory framework as regards AHBs, is something that is necessary. A huge volume of work has been done, but there is a necessity for it to move into a regulatory process in order that we can ensure there is finance into the future and that there is a code by which these bodies which are doing fantastic work can continue it into the future.

Amendment, by leave, withdrawn.

Amendment No. 4 not moved.

An Cathaoirleach: Amendments Nos. 5 and 6 have been ruled out of order because they are in conflict with the principle of the Bill.

Amendments Nos. 5 and 6 not moved.

An Cathaoirleach: Amendments Nos. 7, 9 and 11 to 18, inclusive, form a composite proposal and may be discussed together. I welcome the new Minister of State at the Department of the Environment, Community and Local Government, Deputy Paudie Coffey. It is not his first time in the Seanad where he has previously spent a very fruitful period, but he is very welcome back in his new role.

Senator Kathryn Reilly: I do not intend to move the amendments in the grouping.

Amendment No. 7 not moved.

An Cathaoirleach: Amendment No. 8 is out of order as it conflicts with the principle of the Bill as read a Second Time.

Amendments Nos. 8 and 9 not moved.

Senator Kathryn Reilly: I move amendment No. 10:

In page 50, line 27, after "period" to insert "not less than 2 months".

I welcome the Minister of State and look forward to working with him in the future. The amendment was discussed on Committee Stage, but we now have a new Minister of State and I seek clarity on it. It would provide that inspections of HAP homes must take place at the latest within two months of a tenancy commencing. I note what the previous Minister of State, Deputy Jan O'Sullivan, said on Committee Stage. Perhaps the Minister of State might comment briefly.

Senator Diarmuid Wilson: I second the amendment.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I thank the Cathaoirleach for his kind welcome. This is a very familiar setting to me as I spent over four years here. I enjoyed every moment of it and see many familiar as well as some new faces. I look forward to working with Members in my new capacity.

I cannot accept amendment No. 10. The purpose of prescribing the appropriate period by

way of regulations as opposed to primary legislation is to create flexibility to change the period set if it becomes impractical. While I accept that the Senator's purpose is to ensure minimal disruption and confusion for the households concerned, this must be balanced against what is practical for housing authorities. The period that will be prescribed under the section will be set in consultation with housing authorities and can be the subject of review once the scheme is operational to ensure the correct balance between consideration of HAP recipients and housing authorities' practical requirements has been struck. Prescribing the period as suggested by the Senator would make it more difficult to follow through on the outcome of any review in the period set. In that context, I ask her to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments Nos. 11 to 18, inclusive, not moved.

Senator Kathryn Reilly: I move amendment No. 19:

In page 54, line 30, after "offers" to insert "not less than 3".

This amendment seeks to provide that the limit set for the number of offers a social housing applicant can refuse would be no less than three. We discussed the matter with the previous Minister of State, Deputy Jan O'Sullivan, on Committee Stage and the issue was around allowing for flexibility and not wanting to specify the number in primary legislation. The Minister of State referred to "reasonable offers" and mentioned that there were criteria as to what constituted a reasonable offer which a tenant could turn down. I make the proposal again as it is important to provide for it. Perhaps the Minister of State might discuss again the issue around reasonable offers and the guidelines on them. The previous Minister of State stated that two refusals was the number. I retabled the amendment to facilitate a little further discussion.

Senator Diarmuid Wilson: I second the amendment.

Senator Cáit Keane: This is an important way of allocating houses. Many offers are made by computer and one signs up for this, that and the other on the system. There should be a process of pre-consultation before offers are made to find out if there are children in school in an area, for example. There is no way they would move to school that is miles away or to a location where the children could not get into a school. Offers must be realistic to ensure refusals are guaranteed to be reasonable and not just because someone does not want to live in a particular area. I ask the Minister of State to ensure the preparatory work is focused on before offers are made.

Deputy Paudie Coffey: I am happy to clarify the matter for Senators. As I said in respect of amendment No. 10, the purpose of prescribing an appropriate number in regulations as opposed to primary legislation is to allow for flexibility if needed to change the number set where it becomes impractical. Two refusals is a reasonable number so as not to disadvantage other households on the waiting list in being offered available accommodation by a housing authority where a household with a higher priority continues to refuse reasonable offers of accommodation. A reasonable offer from a housing authority is one of a house in the household's area of choice which meets its housing needs. It is difficult to see how a household could reasonably refuse an offer that meets both of these criteria. I remain of the view that permitting two refusals of reasonable offers of accommodation by a household maintains the appropriate balance.

I am happy to take on board the views of Senators on the interaction between local author-

ity housing offices and tenants prior to the making of offers. Unfortunately, I cannot accept the amendment and ask the Senator to withdraw it.

Senator Kathryn Reilly: On the basis of what the Minister of State said, I will withdraw the amendment.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendment No. 20 is out of order as it involves a potential charge on the Exchequer.

Amendment No. 20 not moved.

Senator Kathryn Reilly: I move amendment No. 21:

In page 72, after line 31, to insert the following:

"Transferral of tenancy within social housing

59. Within 6 months of the commencement of this Bill the Minister with approval of the Oireachtas Committee will publish guidelines for housing authorities to implement a tenancy transfer system for all tenants within the social housing system.".

The amendment brings us back to the issue of the HAP. It seeks to provide that within six months of the commencement of the legislation, the Minister would publish with the approval of the joint committee guidelines for housing authorities to implement a tenancy transfer system for all tenants within the social housing system. The issue of removal from waiting and transfer lists has been a bone of contention and discussed in great detail in the context of the legislation here and in the other House on all Stages. The thrust of ministerial responses around the HAP and removing tenants from waiting lists is that they can transfer. If so, there should be transfer lists in all local authorities. This is not provided for in legislation, but it should be. We cannot accept a provision which removes people from a list on the premise that they will be provided for in a local authority policy as opposed to legislation. The amendment of itself does not seek to define a transfer scheme. The Minister's guidelines could provide local authorities with a great deal of discretion. If we are to protect the rights of tenants which is critical, we must ensure a transfer list is put in place for them.

Senator Diarmuid Wilson: I second the amendment.

Deputy Paudie Coffey: The ongoing piloting of the HAP will include as part of the national roll-out of the scheme a review of the current allocation and transfer policies of housing authorities to give appropriate weight to households on the transfer lists in the allocation of available social accommodation. It is intended to provide that where a HAP recipient who has come off the waiting list applies to go onto the transfer list, the transfer list will reflect the specific priority and previous position of the recipient on the waiting list. HAP recipients will, therefore, be placed on the transfer list on no less favourable terms than if they had remained on the waiting list. This maintains the principle of preserving the recipient's reasonable expectations in relation to being able to obtain local authority or approved housing body accommodation.

1 o'clock

The intention is to revise the social housing allocation regulations in order to ensure that all social housing recipients, including those in receipt of HAP, who wish to do so will still be able to access other local authority housing options through the transfer system. They will, therefore, remain in a position to apply to transfer to other social housing options such as those provided by local authorities or authorised housing bodies, AHBs. Pending the drafting of the required regulations, a commitment was previously given in this House to the effect that ministerial powers under section 22 could be used to issue a direction to the local authorities involved in the pilot scheme in order to ensure that HAP recipients, during that phase, can be afforded the same access to other forms of social housing support via the existing transfer lists, if that is their choice. The guidelines will form part of this process in any event.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendment No. 22 arises out of Committee proceedings. Amendments Nos. 22 and 23 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Kathryn Reilly: I move amendment No. 22:

In page 72, after line 31, to insert the following:

"Amendment of Domestic Violence Act 1996

59. The Domestic Violence Act 1996 is amended by inserting the following section after section 8:

"**8A.** An applicant shall not, by virtue of the applicant's legal or beneficial interest in the residence in which the applicant resides or previously resided with the respondent, be prohibited from consideration for social housing by a local authority.".".

I resubmitted these two amendments because I am of the view that it is only right to ensure we obtain a reaffirmation from the Minister of State of the commitment provided on Committee Stage by his predecessor, the new Minister for Education and Skills, Deputy Jan O'Sullivan, to the effect that she intended to enter into consultations with the Minister for Justice and Equality on what can be done about domestic violence. I will not go into too much detail because the issue in question has been discussed by most Members of the Seanad on several previous occasions, including Committee Stage. I accept the fact that this matter is also relevant to the Department of Justice and Equality and other Departments and that, as a result, a cross-departmental approach is required in respect of it. However, amendments Nos. 22 and 23 deal exclusively with housing issues and the ability of survivors of domestic abuse to access housing. Amendment No. 23 is extremely simple in nature and requires that the Minister, with the consent of the relevant Oireachtas committee, publish a framework for housing authorities to deal with domestic abuse in social housing. Perhaps the Minister of State could provide a commitment that work on such a framework could be commenced in conjunction with groups such as SAFE Ireland and Women's Aid.

Senator Diarmuid Wilson: I second the amendment. I warmly welcome the Minister of State, Deputy Coffey. Both the Cathaoirleach and I had the privilege of serving with him in this House prior to the most recent general election. His contributions were always genuine, heartfelt and in the best interests of the country. He looked somewhat hesitant when he first entered the Chamber and left again briefly.

Deputy Paudie Coffey: Second thoughts.

Senator Cáit Keane: The Minister of State saw Senator Wilson and went back out.

Senator Diarmuid Wilson: He probably wanted to pinch himself. The Minister of State is welcome and I wish him well.

These are both sensible amendments and it would be extremely worthwhile if a framework were put in place in order to allow housing authorities to deal with domestic violence. It is a fact that such violence occurs, in the case of males as well as females. A framework such as that proposed should be put in place in order that victims or potential victims of domestic violence might be offered the possibility of being rehoused. I support these very worthy amendments.

Senator Aideen Hayden: I expressed my support for the general thrust of these amendments on Committee Stage. There is no doubt that there is a major issue here, particularly for women who experience domestic violence and who are disqualified from access to social housing because they may already be the joint owner of a property, although this may be in substantial negative equity. The Minister of State's predecessor, Deputy Jan O'Sullivan, indicated that she was willing to consider the situation of persons experiencing domestic violence. I request that the new Minister of State follow up on that commitment, because this is an extremely serious issue and many women find themselves with no option other than to spend time in emergency shelter accommodation, which, in many instances, is by no manner of means desirable.

Deputy Paudie Coffey: I have been provided with quite a detailed response which I will read into the record and which, I hope, will reassure Senators. Before I do so, I reiterate the commitment given by my predecessor to follow up on this issue. While I agree with the general thrust of the amendments, I certainly cannot accept them.

In specific reference to amendment No. 22, the Domestic Violence Act 1996 comes under the stewardship of my colleague, the Minister for Justice and Equality, Deputy Fitzgerald. While I am happy - as was my predecessor on Committee Stage - to discuss what is proposed in this amendment with her, I will not accept an amendment to the legislation without consulting the Minister in advance and giving due consideration to the complex legal matters involved. I reaffirm the commitment to the effect that we will follow up on this matter in view of the genuine sentiments expressed by Senators.

An Cathaoirleach: Is the amendment being pressed?

Senator Kathryn Reilly: In view of the commitment the Minister of State has given, it is not being pressed.

Amendment, by leave, withdrawn.

Senator Kathryn Reilly: I move amendment No. 23:

In page 72, after line 31, to insert the following:

"Code of conduct for domestic violence in social housing

59. The Minister with the consent of the Oireachtas Committee will publish a framework for Housing Authorities to deal with domestic violence in social housing which shall include provisions for rehousing a social housing tenant who has been the victim

of domestic violence or is likely to be the victim of domestic violence in their current residence.".

Senator Diarmuid Wilson: I second the amendment.

Amendment put and declared lost.

Bill received for final consideration.

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

Senator Fiach Mac Conghail: I welcome the Minister of State. I was not here when he served in this House but his reputation indicates that he is a sincere and hard-working individual. I hope I and others can live up to the example he set during his time here. The Minister of State and I were colleagues on the Joint Committee on Environment, Culture and the Gaeltacht and I offer him my heartfelt congratulations.

I wholeheartedly support the Bill. However, we had some concerns on Committee Stage with regard to transfers and waiting lists, and the Minister of State's predecessor, Deputy Jan O'Sullivan, assuaged these and gave a commitment to the effect that if any delays occur - particularly in the context of the six pilot schemes - secondary legislation will be introduced. I wish to read what she said into the record because the new Minister of State has probably not been bought up to speed on this matter. What the former Minister of State, who is now the Minister for Education and Skills, said on Committee Stage is extremely important in the context of reassuring all of those who are in receipt of HAP that their positions on the transfer and waiting lists will not be affected. Deputy O'Sullivan stated:

> I am committed to putting in place the statutory framework under section 22 of the 2009 Act to provide for a robust transfer policy in every local authority, which would afford HAP recipients and other social housing tenants equal opportunity to access other forms of social housing support, including incremental purchase schemes. This list, while a transfer list, will reflect the specific priority and previous position occupied by the household in question on the main waiting list in the authority area in which it is resident. Households will, therefore, be placed on a transfer list with no less favourable terms than if they had remained on the main housing waiting list.

That certainly assuaged my concerns. My motive for quoting what the Minister of State's predecessor said is to make him aware of the fact that quite an amount of debate took place in respect of this issue on Committee Stage.

Senator Aideen Hayden: I wish to highlight three issues in respect of this legislation. The first of these relates to the various orders which will be put in place in the context of tenancy warnings, etc., and which will replace the summary procedures for which provision is made under section 62 of the Housing Act 1966. The measures contained in the Bill are definitely a considerable improvement on what is currently in place. I am of the view, however, that we will ultimately be obliged to bite the bullet in respect of the manner in which local authorities deal with their tenants. As matters stand, those authorities still act as judge and jury in respect of their tenants. In the context of various items of European legislation on human rights, I do not believe that is acceptable. We should consider the possibility of eventually bringing local authority housing disputes within the remit of the Private Residential Tenancies Board, as happened in the case of disputes relating to the voluntary housing sector. It is important that there

would be an independent dispute resolution body for local authority tenants.

The second issue to which I wish to refer is that of tenant purchase. This matter is very close to my heart and I have done a considerable amount of research in respect of it. The new scheme is extremely positive in terms of retaining tenant purchasers within their local communities. There is a lot of evidence to show that in the past, people were taking the discount, turning the houses around very quickly, making substantial profits and moving out of their communities, particularly during the Celtic tiger era. This measure will go a long way towards stopping that practice.

I have two concerns that I ask the Minister of State to take on board. The first concerns older tenants. The incremental purchase system very much favours younger tenants who may have 20 years in which to have a mortgage arrangement. Many local authority tenants are older tenants. I am concerned that schemes such as this would not be in their interest because they would not be in a position to see through 20 years of a future charge on their property.

A promise, dating back to the 1980s, was made to tenants of flats that they would be in a position in which they could purchase their homes. This promise was also made to tenants of maisonettes. I am concerned that many people will never have this aspiration realised. We need to address this. Although the measure before us on tenant purchase is positive, a number of people have been left behind and they need to be considered.

The most important aspect of this Bill relates to the HAP scheme. The payment will replace rent supplement for people who have been getting that payment for over 18 months. I am the chairman of an organisation called Threshold, which works primarily in the private rented sector. Therefore, I note that the vast majority of people who receive rent supplement are either single or lone parents. Their position on the social housing waiting list is incredibly low. In the vast majority of cases, their chance of ever getting a social housing unit within any reasonable period is severely restricted. The vast majority are and have been trapped in the rent supplement system for decades. The housing assistance payment gives them, for the first time, a real chance to move on with their lives and get back to work. I am thinking in particular of a case I am dealing with which concerns a single parent who is trapped with rent supplement and cannot take up work to any reasonable extent because she will lose her entitlement to the supplement. There are thousands of people in this position today. The HAP scheme, which will replace the rent supplement scheme, will allow them to pay rents in accordance with their incomes and move forward with their lives.

The emphasis that has been placed on eligibility, the housing waiting list and one's position thereon has been an enormous distraction in considering this legislation. It has long been the case that RAS tenants have been eligible to be on the transfer list. Last year in the Dublin area alone, 50% of all allocations were made on the transfer list. That HAP tenants will now be eligible to go on the transfer list will improve their position to a point at which they will have a realistic chance of being housed. This contrasts with their position as rent supplement tenants in circumstances where, let us face it, even talking about waiting lists is quite often utterly meaningless.

I very much welcome the introduction of the HAP scheme. It will level the playing field for those in need of housing support. It is vital that the scheme be rolled out as quickly as possible. There are people literally waiting for it to come into existence so as to improve their lives.

I ask the Minister of State to make the rolling out of the HAP scheme a priority for his Ministry. It is essential if we are to remove the poverty traps, particularly for single people and single families with one child.

Senator Cáit Keane: I will be brief because I spoke at length on Committee Stage. I welcome the Minister of State. I worked with him for many years as a member of the Joint Committee on Environment, Culture and the Gaeltacht. He will make a fine Minister of State and I look forward to his deliberations.

In the media, the debate on the Bill has been dominated by the HAP scheme. Senator Aideen Hayden, chairperson of Threshold, has put it very succinctly. The Minister repeated three to five times in the Dáil the position on transfers and eligibility for transfers. As the Senator stated, the legislation will result in very many positive developments in social housing.

The issue of domestic violence needs to be accorded significant priority. It always amazes me that it is very often the woman who leaves the house where there is domestic violence, only to discover that she is ineligible for another house. Something needs to be considered in this regard.

Single men should not be forever on a housing list without any right to go up the ladder.

The issue of disputes and mediation needs to be examined. I refer to cases in which the defenceless tenant is being judged only by the local authority. A good submission has been made by the community law and mediation centre on an independent system that could be examined in this regard. I am not saying it should be achieved immediately, but we should work towards it. It should be considered, particularly in respect of mediation. Both councillors and Senators will know that many of their discussions are on anti-social behaviour. I welcome the changes in the Bill in this regard. We want to ensure that rights and responsibilities are safeguarded for both tenants and the local authority.

The HAP scheme will help to take people off the live register. It will ensure people can have their housing needs met through the system. I welcome it.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I thank Senator Fiach Mac Conghail for his kind comments and I note his views. I have already spoken about the transfer policies and how they will be dealt with. My remarks are on the public record. I appreciate the Senator's having raised this issue with me.

I acknowledge Senator Hayden's vast experience in this area as chairperson of Threshold. She has brought great insight to the entire debate. I note her views on disputes and how they are dealt with, and also her view on the disadvantage older tenants might feel they are at under the current system. We must try to improve the system continuously to try to give everybody a chance to gain access to housing.

Senator Hayden described the benefits of the HAP scheme and clarified the matter. I could not do so any better. There was some controversy about the scheme initially but the points of contention have been clarified very significantly by the Senators and my predecessor, now the Minister for Education and Skills, Deputy Jan O'Sullivan, on a number of occasions. The scheme will certainly enhance access to quality housing for those who might not have had it previously.

Senator Cáit Keane also referred to the HAP scheme. I note and support her comments. Addressing domestic violence is a complex legal matter. The Senator heard my comments on it earlier. Anti-social behaviour is always a challenge and will remain so. We all need to work together with communities, local authorities and tenants to ensure we tackle it as much as possible.

I thank the members of the Opposition for their contributions on the Bill. All views are valued and need to be taken on board. We will not always agree but it is important that we listen to one another. This is an important Bill that provides for innovative and necessary changes to social housing supports and assistance. It has been a challenging task to make progress on the legislation, particularly in respect of the ambitious timelines set for implementing the new HAP. In that context, I wish to express gratitude to all who have been involved in the process. I thank in particular my predecessor Deputy Jan O'Sullivan, the Minister for Education and Skills, for the work she has done in seeing this Bill most of the way through the Houses of the Oireachtas. I thank all Senators for their views and insights during the consideration of this necessary legislation.

I wish to reassure further those who have raised concerns. With regard to the seven local authorities and the pilot scheme, there will be a review at the end of the year and a full evaluation of how the processes involved are working. Any deficiencies or shortcomings will then be identified and addressed as soon as possible.

Question put:

The Seanad divided: Tá, 32; Níl, 13.	
Tá	Níl
Bacik, Ivana.	Barrett, Sean D.
Brennan, Terry.	Crown, John.
Burke, Colm.	Cullinane, David.
Coghlan, Eamonn.	Daly, Mark.
Coghlan, Paul.	Leyden, Terry.
Comiskey, Michael.	Mullen, Rónán.
Conway, Martin.	Ó Clochartaigh, Trevor.
Cummins, Maurice.	O'Brien, Darragh.
D'Arcy, Jim.	O'Sullivan, Ned.
D'Arcy, Michael.	Power, Averil.
Gilroy, John.	Reilly, Kathryn.
Hayden, Aideen.	Walsh, Jim.
Healy Eames, Fidelma.	Wilson, Diarmuid.
Heffernan, James.	
Henry, Imelda.	
Higgins, Lorraine.	
Keane, Cáit.	
Kelly, John.	
Landy, Denis.	
Mac Conghail, Fiach.	

Moloney, Marie.	
Moran, Mary.	
Mulcahy, Tony.	
Mullins, Michael.	
Naughton, Hildegarde.	
Noone, Catherine.	
O'Brien, Mary Ann.	
O'Keeffe, Susan.	
O'Neill, Pat.	
Quinn, Feargal.	
Sheahan, Tom.	
van Turnhout, Jillian.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Kathryn Reilly and Diarmuid Wilson..

Question declared carried.

2 o'clock

Health (General Practitioner Service) Bill 2014: Committee Stage (Resumed) and Remaining Stages

NEW SECTIONS

Senator John Crown: I move amendment No. 2:

In page 7, between lines 10 and 11, to insert the following:

"6. To amend section 58C of the Act of 1970 by inserting the following new subsection:

"(13) The agreement, referred to in subsection (1) shall not include greater specification of the services to be provided by any general practitioner than is included in the GMS contract.".

May I speak again on this amendment as we are resuming Committee Stage?

Acting Chairman (Senator Diarmuid Wilson): The amendment has already been discussed with amendment No. 1.

Amendment put and declared lost.

Senator John Crown: I move amendment No. 3:

In page 7, between lines 10 and 11, to insert the following:

"6. To amend section 58C of the Act of 1970 by inserting the following new subsection:

"(13) The agreement, referred to in subsection (1) shall not require any general practitioner to perform annual, or otherwise periodic assessments of patients who are healthy.".

Amendment put and declared lost.

Senator John Crown: I move amendment No. 4:

In page 7, between lines 10 and 11, to insert the following:

"6. To amend section 58C of the Act of 1970 by inserting the following new subsection:

"(13) The agreement, referred to in subsection (1) shall be of continuous duration, modelled on the GMS contract, and shall not be a temporary contract between the Health Service Executive, or the Department of Health, and any general practitioner.".

Amendment put:

The Committee divided: Tá, 12; Níl, 27.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Crown, John.	Brennan, Terry.
Daly, Mark.	Burke, Colm.
Heffernan, James.	Coghlan, Eamonn.
Leyden, Terry.	Coghlan, Paul.
O'Brien, Darragh.	Comiskey, Michael.
O'Brien, Mary Ann.	Conway, Martin.
O'Sullivan, Ned.	Cummins, Maurice.
Power, Averil.	D'Arcy, Jim.
Quinn, Feargal.	Gilroy, John.
Walsh, Jim.	Hayden, Aideen.
Wilson, Diarmuid.	Henry, Imelda.
	Higgins, Lorraine.
	Keane, Cáit.
	Kelly, John.
	Landy, Denis.
	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Naughton, Hildegarde.
	Noone, Catherine.
	O'Donnell, Marie-Louise.
	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.

	van Turnhout, Jillian.

Tellers: Tá, Senators Sean D. Barrett and John Crown; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

Senator John Crown: I move amendment No. 5:

In page 7, between lines 10 and 11, to insert the following:

"6. To amend section 58C of the Act of 1970 by inserting the following new subsection:

"(13) No part of the agreement, referred to in subsection (1) shall set minimum requirements for practice premises.".

Amendment put and declared lost.

Senator John Crown: I move amendment No. 6:

In page 7, between lines 10 and 11, to insert the following:

"6. To amend section 58C of the Act of 1970 by inserting the following new subsection:

"(13) No part of the agreement, referred to in subsection (1) shall require any general practitioner to share any patient's medical information with anyone other than a medically trained professional for the specific purpose of enabling the appropriate medical treatment for that patient.".

Amendment put:

The Committee divided: Tá, 14; Níl, 28.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Crown, John.	Brennan, Terry.
Daly, Mark.	Burke, Colm.
Healy Eames, Fidelma.	Coghlan, Eamonn.
Heffernan, James.	Coghlan, Paul.
Leyden, Terry.	Comiskey, Michael.
Mullen, Rónán.	Conway, Martin.
O'Brien, Darragh.	Cummins, Maurice.
O'Brien, Mary Ann.	D'Arcy, Jim.
O'Sullivan, Ned.	D'Arcy, Michael.
Ó Clochartaigh, Trevor.	Gilroy, John.
Quinn, Feargal.	Hayden, Aideen.

Walsh, Jim.	Henry, Imelda.
Wilson, Diarmuid.	Higgins, Lorraine.
	Keane, Cáit.
	Kelly, John.
	Landy, Denis.
	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Naughton, Hildegarde.
	Noone, Catherine.
	O'Donnell, Marie-Louise.
	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.

Tellers: Tá, Senators Sean D. Barrett and John Crown; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

Senator John Crown: I move amendment No. 7:

In page 7, between lines 10 and 11, to insert the following:

"6. To amend section 58C of the Act of 1970 by inserting the following new subsection:

"(13) The agreement, referred to in subsection (1) shall not be restrictive in terms of who might enter into it, excepting that they are a registered general practitioner who has a high competency in the English language, and that the agreement, referred to in subsection (1) might be terminated only where the Irish Medical Council fitness to practice committee has found that the general practitioner is no longer fit to practice, or where the general practitioner voluntarily decides to no longer be party to the agreement.".

Amendment put and declared lost.

Acting Chairman (Senator Diarmuid Wilson): Amendment No. 8 in the name of Senator Crown has been ruled out of order as it involves a potential charge on the Exchequer.

Amendment No. 8 not moved.

Senator John Crown: I move amendment No. 9:

In page 7, between lines 10 and 11, to insert the following:

"6. To amend section 58C of the Act of 1970 by inserting the following new subsection:

"(13) No part of the agreement, referred to in subsection (1) shall require the general practitioner to prescribe a particular treatment regime to any patient."

Amendment put:

The Committee divided: Tá, 15; Níl, 26.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Byrne, Thomas.	Brennan, Terry.
Crown, John.	Burke, Colm.
Daly, Mark.	Coghlan, Eamonn.
Healy Eames, Fidelma.	Coghlan, Paul.
Heffernan, James.	Comiskey, Michael.
Leyden, Terry.	Conway, Martin.
Mooney, Paschal.	Cummins, Maurice.
Mullen, Rónán.	D'Arcy, Jim.
O'Brien, Darragh.	D'Arcy, Michael.
O'Sullivan, Ned.	Henry, Imelda.
Ó Clochartaigh, Trevor.	Higgins, Lorraine.
Power, Averil.	Keane, Cáit.
Quinn, Feargal.	Kelly, John.
Wilson, Diarmuid.	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Naughton, Hildegarde.
	Noone, Catherine.
	O'Brien, Mary Ann.
	O'Donnell, Marie-Louise.
	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.

Tellers: Tá, Senators Sean D. Barrett and John Crown; Níl, Senators Ivana Bacik and Paul Coghlan.

Amendment declared lost.

Senator John Crown: I move amendment No. 10:

In page 7, between lines 10 and 11, to insert the following:

"6. To amend section 58C of the Act of 1970 by inserting the following new subsection:

"(13) The agreement, referred to in subsection (1) may facilitate the modernisation of diagnostic services on a national basis including the instigation of pilot schemes, but may not require any general practitioner to be included in such a scheme.".

Amendment put and declared lost.

Sections 6 to 9, inclusive, agreed to.

Title agreed to.

Bill reported with amendment and received for final consideration.

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

Senator John Crown: I welcome the Bill, notwithstanding the genuine concerns which prompted me to bring forward the series of amendments we have discussed. It is important to consider the context in which these provisions are being introduced. As we know, a draft contract was circulated to GPs earlier in the year. One could argue that this did not represent the Government's final position but was essentially the first salvo in the negotiating process. Even if that is the case, however, the inclusion of a gagging clause must give cause for wonder as to what kind of message the Government was hoping to send. My amendment No. 1 serves to remove that provision, which corresponds to section 28.4.4 of the draft agreement, specifying that service providers shall do nothing to damage the reputation of the HSE.

GPs have also expressed concern that the Bill seems to be transferring a number of new services to them - services which traditionally were fulfilled by other parts of the health service - without adequate consultation. There are specific concerns regarding public health nursing, for example, and the impact of the introduction of new screening and diagnostic technologies. The more general concern is that GPs might find themselves effectively in the position of a basket or holdall group because they were corralled into signing a very broad, general contract. In other words, the fear is that any development in the health service could, without any further negotiation, be put on the door of GPs.

The GPs I know want to see the introduction of universal coverage for general practice health care. They would prefer to see it done in a post-austerity environment, as soon as the national emergency is resolved, and on the basis of need rather than purely on the basis of age. I have the sense they were not opposed to this Bill because of the proposal for free GP care for under sixes but because they were concerned about some of the implications of these provisions, in particular the attempt to impose a gagging clause and the potential for the legislation to be used as a type of basket negotiating position for further services, as yet undetermined, without putting any effort whatsoever into ensuring GP services are adequately resourced.

I made the point to the then Minister of State, Deputy Alex White, last week - I am sure the Minister of State, Deputy Kathleen Lynch, will agree with me - that general practice is the least

dysfunctional part of our health system. It is a service within which all patients, whether public or private, see the same doctor, are placed on the same waiting list, attend the same waiting and consultation rooms and will, with the exception of certain treatments which may or may not be made available by the HSE under the general medical services scheme, be given the same level of treatment. This is not something we should be seeking to threaten, corral or overburden. Instead, we should be holding it up as an example for the way the rest of the health system should work. We have a new health administration. I would like to pay tribute to the efforts of the former Minister for Health, Deputy Reilly, who made honest efforts to launch the health system on the path of genuine reform for the first time. The obstructions and the delays he encountered did not come from the health care professions but from behind his back. It is sad for me that everybody on the other side of this Chamber and the other House knew the policies they were adopting in 2011. They knew they were assuming a package of austerity-based policies. I am not going to recite the arguments concerning bank guarantees and macroeconomics, because they have been done to death already, but people knew what they were voting for. What happened over the past year was entirely consistent with those austerity policies. What happened with medical cards was always going to happen when people voted for those measures. I think it was cynical beyond belief to try to victimise one or two political figures who actually did what the massed ranks of their two parties told them to do. When the votes in the local and European elections went the wrong way, it was somehow as though there was a unique level of responsibility devolving to these people for doing what they were told. I think it is unfair and I wish to put it on record in respect of the then Minister for Health, Deputy Reilly, and also the then Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore.

With the new dispensation, we have the chance to look forward to what the new Minister for Health, Deputy Varadkar, and his Minister of State, Deputy Lynch, will do. They will be a formidable, forward-looking, clever and potentially radical reforming team. This is the chance to reform our health system, which is full of dysfunction. This very day, when I was making inquiries about why a huge chunk of elective surgery in my own hospital appears to have ground to a halt - we have already discussed the issue of anti-obesity bariatric surgery in this House - a wholly unrelated area emerged. When I was trying to work out exactly who was making the decision that a certain procedure should be put on to such a long waiting list that it was effectively being suspended, the clinicians came to me rather timidly and said they were not very happy about being quoted in public in a way that made them appear to be criticising their institution, and they would prefer if I did not talk about it. This is the culture that the Minister of State, Deputy Lynch, and the Minister, Deputy Varadkar, must deal with. There is a culture which is inimical to dissent, disclosure and to whistleblowing. Such advances as did occur in the health service in the past decade in areas such as cancer care had their origins in the fact that there were people who were prepared to stand up, speak out, point out deficiencies and point fingers where they needed to be pointed.

As we go forward, it will be critically important that we look at the model of universal health insurance - a socialised model of uniform health care - under which different people will pay different levels of premium but will all get the same freely negotiable insurance instrument. They will have the choice of going to a hospital run by the State, a hospital run by a university or a hospital owned by a for-profit corporation, locally or internationally. There are a number of different ways in which this could be done. People may go to doctors who have different kinds of contracts, some in full-time paid employment of the State, some as independent contractors and some working as university academics. This is the ultimate logic of the model, and there are many people surrounding the Minister of State and the Minister who will not like it. They

may say they like it but they do not, because there is a colossal transfer of power to the consumer when this type of model is introduced, away from those who rule the health system by fiat. I believe that is the central challenge that the Minister will have to address.

Senator Ivana Bacik: I welcome the Minister of State, Deputy Lynch, and commend her on her new enhanced portfolio. I commend the former Minister and Minister of State at the Department of Health, Deputies White and Reilly, and their officials on the progress of this Bill. I welcome its imminent passage and I very much hope it will be passed shortly today. I wish the Minister of State and the Minister, Deputy Varadkar, very well in continuing the reform of the health care system. All should agree that this is progressive and important reform which seeks to ensure that all children under six years will have access to free GP care. This is of major importance to parents and families. It is par for the course for this Government to roll out proper reform for the first time in the history of the State, to end the current model of a two-tier health service and to move towards a system in which people are genuinely getting treatment on the basis of need and not means. I really welcome that. I very much welcome this Bill as a first stage in that reform and I thank the Minister of State, Deputy Lynch, for her continued commitment.

Senator Colm Burke: I welcome the Minister of State and wish her well in her continuing role in the Department of Health. The Minister of State is from my constituency and it is great that she is continuing in that role because the work she has done in the past three years has been extremely progressive and reforming. I hope that will continue.

I also join with colleagues in wishing the former Minister for Health, Deputy Reilly, well. He has done a great deal of work in a very short time in an area in which it is very difficult to get reform. I have evidence of that. In the past three years I have been pushing for reform in how we deal with junior doctors, but it is only now that the issue is being dealt with. I hope that the MacCraith report that was published last Monday week will not be parked for another ten years. In fact, it took me four days to get a copy of that report from the Department of Health. I thought it was unfair that Members of this House and the members of the Joint Committee on Health and Children had to wait four days for a Department of Health report to be made available to them.

I agree with the point made by Senator John Crown about the lack of consultation and the fact that a contract was put up online before there was any meeting with the representatives of the medical organisations. That is not the way to do business. It is important that we emphasise that this was a draft contract. It was being approached in the way I would approach any legal matter I am involved in: one puts one's best foot forward in the hope of gaining the maximum out of it. I think that is exactly what the Department did, but I think it was the wrong way to start off because one of the things that we need if we want a successful health care system is to have the people on the front line - the GPs - on board. GPs make a significant contribution in the provision of health care and the last thing we need to do is to produce contracts that antagonise them. This will not keep them on side. Publishing the draft contact in the way it was published was not the way to do business, and I hope that will never happen again.

I hope the Department is taking on board the concerns that have been raised by GPs at public meetings right around the country. They have genuine concerns and I ask that their concerns be taken on board. I do not like being accused by GPs of voting for a gagging clause. I did not vote for one. This was a draft contract, and nothing had been signed off. I have said publicly that any such clause was unenforceable and that, in respect of health issues, it is in the interests

of the public to be aware of an issue arising in the health services. It is important that the people who are on the front line can comment on it and help to move the debate forward, making sure that we arrive at a solution to the problem rather than pushing it under the carpet and hoping the problem will go away. This reform is a welcome one and it is important that we get everybody from the health service on board, right across the front line, from the GPs to the administrators.

I wish to raise an issue that arose at last week's meeting of the Joint Committee of Health and Children on the draft contract for GPs. In a reply that I got at the meeting last week, it was confirmed that more than 1,000 people in the HSE were given permanent jobs without interviews. We are hiding behind the recruitment embargo and people are going into positions without proper procedures being followed in terms of an interview process. I really think that is an issue that needs to be tackled. One group has a 42-page contract while another group did not go through an interview process. That does not sound right. The Department should deal with this at the earliest possible date.

I thank the Minister of State, Deputy Lynch, and wish her every success in her role in the Department.

Senator Sean D. Barrett: I oppose the Bill. When introducing the Bill, the Minister of State said: "The Bill will provide for a GP service to be made available without fees to all children aged five years and younger."

3 o'clock

In a country where the problem is that the rich get richer, the response of the Oireachtas is "let's give the rich free health care." The evidence from the ESRI studies on EU-SILC is that 69.5% of children reported not having to go without any item in the indicators of poverty. The Legislature at the behest of the richest people in society is saying "have free medical care for your kids and by the way, as the Taoiseach said last week, bring in the oldies as well". Redistribution in society involves those who can putting money into the kitty so that we can give it to those who cannot. We are giving medical cards to people without a means test in a year in which we withdrew them from people who were in genuine need. This is what people voted against in the local elections. It related to the way the medical cards were withdrawn.

One cannot live in a dream world where one redistributes towards everybody. Somebody has to put money in. Coupled with the measure announced by the Taoiseach, this is one of the most regressive measures that has ever come before the House. I disagree with my learned and respected colleague, Senator Bacik. This is not progressive. It is regressive in income distribution terms. With the Irish tax system, there is no doubt about what the Government is doing. It is giving a gift to the richest people in a country where the top rate of tax is paid by people on below average incomes. This is what the Government is doing. It should be under no illusion that this is progressive in social terms. It is giving to the richest people in society. I am very sorry that so many people in Government see it that way but that is why there is such alienation from politics in Irish society. We always listen to the wrong people when we are engaged in income distribution policies. This is why I oppose the Bill.

Senator Feargal Quinn: I will add a word or two to what Senator Barrett has said because I can understand exactly the point he has made, which he has made on so many other occasions. There was a great deal of discussion here about the medical profession, the Department of Health and the HSE but very little mention of the customers - the patients themselves. I do

not hear them mentioned. To a very large degree, the discussion was about running the health service but there was not enough reference to the customers. I believe Senator Barrett has just touched on that topic and that this is what we must do. We must find some way of focusing attention on those who need this service rather than on those who provide it.

Minister of State at the Department of Health (Deputy Kathleen Lynch): As usual in the Seanad, I get so engrossed in listening to the debate as it goes backwards and forwards, I forget it is my turn to speak next. I thank those who contributed to the passage of this Bill. I know it is not quite there yet but I thank everyone involved. It is important to thank Senator Crown and comment on Senator Barrett's contribution because it is hugely important that we have opposing views when it comes to legislation.

In response to Senator Barrett, the only time I have ever been threatened with jail was when I was taken to the High Court by the Irish Dental Association. It was a long time ago. Senator Bacik is trying to look up exactly what year it was. So much happened in my busy life that I can never recall dates. It basically concerned the introduction of free dental care for the spouses of people who were PRSI contributors. The Irish Dental Association issued a statement to say that we were now going to introduce free dental care for the well-heeled and articulate. Do Members remember it? While I will not say I was inarticulate, I was definitely not well-heeled at the time. I thought that it was the greatest insult because the well-heeled and articulate make up very little of society, as do the very rich. It was very important that we extended it because means testing is a very blunt instrument. I agree that we must have an element of assessing means but there is a difference. The only people I know who will benefit from this are those of quite limited means. They may be working. Both parents may be working but it is the most expensive time in a child's life. Amazingly, once children reach the age of five, the ear aches, the sudden rise in temperatures, the coughs and the fright of them waking up during up the night with a massive temperature seem to dissipate and they become healthier and able to access the world and their friends in a much easier way.

This Bill will take that worry away from an enormous number of families, which is what we really need to do. I understand Senator Barrett's concerns. He is right. It would be lovely if we were doing this in a time of plenty where one could introduce it in one fell swoop but what we are doing here has to be done on an incremental basis. Those over 70 and those under the age of five are at times of their lives where they need additional health care and it is these areas on which we need to concentrate. It is not as if this Government is saying that it is giving them €1,000 each and telling them to access their own health care. We are doing it in a very conservative way.

In response to Senator Crown, the IMO is in regular discussions with the Department of Health and my information is that it is going very well. As someone who has had regular enough contact with GPs, not just my own but those who I know as friends, I must say to the Senator that we cannot carry out any reform relating to primary care without GPs. They will be key to the Government's reform policy. I think the Senator is right. It was the former Minister, Deputy Reilly, who started this entire discussion and brought to us the challenges that may arise as a result of introducing it. We owe him a debt of gratitude for that because perhaps all of the heavy lifting is done and because the fact that he pointed out the obstacles and the opposition when it arose was hugely important for those of us who will build on what he has done because that is really what it is about. We are not starting from a greenfield space here. We are building on what others have contributed. This piece of legislation will make an enormous difference to both working people and unemployed people in respect of their children and the fear of not hav-

ing sufficient money to go to a GP when they feel their child needs to be seen by a professional. GPs by their very nature will be central to that and must be part of it. The Senator can take my word for it that this will be a partnership approach. I could not agree more with the Senator regarding the gagging clause. Does he know any GP or doctor who when they see something going wrong would not feel obliged to speak out? Of course, they would. It is part of what they are. It is their duty but I would expect that they would not bring the organisation charged with delivering the health service into disrepute and I think the Senator and I would agree on that. However, I do not expect it to happen.

This is the first step in transforming primary care in this country and I believe it is a significant step. I compliment my predecessor in this role, Deputy White, for bringing it this far and for ensuring that the IMO and the various organisations that represent the medical profession are now at the table. I have no doubt that there is a solution to all of this. I believe there is a solution to everything. We just have not found it yet. I believe they are now in negotiations and that those negotiations will be successful because without them, we cannot do it.

I thank each and every Member for their contributions. I know Senator Barrett is still not convinced. I am sure that if in ten years time, he is right, he will come back and tell us. It is the first step in making us fall in line with what the rest of Europe has.

Question put and agreed to.

Sitting suspended at 3.10 p.m. and resumed at 4 p.m.

4 o'clock

Eye Care: Motion

Acting Chairman (Senator Michael Comiskey): I welcome, the Minister for Health, Deputy Varadkar, to the House and congratulate him on his appointment.

Senator Martin Conway: I move:

That Seanad Éireann:

- recognises the objectives of Vision 2020 led by the World Health Organisation to eliminate avoidable blindness by 2020;

- welcomes the establishment of the HSE National Programme for Eye Care which aims to reduce the incidence of avoidable sight loss through the development and implementation of fit-for-purpose care pathways and referral protocols;

- welcomes the establishment of the Diabetic Retinopathy Screening Programme to screen and treat diabetic retinopathy which is the leading cause of blindness in people of working age in Ireland;

- recognises the strong service delivery record and commitment of a range of different professionals to eye care in Ireland;

- notes the recommendations for a national vision strategy by the National Vision Coalition, in a report called Framework to Adopt a Strategic Approach for Vision Health in

Ireland;

- notes the findings by the National Vision Coalition in its report called Economic Cost and Burden of Eye Diseases and Preventable Blindness in Ireland that five people per week became blind in Ireland since 2010, despite 75 to 80% of blindness being preventable and that up to €76 million could be saved annually if earlier intervention to prevent eye disease and blindness is prioritised; and

- calls on the Minister for Health to act upon the recommendations of the National Vision Coalition for a national vision strategy and to implement cost-effective measures to prevent a further 260 people per year becoming blind in Ireland.".

I welcome the newly-appointed Minister for Health, Deputy Varadkar, to the House. He was a frequent visitor to the House in his previous capacity as Minister for Transport, Tourism and Sport. The health portfolio poses an enormous challenge for the Minister. However, I have no doubt that he is well up for it and will make a significant impact. It is fitting that on his first visit to this House as Minister for Health we are discussing this important issue.

As the Minister will be aware, more than 220,000 people in this country are either blind or visually impaired, 80%, or four out of every five cases, of which is preventable. By the end of this week, five people in this country will have lost their sight. In four out of five of these cases this could be prevented by way of early detection and intervention. They are frightening statistics.

In 2003, Ireland signed up to the World Health Organization 2020 Vision Strategy, which pledged to eliminate preventable blindness by 2020. Unfortunately, while there have been some successes in Ireland, in real terms very little has happened since 2003. As a result of the inaction of numerous Administrations the people involved in eye care in this country, including all of the NGOs, Fighting Blindness, the NCBI, the medical profession, the pharmaceutical companies and, most important, service users - people who are blind - decided to come together and formulate a strategy. This strategy, described as an overarching vision strategy compiled by all the stakeholders and people affected, was launched in 2013 to great acclaim.

Having read the strategy I am of the view it is simple, focused and targeted. It contains 11 key objectives which I believe any fair-minded person would agree are the correct objectives. Most important, its vision is the elimination of preventable blindness by 2020. In other words, to ensure that the quality of life of the four out of every five people who potentially will go blind in the future is protected and enhanced.

Early intervention is extremely important in all walks of life. As a doctor the Minister will be aware that the earlier one intervenes in any medical situation the better the chance of success. The situation in terms of eye care is no different. The earlier the detection of eye problems, be that glaucoma, cataracts, diabetic retinopathy and so on and the quicker the treatment provided, the more likely slight loss will be stemmed. I hope that today we will get a commitment from the Minister, Deputy Varadkar, that the HSE will take on board the vision strategy and will establish a strategy of its own encapsulating the views, objectives and targets of as set out by the national vision coalition.

We have reached the stage in this country whereby a long-term approach to health care is needed. For too long, we have been reactive as opposed to proactive in terms of dealing with situations that present. Investment now will result in savings long term. Between now and

2020 the cost to the State of eye care will be more than €2.2 billion. In 2010, the cost to the State as a result of blindness, sight loss and vision impairment was €220 million. I understand Grant Thornton was retained to undertake a cost benefit analysis-impact study of the cost of blindness in this country, which analysis identified a possible saving of €78 million if proper interventions were put in place and if the goals and objectives of the strategy were implemented. For me, it is a no-brainer. As in other areas of society, early intervention saves money in the long run. However, this is not all about saving money. This is about protecting an invaluable resource for many thousands of our citizens. It is a beautiful day today. While Members here have the benefit of being able to see that beauty and the sunshine, there are others in the Visitors Gallery who cannot, all of whom I welcome. Most of the stakeholders involved in the vision strategy are in the Visitors Gallery now. On behalf of citizen Ireland and the Oireachtas I thank them for their commitment to ensuring that we will reduce the number of people annually in this country who lose their sight.

We owe it to the people who cannot see the beautiful day it is today to ensure that future generations of people in this country who have eyesight conditions will have their blindness prevented. My sight loss was unpreventable. I was born with it. No medical intervention of any kind would have prevented my being 84% blind. However, that blindness in respect of four out of five people in this country could be prevented poses a challenge to all of us, including me as an Oireachtas Member with life experience of sight loss, to do everything in our power to ensure this does not happen. It poses a challenge to the Oireachtas, the Government and all the stakeholders. In terms of the challenge poses to the stakeholders, in my view they have signed up to and stood up to that challenge. They have put their ideas, proposals and resources behind this strategy. I sincerely hope that tonight Seanad Éireann will unanimously support the motion. I am somewhat disappointed an amendment has been tabled, but I realise it refers to a separate issue related to funding for the deaf community. I will let the Members who have proposed it speak about it, but there should not be any confusion. I hope this House will unanimously support the ideals, objectives, targets and, hopefully, the prevention that will happen as a result of this House supporting the vision strategy and the Government implementing it.

I look forward to the debate and the engagement. I particularly look forward to hearing the comments of the Minister, Deputy Varadkar, and to summing up at the end of the debate.

Senator Marc MacSharry: I welcome the Minister, Deputy Varadkar. I have said to him in private in the past and have no difficulty now putting it on the record that, in my view, he is the most capable person to hold the office of Minister in any Department, regardless of who is in government.

Minister for Health (Deputy Leo Varadkar): I hope the Senator still thinks that six months hence. I thank the Senator.

Senator Marc MacSharry: Of course, being capable and doing the job well are two different things. The Minister has a very difficult job. Funding means he will not be able to do anything near everything that everybody wants, but what is critically important is the choices he makes when it is a question of robbing Peter to pay Paul, which is, sadly, the position we are in from the point of view of health. I hope he thinks long and hard about those choices and tries to make the right one, not just in terms of finance or the statistical breakdown of access to health services, but to look at it in the round and take Irish culture into account in respect of the fact that people live in the north-west and south-west regions. It is vital that we have centres of expertise, but it is equally vital that people can access certain vital acute services within what

might be a three-hour commutable distance, that is, an hour and a half one way and an hour and a half home.

I also urge him not to take refuge in the mythology of cross-Border co-operation with regard to the north west when it comes to matters such as cardio-catheterisation laboratory facilities, the provision of radiotherapy and other issues. We will not be able to depend on the Queen to provide adequately for the citizens of this State in that regard.

Those are just a few brief points. The Minister will have as much support as I can possibly give, but as the former Minister, Deputy Reilly, will tell him, I will not hold back if I believe the wrong choices are being made. That is democracy and I would be of no use to the Minister if I did otherwise. I offer him every best wish for the time ahead.

I thank Senator Conway and Fine Gael for tabling this motion. An attempt was made to add a motion to it, but it is being withdrawn as it would take from the motion and we do not wish to dilute the very important issue the Fine Gael Party has put forward. We fully support the motion and welcome the fact that it has been tabled. We are already dealing with some of those choices that face the Minister in the context of what can and cannot be provided. Regrettably, we have seen that under funding provided to Pobal from the Department of the Environment, Community and Local Government funding is being removed from certain organisations. Hopefully, not many of them were connected to the provision of services for the visually impaired or the blind.

Vision 2020 is a global initiative with the noble aspiration of eradicating all preventable forms of blindness by 2020. I do not know if we are on course to achieve that at this stage, particularly when one considers that it has affected approximately five people per week over the last number of years. The core pillars set out in Vision 2020 are facilitating planning for disease control and for the implementation of a specific programme to control and treat the major causes of blindness, and for the human resource developments that will support training of an adequate number of ophthalmologists and other eye care professionals. I do not know what the position is in respect of the figures in that regard, but it is something we should consider. We have seen the example of obstetricians, the shortage of qualified and experienced obstetricians and the difficulties this will cause for the Minister in terms of adequately staffing the 19 centres throughout the country, so it is very important that we have the optimum number of ophthalmologists in training. That brings me to the third pillar of Vision 2020 which is infrastructure and appropriate technology development, to improve the infrastructure and technology and to make eye care more available and accessible to people.

The "Framework to Adopt a Strategic Approach for Vision Health in Ireland Report 2012" highlighted eight principles to be implemented. In April 2014, the "Economic Cost and Burden of Eye Diseases and Preventable Blindness in Ireland" report, which looks at the situation in Ireland, shows that 75% to 80% of blindness incidence is preventable. The cost per annum of that is approximately €205 million. God knows, the Minister would have many quarters in which those funds could be used if they were available to him. Again, that is the case with many other disciplines. It is critical that we get to the nub of early intervention and preventing diseases, because that is ultimately where the serious cost is incurred. In the neurological area, for example, we are probably spending many billions of euro in terms of the costs. With regard to cancer, the case for early intervention is very clear as well. That is the case in many aspects of public health.

I would like to think this is an achievable target for 2020 and I look forward to hearing the Minister's views on it. It is one thing to use Private Members' time, as Senator Conway and Fine Gael rightly have, to raise awareness of the strategy and its ambitions, but when one boils it down to action, what are we doing about it? What can we do strategically, bearing in mind the inordinate budgetary issues the Department has, to make Vision 2020 a realistic target in terms of eradicating preventable forms of blindness? It will be interesting to hear the Minister's views. Talk is cheap and motions such as this are good for raising awareness, but what are the tangible outcomes? We must state what they can be, rather than just clap ourselves on the back, say we did a good day's work in highlighting this and bringing people involved in the sector to the Visitors Gallery, with everybody going away thinking it was a great debate. Realistically, what is happening? Hopefully, as Senator Conway said, there will be a tangible outcome.

I will not delay the House. We would happily second the motion but I do not wish to steal the thunder of Senator Conway's colleagues. I will allow them to do that.

Senator Martin Conway: We would be very happy if the Senator would.

Senator Marc MacSharry: Finally, Senator Conway is a shining example for people who have a visual impairment. As he said, his was a pre-birth condition, so it was not of an avoidable or preventable nature. However, he does his business in a way that is many times better than people who have their full sight faculties. He is an example to anybody who is visually impaired or has suffered from blindness. It has certainly not held him back in any way and I hope that perhaps we can do some work here together today to ensure that the many other people who are suffering from visual impairment can access the services to ensure they can follow in Senator Conway's footsteps.

Senator Mary Moran: I formally second the motion and I am delighted the Fianna Fáil Senators agree with it. It is great and another example of the work we can do in the Seanad with cross-party support. I also congratulate the Minister, Deputy Varadkar, on his appointment and wish him the best of luck in that challenging role. I have no doubt that he will be very successful in it.

I am delighted to formally second the motion. Helen Keller once said that, of all the senses, sight must be the most delightful, which is a very true statement. I would like to welcome the Minister to the House. I also welcome the members of the National Vision Coalition who are here for the debate.

It is startling to hear that up to 80% of the world's blindness is avoidable. It is this statistic that the World Health Organisation has focused on in its Vision 2020 programme, which aims to eliminate avoidable blindness by 2020. It is almost ten years since the Irish Government committed to the objections of Vision 2020 and, in those intervening years, there have been many positive developments in tackling the issue of avoidable sight loss in Ireland. The policy document Healthy Ireland, which the Government published in March 2013, provides a framework for action to address the health issues of all, with an emphasis on prevention and early intervention.

The establishment of the HSE national programme for eye care is a key element of this objective, with the focus on prevention and early intervention, equitable access to efficient high-quality care, supports and treatments and the development of cost-effective care pathways, with the person at the heart of the process. The overall aims are to reduce the number of annual

cases of preventable blindness and visual impairment and to maintain the vision of those with impairment for as long as possible, enabling them to live independently.

There are currently 224,000 people with low vision and sight loss in Ireland. Five people per week became blind between 2010 and 2013 and this figure is likely to rise as our population ages unless we take remedial action. I thank Senator Conway for bringing this fact to our attention because there are many facts I was simply not aware of. The current Central Statistics Office projections estimate that the number of people aged 65 and older in Ireland will almost double over the period 2006 to 2026. Unfortunately, as we age, we are at an increased risk of vision loss due to an increased likelihood of developing diseases such as diabetes, glaucoma, cataracts and macular degeneration.

Diabetes is fast becoming a global epidemic, with 366 million people living with this disease worldwide. The main cause of blindness associated with diabetes is diabetic retinopathy. Poorly controlled blood sugars, high blood pressure and high cholesterol increase the risk of developing vision problems. The establishment of the diabetic retinopathy screening programme, which commenced in March 2013, has been a very important development in the early intervention and treatment of this condition. The programme offers free, regular screening to people with diabetes aged 12 and over and, at the end of 2014, invitations to attend screening had been sent out to 109,000 people, with the remainder of the 145,000 on the register to be seen by the end of the year.

Traditionally, the provision of eye health in Ireland has been based on a community approach, with the aim of providing country-wide services which are accessible to the service user. The benefit to the client is that they can be seen and treated in their local area by the ophthalmic team, and this fits in well with the emphasis on early detection of potentially serious conditions. The national programme for eye care has reviewed the school eye screening programme currently provided by the HSE with a view to incorporating best international practice on the screening of children. As a result of this review, there will be changes in the national vision screening programme to ensure that children who fail the screening have quick access to specialist services, which is vital. There are also plans to expand the role of orthoptists and optometrists working under the governance of an ophthalmologist, as well as comprehensive training for public health nurses and area medical officers, all of which will have a positive impact on waiting times and patient numbers.

The National Vision Coalition produced a report, The Economic Cost and Burden of Eye Diseases and Preventable Blindness in Ireland, detailing the impact of sight loss. Not only is it a major personal tragedy, sight loss also has a significant economic impact on individuals, families, society in general and the State. Some 2.1 million work days are lost each year in Ireland for this reason. The financial cost to the Departments of Finance, Social Protection and Health was €386 million in 2012, and this is expected to rise to €449 million by 2020. However, it is estimated that savings of up to €76 million could be made annually if there were effective early intervention and treatment programmes in place. In addition to having a hugely significant impact on the lives of people at risk of sight loss, the return on investment from the State perspective is considerable. This is something we need to consider seriously as our population ages.

The National Vision Coalition sets out in the report the need for us to build on the strong service delivery record and commitment of the various professionals who work in the area of eye care in Ireland. There is a very wide range of services and service providers working in this field, supporting the 220,000 people living in Ireland who are blind or visually impaired. There

is certainly a need for a greater level of integration and co-ordination to ensure that resources are used in the most optimal way. The two main areas for us to focus on are preventative services and supports, and also to review how we can make life better for people with sight loss by promoting inclusion, participation and independence for them. I would ask the Minister to implement whatever strategies are necessary to continue the work that has begun and to ensure the objectives of Vision 2020 are met.

I thank Senator Conway and the Fine Gael senators for putting forward this motion. I welcome the fact we will, hopefully, have cross-party support for the motion.

Senator Feargal Quinn: I welcome the Minister, who comes wearing his new hat. We have every confidence that he will not only enjoy his new role but have great success in it. Well done. I thank him for coming to the House.

The most interesting word in this motion on sight loss is "avoidable". This is the real challenge we have in health. If it is avoidable, the question is what do we have to do to make sure it is avoided. Those of us who have good eyesight are inclined to forget the problems that exist for those who do not have good eyesight. When I was in the supermarket business, one of the efforts we went to was to make sure we catered for as many people as we could by putting up a sufficient number of signs with Braille on them to help people who would otherwise have difficulty. Many of us can do things like that in whatever business we are engaged in or whatever way of life we have.

I welcome the motion as it draws attention to a very important area and the ways in which we can make improvements to prevent avoidable blindness. It is very worrying to see statistics which indicate that, on average, one person with diabetes goes blind in Ireland every week. That figure stunned me when I saw it. It is interesting to note that the University of Ulster has just become the first higher education institution in both Ireland and Britain to launch a new specialist course that, it is believed, could help prevent thousands of people every year from losing their sight, namely, the postgraduate professional certificate in medical retina. The course aims to add to the knowledge and skills of already experienced optometrists working in community-based practice and local hospitals. Specifically, the course offers training in a variety of common medical retina conditions, such as those linked to diabetic retinopathy and macular degeneration, two of the main causes of blindness in countries such as Ireland. I wonder if there are opportunities for links with universities in the South. What are we doing in this area and could we link up with that development in the North? Will the Minister comment on the situation as regards possible links and the upskilling of optometrists? Of course, early detection is one of the key issues when it comes to avoidable blindness.

We need a cultural change in Ireland when it comes to eye tests. I was speaking with a German who told me Germans usually take an eye test once a year. Half of all adults in this country have not had an eye test in two years. Do we need to set up mobile stations where people could be tested? I am not sure how it would work but it seems they have this situated elsewhere. Could we on the other hand provide people with an incentive, such as a tax rebate on an eye test? These could be real, concrete incentives for people to get an eye test, which would save the State money in the long term. Some of those who are not having their eyes tested and whose eyes are deteriorating over time can get into a car and drive it at night. Can that be as dangerous as driving under the influence of alcohol? Should it be mandatory to obtain eye tests every few years? It is something sensible to consider.

In terms of improving accessibility in relation to blindness, I note a French law passed in 2006 providing for an interesting exception to copyright. It requires publishers to make their files available to designated organisations which are then allowed to transcribe books into sound or braille and to distribute them in book or digital form. It aims to allow people with visual disability to access the same materials as others. There may be a more global agreement implemented through the World Intellectual Property Organisation in future. Ireland signed the relevant agreement only last month. Perhaps the Minister will provide an update on the area. We are expecting him to know everything about everything at the moment notwithstanding that he has only been in the job a few hours. It may be that there are libraries and educational institutions that could do more to convert books to digital files so that they are available to people with blindness. In France, a service at *vocalepresse.com* provides audio access to more than 50 French newspapers on the day of publication. I note we do work on this and that the NCBI provides newspapers, magazines and journals on audio tape and in braille on a regular basis to over 1,500 Irish subscribers. However, might it be that Irish newspapers could provide a more regular, up-to-date service or that the Government could establish a form of assistance so that people with blindness could access a paper on the morning it is published. I would be interested to hear if we can move in that direction.

Having the debate today is just one step in the direction of what we can achieve. It gets us all focused on what we can do. Let us ensure we do not just talk about it and do something. The Minister is very welcome and I have every confidence that he will learn from today's session.

Senator Colm Burke: As Fine Gael spokesperson on health in the Seanad, I welcome the Minister to the House and wish him every success in his new role. He will be determined to continue the reform that has been ongoing over the last three years. That reform will bring about a more efficient health service while ensuring that the services that are required will be available to those who need them.

I thank Senator Conway for moving the motion. It is extremely important to discuss the issue. The reports which have issued have demonstrated clearly that if we put the right procedures and preventative mechanisms in place, we can be very successful and avoid dealing with problems when it is too late to intervene. The motion calls on the Minister to act on the recommendations of the National Vision Coalition on a national vision strategy and to implement cost effective measures to prevent a further 260 people per year becoming blind in Ireland. It is extremely important to act. Reports are produced in all Departments which tend to be parked when priority must be given to dealing with the next issue to come along. In this case, we have the evidence that shows we can reduce costs into the future if we take action now. It is interesting to look at the report produced by the coalition for vision health in Ireland setting out a core focus on prevention and early intervention. It is interesting to go through the proposals. The report clearly recommends out the introduction of targeted prevention campaigns for key at-risk groups. That is very important. Building the capacity of the primary and community care workforce to identify early symptoms and refer appropriately is also extremely important.

I have very restricted vision myself. I remember going to primary school and being identified within a month of arriving as having impaired vision and needed eye tests immediately. As a result, I have been wearing glasses ever since. It was the reaction of the primary school teacher who acted immediately. The report recommends the provision of timely and equitable access to a full myriad of early intervention approaches including sight tests and screening programmes. We must examine existing measures and consider where we can introduce improvements to ensure that they are available to those who require it. Ensuring that all future service

delivery networks are equipped and resourced appropriately to deliver on prevention targets is about setting those targets and ensuring we achieve them. That is extremely important. We did it in relation to cancer care in respect of which we set clear targets on reform and the delivery of an improved service. We should do the same in this area.

The expansion of screening programmes with a particular emphasis on high-risk groups is recommended. When one is talking about the expansion of services, there is an immediate cost implication. We can look at the services being provided now and consider how we can make them more efficient to deliver a better service. There is a long-term gain in that. The other area we need to focus on is research. I was looking at the issue over the last two to three days and note that a research centre in an American university has identified that people on blood pressure medication have a higher risk of blindness by way of macular degeneration. Research likes that ensures that we can identify why this is arising and take the necessary precautions for those on blood pressure medication by establishing why it increases the rate of macular degeneration leading to blindness. Many people are unaware of the fact that research has shown that smoking can be a contributory factor in blindness also. It is certain groups that are at risk and it is about getting information out there to ensure that we identify the groups that need to be screened and put the appropriate mechanisms and procedures in place to help them avoid blindness.

People are not aware in relation to glaucoma that there are certain groups of people who require an eye test at least once every two years in that regard. A member of my own family was identified has having glaucoma and has, unfortunately, been left with just 38% vision in one eye. That person had glaucoma for quite a while without being identified. I am very conscious that I myself must go for a test at least once every 12 months to ensure it is not there. Many people are not aware of that. If glaucoma is not treated at an early stage, one cannot reverse the damage it has caused. A lot of people are unaware of that also.

There is a great deal we can do. It is about the people on the frontline ensuring they are up to date on what is available and that they identify the groups. We have been very successful with campaigns in various areas. This is one area, however, in which we have not done enough. It is interesting to look at the cost factors. The document entitled a Framework to Adopt a Strategic Approach for Vision Health in Ireland Report 2012 shows that hospital costs are over €70 million a year and prescription drug costs another €15 million. We can start reducing that huge cost factor by ensuring we take action at a very early stage.

Another issue we are faced with is an ageing population. The elderly population will increase from 535,000 to over 900,000 within 17 to 20 years which will lead to greater demands on the system. Therefore, it is extremely important to put in place the necessary programmes that will reduce the risk of blindness now and such measures will reduce costs in the long term.

Senator David Cullinane: I welcome the Minister to the House and genuinely wish him well in his new role. It has been considered a poisoned chalice for a long number of years but I hope it will not be for him and he brings real reform to the health service.

I commend the Government and Fine Gael Senators for proposing a good motion. Normally, when the Government tables a motion in the Seanad we, in Sinn Féin, amend it but on rare occasions, such as this one, we do not. My party supports the motion and believe it should receive cross-party support.

I wish to take the opportunity to commend the work of the National Vision Council - some

of its members are seated in the Visitors Gallery - and its component organisations on the work they have done over many years, and in more recent years, as part of the coalition. On a practical basis, the help and support they give people in the visually impaired and sight loss community is an inspiration. On a strategic policy level, their approach to advocacy and building an argument is an example to many.

I want to especially support the call for implementation of a national vision strategy in today's Private Members' motion. We need action more than words and that action, in the main, needs to come from the very party that proposed the motion. I am sure that the proposer supports and agrees with me that it is up to the Government to deliver on the strategy and one cannot look to what Fianna Fáil or any Opposition party did in the past or what they might do in the future. Fine Gael and the Labour Party are now in government and so have an opportunity to deliver. The Minister for Health has a responsibility and opportunity to deliver on the strategy rather than just sit hear and listen to us. He is in a much stronger position than any of us to deliver and I hope he does. I also believe that the objectives set out in the motion are achievable if the right energy is focused on the issue.

The stakes are very high because more than 220,000 people are blind or vision impaired in Ireland. That figure is expected to grow substantially due to an ageing population. A total of 13,840 people in the State are blind and the figure has increased by 7% since 2011. The figures are a stark reminder of the significance of our efforts and of what we need to do in this area.

We know from the National Vision Coalition's latest report that despite 75% to 80% of blindness being preventable, five people per week have become blind since 2010. We also know that the total cost of blindness and vision impairment to the State is €205 million per annum.

The report entitled Economic Cost and Burden of Eye Diseases and Preventable Blindness in Ireland found that 2.1 million healthy days are lost per annum as a consequence of vision impairment or blindness and it cost €205 million in 2010 with a potential to save up to €76 million if a series of cost-effective measures to prevent four main eye diseases are implemented. In its report, the economic impact of a failure by successive Governments to act is quantified in euro and cent. To some degree, it is a damning indictment of the way politics is done and of our political system that advocacy and campaigning groups feel the need to make an economic argument by reducing the problem down to euro and cent. Heaven forbid that a Government would implement a national vision strategy because it is the right thing to do.

Leaving aside the economic cost there is a human cost too which we can prevent if we put in the resources. That is not to say resources are not being put in or I do not welcome what is being spent in this area. I am simply citing the National Vision Coalition's report and other reports that show we can invest much more in preventive measures that, in turn, will save money and prevent citizens from suffering blindness and visual impairment. That is what we need to do, namely, invest more money.

Recommended interventions include screening for diabetic retinopathy, which allows for earlier access to treatment, screening for cataracts and access to surgery when needed. They are simple and reasonable demands which should happen not because they offer an economic benefit but because they greatly improve the quality of life for individuals. It has been internationally recognised that screening and treatment of diabetic retinopathy is one of the most effective interventions ever investigated and prevents 6% of potential blindness in the first year

of treatment.

The Government has just six years to eliminate avoidable blindness which is in line with its commitment with the World Health Organization's objective of Vision 2020. It is high time we got on with the job of just doing what we need to do. I commend and support the motion even though it is a Government one. I appeal to the Minister to implement the strategy, put resources in place and support the organisations which have done a huge amount of work and presented him with unassailable and indisputable facts. I look forward to his contribution. Go raibh maith agat.

Senator John Crown: Go raibh maith agat, a Leas-Chathaoirligh. I warmly welcome the Minister to the House. He has been one of the stand-out performers of the current Government. His intervention in an unrelated issue, with respect to the Garda whistleblowers, was one of the single most inspired political interventions I have seen in modern Irish politics. It certainly had great impact and was critically important for which he deserves great commendation.

I welcome his new appointment. It is an opportunity for him, at this particular juncture in the history of the health service, to kick-start a necessary reform process. That can be achieved in a much shorter timeframe than is widely accepted if he applies vision and energy but I shall let him off for the summer. After he returns from walking the Camino we will expect to hit the beach running in terms of the reform process.

I want to focus on one very small but critically important part of blindness and vision handicap, a factor which will become much more important due to an ageing population and, sadly, the increasing problem of diabetes and grappling more with weight issues. I refer to staffing levels which is a hobby horse of mine and I will sound like a broken record due to mentioning it so much over the remaining term of the current Oireachtas.

At the core of the dysfunction of the health service is a bizarre career structure for doctors and a bizarrely small number of career level doctors in two specialties, namely, family practice and hospital-based specialties. Ireland would be the laughing stock of the world if it were not for the existence of the United Kingdom. The fact that the United Kingdom's health service is nearly as bad as ours somehow acts as a buffer zone in terms of international comparison. A few weeks ago distinguished visitors from the ophthalmic professional community and advocacy community attended the health committee. At the time I was lucky to have an opportunity to get some numerical information from them which stated that Ireland has one ophthalmologist per 110,000 of population while Scotland has one ophthalmologist per 70,000. In general, United Kingdom figures for any specialty tend to be approximately one third or one quarter of continental European figures which, in turn, tend to be approximately one half of North American figures. I imagine the Minister will get the gist. Germany, Greece and France have approximately one ophthalmologist for every 25,000 citizens while we have one for every 110,000 citizens. If we factor in the existence of community and medical ophthalmologists, the figure comes down a little but it is still greater than the Scottish figure and compares desperately unfavourably.

The Minister will find himself at a unique vantage point as he attempts to reform the health service. He will see in front of him people who he is trying to persuade and behind him people who really should be on his side in trying to forge reform. He will have to look backwards sometimes and realise that the impetus for reform must come from those who are in officialdom as well as those on the front line of services. The Minister will hear different visions of

the future. I do not like disagreeing with Senator Burke too often because I regard him and Senator Barrett as the two finest legislators in this House as well as two of the more thoughtful scrutineers of the legislation that comes through. He is not always the most attentive when I am speaking.

Anyway, the record should reflect the fact that the thing which changed cancer care in this country was not that the country with only four oncologists put together a series of bureaucracies that fixed the problem. Rather, it was when the then Minister, Deputy Michael Noonan, stood up on his first day in the current Minister's office and, with a little gentle plagiarism of something I said - for which he has my full permission - stated that there were hospitals in the country to which he would not let a relative of his with cancer go and that the key issue was appointing enough cancer specialists. Cancer mortality rates in the country improved because we went from having four to 35 oncologists. For the duration of my career and beyond I will believe that the success was not because we appointed new national co-ordinating bureaucracies.

In addressing the deficiencies of the ophthalmic services I call on the Minister to keep a laser-like focus on the issue. We have a bizarrely small number of specialists. As with other areas this will need to be addressed if we are to bring ourselves up to international standards and I believe the Minister has a great opportunity to do this.

I will not say much more. I take this opportunity to welcome the Minister in his new role, to wish him all the best and to assure him that he will have 100% co-operation from me in any way possible to try to advance the reform of the health service in any way we can.

Senator Michael Mullins: I join in the words of welcome to the Minister. I congratulate him on his appointment and wish him well in what is a very challenging Department and in the many challenges he will face in the coming year and a half. I know he is well up for the job and we in this House have every confidence that he will deliver.

I congratulate my colleague, Senator Martin Conway, on bringing forward this motion for debate. I applaud him and compliment him on his ongoing championing of disability issues. Senator Conway is an effective member of the House despite his disability or lack of vision. Certainly, he has plenty of vision when it comes to championing ideas and issues.

I welcome all the visitors to the House from the National Vision Coalition. The statistics are frightening. Five people per week go blind and in total 220,000 people in the country are either blind or vision-impaired. That figure is likely to increase by 20% by 2020. I strongly applaud the work of the National Vision Coalition in bringing together all the health care professionals, service users and those working in the sight loss community. I also applaud the coalition for the perfectly common-sense recommendations brought forward for a national vision strategy contained in Framework to Adopt a Strategic Approach for Vision Health in Ireland Report 2012.

Some of the principles in the report are very much to be applauded. One principle states that any future agenda must include the full agenda of eye health for children and adults with a major emphasis on prevention. Another suggests maximising quality and ensuring the safety of all who access services should be the first consideration at all times. The report states that all services and supports should be provided on a person-centred basis with a core emphasis on adopting a life course approach. It recommends that people with sight loss should have the supports in place to enable them to live fulfilled lives, exercise choice and have total control over their lives. It argues that services should be provided in a seamless manner and that resource

allocation and service design should be guided by evidence-based approaches where equality of access to treatment, rehabilitation and support are prioritised.

There should be greater knowledge and public awareness. I hope the debate today will help to foster a better understanding of good eye health and protection. We need to educate the public about the detection of problems and the importance of recognising and discussing symptoms with the appropriate health care professionals.

I was a little concerned to hear a story today to the effect that there are extensive waiting lists in the HSE for people who wish to have a routine eye test. The tests are normally provided free of charge to people with sight impairment but some people must wait up to 47 months to receive an appointment. This is an issue I am keen for the Minister to examine. An eye test with a professional costs only €22.50. We are possibly short-changing people considerably in that regard.

There is a need for public health and education campaigns about the risk of eye disease and injury. These should target all the young people involved in sporting activities. People should be conscious of eye injury in their place of work. Those of us who do a little gardening potentially put our sight at risk when we use strimmers and gardening equipment. A public health campaign to educate people on the potential risks to their sight would be of benefit. We need to promote the importance of healthy lifestyle behaviours to prevent eye disease, especially chronic diseases that have implications for vision. We need to build on the capacity of our general practitioners, pharmacists and allied health professionals to provide advice and information to the public regarding the maintenance of good eye health.

As has been said, between 75% and 80% of blindness is preventable. In 2010 blindness and vision impairment cost €205 million to the Exchequer but investment in cost-effective interventions could save as much as €76 million per annum.

In supporting the motion of my colleague, Senator Conway, I hope the Minister will take on board the significant contributions that have been made on the importance of promoting good eye care, prevention and heightening awareness as well as providing the supports and resources for those who, unfortunately, no longer have full sight capacity. I thank the Minister for being present today for the debate and I look forward to hearing his response.

Acting Chairman (Senator Marie Moloney): As no other Senators are offering to speak I call on the Minister to respond.

Minister for Health (Deputy Leo Varadkar): I thank Senators for their kind words of welcome and congratulation. As I said last week, I do not believe I am going to be able to pour sweet wine from the poisoned chalice.

5 o'clock

I do not think for a second that I will be able to solve all the problems of the health service in the next 18 months just through the force of my personality but I hope with a good deal of help from others, and I will need a good deal of help, that I will be able to make things a little bit better over the next 18 months. I want to particularly focus on putting in place a realistic budget for next year, to which we can stick; making some real progress in providing universal primary care to our population, something to which I am very committed as a former GP; reducing the cost of medicines not only for the Government but for people when they go to their pharmacy,

as the cost of medicines in Ireland remains very high; making careers attractive again in our health service, particularly, but not only, for doctors, on which Senator Crown touched; and also taking a personal lead on issues around health promotion and the prevention of disease.

I want to thank the Senators for tabling this motion today and my colleague, Senator Conway, in particular. The Government is committed to the provision of effective and responsive public services for people with visual impairment. It is also firmly committed to the prevention of blindness. We are addressing these objectives through overall population health actions and measures specifically targeted at eye health. The Government is committed to providing and developing vision services and supports through health prevention, screening, intervention policies and programmes, all of which contribute to achieving the priority goal of the World Health Organization's Vision 2020, namely, to eliminate avoidable blindness by then.

The core aim of the health service is to maximise the health status of people and to allow them to participate as fully as possible in the social and economic life of the community. The key elements in achieving this are the maintenance of eye health, the prevention of eye disease, early diagnosis of illness and availability of appropriate clinical interventions and supports.

In March 2013 the Government launched Healthy Ireland: A Framework for Improved Health and Wellbeing 2013-2025. This provides a framework for action to improve the health and well-being of our population over the coming generation, through a greater emphasis on prevention, early intervention and keeping individuals and communities well. The whole-of-Government and whole-of-society approach of Healthy Ireland recognises that often the risk factors for chronic diseases are outside the control of the health sector. Broader societal health determinants such as education, employment and the environment influence the distribution of such risk factors in our population-----

Senator John Crown: Hear, hear.

Deputy Leo Varadkar: -----although we must never forget the importance of taking personal responsibility for our own health.

The projected growth in incidence of chronic disease risks leading Ireland into an unhealthy and costly future. Action is required to create change and try to address these negative health trends before our problems grow larger. In particular, we need to increase the proportion of people who are healthy at all stages of life. Healthy Ireland draws on the existing policies but stresses the importance of effective co-operation and collaboration in order that we implement evidence-based policies. It is about each individual sector helping to improve health and well-being, multiplying all efforts and delivering better results. These are the principles that we bring to addressing the issues highlighted by today's Private Members' motion.

I acknowledge the very useful contribution made by the Cost of Sight Loss Report, commissioned by National Council for the Blind in Ireland. It certainly adds to our understanding of sight loss and its implications for individuals as well as for society as a whole. It is very good example of how we need to understand the impact of ill-health and disability on society. This study estimated the direct and indirect costs of vision impairment and blindness in Ireland at more than €380 million in 2010. It also estimated that at that time there were more than 220,000 people in Ireland living with low vision and sight loss.

I have been Minister for Health for only a short number of days and I have made it clear that I want to spend the next few weeks talking to people, listening to what they have to say,

reflecting on what I find and then I plan to focus on some achievable priorities. Nevertheless, I can say clearly that I want to make primary care the cornerstone of our health service. The Government is committed to the development and implementation of a new primary care strategy. This will be based on best evidence and best international models but also on the many examples of excellence that I know can be found already in our own service. There will be renewed focus on prevention and early intervention, the promotion of responsibility and self-care in the management of chronic disease, the provision of care and rehabilitation in the community and close to people's homes. It must be fully integrated with secondary and more specialised care, which people need from time to time. I stress this because these principles are important to the provision of an appropriate service delivered in appropriate settings and by appropriate professionals for the prevention and management of diseases that affect vision, just as they are with the majority of other common chronic diseases and disabilities.

A further issue is integrated workforce planning, in other words, the development of people and roles for a wide range of professional services. Existing structures do not fit the aspirations of this decentralised model. The health workforce needs to be developed and refocused to deliver a greater proportion of care in the community. This will require the development of multidisciplinary teams which, in association with the ophthalmologists, include, for example, specially trained nurses, optometrists, orthoptists and ophthalmic technicians. In this way teams will be able to organise the workload such that, for example, children referred from school screening are seen by an orthoptist in the first instance. Children with refractive errors will be seen by an optometrist. Refining the number of children to be seen by the doctor will release a substantial amount of medical time for eye doctors to diagnose and treat more complex cases in both child and adult populations.

I recognise the work of those involved in the HSE's national clinical programmes on ophthalmology and diabetes. They are good examples of the necessary clinical leadership which is so essential to sustainable reform of our health services. I am looking forward to seeing this in action for myself. I understand that they have the central objective of developing care pathways and referral protocols for the prevention and management of the principal eye conditions, to be implemented through a decentralised community-based care model, with pathways of referral into acute hospital services and back to the community where clinically appropriate. The HSE's national clinical programme on diabetes, which includes the care of children and adolescents with diabetes, was established in May 2010. The purpose of the programme is to save the lives, eyes and limbs of patients with diabetes. From the outset a priority objective was to develop a national retinopathy screening programme. Systematic retinopathy screening on a population basis is clinically effective in identifying treatable eye disease and is cost-effective. Diabetic retinopathy screening commenced in March of last year. This offers free, regular diabetic retinopathy screening to children from age 12 and to adults. Currently, there are some 145,000 people on the Diabetic RetinaScreen register. By the end of June 2014, 109,000 people had been invited to participate in the screening programme. The programme is on target to invite all eligible participants for screening by the end of this year.

Eye health services provided through the public health service are provided free of charge to children and to medical card holders of all ages. Patients with the greatest clinical need are prioritised and treated as soon as possible. However, waiting times for routine referrals are currently over a year in some parts of the country, as was mentioned by Senators earlier. Consequently, the HSE is establishing an expert group to carry out a review of HSE ophthalmic services. It will review what is currently provided and conduct an analysis of resources, includ-

ing budgets and workforce. The review will draw up a national plan for the service, which will identify any current inadequacies and inconsistencies and how these should be addressed.

People with disabilities, including blind and visually-impaired people, can access specialist disability services, which are provided in a variety of community and residential settings. These may be provided directly by the HSE or in partnership with voluntary service providers, including the National Council for the Blind and the Irish Guide Dogs. I recognise the enormous contribution that these organisations and their staff and volunteers provide to the care, dignity and life experience of those who depend on their services.

I have outlined the breadth of health service provision aimed at protecting people's eye health and, where necessary, providing supports to people with visual impairment. It is based on the goals and principles of Healthy Ireland, rooted in primary care but integrated with and supported by secondary and specialist services for those who need them.

On the particular call for a national vision strategy on top of the existing national programme for eye care, I am certainly happy to give it detailed consideration. I want to issue a word of caution, however. I am only about five days in office as Minister for Health and I have already come across an awful lot of strategies, very few of which I have had a chance to read yet, and I am not sure when I will get a change to read them - it will probably be on the Camino in August. Of those I am aware of already and those that I have read, they are, by and large, behind schedule in terms of implementation and, in large part, seem aspirational. I am reluctant to expend time and resources developing new strategies only to publish them, launch them amid much fanfare and leave them on the shelf to gather dust. I do not think that serves the interest of anyone interested in health and disability.

The Government remains committed to the provision and development of vision services and supports through health prevention, screening and intervention policies and programmes, all of which contribute to addressing the priority goal of the World Health Organization's Vision 2020 initiative, namely, to eliminate avoidable blindness. Once again, I thank Senators for proposing this motion. I will give its contents full and detailed consideration over the coming weeks and months and I can confirm that the Government will not be opposing the passage of the motion in the House.

Senator Martin Conway: Contributions from all Members were very well researched. The knowledge of what the National Vision Coalition has proposed and its research seems to have influenced the contributions. I thank Senator Marc MacSharry for not pressing the amendment, because it would have diluted what we were trying to achieve. I thank the Minister for not opposing the motion. We can take hope from his contribution. He has established an expert group to review the delivery of eye care within the HSE and I suggest the expert group could very easily do its analysis with the research carried out by the National Vision Coalition. As a country, we have committed to the Vision 2020 goal of elimination of preventable blindness. There is not much difference between what the coalition is proposing and what the Minister wants to achieve. I agree with him that we have had too many strategies in the country and too many strategies are sitting on shelves. I will give him a copy of what has been proposed by the National Vision Coalition and I suggest he read it on the plane before he gets to the Camino. He would then have been influenced ahead of time.

Deputy Leo Varadkar: I am delighted it is in large print.

Senator Martin Conway: It would be remiss of me not to commend Deputy James Reilly, who met members of the coalition when he was Minister for Health. He said that he believed in the concept of strategies. Senator John Crown has already commented on what has been achieved by a very focused strategy on cancer. We are dealing with something that will end up costing the country an awful lot of money in the future if we do not have a focused strategy.

Politicians and political leaders must deal with the here and now but, as we are maturing as a society and coming out of the recession, we must take a more long-term view. It can be achieved because we have achieved consensus across the political divide today. Even if the present Government is not in office after the general election, alternative Governments have signed up to this. That mature approach to dealing with the health of our nation is new to politics, but it is also good for politics. Ultimately, the people who elect us expect us to achieve that.

Yesterday I gave an interview on national media, and this morning I received an e-mail from a lady in Cork. She has a five-year-old boy who has just finished junior infants, and during the year the community nurse called to the school to carry out a routine eye test. The nurse informed the boy's mother that his sight was particularly poor in one eye. That child must wait 12 to 18 months before receiving a proper eye examination, which is unacceptable. Such delays must be eliminated. It is significant announcement by the Minister that an expert group has been set up to review the delivery of eye care within the HSE. There is no reason the vision strategy proposed by the National Vision Coalition cannot inform the process.

Expertise is available to the Minister through the vision coalition. These are people who have given up their time on a voluntary basis to ensure we progress the objective of eliminating preventable blindness. During the coming weeks, if the Minister needs to consult or extract information from stakeholders in the National Vision Coalition, they will be more than happy to accommodate the Minister. This has been a useful debate and I thank Members for carrying out research and making contributions.

I thank the Minister for Health, Deputy Varadkar. With no disrespect to his officials, there was a move to put this into the realm of disability. Eyesight, eye loss and blindness is a disability, but first it is a health issue that leads to a disability. It is appropriate that the Minister, as the senior Minister responsible for health, deal with this. I am glad the motion has received unanimous support, and it is reflective of what we can achieve in the Seanad. When it is the right thing to do, this Chamber is more likely than the other House, with the greatest of respect to the other House, to come together and row in behind it. It has been a good day for the Seanad and a good day for those who are visually impaired and blind. The Upper House has dedicated itself and passed a motion unanimously supporting the establishment of a vision strategy.

Question put and agreed to.

Sitting suspended at 5.20 p.m. and resumed at 6 p.m.

6 o'clock

Court of Appeal Bill 2014: Second Stage

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

Acting Chairman (Senator Paschal Mooney): I welcome the Minister for Justice and Equality.

Minister for Justice and Equality (Deputy Frances Fitzgerald): Before I address the Bill, in accordance with Standing Order 136, I am requesting the Acting Chairman to direct that the following correction be made to the text. In section 19, page 19, line 5, the reference to section 9 should read section 10, as this is the section which inserted section 7C into the Act of 1961.

Acting Chairman (Senator Paschal Mooney): I will convey that correction to the Clerk

Deputy Frances Fitzgerald: It gives me great pleasure to be in this Chamber to discuss the Court of Appeal Bill 2014. Members may recall that last July the House dealt with the Thirty-third Amendment of the Constitution (Court of Appeal) Bill 2013. Subsequently, on foot of the passage of that Bill, a referendum was held last October on the proposition that a court of appeal should be established. That proposition was accepted by over 65% of voters. During the referendum campaign it was made clear that the implementing legislation necessary to establish the court of appeal would be advanced as quickly as possible. During the debate in the House it was indicated that July 2014 was the likely target date for enactment of the legislation. As Members can see, we are well on course to honour that commitment and I thank Senators for their co-operation in making the necessary time available to deal with the Bill before the start of the summer recess. I am conscious of the fact that there may not be as much time to discuss it as some Members might wish. However, it is important to bear in mind the fact that the policy of the Bill has already been settled by the referendum result last year and that the legislation we are discussing simply gives effect to that policy choice. I also acknowledge that, on the face of it, the Bill is not the most accessible. However, this is inevitable, given that it is primarily directed towards the amendment of a range of Acts dealing both with the courts system and other areas. As such, it is technical legislation which is intended to create the necessary legal infrastructure which will enable the court of appeal to be accommodated within the existing courts structure.

I am sure I do not need to justify in this House the establishment of a court of appeal. The unacceptable delays in appeals to the Supreme Court cannot be defended. This is notwithstanding the extraordinary efforts on the part of the Judiciary to manage matters in order that appeals can be dealt with in a more efficient manner. I pay credit to the Chief Justice for all the work she does in this regard. However, there is a basic reality which cannot be denied in relation to the ever-growing volume of litigation and the imbalance which has developed as between the High Court and the Supreme Court.

The last truly significant change in the courts system happened in 1961 when the existing courts were established pursuant to Article 34 of the Constitution. At the time there were five Supreme Court judges and seven High Court judges. Today there are 36 High Court judges and ten Supreme Court judges, the last two of whom were appointed within the past year. This has put the Supreme Court under considerable pressure and means that even when mechanisms have been put in place at the level of the lower courts to deal with cases promptly, these gains are being lost because of the time it takes to get a case from the High Court to the Supreme Court. I am thinking, in particular, of the Commercial Court which has its own procedures designed to expedite the cases which come before it and which has been very successful in reducing the waiting times for cases involving very substantial sums of money.

It has already been observed that Ireland is unusual among common law jurisdictions in

not having an intermediate court of appeal. This deficiency was remedied in principle by the constitutional amendment. The practical adjustments required to have the new court of appeal operational form the essential substance of the Bill. It may be beneficial if I dwell briefly on the framework provided by the new provisions in the Constitution as that framework informs the content of the Bill which can only be understood when placed within that framework. By virtue of these provisions, there is an obligation to enact a law providing for the establishment of the court of appeal as soon as is practicable. That obligation is being met by the Bill. The law is to require the Government to appoint, by order, a day on which the court of appeal shall be established. Section 5 does this.

The Constitution also specifies that the court of appeal is to have appellate jurisdiction from the High Court and such other courts as may be prescribed by law and that its decisions are to be final, except in the limited circumstances where an appeal may be allowed by the Supreme Court. What is referred to is the provision that the Supreme Court will hear an appeal from the court of appeal, provided that it is satisfied that it concerns a matter of general public importance or that it is necessary in the interests of justice that the Supreme Court hear the appeal. There is also a provision whereby appeals may be taken directly from the High Court to the Supreme Court in exceptional circumstances. This so-called "leapfrogging" provision is intended to allow the Supreme Court to hear cases which meet the criteria set out for appeals from the court of appeal to the Supreme Court where there are exceptional circumstances that warrant it being heard by that court. I draw the attention of Senators to the new Article 64 that is to be inserted into the Constitution on the establishment day, but is not to appear in texts of the Constitution published one year after that date. It provides that cases that have been heard or part heard by the Supreme Court on establishment day will be determined by the Supreme Court. Where a case has not been heard, the Supreme Court may transfer the appeal to the Court of Appeal or a party to the appeal may apply to have the case transferred.

I wish to outline some of the key provisions in the Bill. Section 6 provides for the establishment of a Court of Appeal in accordance with the terms of Article 34A of the Constitution and the appointment to that court of a president and nine ordinary judges. Section 14 sets out the remuneration of the president and ordinary judges of the Court of Appeal. In this regard, following consultation with my colleague, the Minister for Public Expenditure and Reform, it has been agreed that the President of the Court of Appeal shall be paid €200,000 per annum, and that the salary of ordinary judges of that court shall be €177,803 per annum. These rates of remuneration have regard to the rates which would be payable in respect of appointments to the office of Chief Justice and President of the High Court post-January 2012.

In relation to pensions, the legislation recognises the fact that for any serving judges who may be appointed to the Court of Appeal, and who were appointed to judicial office prior to 1 January 2013, it will be necessary to maintain the existing pension provisions which are complex and spread over a number of Acts. This is provided for in sections 15, 16 and 17 of the Bill. For serving judges appointed on or after 1 January 2013, or for appointees who are not serving judges, the single public service pension scheme will apply, and no special provision is required in this Bill in respect of such persons. Section 18 provides that, in the main, the age of retirement of a judge of the Court of Appeal shall be 70 years. This section also specifies that, as an exception to the general rule, a judge of the Court of Appeal who is already a judge of another court and who is entitled to retire at age 72, shall continue to be entitled to retire at that age.

In relation to the appointment of judges to the Court of Appeal, Senators will recall that the Government has announced Mr. Justice Seán Ryan as President-designate of that court. The

tenure of a President of the Court of Appeal will be for a period of seven years, as is the case with other presiding judges. Sections 12 and 13 make the necessary amendments to provide that the Judicial Appointments Advisory Board will have a role as regards the appointment of ordinary judges of the Court of Appeal except of course in relation to serving judges who do not go through the JAAB process.

On a more general note, Senators will be aware that a major review of the judicial appointments process is under way to ensure that it reflects current best practice, that it is open, transparent and accountable and that it promotes diversity while also protecting the independence of the Judiciary. My Department is currently examining submissions from the public consultation which have been received. I will bring forward proposals later in the year.

Following the current practice, provision is made in section 6 for the Chief Justice and President of the High Court to be *ex-officio* additional judges of the Court of Appeal. That section also provides that the President of the Court of Appeal shall be *ex-officio* an additional judge of the other Superior Courts. Furthermore, ordinary judges of the Supreme Court or the High Court may sit as additional judges of the Court of Appeal when, because of illness or for other reasons, there are insufficient judges available to transact the business of the Court of Appeal. In this regard analogous provisions are to be found in section 32 with regard to the High Court, and section 43 which concerns the Supreme Court.

Section 8 sets out the jurisdiction of the Court of Appeal which flows directly from the Constitution. The Courts (Supplemental Provisions) Act is amended by the insertion of a new section 7A which provides that the Court of Appeal shall be a superior court of record. In broad terms the Court of Appeal will have the jurisdiction which, immediately before the establishment day, was vested in or capable of being exercised by, the Supreme Court, the Court of Criminal Appeal and the Courts-Martial Appeal Court. The Court of Appeal may sit in divisions of three judges, which divisions may sit simultaneously. The section also provides that interlocutory applications may be heard either by the President of the Court of Appeal sitting alone, or by another judge sitting alone who has been nominated for that purpose.

There are certain provisions in Part 4 which also have a jurisdictional import. Section 74 deals by way of general amendment with the numerous references which at present exist in a variety of enactments in relation to appeals to the Supreme Court, including proceedings by way of cases stated to that court. For ease of reference Schedule 2 deals with those Acts where consequential textual amendments are required.

Section 75 contains a provision in respect of decisions of the High Court in respect of which further appeal is possible in certain circumstances. This provision, which is general in nature, is to the effect that where there is a limitation in legislation on an appeal from the High Court to the Supreme Court, the limitation shall be read as being without prejudice to the provisions of Article 34.5.40 of the Constitution to the effect that the Supreme Court shall have appellate jurisdiction from decisions of the High Court in exceptional circumstances. However, the limitation will continue to be valid in relation to the Court of Appeal.

A similar provision in respect of decisions of the High Court which are final and not subject to further appeal is to be found in section 76. A further related provision is set out in section 9 which amends the Courts (Supplemental Provisions) Act 1961 by inserting a new section 7B. That section 7B provides that the Court of Appeal may, in certain circumstances, stay proceedings before it in respect of an appeal from a decision of the High Court. The purpose of this

would be to enable the applicant to apply to the Supreme Court for leave to appeal the decision of the High Court under Article 34.5.40 of the Constitution.

An issue which obviously arises on the establishment of the Court of Appeal is how to deal with appeals to the Supreme Court which have not yet been heard at the time the new court is established. Essentially what is envisaged is that the Chief Justice may, if satisfied that it is in the interests of the administration of justice and the efficient determination of appeals to do so, and with the concurrence of the other judges of the Supreme Court, give a direction that appeals falling within a certain class of appeal which are pending before the Supreme Court shall be heard and determined by the Court of Appeal. On application by any of the parties to an appeal, the Supreme Court may, if it is satisfied that it is just to do so, cancel or vary the effect of that direction insofar as it relates to that appeal. Specific provision is not made in this Bill, given the detailed arrangements which are set out in the Thirty-third Amendment of the Constitution (Court of Appeal) Act 2013.

As a consequence of the establishment of the Court of Appeal, both the Court of Criminal Appeal and the Courts-Martial Appeal Court will be abolished. Section 8 amends the Courts Supplemental (Provisions Act) 1961 to provide that, subject to the transitional provisions to which I shall return shortly, the jurisdiction of the Court of Criminal Appeal and the Courts-Martial Appeal Court shall be vested in the Court of Appeal. Section 73 repeals a number of

relevant provisions which touch upon those courts while section 78 puts in place transitional arrangements for cases which are in being before those courts on the day of the establishment of the Court of Appeal. There is much consequential change involved in the various courts following the establishment of the Court of Appeal. Essentially what is envisaged is that where an appeal to either the Court of Criminal Appeal or the Courts-Martial Appeal Court has been initiated and heard, either in full or in part by either of those courts, that those courts will retain their appellate jurisdiction in respect of the case in question.

The establishment of the Court of Appeal requires certain adaptations in both the civil and criminal legal aid regime and these are to be found in sections 45 and 54 respectively. Associated provisions which have a bearing on the courts-martial appeal legal aid regime are to be found in sections 49 and 50 of this Bill.

Senators will be aware that the Court of Criminal Appeal currently sits on an ad hoc basis, relying on a combination of Supreme Court and High Court judges. Approximately 570 cases are currently lodged before that court. While section 19 provides that it shall be the function of the President of the Court of Appeal to arrange the distribution and allocation of the business of the court, and to arrange the divisions which are referred to in section 8, I anticipate that the Court of Appeal will have a dedicated criminal panel, at least in the initial stages, until such time as the current backlog of cases before the Court of Criminal Appeal has been addressed.

Section 8 provides for a single judgment rule in criminal appeal cases heard by the court of appeal, as is the practice in the Court of Criminal Appeal and the Special Criminal Court.

It is not every day that we establish a new court. In recognition of the fact that some issues may require attention in the future, section 3 gives a broad power to make regulations to deal with unanticipated difficulties that might arise in bringing provisions of the Bill or specified articles of the Constitution into operation. The provision will apply for a two year period. If any regulation needs to be made under the section, it will be subject to an approval resolution

by each House of the Oireachtas. While a provision of this nature is not commonplace, it is not without precedent and a similar provision can be found in the Local Government Reform Act 2014.

The creation of the court of appeal provides an opportunity for the courts and the Courts Service to explore new ways of doing business. In particular, it presents an opportunity to reform some of the practices and procedures in place in the Supreme Court and put in place appropriate case management structures in the Supreme Court and the court of appeal. The Bill, as published, did not contain provisions in respect of this matter, but amendments have been introduced to give the Supreme Court the tools it needs to manage its business in a more effective manner. Such tools are already well established in the leading common law jurisdictions at supreme or superior court level and the necessary changes have been accommodated in section 44. Equivalent provisions in respect of the court of appeal are to be found in section 10. The changes introduced will also allow the Chief Justice and the president of the court of appeal, as appropriate, to issue practice directions in respect of appeals or applications made to these courts. It is envisaged that such practice directions may relate to civil and criminal proceedings.

A further new provision that relates to the Supreme Court concerns its ability to deal with the appeal applications allowed for under the Constitution on the papers. Any ensuing appeal will be dealt with in the ordinary way.

At this point, it would be appropriate to record my appreciation and that of the Government of the leadership provided by Chief Justice Denham in this project. As the House knows, she chaired the working group that recommended the establishment of the court of appeal and has been a driving force ever since in carrying the project forward.

Other provisions in the Bill accommodate judges of the court of appeal within the order of precedence that applies to judges of the existing courts. This is set out in section 28. Section 20 concerns the president or ordinary judges of the court of appeal travelling with and sitting as part of the High Court on circuit. Section 20 provides for the making of rules of court in respect of the court of appeal, while sections 24 and 25 provide for the establishment of the office of registrar of the court of appeal, the appointment of the registrar and the appointment of the registrar's deputies. The provisions relating to the office mirror those that apply to the Supreme Court.

Part 3 contains amendments to a range of Acts to take account of the establishment of the court of appeal. For example, section 40 amends the Seanad Electoral (Panel Members) Act 1947 to allow a judge of the court of appeal to be chairman of the appeal board that hears appeals arising from decisions of the Seanad returning officer. Section 39 amends section 2 of the Irish Legal Terms Act 1945 to allow a judge of the court of appeal to be a member of the Irish Legal Terms Advisory Committee. Section 68 modifies the definition of "judicial office in the Superior Courts" in the Charities Act 2009 to take account of the new court. Further amendments introduced subsequent to the Bill's publication provide for the adaptation of a range of criminal law statutes, most notably the Criminal Procedure Act 1967 and the Criminal Procedure Act 2010.

As Senators will have noticed, it is proposed that there will be an earlier signature motion in respect of the Bill. There may be some curiosity as to why this is the case and it might be helpful if I were to set out the context that informs the proposal. The current process for the appointment of judges is set out in sections 12 to 17, inclusive, of the Courts and Court Officers

Act 1995 which established the Judicial Appointments Advisory Board, JAAB. Under that process which is the subject of review, the board submits to the Minister for Justice and Equality the names of the persons who have applied for appointment and whom it recommends as suitable for appointment. The judge or judges are appointed by the President on the advice of the Government. If the court of appeal is to be operational in the autumn, certain arrangements need to be put in place. These include convening the JAAB, advertising and seeking expressions of interest and identifying suitable candidates. This process needs to commence without delay to ensure the new court can be operational within the required timeframe.

I note that this House has an honourable tradition when it comes to dealing with matters of national import. I have had the privilege of working in the Chamber and know and appreciate the value of the work done by all of the representatives who come from different traditions and represent a range of important interests. The establishment of the court of appeal is something that transcends party boundaries. It will represent a sea change in our judicial landscape and I hope Senators will support this vital piece of legal infrastructure. I thank them for making time available and commend the Bill to the House.

Acting Chairman (Senator Paschal Mooney): I thank the Minister.

Senator Jim Walsh: I welcome the Minister. For reasons on which I might touch during my contribution, it is also welcome that she is not a lawyer and that she is coming to the Bill with a layman's common sense. That will benefit the Department of Justice and Equality and some of the decisions that emerge from it. From observing the Minister while she was a Senator and in her previous Ministry, I do not doubt that she will do justice to her current position, if she will pardon the pun.

The House is debating the Bill because of the 2013 referendum result. We will support the Bill which deals with civil and criminal cases. In 2009 the Fianna Fáil Government commissioned the working group to examine the problems in the courts system. The group advocated the creation of a new court to reflect the need to eliminate undue delays in processing appeals, create an appeals structure that would be cost effective - a point to which I will revert, enhance the administration of justice in the superior courts and improve certainty in the law - the Minister might comment on this issue - through the prompt publication of reasoned decisions by the Supreme Court, thereby enhancing the legal process. At the time there were delays in the Supreme Court of up to four and a half years. There probably still are, which is unacceptable. I could never understand how the sitting hours, days and weeks of the courts were so limited. It was almost as if the work lifestyle of the judges dictated the administration of justice. Something should be done about this. We live in a republic and no one is above the law. Given the burden we have asked society to carry, everyone must share it.

Some factors have evolved because of the increase of 2 million in the population between 1961 and 2011, the nature of modern litigation which has resulted in a number of complex cases and the increased number of legislative provisions, many of them from the European Union. The Minister might consider creating a system whereby the legislation we pass is simplified and our propensity for new legislation is reduced in favour of consolidating and amending core Acts relating to certain spheres of justice. It should be done by amendment to simplify the process.

It is interesting that the number of High Court judges increased in recent years from seven to 36 while the number on the Supreme Court increased from five to eight. The Commercial Court was created to fast-track disputes but it was also subject to similar delays. A bugbear of

mine has been that we have inherited almost blindly, without great critical analysis, the common law system of our colonial days. The Minister might usefully consider the provision of a court of mediation and arbitration based exclusively on an inquisitorial basis rather than on the expensive advocacy basis we have. It might be a toe in the water in respect of examining the overall structure of our justice system.

The European convention obliges us to ensure that excessive delays are not incurred, and that is important from the point of view of the domestic economy because SMEs and so on are badly affected by such delays. Speedy resolution of disputes is important in a successful economy where the rule of law applies fairly, ensuring swift access to justice for all. For justice to be open to all, which should not only be an aspiration but a *sine qua non* for a republic, it must be accessible. Given the unnecessary and large exploitative legal fees that apply, justice is not accessible to those without great wealth. The high cost of legal services has been criticised by the European Commission, which has raised concerns. In particular, it pointed out that economic growth could be restricted because of such costs. Legal service costs in this State are 12.1% higher than in 2006, which is markedly in contrast with developments in this sector in other post-crisis countries.

The Legal Services Regulation Bill 2011 was intended to address this but, in its current form, it is unlikely to result in dramatic reductions in fees. I am surprised that the Government appears to have made a U-turn by deleting the section to provide for the creation of multidisciplinary practices.

Deputy Frances Fitzgerald: No.

Senator Jim Walsh: The Minister can correct me. I understood that was the case, and it would be a missed opportunity.

A group of members of the justice committee travelled in 2005 to examine justice administrations in other jurisdictions and we returned strongly convinced about, and advocated for, the establishment of a judicial council. To the best of my knowledge, that has not been set up. I also understand from my party's time in government that this was resisted by Supreme Court judges in particular, which is unacceptable. Everybody should be subject to oversight. It should not be political oversight. We met a supreme court judge in Massachusetts who said a group of his peers sat on a council and examined infringements. For example, a judge in this jurisdiction should have been successfully prosecuted for a criminal offence. Instead, the Oireachtas tried to impeach him and he ended up resigning without sanction and in receipt of an enhanced pension, which is unacceptable. Another Supreme Court judge honourably resigned for making a misjudgment when he made an imprudent approach regarding a case. Everybody agreed at the time that it was not a offence that should lead to dismissal, but there was no interim way of dealing with the issue other than by taking the honourable course, which he did. That was a decade ago. A judicial council is overdue.

The Minister should also consider a register of interests for judges. This should have been introduced before now. Their bank loans, in particular, should be registered. There is a perception that many members of the legal profession, including the Judiciary, may have been heavily leveraged when the crash happened and, as a consequence, that may have an impact on judgments. There should be no doubt or perception about that. Their current position should be clear and transparent.

Recently, I read that the pensions of judges, which were accruing at the rate of one-fortieth per year, are now accruing at the rate of three-eightieths, which is an increase. Will the Minister clarify this? It runs contrary to everything that has happened in the public service over the past six years.

A Competition Authority report has been sitting in the Minister's Department since December 2006. It made a series of recommendations regarding reductions in legal fees to make them more competitive. The report has not been implemented, which is a disgrace, and I hope the Minister will ensure during her tenure that the recommendations are fully implemented to bring down legal costs. It is galling that, given the crisis we have experienced as a nation and the hardship and austerity that has been imposed on our citizenry, two groups have profited beyond expectation from it: first, corporate banks, and second, the legal profession. It is disgraceful that two groups, one of which contributed significantly to the crisis and the second of which makes no tangible contribution to our GDP, growth rate or economic recovery, have been the greatest beneficiaries. I ask the Minister to bear that in mind when she pursues these issues.

Senator Martin Conway: I welcome the Minister to the House. Since her appointment, she has spent a great deal of time here. She is welcome and she has a great regard for the Seanad, given that she was a former leader of the Opposition.

The Bill, which is straightforward, will give effect to what the people decided in the referendum on a court of appeal. The legislation will bring our legal structures into line with best international practice. A court of appeal should have been set up years ago. The Supreme Court is logjammed with appeals, many of which are not suitable to be heard by it. It is the court of final appeal, but in most countries the supreme court deals with issues of constitutional importance, where a judge believes it is sufficiently in the national interest that they be heard by the highest court in the land. Unfortunately, many of the cases referred to our Supreme Court, for one reason or another, do not relate to issues of national importance that could have a fundamental effect on the lives of citizens. However, they are important for the individuals involved. The court of appeal will provide a structure similar to that in many other jurisdictions. The Minister said the legislation provided for significant tidying up to ensure our legal structures are fit for purpose, particularly in the High and Supreme Courts. This is long overdue and it is welcome.

She also referred to the review of the judicial appointments process that was announced last week in the Dáil. When judges are appointed to the court of appeal, I presume the review will not be complete, given that the timeframe for the review process is a number of months. Will she clarify that?

I agree with much of Senator Walsh's contribution. There is a merit in a register of interests for the Judiciary. A register of interest for Oireachtas Members is publicly available. While a register of interest for judges need not necessarily be publicly available, it might be available to certain individuals in order to ensure there are no conflicts of interest when they hear cases. Perhaps there might be room in the regulations to do it in the future.

I have a certain sympathy with Senator Walsh's point about the legal profession playing its part in the economic downturn. While they are not all responsible, a certain element were signing off on ten mortgages on one property. Much cleaning up has already happened.

In the past three or four weeks I raised the issue of e-conveyancing, and the justice committee had a very interesting hearing on it during which the Law Society of Ireland outlined the

benefits of e-conveyancing whereby the conveyancing of a property would be done in seven days rather than seven weeks and there would be effective checks and balances and cross referencing. It would be moving with the times. Given that seven of the top ten IT companies have their headquarters here, we should embrace ICT at the highest and best level to ensure the integrity of our administrative processes.

All we are doing here is giving effect to something in favour of which over 65% of voters approved. We have no role here, apart from implementing the will of the people. I thank Members from the various groupings for agreeing to do all Stages of this legislation this evening. It is appropriate that we do not delay the passage of this important piece of legislation.

Senator Jillian van Turnhout: I welcome the Minister and fully support the Bill. As has been said, this is the will of the Irish people. On 4 October 2013, 65% of them voted in favour of the establishment of the Court of Appeal, for which the Bill would provide. Many of the provisions of the Bill, as the Minister said, are based on the Report of the Working Group on a Court of Appeal, published in 2009 and chaired by the now Chief Justice of the Supreme Court, Mrs. Justice Susan Denham. I thank her for the work she has done.

There is a need for the Court of Appeal. Unlike in other law jurisdictions, the Irish Supreme Court is the court of final appeal in all appeals from the lower courts. In 2012, the Supreme Court received 605 appeals, a 21% increase on the previous year. According to Mrs. Justice Denham, the Irish Supreme Court is one of the busiest of its kind in the world. In 2012, it issued 114 judgments, up 56% from the previous year. It is a questionable load compared with the US and UK Supreme Courts, which in the same year made 64 and 85 judgments, respectively. There is a four year systematic backlog of cases at the Supreme Court which, according to the Report of the Working Group on a Court of Appeal 2009, would continue to build in the absence of action.

The establishment of a Court of Appeal will represent a major reform and streamline our court system, bringing Ireland more in line with Article 6 of the European Convention on Human Rights. Sitting between the High Court and Supreme Court in the courts structure hierarchy with civil and criminal jurisdiction, it will retain a right of appeal to the Supreme Court, in line with well-defined constitutional standards. It will help reduce the backlog of cases by removing from the Supreme Court's remit cases that are not appeals on constitutional issues or of major importance. This will make the Supreme Court more of a constitutional court in its truest sense. An efficient and effective court system will help make Ireland more attractive to investors and multinationals, which will benefit the economy. It is also extremely important to a healthy and progressive democratic society.

I welcome the Bill and congratulate the Minister on progressing it. We had the referendum in October 2013 and it will be in place within a year. The only sad note I have is on the children's referendum in November 2012. There were reports issued today on children in the care of the State. When the provisions of the children's referendum are in place it will mean all children will get the same protection from the State and children will be eligible for adoption. As each day passes, those rights are being expunged. While I appreciate that it is being challenged and is before the Supreme Court, time is passing for these children and we are failing them. I hope, by establishing the court of appeal, we will release some backlog and allow a decision on the children's referendum, which was voted by 58% of the people. While the court of criminal appeal will be in place within a year of the referendum, we continue to fail to implement the children's referendum.

Senator Lorraine Higgins: I welcome the Minister to the House. This is my first opportunity to address her as Minister for Justice and Equality and I commend her on the work she has done on the brief since she took over the portfolio and on bringing forward this very reforming Bill, which is very welcome, not only for consumers of legal services but for many legal professionals. The Bill is a key part of legislation and fundamental to the modernisation and reform of the courts and legal services, given that it provides for the establishment of the new Court of Appeal.

Ireland is out of kilter with other common law jurisdictions in that all appeals from the High Court are heard in the Supreme Court. Other countries, including the UK, Australia, New Zealand and Canada, have courts of appeal that hear appeals from their High Court equivalents. Only the more important cases, including those involving the development of law, are heard by the Supreme Court. Consequently, the highest courts in countries with much larger populations, such as the US and UK, deal proportionately with fewer cases than the Irish Supreme Court. A total of 605 cases were appealed to the Supreme Court in 2012, representing a 21% increase on the previous year. It issued 121 judgments, compared with 64 and 85 judgments issued by the US and UK Supreme Courts, respectively. Given the population sizes, the situation is unsustainable.

The new Court of Appeal to be established will have two prongs, a court of civil appeal and a court of criminal appeal. Much time and deliberation have gone into the Bill's proposals, which are based on the Report of the Working Group on a Court of Appeal published in 2009. The report concluded that, among other measures, the court's establishment would be necessary and would have a positive effect in terms of the efficiency and effectiveness of the courts system.

The court will be tasked with hearing appeals from the High Court. From my time working as a lawyer in the Four Courts, the new court will be a welcome departure, in that it will assist in reducing the time within which an appeal can be heard and will limit the remit of the Supreme Court, which will hear only cases on appeal from the Court of Appeal and, in exceptional circumstances, from the High Court. Given the robust economic situation of the Celtic tiger and the fallout from it in the shape of increased litigation, our court infrastructure has struggled to keep up to speed. Our population has also grown, given the influx of people and businesses from other jurisdictions. All these factors place further demands on our court system.

The ultimate appellate court, the Supreme Court, is dealing with a four-year backlog of cases. Exacerbating the situation is the fact that, in the past 40 years, there has been a six-fold increase in the number of High Court judges whereas the size of the Supreme Court has only doubled. Down the years, a plethora of new cases have necessitated the appointment of extra High Court judges in order to allow the system to operate effectively. However, the by-product of this is that more cases have been appealed to the Supreme Court, placing a large burden on the workload of the judges in that court. These delays pose significant issues for consumers of the legal process.

From the infrastructure outlined in the Bill, it is clear that the appeals clogging up the list system in the Supreme Court will be dealt with by the proposed Court of Appeal and will not need the engagement of the Supreme Court. This is to be welcomed by legal services, as it is in the interests of justice that a litigant be allowed to litigate a claim within a reasonable time. Unfortunately, under the current regime, this has not always been the case, given the aforementioned backlog. The establishment of the new court will change the situation dramatically and

is to be welcomed. It is important that we give a clear indication to businesses nationally and internationally that we have the best court system possible. In particular, a permanent court of criminal appeal is an essential cog in the functioning of a criminal law system. This court will have the benefit of ensuring that those who are found guilty will be able to avail of the appeals process more quickly, as will the Director of Public Prosecutions, DPP, when appealing the leniency of a sentence or otherwise. From the point at which the Bill is passed, the Supreme Court will be able to focus on cases of general public importance or on cases where there are specific reasons, in the interests of justice, for an appeal to be taken to that court. In doing this, we will ensure that the current delays will not be repeated. As a Member of the Oireachtas, I am proud to have campaigned for a "Yes" vote in last year's referendum. I am happy to commend the Bill, in its totality, to the House because I am of the view that it is in everyone's interests.

Senator John Crown: The Senator campaigned for "Yes" votes in both referenda.

Senator Rónán Mullen: I welcome the Minister. I recall engaging in public debates with Senator Higgins in another referendum that took place on that day.

Senator Lorraine Higgins: I am sure Senator Mullen has gotten over it.

Senator Rónán Mullen: I am of the view that 4 October 2013 was a very good day for good governance in Ireland. On that date, we protected the ability of the Legislature to do its work and having two Houses is a very important part of that. The case in that regard was eloquently made by my colleagues. The people wisely followed our lead in respect of the matter.

It must be remembered that 4 October 2013 was also a good day for the judicial branch of the Executive. A marked feature of the common law systems in England, Canada and Australia is the fact that each has an intermediate court. Senator Walsh gets it right in respect of many matters but he does not sufficiently appreciate the merits of our common law system. One need only recall the great judicial reasoning that has occurred here over the years, the operation of principles of equity in our courts, the existence of concepts such as *habeas corpus*, etc. The Senator may have made some valid points with regard to the cost involved for ordinary citizens in the context of the way the legal system here is currently structured. However, our common law system has a great deal to recommend it.

It is to be hoped that the change proposed in the Bill will lead to the bulk of cases ending in the new Court of Appeal. As is only right, there will be scope for bypassing the court in some instances. For example, High Court cases relating to constitutional matters will be able to be referred directly to the Supreme Court. In addition, cases will sometimes go, on appeal, from the Court of Appeal to the Supreme Court. As the Minister is aware, the American and English supreme courts each deal with approximately 100 cases per year. At present, approximately four or five times that number come before the Irish Supreme Court. What we are seeking is a future where there will pretty much be an absolute right to appeal virtually every High Court case to the new Court of Appeal. As previous speakers indicated, it will become a constitutional court. There will be an element of front-loading because the Supreme Court is currently assessing the cases on hand in order to determine which appeals should be hard by it and which should be deal with by the court of appeal. I understand the US Supreme Court receives approximately 10,000 cases each year through which it is obliged to sift before choosing the 100 or thereabouts it will hear.

We hope that proper funding will be provided. Perhaps the Minister will outline the likely

cost of establishing, operating and maintaining the new court. Will funding be provided in time for the court of appeal to be up and running by October? The Minister referred to the motion for earlier signature, which will enable the appointment of new judges in a timely fashion. I understand there have been discussions regarding appointing nine or ten judges who would sit in panels of three. From what the Minister indicated, I can infer that the procedure in this regard has not yet commenced. Establishing the court is going to cost money. Every court needs a registrar and an officer and there are many different headings under which new costs will be incurred. It is worth noting that as a result of legal initiatives taken in a respect of personal insolvency and the appointment of special insolvency judges, some judges have been left with no work to do. That will certain not be the case in the context of the new court of appeal.

As the Minister indicated, section 8 provides that in so far as criminal cases are concerned there will be just one judgment. That is both desirable and necessary and it follows current practice in the court of criminal appeal where only one judgement is delivered. This is necessary in order that we might have coherence, continuity and certainty in respect of criminal matters in particular. That to which I refer dates back to the foundation of our system in the 1920s and echoes the English rule of 1908. I am glad the Bill provides that in criminal matters, just one judgment will be handed down and the fact of whether dissent occurred will not be disclosed. This is extremely important in the context of consistency and certainty in the criminal law.

I thank the Minister for bringing forward the Bill, which I support.

Senator Hildegarde Naughton: I also welcome the Minister. There is no doubt that the Bill is urgently required. The waiting time for hearings before the Supreme Court is approximately four years. We all agree that the current situation is completely untenable. Until now, there existed an almost automatic right of appeal from the High Court to the Supreme Court in respect of civil matters. Coupled with the albeit much slower pace of criminal appeals, this ensured that the Supreme Court has been more concerned with correcting errors of law as opposed to what it should be doing, namely, setting down policy guidelines and expanding areas of the law that were previously ignored. With 36 High Court judges sitting regularly and the Supreme Court only being in a position to sit in three divisions at most, it has been patently obvious for many years that a backlog would inevitably be created.

As an island nation, we must be careful with regard to our reputation in the context of rectifying disputes under maritime law. At present, it is quite conceivable that an admiralty marshal, the official who formally issues warrants and takes possession of and manages vessels until such time as an admiralty case is decided, could very well be dealing with the same ship for four years or more pending the outcome of any appeal to the Supreme Court. This is a huge disadvantage in terms of our commercial reputation.

I realise that her hands are rather full at present with the much-warranted reform of the criminal justice system but would the Minister consider reviewing the rules of the Superior Courts in order to bring about greater efficiency to case management on the civil side. In addition to the lack of a Court of Appeal, it seems that much of the delay and extra cost relating to litigation stems from cases not being ready, though listed for trial. Cases which are listed and ready are often not heard as a result of the fact that the relevant court is overburdened. It appears that much of this is now avoided by the special rules put in place in respect of matters dealt with by the commercial court. In my view, this could be usefully reviewed at a future date.

It is to the credit of the previous Minister, Deputy Shatter, that he initiated the process relat-

ing to introducing the Bill before us in the aftermath of the recent referendum on this issue. I congratulate the current Minister, Deputy Fitzgerald, who is on the cusp of steering this vital enabling legislation through both Houses. The Bill is completely practical and long-overdue. I thoroughly support it.

Senator Trevor Ó Clochartaigh: Cuirim fáilte roimh an Aire. Tá áthas orm bheith in ann seasamh anseo anocht agus tacaíocht a thabhairt don Bhille seo atá ag teacht tríd.

As everyone is aware, the referendum which took place on 4 October 2013 was required in order to make the necessary constitutional provision for the establishment of the Court of Appeal. It was carried by 65% of the people. The new Court of Appeal will hear appeals from the High Court and the Supreme Court will hear cases, on appeal, from the Court of Appeal and, in exceptional circumstances, from the High Court. This reform will bring about a major change in the courts system and ease the four-year backlog of cases before the Supreme Court. In future, the latter will only take appeals on constitutional issues or cases of major importance. We are currently in a situation where some important cases of a constitutional nature have been waiting three or four years to be heard. I firmly believe that this should not be the position. It is simply not acceptable. I welcome the fact that the legislation seeks to resolve the problems that exist in this regard.

As the Minister is aware, my party colleague, Deputy Mac Lochlainn, launched the Reform of Judicial Appointments Procedures Bill 2013 earlier this year, which is part of Sinn Féin's campaign to end the political cronyism that is embedded in Irish society. We launched the legislation in the hope that it would put an end to the system of political appointees being made judges in Ireland. The Bill would amend the way in which the Judicial Appointments Board operates in order to increase transparency and accountability in the area of judicial appointments, which is badly needed. Confidence in the justice system is contingent on a Judiciary which is free from political control or political or other bias. It is essential that there is an independent and impartial Judiciary here which is representative of the community it serves. Future judicial appointments should be drawn from a wider pool of qualified candidates, particularly as this would enhance confidence in the justice system.

7 o'clock

For too long we have all been aware of stories throughout the length and breadth of the State where judges were appointed with a wink and nod after demonstrating their loyalty to Fianna Fáil, Fine Gael, the Labour Party or the Progressive Democrats. The days of the old boys club that dominates the legal and political spheres in Ireland must come to an end. They have failed our people. The practice of the Government appointing senior judges must be ended if the public is to have any faith in a Judiciary free from political or other bias.

If this Government was serious about ending corruption it would have supported this Bill. The sheer number of politically affiliated judges adds to an already embedded public perception of the Judiciary as an elite to whom the law of the land does not apply equally.

Sinn Féin is calling for the establishment of a fair and accountable appointment and removal process for the Judiciary that would involve meaningful lay participation representative of the public interest. Sinn Féin believes that judicial independence is undermined by the current appointment process in the Twenty-six Counties. The Judicial Appointments Advisory Board was established in the wake of the controversial appointment of Harry Whelehan as President of

the High Court in 1994 and was meant to have removed sole discretion for judicial appointment from the Government. However, there remains political involvement in the appointment of the Judiciary as the Judicial Appointments Advisory Board merely provides a list of seven qualified candidates to the Government, which, in turn, makes the appointment of judicial officeholders. The appointment procedures should be transparent to enhance public confidence in the process. The Fine Gael Labour Party Government promised to be a reforming Government and put an end to the jobs-for-the-boys culture but from an examination of its judicial appointments so far it is clear that many of its political cronies have received jobs.

I wish to discuss the cost to people of taking cases in the courts.

Acting Chairman (Senator Paschal Mooney): I remind the Senator that he needs to be very cautious about making references to the Judiciary in the House.

Senator Martin Conway: Absolutely.

Senator Trevor Ó Clochartaigh: Ceart go leor. Go raibh maith agat. Access to the courts and to justice is a constitutional right and yet the expense involved can run into astonishingly high figures, thereby acting as a barrier to people seeking to exercise this right. We know that if cases move faster the chances of reducing costs are better. We know the plan under discussion envisages that the new court of appeal would deal with most cases that are currently dealt with by the Supreme Court, which would, therefore, reduce the higher court's workload and allow it to focus on the development of the law.

Two tests will decide what type of appeals the Supreme Court will hear. First, that they are of public importance and second, where it is in the interests of justice that the appeal be heard by the highest court in the State. In exceptional circumstances where these tests of public interest and the interests of justice are met, the Supreme Court will be able to hear appeals directly from the High Court. The Supreme Court in Ireland, unlike equivalent institutions in other common law jurisdictions, is the court of final appeal not only for constitutional matters but for all aspects of law from the lower courts.

Figures published last year by the Courts Service show that the court received 605 appeals in the previous year, a 21% increase on 2011. It gave judgments in 121 cases compared to 64 in the Supreme Court of the United States and 85 in the Supreme Court in London. It is important to welcome the creation of a new court where proceedings take place within a reasonable time as an inefficient court system is costly. Runaway legal costs hamper even small businesses and therefore I welcome the initiative to end this. In finishing I offer my support for the Bill and call on the Minister to take on board some of the concerns I have highlighted. Tá áthas orm go raibh mé in ann tacú leis an mBille agus go bhfuilimid ag dúl tríd na céimeanna éagsúla go tapaidh anocht.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank the Senators who have contributed to the debate this evening. I acknowledge the support and co-operation shown by the House in making the time available. The goal and deadline is to ensure that we establish the court of appeal in sufficient time to have it operational in the autumn. As several Senators have noted, basically we are giving effect to the decision of the people in a referendum.

This is a technical Bill but there are some interesting innovations which will ensure greater efficiencies in the courts and several Senators have referred to these. They include improved case management and giving authority to judges to oversee case management in line with in-

ternational best practice. This will be available to judges as a result of the legislation that we are passing this evening. This is to be welcomed because, as many Senators have commented, there can and often there are long delays in our Supreme Court at present due to the increasing litigation and the various demands. The establishment of this court of appeal will make a real difference in this regard. We do not want to have justice delayed. Clearly that has happened up to now but this provides a real opportunity for more timely access by litigants to court, and that is right and proper.

This Bill is an important milestone in terms of modernising our court system. Many people will benefit from it. We are creating something valuable and worthwhile with the legislation we are passing. As part of the programme for Government, we sought to respond to the express wish of the people in the referendum and that is what we are doing. We are well on our way in this regard.

The Bill proposes the most radical change in the structure of our courts since the foundation of the State. Senators will be aware that the courts system in Ireland has its origins in the 1922 Constitution, which provided for the setting up of new courts that had evolved previously under the British Administration. New courts were established in 1924 under the Courts of Justice Act 1924 and the current courts were set up by the Courts (Establishment and Constitution) Act 1961, pursuant to Article 44 of the 1937 Constitution. Notwithstanding history this is the first time that we are moving to establish a truly new court under the Constitution. When enacted, the Bill will herald the establishment of this court which will come with attendant resource commitment from Government. Several Senators asked questions in this regard. I will give the costings of the new court and of the number of judges presently. It will also have state-of-the-art technology capability and, as I have already said, the necessary powers for the new case management, including the management of oral input to appeals.

When we look back in several years at the decisions taken tonight in respect of the Court of Appeal, we will see that the results are far from technical, although bringing the legislation into law has involved considerable technicalities. Anyway, I believe the results generated will be great indeed.

Senators have focused on the timely and successful implementation of this major reform in their contributions and that is important. The reform will deliver an appeals system in the superior courts to support the legitimate expectation of our citizens that their cases will be brought to conclusion with the least possible delay. Senator Walsh mentioned this in particular. It will also create a situation in which the highest court under our Constitution, the Supreme Court, is appropriately orientated towards hearing only those cases that merit its attention. Senator Higgins and others mentioned this aspect.

The Bill introduces a level of coherence into the courts structure which is in line with best international practice. It has been interesting to hear Senators discuss the number of appeals heard in other jurisdictions and the workrate of our Supreme Court. It has a backlog but that is not because it is not delivering large numbers of judgments every year.

I thank everyone who has been involved in getting us to this point. The point was made that many parties have contributed. Senator Walsh referred to his party's work on this Bill, which I acknowledge. I acknowledge the contribution of the former Minister, Deputy Alan Shatter, who successfully steered the referendum and got this innovative reform through Cabinet initially. I am honoured to have had the opportunity to bring this to conclusion this evening. I

acknowledge the support of all the Opposition spokespersons in the Dáil and the Seanad who have supported the timely passage of the Bill in order that we can move on with establishing the court in October. That is very important and it will make a real difference. The courts can get on with working out the range of detail involved in setting up a new court as well as all of the administrative issues. A huge amount of work was done by Ms Regina Terry and Ms Mary Joy, the two officials in the Department of Justice and Equality who gave up many a weekend to make sure we are at this stage of the Bill.

A number of people mentioned the delays, which are a reflection of our current system, which is why we are putting in the new court. The creation of a new court of appeal will address the endemic problem of delay and align us with other common law countries that have a court of appeal embedded in the legal system. Despite the difficult times and economic situation, we have been in a position to provide one-off costs of the order of €2 million for the start-up of the court, which will be used for accommodation and the development of an ICT package. It is a substantial investment behind the reform. The estimated ongoing cost of running a new court should amount to €2.5 million a year and a significant percentage of the funding relates to the deployment of the new judges. I have already, in my speech on Second Stage, outlined the number of judges. It will allow the new court to work in divisions of three. It means they can get on dealing with cases in an efficient and effective manner. It means we must provide more resources, but the cost benefit analysis shows that, from an economic point of view and from the point of view of businesses setting up in this country, having an effective and efficient court system that deals with issues in a timely way, as the Commercial Court does, provides a good message to businesses about our country and how we do business.

I have addressed a number of points made by Senators. Senator Jim Walsh talked about consolidation, which may merit attention. He also referred to legal costs. I am committed to reforming this area. The Legal Services Regulation Bill started in the Dáil last Thursday and will continue on our return in September. We will have an opportunity, when looking at the Bill, to examine legal costs and address the matter in more detail. It remains an ongoing issue. Senator Trevor Ó Clochartaigh also mentioned that point.

Senator Jim Walsh and Jillian van Turnhout referred to the judicial council Bill, which is very important. It is essential we have that possibility. The purpose of the Bill is to establish a judicial council of all judges to promote high standards of conduct among judges and support for judges. Central to the Bill is the provision of an effective remedy for complaints about judicial behaviour. Many judges want to see this in place and it is the right direction. The provisions under ongoing consideration include the establishment of a judicial conduct committee, with lay participation, to investigate complaints. The Bill also facilitates the formal establishment of the judicial council and the ongoing support and education of judges through a judicial studies institute. These are important changes coming down the track later this year which will address some of the concerns the public has about these issues. The vast majority of judges welcome this measure, if not all.

Senator Jim Walsh: Not all.

Deputy Frances Fitzgerald: The vast majority. It is an important direction to head in.

A number of Senators mentioned the new case management system, which is very important and will ensure a more efficient system. Senator Jillian van Turnhout referred to the importance of a Supreme Court that functions in a way that conforms to the best practice in other jurisdic-

tions. For this to happen, the Supreme Court needs to be freed from the more routine cases that are clogging the system at present. Senator Lorraine Higgins made the same point and talked about the benefits that would come from the new system.

I think I have covered other points and the amount of resources put towards this. We are also reviewing the appointments system and work is ongoing on it. We have had a public consultation process and received 40 submissions, which are being examined. These address issues such as the role of the Judicial Appointments Advisory Board, its members and how the system of appointment of judges should be reformed. It is also on the agenda and I expect to publish the judicial council Bill in late September or October.

In concluding the debate on Second Stage, I thank the Senators who contributed to the debate. A significant impetus behind the establishment of the court of appeal is the necessity for legal certainty, which is crucial to the smooth running of a democratic society and essential for the economy. Structures have been set up in preparation for the establishment of the court, which will facilitate it in meeting the demands of this rapidly changing legal and economic environment. By putting forward the Bill, we have taken the opportunity to provide the Supreme Court with the tools it needs to function to optimal effect and to ensure that its status as the highest court in our land is enhanced and that it can concentrate its efforts on developing the law in a considered and more rational way. I thank the Senators who have contributed.

Question put and agreed to.

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

Senator Martin Conway: Now.

An Cathaoirleach: Is that agreed? Agreed.

Court of Appeal Bill 2014: Committee and Remaining Stages

Sections 1 to 14, inclusive, agreed to.

SECTION 15

Question proposed: "That section 15 stand part of the Bill."

Senator Jim Walsh: This concerns the pensions of the Judiciary. Can the Minister clarify the amendment to provisions in section 6(1) set out in section 15? Are we talking about a change? A judge receives a pension after 15 years and I am not clear in my mind whether judges receive one-thirtieth or one-fortieth per year of service and whether this has been changed for some judges to three eightieths, which gives an enhanced pension. Can we clarify this point?

Section 15(2) provides that a judge of the Supreme Court or Court of Appeal can be removed from office on account of incapacity. He or she shall be deemed for pension purposes to have vacated his or her office owing to permanent infirmity. What pension entitlements arise from this in terms of the ongoing pension and the gratuity? Is there a provision for judges to add service? In the case of someone who is 65 and who becomes incapacitated, when the retirement age is 70, is there a provision for the person to buy, or be given, additional service, which happens at the higher echelons of the public service? How is incapacity defined? Does

drug addiction qualify as incapacity for the purpose of these benefits? What is the position on alcoholism, which I accept is a disease and should be treated as such? Sometimes one believes people's reasons for retiring from various professions are spurious. They may not be because we may not have all the medical facts. What safeguards are in place to protect the taxpayer, which is ultimately what we are charged with doing?

Minister for Justice and Equality (Deputy Frances Fitzgerald): I do not have the full details of the new pension scheme to hand but can give the Senator some information that I hope will deal with some of his concerns. I assure the House that the provisions in respect of judges appointed from 1 January 2013 are not more advantageous than those applying to judges who were appointed at an earlier date. For instance, the full pension benefit now accrues after 20 years on the bench rather than 15, which was the case heretofore. That is the position on eligibility.

Some of the other points the Senator made on incapacity illustrate again the need for the judicial council legislation. One could imagine the council being able to deal with some of the issues that arise or the complaints. In this regard, I am not referring to assessment for incapacity. I appreciate the point the Senator is making on this. His point highlights the importance of having a judicial council in place that would serve as a formal forum for dealing with a range of issues and complaints that arise in regard to judges. We will have to determine the precise sections of the legislation. It is important that we move towards it. It touches on some of the areas the Senator raised.

Pension arrangements for judges are very complex and they vary according to the date of appointment. Pensions policy is primarily a matter for the Department of Public Expenditure and Reform, and we rely on its expertise. The term "incapacity" is drawn from existing legislation and it is not defined. I cannot speculate on its application in these circumstances but if the Senator wants further information on this, I will make sure he gets it.

Senator Jim Walsh: I thank the Minister for her reply. I appreciate that I am chucking my point at her coldly. It is not always easy to have the answer at one's fingertips. I accept that some of the thinking is driven by what happens generally in the Department of Public Expenditure and Reform. I do not necessarily share the Minister's view on expertise in that Department. There is still considerable waste across the public service that has not been tackled at all, but sin scéal eile.

Consider the implications if what I have read is true. I will be happy to accept a note on it rather than putting the Minister on the spot. I understand that prior to the date of the change, somebody with 15 years of service would get 15 fortieths by way of pension. I understand that from last year on, one would get three eightieths. If from now on one must serve 20 years — this can be clarified in the note and I am not looking for a response now — will it mean that, since three eightieths multiplied by 20 is 60 eightieths, one could actually get a pension worth 75% of one's salary? That would be a huge increase on the 50% that applies at present. It would be extraordinary if it were the case. I doubt that it is. Could I have clarification on it? If the Minister does not have the details to hand, I will have no difficulty in waiting for them.

Deputy Frances Fitzgerald: I will ask the courts policy section to furnish a note to the Senator on the way in which the pension regime applies in regard to various judges. I understand that what the Senator is saying is not the case and that the pension is index-linked and capped. I will get a detailed note on it.

Question put and agreed to.

Section 16 agreed to.

SECTION 17

Question proposed: "That section 17 stand part of the Bill."

Senator Jim Walsh: This section concerns the retirement of judges. I see the Minister stitched into the legislation a retirement age of 70 years. It used to be 72 years and may still be for existing judges. Given the improvements in health and life expectancy, is the age a little too low? Should this be re-examined? I may contradict myself on this in a moment with another suggestion. We saw recently that one of our national broadcasters continued broadcasting until the age of 75. Admittedly, his position was not as taxing towards the end of his career in that I am sure he was not working every day. However, my point should be considered because there is a reservoir of wisdom and experience that could be put to good use. With the changing demographics in society generally and the expected increase in the number who will avail themselves of the State and public service pensions, there will be an increasing trend towards people working for longer. Will the Minister comment on this?

There are senior counsel who are experts in their field. Senator Ó Clochartaigh said they are very well connected politically. I do not agree with the Senator on decision-making in that I believe Governments are elected to make decisions. I have no difficulty with the Government making political decisions as long as they are transparent and as long as it is accountable for them. I have advocated this in respect of local government also. I argued long and hard that the planning processes should involve decisions of councillors, not the manager. Let them stitch in the reasons for granting planning permission, which reasons should be open to appeal. Let the councillors be accountable. If accountable and they breach planning laws, they will held seriously to account. Politicians should be given power. Let them exercise it and let them be accountable for their decisions.

Consider the cost system and our advocacy system. The law was changed to allow solicitors to go to the higher courts, for example, to advocate on behalf of their clients. I know many solicitors who would be very capable of doing so. Sometimes they could be more capable than the barristers they engage, but they do not do so because they are concerned about a perception of bias involving judges, who have been senior counsel, taking a dim view of advocates other than barristers. I know many eminent solicitors who told me they would not act as an advocate in the higher courts because they are concerned about prejudicing the cases of their clients.

I put it to the Minister's predecessor, Deputy Alan Shatter, in the House that there are other jurisdictions where being a judge or magistrate involves a lifetime career. I did not really get any great answer. The individuals are educated and trained to play their part. They take up their positions at a much younger age and are independent of the camaraderie and peer relationships that develop within the law library. I am not saying such an arrangement would be a panacea but that it should certainly be considered. It appears that the arrangement has some merit, and the Minister should consider it. This would be a significant move, even if only in regard to certain courts. It need not be done for all courts. I think we had a case some time ago where somebody from the broadcasting industry was appointed a judge. He may well have had legal training, but he was practising as a broadcaster, not as a lawyer. That happened in the 1980s. We need to open our minds on this.

The system we have is open to complaints and criticism and the criticism made by Senator Ó Clochartaigh is one that is often heard. On the other hand, we have been particularly well served since Independence by our Judiciary. However, this would not stop me criticising some of them. In general, we have been well served, but that does not mean we should not open our minds to other approaches and avenues.

Senator Sean D. Barrett: I agree with Senator Walsh in regard to the retirement age. I do not know whether there is truth in what used to be said, namely, that mathematicians peak early and lawyers much later. Perhaps some of these 70 year olds are just coming to their peak. Life expectancy here is heading towards 100 years for females. The explanatory memorandum in referring to section 17 refers to the "usual retirement age", so there may be some scope and flexibility on that. The Bill refers to the "appropriate age" and the last line of section 18 mentions 72 years. Therefore, there seems to be some flexibility on retirement age. People in charge of human resources say having a compulsory retirement age gets rid of both the awkward characters and the good ones. I believe Senator Walsh has a point in regard to flexibility and perhaps the Minister will consider that.

Deputy Frances Fitzgerald: I agree we have been well served by our Judiciary. During our debate on this Bill in the Dáil, a number of Deputies pointed out that many people are calling for change in regard to the appointment of judges, but at the same time they say we have been well served by the judges we have had. People give out about the appointment process, but in the same breath say we have been well served by our Judiciary. There is general agreement on that. We have been extremely fortunate to have a judiciary of the calibre we have and it is important to recognise this, notwithstanding the need to look at the appointment promise and the need for a judicial council. These are part of ongoing development in regard to how we view the Judiciary and how we believe it should be managed, notwithstanding the critical importance of the separation of powers.

Senator Walsh made a number of points regarding solicitors. He is probably aware that since enactment of the Court and Court Officers Act 2002, solicitors with relevant experience are eligible to be considered for appointment as judges to the High Court and the Supreme Court. Four judges of the High Court are former solicitors and no doubt we will have more. I have discussed this with members of the Law Society of Ireland. The Senator pointed out that sometimes solicitors themselves are hesitant about applying for these positions, but that is changing and I would expect to see further change in the years ahead.

The point made regarding age is interesting and would apply to many areas given changing life expectancy. We do not intend to be ageist in how we approach the issues, but by public sector standards a retirement age of 70 is higher than in many other jobs in the sector. For judges, the age has been set at 70 since 1995. It may be time to revisit that, but I suggest that should be for another day. The point made is worth considering.

Senator Jim Walsh: I thank the Minister for her reply, but suggest she might also look at the issue of advocacy. Solicitors are reluctant to advocate before a judge who has been a barrister because they fear a bias and that they might prejudice their clients by doing that.

Question put and agreed to.

Sections 18 to 26, inclusive, agreed to.

SECTION 27

Question proposed: "That section 27 stand part of the Bill."

Senator Jim Walsh: Section 27 provides for precedence between judges and gives a long list. Why are we being so detailed in regard to precedence? There may be good reason for this, but it escapes me. Are they on different salaries or do they have a different status? I believe we should only have distinctions between judges on the basis of need. The President of the Supreme Court, the Chief Justice, obviously has precedence, but I am not sure there is a need for a long list after that. For example, we could have a judge with significant experience sitting beside a judge who has just been appointed, but this does not mean the newly-appointed judge is not as proficient or more proficient than the person who has been in place for a significant period. It comes down to the quality and calibre of the individual, as well as experience. The Bill has a long list of ranking and I wonder about its purpose and whether any benefits accrue, salary wise or otherwise, with regard to it.

I worked in business and it was well known there that if a person went before certain judges of the Circuit Court to defend against liability claims, he or she would be hammered for compensation. Legal representatives would try to steer the case to a judge who was less sympathetic to the injured party and who took a more pragmatic business view of the situation. I did not think justice should be administered in that way, but that was what happened at the time. I do not know whether this would still apply today.

I have a question in regard to the register of interests of judges. This is a serious issue and I agree fully with Senator Conway. I should have said earlier that it would not be my intention to suggest the register should be public, but it should be available to a judicial council, if we have one. It should also, probably, be available to the Minister. This would ensure that potential conflicts of interest were signalled and could be detected and raised. For example, I have looked at some of the cases regarding the banks and have wondered why some of the decisions are made. In general, one would wonder how judges come to particular conclusions when a different decision seems more plausible and logical. I refer here to foreclosures and similar cases, where good cases seem to have been made. I admit I would not be in possession of all the facts, but judges should be. In this scenario, it is important the whole system is beyond reproach.

There is also an issue in regard to judges indulging certain barristers who are paid on a *per diem* basis. Some of these go on at length and their cases go on for weeks, although they could be completed in far less time and at a lower cost. Sitting judges must be on the ball regarding the essentials of the case and must be analytical enough to identify them rather than let barristers go on - perhaps as I am doing here - and eating up time. I am doing it at my own expense here, but their case is carried forward, with the clock ticking all the time. Any system that operates that way must be examined.

The Minister did not mention whether she would implement the Competition Authority report. I would really love to get a commitment from her that she will include the recommendations to curtail costs.

I welcome what the Minister said about tackling legal costs and I hope that will happen. I have heard the same from her predecessors, including some from my own party, but they did not follow through with action. She will be faced by a lot of vested interests but I hope she has the courage to follow through. Earlier I referred to the European Commission. The IMF's parting shots highlighted and shone a light on the failure of our programme to deal with the cost.

Finally, I welcome what the Minister said about judicial conduct. One area that a judicial council should look at, and it could be done by the peers, is consistent decisions. One of the things that rankles with people is how often there is a very significant disparity in judgments for similar cases. I agree fully with the separation of powers but if a judicial council is comprised exclusively of judges, who have experience in the area, it would be no harm for them to have as part of their remit to take on board some form of consistent sentencing.

Deputy Frances Fitzgerald: With regards to section 28, I wish to make the point that precedence and the order does not have anything to do with salaries. It is a well established hierarchical structure. It is interesting to note, for example, that in some legislation one will have inbuilt in the legislation a particular order in which a particular issue is dealt with. Therefore, the listing and, if one likes, hierarchical structure can address the issue. In certain contexts provision is made for the next most senior judge to hear a case or organise the business of the court so there is an order of precedence imported in that context. It is to deal with those issues that we have set out the order in section 28 and that is the only reason.

The Senator again made a point about legal costs. I believe having the legal services regulatory authority and the Legal Services Regulation Bill is part of that and the Competition Authority report will be partly dealt with through the provisions of that Bill.

The Senator also asked about consistency. Obviously we must respect the independence of the Judiciary. I did mention one of the points of the judicial council Bill is to have a judicial studies institute. I imagine through the kind of work it will do that the issue of consistent sentencing, in the broadest sense, will arise. One must keep repeating that the independence of the Judiciary is sacrosanct. I am probably sure, from the institute's point of view, that consistent sentencing will be one of the range of topics it will study and examine once it is formally established under statute.

Question put and agreed to.

Sections 28 to 79, inclusive, agreed to.

Schedules 1 and 2 agreed to.

TITLE

Question proposed: "That the Title be the Title to the Bill."

Deputy Frances Fitzgerald: I wish to make the point again that the legislation is a very important milestone in modernising our courts system. I would like to take this opportunity to thank Senators from all sides of the House for ensuring the passage of this very historic Bill.

Senator Jim Walsh: I thank the Minister for her engagement on the Bill. I trust that this important legislation will add considerably to the courts infrastructure and will enhance the administration of justice. She kindly acknowledged that it had been spread over a couple of Administrations.

On a personal note, I wish her well in her new position which is a very important brief. I have no doubt that she has the capability, energy and determination to do an excellent job and l am sure she will do so.

Senator Jillian van Turnhout: I welcome the passage of the Bill. It is an historic oc-

casion, as outlined in earlier debates. I hope that the legislation will speed up the process for people, individuals and businesses, and that it makes a huge different to how the courts system works and how it is perceived to work externally by other states.

I also thank the Minister for her engagement. She endeavoured to answer the different queries raised by my colleagues which is always excellent when we are here in the House. I thank her for her ongoing engagement.

Senator Martin Conway: On behalf of the Fine Gael group I thank all Members for their co-operation. This morning we agreed to take all Stages today because this legislation is extremely important. The people voted on it which does not happen with every piece of legislation that comes before us. I agree with the Minister that it is a milestone. Justice delayed is justice denied and it is totally unacceptable for a case to take four years to reach the Supreme Court.

The engagement across the House has been very useful. On a recent trip to Stormont with the Oireachtas justice committee it was interesting to learn that the Chief Justice goes once a year to the justice committee in the North to discuss consistency in sentencing. Perhaps that could be reconsidered as part of the evolution and bringing of our Courts Service into the modern era of accountability.

I also thank the Minister's officials. This is detailed legislation and we appreciate their input. It is for the good of Ireland and its citizens. I thank the Minister again.

Senator Feargal Quinn: I congratulate the Minister on the manner in which she managed to get this legislation through. It is very worthy legislation. This is a legislative measure that we require and it will speed up matters.

I had the pleasure back in 1971 of winning a case in the Supreme Court when the State appealed a case I had won in the High Court. It took three years for the case to move from the High Court to the Supreme Court and matters have disimproved since then. Congratulations and well done to the Minister and her officials.

Senator Lorraine Higgins: I join in the chorus of support for this legislation. There is no doubt it is a momentous day and this measure will make a big difference in terms of trying to attract foreign direct investment into this country. This measure is essential because companies take into account factors such as our court structure when deciding to locate here and we have had a very good record in recent years of attracting such investment. This will go no small way towards attracting even more foreign investment. It will change the way business is done in courts.

I thank the Minister for shepherding the Bill through and ensuring that very quickly after the result of the referendum it was brought to this stage. I also thank all the staff in her Department, particularly those people who drafted the legislation, and I acknowledge the great job they have done.

Question put and agreed to.

Bill reported without amendment, received for final considertion and passed.

Court of Appeal Bill 2014: Motion for Earlier Signature

Senator Martin Conway: I move:

That pursuant to subsection 2° of section 2 of Article 25 of the Constitution, Seanad Éireann concurs with the Government in a request to the President to sign the Court of Appeal Bill 2014 on a date which is earlier than the fifth day after the date on which the Bill shall have been presented to him.

Question put and agreed to.

Employment Permits (Amendment) Bill 2014: Committee Stage (Resumed) and Remaining Stages

SECTION 7

Debate resumed on amendment No. 7:

In page 16, line 12, to delete "or civil partner" and substitute the following:

", civil partner, or the former spouse or civil partner where a separation has occurred during the period of employment in the State".

-(Senator David Cullinane)

An Cathaoirleach: I welcome the Minister, Deputy Bruton, back to the House. Senator Bacik was in possession on amendment No. 7, which we discussed with amendments Nos 8 and 9. I call the Minister to reply to amendments Nos. 7 to 9, inclusive.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I think I replied to those but-----

An Cathaoirleach: Did you?

Deputy Richard Bruton: Yes. Basically the position is that we have provided a reactivation permit for cases we believe is adequate to the cause. What is being proposed in these amendments would go beyond what we believe would be appropriate for the policy in this area. That is why we are not willing to accept the proposal.

An Cathaoirleach: Senator Cullinane, is amendment No. 7 being pressed?

Senator David Cullinane: It is withdrawn, to be resubmitted on Report Stage.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendment No. 8 in the names of Senators Cullinane, Ó Clochartaigh and Reilly was discussed with amendment No. 7. Is the amendment being pressed?

Senator David Cullinane: I will withdraw it and will resubmit it on Report Stage.

Amendment No. 8 not moved.

An Cathaoirleach: Amendment No. 9 in the name of Senator Cullinane was discussed with amendment No. 7. Is the amendment being pressed?

Senator David Cullinane: I withdraw it and will resubmit it on Report Stage.

Amendment No. 9 not moved.

Senator David Cullinane: I move amendment No. 10:

In page 17, between lines 16 and 17, to insert the following:

"(v) who has entered into civil proceedings as referred in section 2B of the Act of 2003;".

This is another provision to enable a worker who has embarked on civil proceedings against an exploitative employer to be awarded a permit in that specific scenario relating to that section of the Bill. It is similar to the previous one.

Deputy Richard Bruton: With regard to amendment No. 10, the Senators will be aware that it is my intention that all the conditions pertaining to the issue of a permit under the new reactivation scheme be mandatory. The four mandatory conditions are designed to deter abuses of the proposed scheme, and I believe they are proportional and reasonable, given the advantages conferred by this permit type on the holder. If the Senator's amendments were added to the list of four existing mandatory requirements, it would result in an additional mandatory provision that few foreign nationals would be able to meet, that is, only foreign nationals who have entered into civil proceedings provided for in the new section 2B inserted into the Act of 2003, which would significantly narrow the field of potential applicants under this permit type.

If the Senator's intention in tabling the amendment is to allow a further permit type, that is, those who have initiated legal proceedings under the new section 2B, I would emphasise that my intention in the creation of this type of employment permit is to facilitate those foreign nationals who have fallen out of the employment permit system to re-enter employment in line with employment permits legislation. It is not a back door for illegal economic migrants who have not been or would not be granted employment permits under current legislation.

Invariably, some future litigants under section 2B will be entitled to apply for the reactivation scheme without any such amending provision as suggested by the Senators, while others would never and could never avail themselves of any permit, having always been illegal in the State.

There is another possible unintended consequence in the Senator's amendment, which is a flood of civil proceedings being brought by litigants solely or primarily to take advantage of the chance to convert their illlegal status into legal status. Incentivising such litigation by the promise of a permit is certainly not what I intended by bringing forward a compensation provision. For all those reasons, I cannot accept the Senator's amendment.

Senator David Cullinane: I withdraw the amendment.

An Cathaoirleach: I remind the Senator that we are taking Committee and Remaining Stages today.

Senator David Cullinane: Are we?

An Cathaoirleach: Yes.

Amendment, by leave, withdrawn.

Section 7 agreed to.

SECTION 8

Senator David Cullinane: I move amendment No. 11:

In page 25, to delete lines 5 to 7 and substitute the following:

"(a) where the application is made in respect of the employment sector specified in the application,".

There was some discussion on Second Stage on this issue, which is an important one. One of the concerns we have about the Bill is the tie between an employer and a migrant worker, an employee. We have consistently called on the Government to break what has been characterised as the bondage emphasis of the permit where a worker is tied to a specific employer. As the Minister will be aware, the 2006 Act enabled a successful applicant to be issued to the employee with a description of the economic sector in which he or she was permitted to work and that allowed some flexibility, but that section of the legislation was never given full effect. The Government has now withdrawn it and copperfastened the current practice by tying a worker to a company for a minimum period of 12 months.

As we know, foreign nationals are brought in to fill a gap in an identified sector, not in a particular company. Why should a worker be tied to a particular company and not be able to move from it? That prevents labour market mobility.

8 o'clock

It actually goes against a lot of what the Minister believes in, which is competition, mobility and flexibility. I find it a little bizarre that he is not prepared to accept the amendment. The NASC noted, based on its experience, that current practice increased the risk of workplace exploitation and limited labour mobility. The amendment is worth pushing and it is worth encouraging the Minister to look at it again. If a migrant worker is working for a particular company and the permit ties him or her to that company but he or she wants to move on as he or she may get better terms and conditions somewhere else, why should he or she not be able to do so? It is a fair proposal and we will be pushing the amendment.

Deputy Richard Bruton: As I explained in the Dáil on Committee and Report Stages, providing for sector-specific employment permits would only be possible if the Department was to waive all checks on the employer, which I cannot accept. All employers of permit holders are on the Department's database which is regularly checked by the National Employment Rights Authority, NERA, as part of its employment permit compliance inspections. Last year, in many instances, informed by and with access to the employment permits database, the NERA made unannounced visits in areas of risk both during and outside office hours. These visits were aimed at establishing the level of compliance and identifying potential employment law breaches in the workplaces visited. Where issues are encountered, a full inspection is carried out. In 2013 the NERA detected 453 possible breaches of the Employment Permits Acts and there were 472 suspected breaches. A total of 48 employers were successfully prosecuted under the Employment Permits Acts in 2013. Almost 100 additional cases are at various stages of the

prosecution process for hearing in 2014.

A sectoral permit regime where I, as Minister, would potentially have no line of sight to current employers of permit holders would run the risk of undermining this compliance work by the NERA and significantly weakening the ability of the State to control and monitor employers of permit holders. Part of the evaluation of the employment permit application is to check the *bona fides* of the employer, as well as establishing that there are actual labour shortages for the job to be filled. Refusals occur where the employer is not deemed to be operating legitimately and where no such labour shortage is demonstrated. I consider that the Senator's amendment would make a targeted approach to meeting labour market skills shortages through permits impossible. For these reasons, I cannot accept the proposed amendments.

The Senator has also argued that the system binds an employee too closely to an employer. The requirement is to stay with an employer for 12 months initially. I do not think that is an unreasonable requirement in the vast majority of circumstances where an employer has gone to the expense and time of recruiting someone. However, in those limited cases in which, for example, abuse has occurred, my Department has always shown flexibility and will continue to do so on a case by case basis with the new reactivation scheme to facilitate such cases. The truth is that over one half of the permits issued are in cases in which employees are changing employer; therefore, the regime does not represent a lock-in, with no opportunity to move on. We try to deal with issues flexibly, but we still want employers to demonstrate that they meet the conditions for the granting of a permit in the first place.

Question, "That the words proposed to be deleted stand," put and declared carried.

Amendment declared lost.

Section 8 agreed to.

SECTION 9

An Cathaoirleach: Amendments Nos. 12 and 14 are related and may be discussed together.

Senator Feargal Quinn: I move amendment No. 12:

In page 27, to delete lines 29 to 34 and substitute the following:

"(g) provide such other information or documents as may reasonably be required,".

I will discuss both amendments. The purpose of amendment No. 12 is to amend the proposed new section 6 in the Employment Permits Act 2006 which will be inserted by section 8 of the Bill. My amendment proposes to insert the words "as may reasonably be required" in place of "other requirements". I am concerned that the evidential requirements being introduced by the Bill are both unnecessary and too onerous, particularly in the case of migrants who may find it difficult to comply with them. The purpose of amendment No. 14 is to amend section 15 to revise the bald obligation to produce documents in order that it would be more refined and take into account the fact that in certain circumstances, a person might be unable to produce a particular document. People should not be penalised for a failure to produce documents which are not in their possession or which they have no power to procure. This is particularly important in dealing with non-nationals who may be unable to get hold of certain documents in their home countries, particularly from a distance. Both amendments are worthy of consideration.

Deputy Richard Bruton: The purpose of the requirement to produce documentation is to ensure employment permits are only granted where the criteria for granting them are met. It is a requirement of the legislation that I, as Minister, must be satisfied that such criteria are met and if the documentation furnished is insufficient for the making of a decision, the employment permit may not be granted. The provision in section 6(g) allows me, as Minister, to request information to clarify that the criteria for granting the permit have been met. It is reasonable that the Minister be empowered to request clarifying documentation to materially assist in the decision. Furthermore, the information I, as Minister, require to be provided will be set out clearly in the regulations that will accompany the legislation. This clarity provides for a welcome level of transparency and establishes a level playing field whereby all applicants will know what is required of them.

I am also concerned that information or documents as "may reasonably be required", the phrase used in amendment No. 12, lacks the precision and clarity I am providing for in the Bill and the accompanying regulations. I will be setting before the Houses on commencement of the legislation a suite of regulations that will provide for clarity and transparency regarding the documents required to accompany applications. In accordance with section 30 of the 2006 Act, as amended, the Oireachtas will have 21 days in which to consider the regulations. Should either House see fit, they may be annulled on the passing by either House of a resolution to that effect. On the basis that the documentary requirements provided for in the Bill are justifiable and transparent, I will not be accepting the Senator's amendment. However, I point out to him that changes to the employment permits application process made in 2013 reduced the amount of documentation required to complete an application and that this legislation will retain that streamlining in relying at a number of points on declarations made by the applicant parties rather than documentation, although this is subject to a right to seek verification.

On amendment No. 14, while I understand the Senator is seeking to limit the grounds on which I, as Minister, can refuse a permit where an applicant has failed to provide documentation within his or her possession, the requirement that I be satisfied that the criteria for the granting of an employer permit have been met before it can be granted is a cornerstone of the legislation. Allowing a situation where an applicant could be granted an employment permit without providing certain documentation that I, as Minister, consider essential just because he or she says he or she cannot procure it or does not have it in his or her possession would run entirely counter to the purpose of regulating the economic migration of foreign nationals to the State. The regulations will make clear the information and documentation considered necessary to support a permit application and that any declaration made by an applicant may be need to be verified. It is reasonable to expect an applicant to be in a position to confirm any statement or declaration he or she might make in applying. To do otherwise would open the system up to abuse by individuals willing to make false declarations, including saying they do not have documents in their possession or cannot procure them in order to obtain a permit. On this basis, I am not accepting the Senator's amendment.

Amendment, by leave, withdrawn.

Section 9 agreed to.

SECTION 10

Senator Feargal Quinn: I move amendment No. 13:

In page 28, to delete lines 6 to 23 and substitute the following:

"(2) The employment permit so granted shall operate to permit the employment in the State of the foreign national in the employment specified in the application.".

This is a very simple amendment, the purpose of which is to simplify the wording of subsection (2). It is worthy of consideration.

Deputy Richard Bruton: The Bill has been carefully drafted to provide for intra-company transfers and contracts for service. In the case of intra-company transfers the foreign national is employed outside the State by a foreign employer to carry out duties for or participate in a training programme provided by the connected person - the Irish branch. The permit holder is not employed by the connected person. In a contract for services situation, the foreign national is likewise employed outside the State by a contractor and performing duties in the State pursuant to a contract for services agreement. I have provided very precisely for these two situations. While I appreciate that this may make the provision a little unwieldy, it is my intention that the provisions of the Bill will respect employer-employee contractual relationships between permit holders and their employers outside the State. For this reason, I cannot accept the amendment.

Senator Feargal Quinn: I accept the Minister's wording and will withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed: "That section 10 stand part of the Bill".

Senator Jillian van Turnhout: I raise a question I raised in written correspondence with the Minister outlining my concerns about the requirement to renew a work permit before an employee can take up new employment within the same economic sector. I refer to the one-year rule which we also discussed in relation to an earlier amendment. Work permits are initially granted for two years and cost €1,000 to renew. In his reply to my written correspondence, the Minister noted that it is employers who pay the fee but workers availing of the Migrant Rights Centre Ireland drop-in service indicate that in some cases the reality is that employees pay. I ask the Minister to investigate the veracity of the claim. If employees are paying, I ask him to take measures to mitigate the costs involved for migrant workers. It is a matter of concern to me. I do not have any substantive proof, in which case I ask the Minister to investigate the veracity of the complaint. We must look at the issue.

I note that Sweden is considering a model of sector-based employment permits. We had the work authorisation scheme which effectively provided for sector based permits that could be updated and reinstated. Perhaps, that is something the Department and the Joint Committee on Jobs, Enterprise and Innovation could revisit with a view to strengthening the system in this area.

Deputy Richard Bruton: I will certainly check out who is paying for the permits. According to the information we have, however, it is normally employers. Under the previous legislation, where an application was made by an employee, he or she did not go through the labour market test. That may have provided something of an incentive for some of the provisions not to be fully applied because of the way in which the application was made. The current situation is more robust in that regard.

In terms of sectoral permits, we are providing the special skills category. People with special skills will have a special permit and terms that apply in the particular circumstances. In the case of other permits where there is a specific labour market rule test and one wants to ensure that employers are compliant with the various requirements set out in law, there is good reason to disallow sector permits in a broad range of sectors. We have deliberately set out different types of permit with different conditions applying. The old green card had more relaxed terms attached to it.

My Department intends to conduct a review of fees across all schemes later in the year. The MRCI will be consulted in that regard.

Question put and agreed to.

Sections 11 to 14, inclusive, agreed to.

Amendment No. 14 not moved.

Sections 15 to 22, inclusive, agreed to.

SECTION 23

Senator David Cullinane: I move amendment No. 15:

In page 54, between lines 32 and 33, to insert the following:

"(6) Section 20 of the Act of 2006 is amended by inserting the following subsection after subsection (5)—

"(6) The Minister may, on application made to him or her, waive the prescribed fee.".".

We want the Minister to waive the fees in certain circumstances. We want to include this provision to enable the Minister to waive fees in hardship cases where applicants are seeking to renew a permit but cannot afford the fee. The Migrant Rights Centre Ireland has lobbied all of us on this issue. I am sure it has also lobbied the Minister also. The centre has highlighted the cost of work permits in the State as has the European Committee of Social Rights, which considers the fees charged for permits to be excessive and not in conformity with Article 18 of the Council of Europe's European Social Charter. The Migrant Rights Centre Ireland has recommended that the fees for work permits be reviewed and amended to bring the State back into compliance with Article 18 as well as for a provision to waive fees in exceptional circumstances. Our amendment deals with the latter recommendation but we also call on the Minister to deal with the broader point of the cost of fees in the first place. We ask the Minister to support the amendment, give a commitment to review employment permit fees within the next 12 months and bring the State into line with the cost of permits in other European countries with reference to whatever the European average is.

Deputy Richard Bruton: I can accept the idea of a review but not the terms of the amendment. I point out to Senators that a quarter of all permits issued so far this year had no fee at all attached to them be they new or renewals. This is because a range of applicants do not currently have to pay any fee, including spouses and employers which are registered charities. That said, it is my intention to carry out a review of the fee structure for all employment permits later this year. I assure the House that an open consultation process will be part and parcel of the review

process.

The purpose of the Bill is to place the granting of employment permits on a clear statutory footing and to provide for a significant level of detail in the accompanying regulations. This will preclude consideration on a case-by-case basis of the widely varied circumstances of individual applicants. That is what would be required were the Senator's amendment to be accepted to waive fees on a case-by-case basis for the renewal of an employment permit. Further, the grounds on which such a waiver might be applied would necessarily be based on third party, possibly unsubstantiated, reports on the circumstances of an applicant or on an investigation into those circumstances which would likely cause considerable delay in the issue of the renewal permit, thereby jeopardising the continuation in employment.

It is important to remember that an employer can also apply and pay for a new or renewal permit. Therefore, a waiver provision is not necessary. Indeed, anecdotal evidence from discussions my staff have had regularly with employers of migrant workers suggests that Irish employers highly value their migrant worker staff and are willing to pay the fees to enable them to renew their employment. It is also the case that after five years working in the State on foot of an employment permit, a foreign national may seek immigration permission from my colleague, the Minister for Justice and Equality, to reside and work in the State without the requirement to hold a work permit. Given my fee review plans for later this year and the unworkable nature of a case-by-case approach to fee waivers, I cannot accept the amendment.

Amendment put and declared lost.

Section 23 agreed to.

SECTION 24

Senator David Cullinane: I move amendment No. 16:

In page 60, between lines 9 and 10, to insert the following:

"(10) Where an employer has failed to provide a P45 or other relevant document to a foreign national to whom an employment permit in respect of the purpose referred to in section 3A(2)(*a*) has been granted further to a dismissal by reason of redundancy within the meaning of section 7(2) of the Act of 1967 the Minister shall be responsible for acquiring such documentation from the employer.".

Amendment No. 16 deals with instances of informal insolvency where an employer may simply cease trading or, for a variety of reasons, fail to provide a migrant worker with the documentation he or she needs to access money under the insolvency fund or social welfare provision. We have seen this happen in many sectors outside the migrant rights sector where employers have failed to formally wind up their companies. A company may be technically insolvent but a liquidator has not been appointed leaving workers in limbo. This can happen to migrant workers resulting in a failure to provide them with the relevant material and documents by an employer.

The point we are making here is that, as the Department and the Minister already have a relationship with the employer, he and the Department should pursue the employer for the necessary documentation to allow the worker to get whatever he or she is entitled to, either under the insolvency fund or through the social welfare system.

Deputy Richard Bruton: The documentation required to be submitted within four weeks of the date of dismissal by reason of redundancy will be set out in regulations. Such documentation is likely to include: a copy of the P45, which must be dated within the last 4 weeks, and/or a letter from the previous employer stating that permit holder has been made redundant within the last four weeks, and an explanation of the reason; and the previous employer's certified copy of the permit issued in respect of that permit holder. As indicated, we will be requesting a copy of a P45 and/or a letter from the employer. In the event that a P45 is not available, then the letter from the previous employer confirming same will suffice. Provision of documentary evidence establishes the bona fides of the circumstances applying.

My Department very rarely comes across instances where such documentation has not been forthcoming from previous employers. Where such circumstances do arise, the Department requests that the documentation be forwarded directly and the matter is invariably resolved. Therefore, the amendment is not necessary and I will not be accepting it.

The Senator also raises the wider issue of companies that do not wind up. That goes well beyond employment permit legislation. It would not be possible to consider a situation where the Minister would become responsible for the affairs of a company in that way, as that would be a very significant change in law.

Amendment put and declared lost.

Section 24 agreed to.

Sections 25 to 31, inclusive, agreed to.

SECTION 32

Question proposed: "That section 32 stand part of the Bill."

Senator Jillian van Turnhout: I thank the Minister for the information he has provided to me on my concerns in this area. I am satisfied with the rationale provided and I will not be proceeding with the amendment. However, on the section, I would like to take the opportunity to highlight another issue that has already been raised with the Minister by the Migrant Rights Centre of Ireland, MRCI, regarding joint inspections of workplaces that have been carried out in recent years between the National Employment Rights Authority, NERA, and the Garda National Immigration Bureau, GNIB. In these circumstances, it is perceived that GNIB leads the inspection by first asking workers for proof of immigration status. In such cases, migrants have reported to the MRCI that the situation becomes an investigation of immigration infringements rather than of exploitative practices in the workplace. If migrant workers are undocumented, they can be assisted in regularising their situation through mechanisms provided for under the Immigration Act and with the assistance of organisations such as the MRCI.

If the point of inspections is to uncover potential exploitative practices, I wonder why NERA is not doing the inspections first and foremost and then referring any undocumented workers to organisations such as the GNIB, if appropriate. I have a real concern that joint inspections by these agencies undermine NERA's efforts to investigate exploitation and build relationships with migrant workers in ensuring compliance.

Deputy Richard Bruton: I can check out the situation in regard to joint inspections. The section provides clarity to applicants on the role of the Garda National Immigration Bureau in

the employment permit application process but also speeds up the decision-making process. This is because, under section 6(f) of the current Act, all applications for employment permits must include information and documents in regard to the foreign national's permission. Therefore, there is good reason for having this exchange of information with the GNIB. I will certainly come back to the Senator in regard to the practice of the joint inspections and seek to give her assurances as to their motivation, namely, that the investigation of abuses is at the heart of what is being done by NERA inspectors.

Question put and agreed to.

Sections 33 to 39, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Senator Jillian van Turnhout: I welcome the Bill, which, as we noted on Second Stage, addresses many issues. I welcome the work that the Minister and his officials have done, and his engagement not only here in the House but between the Stages. As a final question, I was asked by some of the migrant workers to ask whether the Minister has any idea of the commencement date of the legislation, as I realise part of the commencement must be done by the Minister for Justice and Equality. This would allow us to know when the really great day is. Obviously, today is an important day in that we are passing the Bill, but its greater importance is when it actually affects workers.

Senator Feargal Quinn: I congratulate the Minister on having the Bill passed. When I introduced the other Bill to cover only part of this area in regard to the Mohammah Younis case of December 2012, some 18 months ago, the Minister said he would introduce a more comprehensive Bill. He has stuck to his word and done that. I congratulate him and his officials on this Bill and thank them for listening to us. I thank the Minister for coming in himself to give us a full hearing.

Senator Michael Mullins: I want to join in the congratulations to the Minister and his officials on steering another very significant Bill through the House. It is legislation that will be welcomed very much by migrant workers. I believe we have shown our willingness to protect the most vulnerable and to ensure that people who come to our shores to find employment are treated with respect and dignity. I compliment the Minister on this fine legislation.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I thank the Senators. I should single out Senator Quinn, who, to be fair, put a lot of work into devising a piece of legislation. While there were some unintended consequences of the way it was formulated which we felt unable to accept at the time, we have, I believe, caught the spirit of what he intended and done it in a way that our own legal advisers are happy with.

I join with the Senators in thanking our staff who are here with us. This is a difficult area and one which I believe suffered from the lack of a proper, codified piece of legislation. To codify it took a lot of work. Obviously, in the current environment, following a number of court rulings, one has to be more careful to have proper primary legislation where the policies and principles are approved by the House. That is as it should be, but it obviously means a lot more

work for officials in putting together legislation that cannot be rethought at regulation stage.

What it does is provide us with a modern piece of legislation, which, as Senator Mullins said, provides for a good environment and proper respect for people who come here to work, but also provides the economy with a way of meeting its needs in a way that is flexible and responds to opportunities. The world is changing and we are becoming a much more global society. Many sectors require people from different backgrounds, with different languages and experiences in order to be vibrant and successful. We must respond to these changing conditions with modern legislation.

I thank Senators for their support for and co-operation in dealing with the Bill.

Senator Jillian van Turnhout: Does the Minister have a commencement date for the legislation?

Deputy Richard Bruton: We will be working on the operational requirements in August with a view to commencement on 1 September.

Senator Jillian van Turnhout: That is excellent.

Question put and agreed to.

An Cathaoirleach: When is it proposed to sit again?

Senator Michael Mullins: Ar 10.30 maidin amárach.

Adjournment Matters

Voluntary Sector Funding

Acting Chairman (Senator Michael Mullins): I welcome the new Minister of State, Deputy Paudie Coffey.

Senator John Crown: Cuirim fáilte roimh an Aire Stait. Comhghairdeas. I wish him the best of luck in his new responsibilities.

I raise the issue of the defunding of the Neurological Alliance of Ireland which was founded in 1998 by concerned activists and specialists, principally Professor Orla Hardiman. An umbrella group was founded to provide for competency in advocacy in dealing with a group of very uncommon diseases. Some are so uncommon that there might have been one, two or three sufferers from the disease in Ireland. People with these diseases have great difficulty in seeking an advocacy position. They did have a commonality of interest in terms of physical impairment, cognitive impairment and emotional impairment that could occur and in terms of the supports needed. During the late 1990s and the early years of this century the group was extremely active and had a number of practical inputs and outputs. It managed to formulate new standards of care for patients with disabilities to varying degrees and also laid out a road map which was subsequently used by Comhairle na nOspidéal. From then on it found that its inputs were being taken on board by the HSE in terms of the clinical leads programme. It also runs an annual brain awareness project.

It has recently been announced that the group has lost its entire funding. It has received annual funding of €60,000 from the Department of the Environment, Community and Local Government through the scheme to support national organisations. The application for funding in 2015 has been turned down. This is the only funding the organisation receives. As a result, the alliance will be forced to cease operations in December. It asked for €80,000, an increase of €20,000 owing to increased demands on the organisation being the only umbrella group. Let me reiterate that the group has no other source of funding; it is totally reliant on the Department of the Environment, Community and Local Government's scheme for its core funding.

This is a very lean organisation. There are many charities that need to look at their inner workings in terms of being large, bloated, inefficient and top heavy, with big public relations and other departments. This is a very small organisation. It has one development manager who works part time, a four fifths basis, and an administrator who works part time, on a two fifths basis. The entire board give of their time and services for free. The money is spent on core running costs - the primary members of staff, rent and so on.

It will be the experience of those familiar with the great work done by the group that it has played a critical role in raising awareness of brain and other neurological diseases, facilitating fund-raising and increasing the focus on research in these activities and also in making sure decisions made by the Department, the HSE and other support agencies are well informed. The small amount of money allocated has been extremely well spent. I do not like to get up on my own hobbyhorse, but the amount of money spent on the Neurological Alliance of Ireland is spent many times over in health and social services and, I suspect, the Department of the Environment, Community and Local Government on public relations. The money would be repaid to the State amply in terms of improved outcomes for patients who suffer from these conditions, many of which, as I said, are so rare that those who have them really believe they are on their own. The alliance has given them cohesion and critical mass. I, therefore, urge that the matter be looked at again.

I thank the Minister of State for coming to the House so soon after his appointment. This is appreciated.

Acting Chairman (Senator Michael Mullins): I thank the Senator. This is the first visit of the Minister of State, Deputy Paudie Coffey, to the Chamber to deal with matters on the Adjournment. I wish him well in his new role.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I thank the Acting Chairman. I also thank Senator John Crown for placing this important matter on the agenda. I have a detailed response which will help to clarify how the schemes are funded and assessed. I can respond again should the Senator wish to raise further issues.

On behalf of the Minister, Deputy Alan Kelly, I am pleased to have an opportunity to address the Seanad on the funding scheme to support national organisations in the community and voluntary sector. The funding scheme to support national organisations in the community and voluntary sector aims to provide multi-annual funding for national organisations towards core costs associated with the provision of services. A new scheme commenced from 1 July. The overall budget for 2014, including the previous scheme and the new one, is some €3.1 million.

During 2013 the Department carried out a review of the scheme which found that it had

fulfilled its main objective of providing multi-annual funding for national organisations towards core costs associated with the provision of services. The review recommended that organisations be required to demonstrate clearly the added value of the work proposed. The effective use of core funding in recipient organisations also requires that robust governance and cost control procedures be in place within these organisations.

The new scheme was advertised for applications earlier this year. Pobal was asked to undertake an assessment of the applications received, given the organisation's significant experience and expertise in terms of the design of assessment criteria and completion of assessment functions.

Two well-attended information sessions were hosted by the Department and Pobal during the application process to outline the requirements of the new scheme. Application guidelines were also issued that outlined the scoring process, including capacity of the organisation, strategic fit, demonstration of need, achievability of the proposal and value for money. Organisations were provided with support in the application process, including a dedicated e-mail address as a preferred contact method to deal promptly with queries. Inquiries were also dealt with by telephone.

Some 157 applications were received by Pobal. Of these, three did not meet the basic eligibility criteria. The remaining 154 applications were appraised by Pobal against the criteria as outlined in the application guidance. In order to make funding available to as many organisations as possible within the prevailing resource constraints and taking into consideration the results of the appraisal process, 55 applications were approved for funding for the two-year period from 1 July 2014 to 30 June 2016.

Pobal has put in place a dedicated team to deal with inquiries from applicants and to provide detailed feedback. There is also an appeals process and Pobal has provided applicants with detailed information on it. As the appeals process is now live, it would not be appropriate for me to make any further comment on the funding process or the application of any particular organisation.

Senator John Crown: I thank the Minister of State, whom I am conscious is brand new and has been thrust into the firing line on this issue. I will try to be informative, instructive and collegial in my points.

I have the score card that the Neurological Alliance of Ireland received as part of the process. In university scoring system terms, the alliance got honours in capacity, need and achievability and a high pass in value for money. The only aspect it failed was strategic fit. For someone who is as sceptical about bureaucracy-waffle as I am, this seems insubstantial ground for taking a small grant away from an organisation that deals with many patients with different diseases.

Of the 25 groups under the alliance's umbrella, 11 applied for funding from the Scheme to Support National Organisations, SSNO, individually. None, zero, aucun, rien, nada was accepted. There has been a great deal of focus in the House and elsewhere on Huntington's disease, a cruel, devastating, incurable and inevitably destructive disease for which our society has made little provision in terms of, for example, qualifying for a medical card. The Huntington's Disease Association of Ireland has received €22,500 per annum since January 2008, but it had its funding decreased in 2009 and has now been defunded completely.

I have been asked to bring a matter to the Minister of State's attention. Perhaps he might

discuss it with his Government colleagues who have more direct responsibility for health. Neurological services in Ireland fall dramatically short of what is available in other developed countries. We are not doing well. These groups have asked me to make the case as strongly as possible for a sustainable funding stream, one that is peer reviewed and publicly accountable, to be put in place for these modest but important core activities. I hope that our interaction tonight will provide the Minister of State with the opportunity and inspiration to raise this matter with others involved in the decision making process, particularly as it relates to the score card, which looks extremely odd.

Deputy Paudie Coffey: I appreciate the Senator's genuine concerns in this matter and take on board the good case he has made. I discussed the issue with the Minister for the Environment, Community and Local Government, Deputy Kelly, this evening after I saw that this Adjournment motion had been tabled. We are prepared to reconsider applicants with disability or health-related functions to determine whether anything can be done in the short term. However, there must be co-operation with possible amalgamations - we do not know whether that will happen yet - of some of the groups that have similar interests so as to avoid duplication. The Senator should be satisfied that the Minister and I have agreed to re-examine the matter.

Senator John Crown: I would like the Minister of State to convey my gratitude to the Minister, Deputy Kelly.

Pyrite Remediation Programme Implementation

Senator Darragh O'Brien: Cuirim fáilte roimh an Aire Stáit go dtí an Seanad agus comhghairdeas freisin. I wish him all the best in his new role. I am delighted for him and am certain he will acquit himself well. I thank him for attending, as my Adjournment motion relates to the Department of the Environment, Community and Local Government, in which he has responsibility for housing, planning and co-ordination. Although he must still read himself into his brief, I urge him to pay specific attention to the pyrite issue.

As many of my colleagues know, the first legislation on pyrite was produced by me in the Seanad. It is a major issue. I broadly welcomed the establishment of the Pyrite Resolution Board, but it and the Minister need to report on the progress of the remediation scheme. Some home owners have applied for remediation but have not had their applications approved yet. In many instances, this seems to be the case because the builders who built their homes are still trading and-or the builder or home owner is involved in litigation. Unfortunately, a number of people from the Lusk village action group and the Lusk pyrite action group could not be present for this debate because the scheduling of additional business left us unsure, but they are watching online. They have done a ferocious amount of work and have been involved since the start. The north Dublin area has been particularly hit by the scourge of pyrite.

Will the Minister of State look into the concern that I am about to raise? In respect of the home owners in question in Lusk village and an estate in Donabate in north County Dublin, the resolution board is taking a long time - "stalling" would be the wrong word - to confirm whether their houses will be remediated because the builders are trading or may be taking legal action against quarries or other parties.

I debated the board's establishment with the former Minister, Deputy Hogan, and met the board during its briefings in the Custom House. Colleagues such as Deputy Clare Daly and I

were assured that the State reserved the right to pursue builders or those it felt were at fault for some or all of the costs. I agree with that approach, but it does not have to be done before the applications are approved.

In the case of Lusk village, the board is considering compliance with eligibility requirements, including the availability of other practicable options. I have no issue with that, but I do not want hundreds of home owners whose houses comply with the requirements - those requirements are not perfect, but they are a start - left to the end because we are waiting for the result of legal cases. When I put these points to the then Minister, I was assured that it would not be the case. I fully support the State's right to pursue those who were negligent or at fault to recoup those funds. I do not want home owners in Lusk village to be left dealing with the estate's builder, whom they claim has not been co-operative with the process in any way, shape or form.

One of the reasons we are in this situation is because HomeBond refused to pay to remediate these homes, yet we learned recently that the pyrite board had entered into a partnership and concluded a contract with HomeBond for project management services to remediate affected homes. This is difficult for us and the home owners to take.

Will the Department seek confirmation from the Pyrite Resolution Board that, where the State is recouping costs, home owners' in-fill will be removed and their houses remediated regardless of whether the relevant builders are still trading or legal actions are pending?

Deputy Paudie Coffey: I thank the Senator for his kind comments. I spent over four years in the Seanad with many colleagues. They were very good years.

I thank the Senator for raising this matter which I am taking on behalf of the Minister, Deputy Alan Kelly, and providing me with an opportunity to report on the progress made to date by the Pyrite Resolution Board in addressing this very difficult problem. The board, with the support of the Housing Agency, is tasked with implementing the pyrite remediation scheme in accordance with the provisions of the Pyrite Resolution Act 2013. The scheme was published in February this year and the board commenced accepting applications from affected homeowners on 26 February. The scheme is reflective of the conclusions and recommendations made in the report of the independent pyrite panel and a scheme of last resort. It applies only to dwellings affected by significant damage attributable to pyritic heave and where the applicant has no practicable option other than to secure, under the scheme, the remediation of the dwelling. To date, the board has received approximately 520 completed applications which include multiple applications from 26 developments and 47 single site applications in respect of one-off builds and single applications from larger developments.

The process of approval involves a number of stages, including validation by the board of applications against the relevant eligibility criteria and an assessment, verification and recommendation process undertaken by the Housing Agency. Approximately 206 applications have been validated by the board and forwarded to the Housing Agency for the assessment, verification and recommendation process and, of these, 52 have been approved for inclusion in the scheme and the applicants notified accordingly. The assessment and verification process involves confirmation that the damage recorded in the building condition assessment in respect of a dwelling is attributable to pyritic heave. This stage may involve testing of the hard core material. While no contracts have been awarded as yet, I understand the Housing Agency is close to awarding the first remediation works contract and it is intended that this phase of the process - the awarding of contracts and the commencement of remediation works - will gather

momentum in the coming months.

In line with the provisions of the Pyrite Resolution Act, the board must satisfy itself that applicants under the scheme have taken all reasonable and appropriate steps to seek to have those parties who have a responsibility to remediate their dwellings to pay the cost of remediation. In this context, the board is in discussions with a number of builders or their representatives with a view to securing funds from these sources for remediation works. However, it is not the board's policy to exclude applicants from the scheme solely because the builder is still trading or to unduly delay the remediation works in such cases. Each application will be considered by the board on its own merits and having regard to the eligibility criteria of the scheme. I am satisfied that the board will adopt a balanced approach in dealing with applicants in these circumstances, but it must also be recognised that it is incumbent on it to explore all possible avenues to ensure any funding that can be acquired for remediation purposes is secured for this purpose.

I fully support the approach being pursued by the board and look forward to continuing progress in providing solutions for affected homeowners.

Senator Darragh O'Brien: I thank the Minister of State for the response. I am due to meet representatives of the Pyrite Remediation Board tomorrow in Leinster House with residents from Lusk village and my colleague, Deputy Clare Daly. The response is very similar to the one we are getting from the board. Following the meeting tomorrow, in the coming months or September when the Dáil and the Seanad are back in session, it would be useful if the Minister of State and the Minister committed to meeting affected residents to hear their stories. This is a new process and I always knew there would be bumps on the road. However, it is our job to iron them out. Perhaps after the meeting with representatives of the Pyrite Remediation Board tomorrow, the Minister of State might commit to meeting me and my colleagues in the next six to eight weeks. Everyone wants to have the problem solved. It is the right thing to do. I am happy that the Minister of State has said it is not the board's policy to exclude applicants because the builder is still trading. While I understand this, it is not what we are hearing. We need to have the matter clarified.

Deputy Paudie Coffey: I understand these are very genuine concerns and they affect many public representatives of all political persuasions and none. The Senator, rightly, raises them on the floor of the Seanad. I wish him well in his meeting tomorrow with representatives of the Pyrite Remediation Board. I certainly would have no problem in meeting a delegation at some time if progress was not being made. A meeting can be arranged and I am certainly open to meeting a delegation.

Motor Tax Collection

Senator Michael Comiskey: I welcome the Minister of State and congratulate him on his appointment. We look forward to working with him in the coming years.

The matter of a tax credit for road hauliers has been brought to my attention by hauliers and others. Those with heavy trucks and other vehicles have to pay a substantial road tax. Last year a law was introduced stipulating that any vehicle off the road must be declared as such, with the declaration to be accompanied by a garda's signature, and that when it was back on the road a garda signed declaration also had to be submitted. This has implications for those who have a truck or other heavy vehicle taxed. I spoke to an individual who had paid €1,800 to

have a truck taxed. Unfortunately, he lost the contract on which he was working and the truck was taken off the road, with the effect that his €1,800 was more or less down the drain. Perhaps we might consider a scheme whereby the €1,800 could be held in credit until the truck was put back on the road or the driver received another contract. That would carry the driver forward for another three or four months.

What I propose does not apply so much to smaller vehicles, tractors and other vehicles on which the tax paid is small. However, in the case of a large truck, the tax on which is €1,800 for three months, a lot of money is tied up. Is it possible to receive a tax credit if one's truck is taken off the road temporarily?

Deputy Paudie Coffey: I thank the Senator for his kind comments. I look forward to working with him and many colleagues in the House.

I thank the Senator for raising this matter which I am taking on behalf of the Minister, Deputy Alan Kelly. I acknowledge the importance of a healthy and competitive haulage industry to our general economic welfare and employment across all areas of the country.

Changes to the procedures for declaring vehicles off the road came into effect on 1 July 2013. The Non-Use of Motor Vehicles Act 2013 replaced the system whereby a vehicle was declared to be off the road retrospectively, which was unverifiable, and put in place new arrangements to allow motorists to make provision for genuine periods of non-use of a vehicle. For commercial vehicle owners, this could be for anticipated downtime or due to cyclical business demand.

The arrangements for off-road declarations only allow for a future declaration. It must be made in advance of the vehicle being taken off the road, in the month before tax falls due or when a previously made declaration of non-use expires. The declaration of non-use can be made at any time during that month, for free, online or at a motor tax office. An owner can return the vehicle to the road early if circumstances such as an increase in trade require it simply by taxing the vehicle, effective from the first day of the month in which it is taxed. As the taxation period which can be three, six or 12 months is due to expire, the owner can make a fresh off-road declaration, if he or she wishes.

An estimated €55 million was being lost annually through motor tax evasion linked with retrospective declarations. Motor tax receipts for the half-year to the end of June 2014 are €47 million ahead of those in the same period in 2013, despite the fact that there has been no increase in motor tax in the intervening period. While not all of the increase in motor tax income can be attributed to the change in the rules for off-road declarations, it is clear that the measure is having an impact. The new arrangements strike a balance between the need to tackle tax evasion which hurts compliant motor taxpayers and a degree of flexibility to allow vehicle and fleet owners to arrange their affairs only to pay motor tax for periods their vehicle is in use on the road.

Given the extent of tax evasion which was for many years facilitated by retrospective off-road declarations, it is not intended to reintroduce retrospective declarations, accompanied by tax credits, as to do so would risk reopening the evasion loophole via motor tax credits.

9 o'clock

The introduction of such a scheme for hauliers would inevitably lead to calls for similar

treatment from other categories of road users, risking ultimately completely negating the improvements in the fairness of the motor tax regime introduced last year.

Senator Michael Comiskey: I accept the rules introduced made a big difference to the Exchequer - with €55 million to accrue to it. However, as I outlined, I feel it would be good for businesses and people involved in road haulage if a tax credit was introduced. I do not believe it would open up a loophole that would help them evade tax. The money would have been paid and there would be no question of it being refunded, but it would be held in credit and when the truck was put back on the road, the credit would kick in. I think fleet owners in the United Kingdom have a facility such as this, where tax credits are available. I suggest the Minister should take another look at that at some stage.

Deputy Paudie Coffey: I do not have the answer the Senator requires. The figures I have outlined clearly state that by the end of June 2014, the motor tax receipts are €47 million greater than for the same period in 2013. It seems clear therefore that the measures implemented are having the effect of ensuring people who might in the past have tried to evade paying motor tax are compliant. The Department does not intend to review the scheme at this stage.

Seirbhísí Eitilte

Acting Chairman (Senator Michael Mullins): I welcome the Minister of State, Deputy Joe McHugh, to the House and congratulate him on his recent appointment and wish him well over the next year and a half.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire Stáit agus gabhaim comhghairdeas leis as ucht a cheapachán - tá a fhios agam go bhfuil sé ag tarraingt neart cainte. Bíodh sin mar atá, tá an tAire Stáit sa ról anois agus tá súil agam go n-éireoidh go maith leis ann. Táim cinnte go mbeidh muid i gcomhrá go minic sa Seanad ar an Athló.

Baineann an cheist atá á ardú agam anocht leis na haerstráicí ar an gCloigeann agus Inis Bó Finne i gContae na Gaillimhe. Mar atá a fhios againn, tá seirbhís aeir go dtí na hOileáin Árainn le blianta fada anuas. Éiríonn go maith le sin agus tá sé riachtanach go mbeadh a leithéid de sheirbhís ann. Tá an Roinn a bhfuil an tAire Stáit freagrach as tar éis tacaíochta a thabhairt dó sin agus tar éis geallúint go dtabharfaidh sé tacaíocht dó ar feadh bliana eile. Ach tá ceist agam maidir leis na haerstráicí ar an gCloigeann agus in Inis Bó Finne.

Bhí plean ann go mbeadh seirbhís, cosúil leis an seirbhís go hOileáin Árainn, ag imeacht ón gCloigeann go hInis Bó Finne, ach, faraor, níl sé sin chun tarlú faoi láthair. Bheadh duine ag rá, b'fhéidir, gur airgead amú mar sin a bhí sna haerstráicí. Ach is léir go gceapann daoine eile nach bhfuil an t-airgead imithe amú agus go bhfuil úsáid gur féidir a bhaint astu, go háirithe an ceann ar an gCloigeann. Tuigtear dom go raibh Garda Cósta na hÉireann ag féachaint ar an suíomh sin. Tá an ceantar sin iargúlta, ach tá riachtanais go leor ann ó thaobh an Aerchóir agus ó thaobh cúrsaí sláinte agus mar sin de. Dá mbeadh aon duine tinn, d'fhéadfaidís túirlingt in áit cosúil leis an gCloigeann. Tá a fhios agam freisin go bhfuil daoine príobháideacha chomh maith ag léiriú suime san aerstráice agus sna foirgnimh atá ann.

Tuigtear dom gur leis an Roinn iad na haerstráicí seo. Cén plean atá ag an Roinn maidir leis na haerstráicí sin. An bhfuil sé chun iad a dhíol, cé leis an bhfuil sé ag caint agus an féidir tuairimí an phobail a thógáil san áireamh maidir leis na pleananna atá i gceist? Má tá úsáid

phobail, ar nós úsáid do Garda Cósta na hÉireann, gur féidir a bhaint astu, ba cheart go dtógfaí sin san áireamh

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh): Ar maidin, bhí strus agus brú orm, ach anois um tráthnóna tá mé réidh.

Tá áthas orm an deis seo a fháil an t-ábhar tábhachtach seo a phlé anseo sa Seanad inniu. Ba dheas liom i dtús báire cúlra an scéil a mhíniú don Seanad. In 2001, rinneadh Ollscoil Cranfield staidéar neamhspleách ar na seirbhísí aeir chuig na hoileáin thar ceann na Roinne. Rinneadh moladh sa tuarascáil sin do sheirbhís aeir idir Inis Bó Finne agus an Clochán i gContae na Gaillimhe. Mar thoradh ar sin, tógadh cinneadh rúidbhealaí a thógáil chun go bhféadfaí seirbhís aeir a sholáthar. Ar ndóigh, ní miste a nótáil go bhfuil seirbhís farantóireachta do phaisinéirí agus seirbhís lastais chuig Inis Bó Finne a maoiniú ag an Roinn i rith an ama.

Mar chúlra ar an scéal, bhí réamhobair ar siúl d'fhorbairt na n-aeradróm chomh fada siar leis na nóchaidí. Ag amanna éagsula, bhí plé ag Údarás na Gaeltachta agus ag Comhairle Contae na Gaillimhe leis na forbairtí sin. I ndiaidh cur agus cúiteamh, socraíodh go nglacfadh an Roinn seilbh ar na haeradróim agus ceannaíodh na suíomhanna dá réir. I gcás an aeradróim ar an gClochán, tá an suíomh i seilbh na Roinne. I gcás an aeradróim ar Inis Bó Finne, ceannaíodh an talamh seo trí ordú ceannaigh éigeantaigh le comhoibriú ó Chomhairle Contae na Gaillimhe. Níl an talamh seo aistrithe go hoifigiúil chuig an Roinn on gcomhairle go fóill agus tá an Roinn ag obair leis an gcomhairle chun é seo a dhéanamh. Tuigtear dom go bhfuil €8.6 milliún caite ar na rúidbhealaí go dáta, idir ceannach na talún agus forbairt an bhonneagair ar na suíomhanna ag Inis Bó Finne agus ar an gClochán. Ta céim a haon den phróiseas chun ceadúnas a fháil do na haeradróim curtha i gcrích ag an bpointe seo agus tá cead pleanála faighte do chríochfoirt ar an da shuíomh.

Mar gheall ar an gcúlú eacnamaíoch agus i bhfianaise an bhrú atá ar sholáthar na Roinne, tógadh cinneadh i mí lúil anuraidh gan dul ar aghaidh leis na forbairtí ar an dá shuíomh agus go ndéanfaí socruithe chun na suíomhanna a chur de láimh. Níl cinneadh criochnúil déanta ag an Roinn go fóill faoin mbealach is fearr chun é seo a dhéanamh. Go bunúsach, feictear dom go bhfuil dhá rogha anseo, is iad sin na haerstráicí a chur ar léas fadtearmach nó iad a dhíol. Tá an dá rogha á meas ag an Roinn i láthair na huaire. Ni miste a rá go bhfuil roinnt teagmháil neamhfhoirmiúil déanta ag páirtithe éagsúla leis an Roinn mar gheall ar na haerstráicí. Cé nach bhfuil cinneadh tógtha go fóill, is féidir leis an Teach seo a bheith cinnte go dtabharfar faoi na haerstráicí seo a chur de láimh trí phroiseas oscailte soláthar poiblí.

Senator Trevor Ó Clochartaigh: Táim an-bhuíoch as an bhfreagra sin. Is scéal maith é go bhfuil an obair fós ar siúl agus nach bhfuil an cinneadh glactha go hiomlán. An mbeadh an tAire sásta bualadh leis na páirtithe éagsúla a bhfuil suim acu sa scéal seo, go háirithe Garda Cósta na hÉireann? Measann daoine sa gceantar go mbeadh sé an-tábhachtach go mbeadh seirbhís dá mhacasamhail ann. B'fhéidir go bhfuil féidireacht ann an t-aerstráice a bheith oscailte, ó thaobh turasóireachta de. Tuigtear dom go bhfuil grúpaí éagsúla ag rá go bhféadfadh siad an t-aerstráice a rith mar aerfor tráchtála, i gcomhar le Garda Cósta na hÉireann agus go bhféadfadh na rudaí éagsúla tarlú ag an am céanna. Bheadh sin iontach úsáideach. Dá mbeadh an tAire Stáit sásta bualadh leis na daoine seo ag am feiliúnach chun na ceisteann seo a phlé, bheadh sin an-chuiditheach.

Deputy Joe McHugh: Go raibh maith agat. If there are options it would be important to feed them through. It is important to ensure that the two options available at the moment are

up for discussion, namely, the possible lease or the possible sale. No decision has been made. Some €8.6 million has been invested in two airstrips. Beidh mo dhoras oscailte le haghaidh aon phlean. The constraints on my Department are economic and financial. We have €5.6 million to spend on all ferry, cargo and air services. There are constraints but I would be interested in the Senator forwarding suggestions or working with the group. If there are plans for the coast guard I will examine them.

The Seanad adjourned at 9.15 p.m. until 10.30 a.m. on Thursday, 17 July 2014.