



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 08 Deireadh Fómhair 2014

Wednesday, 08 October 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 Colm Burke that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for the Environment, Community and Local Government to enter into discussion with Cork City Council and Cork County Council with a view to making a suitable site available to accommodate waste processing facilities, and in particular to establish what the long-term plans are for the Bottlehill landfill site, which cost over €48 million to build and is currently not in use.

I regard the matter raised by the Senator as suitable for discussion on the Adjournment and it will be taken at the conclusion of business.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, statements on the participation by Irish Defence Forces personnel in the United Nations Disengagement Observer Force (UNDOF) mission on the Golan Heights, to be taken at 1 p.m. and to conclude no later than 1.45 p.m., with contributions from all Senators not to exceed five minutes; No. 2, Valuation (Amendment) (No. 2) Bill 2012 - Committee Stage (resumed), to be taken at 3 p.m. and to be adjourned no later than 5 p.m., if not previously concluded; and No. 55, motion No. 9, Private Members' business, to be taken at 5 p.m., with the time allocated for this debate not to exceed two hours.

An Cathaoirleach: One point of clarification on No. 1: is it Senators or spokespersons?

Senator Maurice Cummins: It is spokespersons.

Senator Darragh O'Brien: Everyone will agree that we are very proud of our Defence Forces and the force reserve company that has returned from a difficult mission in the Golan Heights. I am delighted that they have all returned safely. I commend the men and women of the reserve company on their bravery during their tour of duty over the past six months. While there will be only a short debate or statements, it is important that this be recognised. This is only one example, by the way, of how our Defence Forces and front-line services, including the Garda, have performed on United Nations peacekeeping duty in recent decades. This should focus the Government's mind on supporting our Defence Forces as much as possible. I welcome them back and I am glad everyone has returned safely. On behalf of my group, I commend them all on the bravery they showed during the tour of duty.

Several weeks ago we debated at length the State Airports (Shannon Group) Bill 2014. I reminded colleagues at the time that it was the first time any Government had moved to legislate for a private pension scheme, namely, the Irish Aviation Superannuation Scheme. I imagine all Members have received detailed correspondence from retired members of the scheme, whose group, the Retired Aviation Staff Association, does a fantastic job in representing them, as well as the deferred pensioners group. On the basis of what the Government has passed in the Parliament, they will have a loss to their potential pensions of between 48% and 55%.

I am keen to correct the record of the House. In fairness, the Tánaiste, Deputy Joan Burton, and many of the Government Senators on the other side of the House have been corresponding with people who got in contact with them about their livelihoods, their quality of life and the fact that their pensions are going to be halved under the Government's proposals. The Tánaiste and the Government are putting out the message that the expert panel engaged extensively, in particular, with the deferred members group, which comprises 5,000 people and their families. It did not. The expert panel set up by the Government did not engage extensively in any way, particularly in respect of the deferred pensioners. I know Senator Bacik has responded in a recent e-mail to Mr. John Murphy in this regard. She sent on a detailed response. I acknowledge the fact that Senator Bacik responded to him, but I call on her to go back and check the facts. That is not particularly a point against Senator Bacik but rather against the Government.

The Minister for Transport, Tourism and Sport will have to sign two commencement orders to tear asunder the scheme and these people's promised pension benefits. These people have worked for 35 or 36 years and had been expecting pensions. They paid into the scheme on a compulsory basis. On the basis of these proposals they will now have their pensions reduced by 50%. If that were to happen in this House there would be a furore. People would go crazy about any idea involving such massive reductions in pensions. We debated the matter at length at the time.

I call on the Tánaiste and Minister for Social Protection at this late stage to consider bringing forward amendments to reduce the level of reduction for deferred and retired members. Let us not forget that many of the retired members have no ability to earn additional pay. Many of these individuals are in their late 60s, 70s or 80s and have paid into this scheme for years. This is not a solution. Over the years and under successive Governments the scheme was used as a vehicle and an incentive for people to retire early. It is proven now that the scheme could not afford to take the hit it has taken. People have paid into the scheme for 30 or 35 years. This is the first time the Government has legislated to reduce benefits in a private pension scheme. In this regard, we need to know what the Tánaiste and the Government are doing.

I propose an amendment to the Order of Business to the effect that the Tánaiste and Minister

for Social Protection should come to the House for one hour to explain whether she is open to or will move further amendments to the scheme under the social welfare Bill to reduce the savage level of reductions proposed by the Government. It is only reasonable that the Tánaiste come to the House and correct the record in respect of what her officials are telling her party members.

An Cathaoirleach: Senator, you are way over time.

Senator Darragh O'Brien: I am formally proposing an amendment to the Order of Business this morning.

Senator Ivana Bacik: I thank the Leader for arranging the debate today on the participation by Irish Defence Forces personnel in the UNDOF mission on the Golan Heights. I am pleased that we will have the Minister in the House. I have just come from a meeting of the Joint Committee on Justice, Defence and Equality, at which the Minister for Defence, Deputy Coveney, briefed members on the participation of Irish Defence Forces personnel in the Golan Heights mission. I wish to add my voice to the voices of others in commending those in the Irish forces, who only returned late last night from their six-month tour of duty, who were responsible for extremely brave and heroic actions in August. They assisted in the safe extraction of 58 members of the Philippine battalion who had been attacked by rebels and, on 30 August, they extracted 35 Filipino troops from a position surrounded by rebels. The Minister, Deputy Coveney, went into considerable detail with the committee on the circumstances of the rescue of the Filipino troops. All of us should commend the 44th Battalion, which was involved in those rescues. Moreover, we should all send our best wishes to the members of the 46th Infantry group who were sent out at 6.30 a.m. yesterday morning for a further six-month tour of duty following a review of the mission by the Minister, Deputy Coveney, and at UN level. There is major concern about the escalation of tensions in the area.

We had a good debate last night on the Criminal Justice (Terrorist Offences) (Amendment) Bill. In the course of the debate we discussed briefly the situation in Syria, particularly the appalling circumstances of the siege of the town of Kobani, which, it appears, may fall to the rebels from ISIS, or the Islamic State group. We spoke about the barbarism and brutality of the people in that group and the need for those of us in Europe to ensure we take steps to prevent the recruitment of foreign fighters by these groups in Syria, Iraq and elsewhere. I thank the Leader for arranging that debate.

I call on the Leader to arrange a debate in future on an Amnesty International report published today - I attended the launch earlier - on economic, social and cultural rights. The report, *Bringing ESC Rights Home*, examines at how economic, social and cultural, ESC, rights and obligations may be applied to budgetary policy and recommends that the Government establish a minimum level of protection for all ESC rights. We had a good debate on ESC rights at the Constitutional Convention. On foot of that debate there was a strong majority recommendation from the convention that the Government should give constitutional protection to ESC rights. The report from Amnesty International is part of a process of seeking to ensure greater protection for these rights. In advance of next week's budget the ESRI has also recommended that we should see investment by the Government in social housing, given the strong growth figures for this year and predicted for next year. I ask the Leader that we might have a debate broadly on ESC rights, on the Amnesty report, and indeed on the report of the Constitutional Convention.

Senator Marie-Louise O'Donnell: I spent last night reading Mr. Honohan's report from the Central Bank on the 20% to be imposed in terms of loan-to-value and loan-to-income re-

quirements and I think it is a great example of obfuscation. It is endemic and extraordinary because nowhere in the document, which all Members should read, does it actually state that the banks are at fault. We are all at fault but they are not necessarily at fault. There is reference to “too lax mortgage credit standards” when there were in fact no mortgage level standards in the banks. We allegedly destabilised the economy, when the banks did it singlehandedly. They drove up the profits. Every sale they made generated commission. They did not know their jobs, they did not know the internal workings of their jobs, they did not know the ethics of their jobs, or the morality of their jobs. They had no competence, they had no ability, and now they are trying to blame us, as if we are the only people in the business.

The banks were inextricably linked to the housing market. They created it, it was their baby. Some of them are still in the job, still doing the same thing. What have they learned? They have learned nothing. This question is raised in the document, but it is not answered. They are still driving up the prices, they are still driving up the interest rates and they are still crucifying Mr. Ordinary. As someone from Fianna Fáil mentioned yesterday, we do not even have a human being to talk to when we go in the door of the bank. They talked about loan-to-value and loan-to-income ratios but my question is where Mr. Ordinary will get 20% of the value of the property. It is not the deposit that crucifies people, it is the interest rates that do so. People are incapable of paying them back. Mr. Honohan says that the loans issued near the peak of the cycle led to large numbers of borrowers in negative equity once housing prices turned, which is a well-documented cause of mortgage defaults. Here is my documented cause - the banks lent money like circus clowns and they made commission on every single penny they lent. That is why we had a housing bubble. I would also like to ask Mr. Honohan why he did not do this in any other year since 2008.

Before I finish, let me get to the best example of banking alliteration in the document, on page 30. It reads: “The loosening of lending standards played a large part in fuelling the Irish property boom.” That is what Mr. Honohan calls it. Here is my better example of alliteration - “gross greed and no banking governance”. Banks constitute the most incompetent, the most immoral and the most powerfully useless institutions in the country. I despair that I have to go into them because I have nobody to speak to, but I must go in because my salary is paid through the banking system as I cannot get it in cash. We need serious debate in the Seanad about the Irish banking system and the obfuscation that goes on in documents like this, blaming the Irish people, who are just the butt of their incompetence. I call on the Minister for Finance to come in here and explain this extraordinary, endemic obfuscation of the real reasons behind the economic collapse. If one cannot tell oneself the real reason for the problem, then one will never learn what the real reason for the problem is, which is the banks’ greed, greed and more greed.

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

Senator Marie-Louise O’Donnell: Yes. Will somebody second it?

Senator Mary M. White: I will.

Senator David Norris: I will.

Senator David Norris: Seconded. I raise the illegal banking activities of the Bank of Ireland regarding Irish citizens and groups composed of Irish citizens. Reports appeared in early June in the newspapers that the Bank of Ireland was closing down all Cuban-associated

accounts. The Cuba Support Group, which is known to many Members, a very responsible and respectable group, contacted its bank and was reassured that nothing was happening. Then on 11 July it received a letter saying that all its accounts were being closed. It got a second letter on 14 July giving it two days' notice of the closure. I find this quite extraordinary. It seems to be an off-shoot of the Helms-Burton Act, to which this country responded by introducing legislation of our own, ensuring that these conditions would not be employed in Irish banking. On 22 September, the Cuba Support Group called the Bank of Ireland in Swords and left a message on the voicemail and received a call from Mr. Kenny Morgan, the manager of the Swords branch, to say that he was sorry, but the decision to close the account had been taken in the US parent office and could not be changed.

I ask the Leader, as a matter of urgency and of grave concern, to ask the Minister whether it is in accordance with Irish law that a wholly Irish NGO, operating in Ireland and funded by a membership entirely located within the Republic of Ireland, namely the Cuba Support Group, can have its banking service terminated at short notice because of the decision of an American company which Bank of Ireland is using to process financial transactions. If an Irish bank refuses to provide banking services to the Cuba Support Group as a result of US banking regulations administered by the US Office of Foreign Assets Control, will the Minister with responsibility for trade act to prosecute them in accordance with Irish and European law, prohibiting the extra-territorial application of US law in the illegal US blockade of Cuba? I emphasise that there is a European position to resist this colonialist attempt to intervene in Irish banking practice for purely political purposes of the United States of America and against the interest of citizens, banks and groups in this country. What emergency facilities will the Minister for Finance make available to allow the Cuba Support Group to operate a functioning Irish bank account with cheque-clearing and electronic transfer facilities while his colleague, the Minister for Foreign Affairs and Trade, undertakes prosecutions?

This is an entirely Irish-owned and operated membership organisation affected by some group in the United States because of the operation of the Helms-Burton Act. It is plainly illegal and the Irish authorities should act against this. It is an attempt to close down a group that is critical of American foreign policy in a way that many of us who are friends of America are also critical. They have already closed down the group's PayPal account. They cannot get new members through PayPal because America has decided they cannot do so in this country. Are we a colony?

Senator Martin Conway: Like others, I would like the Minister for Finance to come to the Seanad for a debate on banking, but I appreciate that the budget is next Tuesday and that he is probably going to be tied up preparing what is a very important budget for our economic recovery. Post-budget, when he comes in to address the House on budgetary issues, I would like the Leader to make the Minister aware that this House has enormous concerns over banking. I witnessed in a branch of Bank of Ireland in Clare recently an 86-year-old man going up to the counter to carry out a transaction and being told he would have to go to a machine, although they would assist him with this. The man was confused and upset. He certainly felt that this Government had turned its back on him, given that it bailed out the banks. Unfortunately trying to explain the dynamics of banking to someone of that age when they are not too happy is not easy.

Similarly, customer service, whether in banking or elsewhere, is extremely important. I have had a number of complaints, as, I am sure, other colleagues have, to my constituency office concerning Irish Water and the length of time people spend on the phone trying to get

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through to Irish Water. I realise that Irish Water is a national utility which is in its incubation period but at the same time people are now paying for water. They therefore expect that when they make a call, this should be answered and that they should not have to spend money waiting 15 minutes on the phone. I ask the Leader to process a request to Irish Water that they establish a call-back service, whereby when someone is on the phone for a few minutes they will have the option to leave their number so that Irish Water will ring them back.

Senator Fidelma Healy Eames: Hear, hear.

Senator Martin Conway: That is one step that would facilitate improved customer service at Irish Water and I would like the Leader to communicate that to the chief executive of Irish Water.

Senator Mark Daly: I seek leave to introduce No. 11 - the Immigration Reform for US Citizens Living in Ireland Bill. Many of those affected are unable to remain in Ireland because of our immigration system.

11 o'clock

While we have 50,000 undocumented Irish living in the United States, -----

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

Senator Mark Daly: Yes, I propose an amendment to the Order of Business, that the Immigration Reform for U.S. Citizens Living in Ireland Bill be taken in the House, in light of the fact that such citizens find it so difficult to remain here despite the enormous contribution they make. The irony is that we seek to have the situation regarding the 50,000 undocumented Irish living in the United regularised, but when it comes to U.S. citizens in similar situations who wish to remain here, we do not facilitate a system allowing them to do so.

Yesterday, we spoke here about the trials and travails within Fine Gael. I am aware Senator Paul Coghlan would have been at the Fine Gael breakfast this morning - I hope he enjoyed it - which was attended by the British ambassador. This breakfast was a fund-raiser event. Will the Leader clarify the situation regarding this, because -----

Senator Jim Walsh: After all, it is a west British party.

Senator Mary M. White: Hear, hear.

Senator David Norris: Will somebody wake me up when this is all over?

Senator Mark Daly: Were the Standards in Public Office Commission or the British Embassy aware this breakfast was a fund-raiser event? It is appropriate that ambassadors are invited, by all political parties, to attend events, but not to fund-raisers. We are all aware of the difficulties in regard to politics and fund-raisers -----

Senator David Norris: The Senator sounds anti-British.

Senator Mark Daly: The Senator may speak for himself.

Senator David Norris: I am listening to the Senator.

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

Senator David Norris: Unremitting hatred for the English.

An Cathaoirleach: Please allow Senator Daly to make his contribution, without interruption.

Senator Mark Daly: Will the Chair please ask Senator Norris to refrain?

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

Senator Fidelma Healy Eames: He is telling you what to do.

Senator Mark Daly: I ask for Senator Norris to withdraw the statement.

Senator David Norris: I will not.

An Cathaoirleach: I did not hear what he said. Has Senator Daly a question for the Leader?

Senator Mark Daly: I ask the Chair to ask Senator Norris to withdraw the statement.

An Cathaoirleach: I did not hear what he said.

Senator Darragh O'Brien: He called him anti-British and should withdraw that.

Senator Mark Daly: I ask the Cathaoirleach to instruct the Senator to withdraw the statement.

Senator David Norris: I will not. It is as simple as that.

An Cathaoirleach: I did not hear what the Senator had to say, so cannot comment on it. Has Senator Daly a question for the Leader?

Senator Mark Daly: It is unfortunate that the Senator is not concerned about the issue of fundraising within political parties and that the British ambassador appears to have been misled in regard to that issue and was unaware the breakfast was a fund-raiser event. I have attended many events with the British ambassador in regard to the decade of commemorations and ask the Leader to clarify the situation. Was he informed that the breakfast was a fund-raiser event?

Senator David Norris: I understand he was a speaker at the event.

Senator Paul Coughlan: That is right.

Senator Mark Daly: I understand the embassy was not informed.

An Cathaoirleach: I ask the Senator to resume his seat.

Senator David Norris: Does Senator Daly think the British ambassador should be muzzled?

An Cathaoirleach: I ask Senator Norris to show some courtesy to the House and to resume his seat. I call Senator Hayden.

Senator Mark Daly: Sorry to interrupt Cathaoirleach, but I ask for Senator Norris to withdraw his last comment.

An Cathaoirleach: I did not hear it. With all the interruptions going on in the House, I did

not hear what he had to say. I call Senator Hayden.

Senator Mark Daly: I ask the Senator to withdraw his comment.

Senator Marie-Louise O'Donnell: On a point of order, it is difficult for us on this side to hear that side of the House. We could not hear the Senator's argument. I am not being smart about this. We could not hear the argument.

An Cathaoirleach: Please, can we hear Senator Hayden, without interruption?

Senator Mark Daly: I will accept that, but perhaps when the Chair has a chance to look at the record he can -----

An Cathaoirleach: I ask Senator Norris to resume his seat.

Senator David Norris: On a point of order, I would like to let the House know that the report in the newspapers stated the British ambassador would be the guest speaker at a lucrative Fine Gael fund-raiser this morning, but the Fine Gael Party did not tell ambassador Dominick Chilcott that the business breakfast was a fund-raiser when he was invited. End of story.

An Cathaoirleach: That is not a point of order. The Senator is completely out of order.

Senator David Norris: I beg the Chair's pardon.

Senator Mark Daly: That is exactly the point I was making - that the ambassador was unaware it was a fund-raiser. I asked the Leader to clarify the situation.

An Cathaoirleach: We are not here to discuss a morning breakfast or whatever.

Senator Fidelma Healy Eames: I am sure the British ambassador will respond, so let us stop making a song and dance out of this and get on with the business of the House.

An Cathaoirleach: Senator Daly should resume his seat.

Senator Mark Daly: Thank you. I second the amendment proposed by the Fianna Fáil leader on the Order of Business and thank Senator Norris for reiterating my comment.

An Cathaoirleach: Senators are using up their time on the Order of Business, because I am calling time after 55 minutes today.

Senator Aideen Hayden: I have no comment to make about who does or does not attend a breakfast for any reason, but I would point out that it is thanks to the Government that we have robust legislation on political donations and their declaration and that we have openness and transparency in political life.

Senator Darragh O'Brien: Like the appointment to IMMA.

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

Senator Darragh O'Brien: Did the Senator vote for Mr. McNulty? She probably did, like all the Labour Party members who walk through the lobbies and do what their Fine Gael masters tell them to do.

An Cathaoirleach: Please allow Senator Hayden to contribute, without interruption.

Senator Darragh O'Brien: I bet she did, no doubt about it. I hope she walks him into the House -----

Senator Aideen Hayden: I wish to respond to some of the comments made by Senator O'Donnell in regard to the Governor of the Central Bank and the mortgage market. I agree with her that we need a robust debate on the banking sector and I have called for that on a number of occasions. We cannot go back to the way things were. There is no alternative now for people on low incomes such as there was back in the 1970s and 1980s. The mutual societies are gone. The Industrial Credit Corporation, the Agricultural Credit Corporation, the EBS and all of those organisations where people on lower level incomes could borrow are gone. We are now left with the two or three banks that run banking and must wake up and deal with that reality.

In the context of the ESRI's latest economic commentary, it is gratifying to see that not only -----

Senator Marie-Louise O'Donnell: On a point of order, is the Senator suggesting that we are not allowed to challenge the two great pillar banks? I am surprised at that.

An Cathaoirleach: That is not a point of order.

Senator Aideen Hayden: No. I said the opposite.

Senator Marie-Louise O'Donnell: She said we must live with this reality.

An Cathaoirleach: Senator O'Donnell cannot abuse the facility to make a point of order in the House.

Senator Marie-Louise O'Donnell: My apologies.

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

Senator Aideen Hayden: Yes, I do. I said the exact opposite.

Senator Marie-Louise O'Donnell: No, the Senator did not.

Senator Aideen Hayden: I said that we need a debate on banking because we do not have alternatives any more.

Senator Marie-Louise O'Donnell: That does not mean we cannot challenge the arrangements.

An Cathaoirleach: Allow Senator Hayden to speak, through the Chair please.

Senator Aideen Hayden: We have no alternatives and therefore the only thing we can do is challenge the main lending institutions. They are the only game in town and, therefore, we must challenge whatever they say robustly.

Senator Rónán Mullen: I think Senator Healy Eames raised her hand before I did, but I will not look a gift horse in the mouth.

As the House may be aware, this is palliative care week. This is an all-island event and the first of its kind. It is being co-ordinated by the All Ireland Institute for Hospice and Palliative Care and its objective is to increase public awareness of palliative care and greater understanding of when it can be applied. This is a noble initiative that deserves our recognition and admi-

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ration, because it promotes a model of care for those suffering from serious illness in a way that respects their human dignity and strives to ensure they achieve the best possible quality of life.

It is worth remembering that the palliative care approach is beneficial for anybody with an incurable illness, regardless of age and including babies that are born with such difficulties that they are unlikely to survive. Perinatal hospice care allows parents and baby to make the best of their often brief time together and provides many treasured memories. Support groups like One Day More, which is made up of parents who received poor prenatal prognoses for their babies, agree that this type of care offers the best way forward when coping with such shocking news. It is the only type of care that respects the intrinsic value of the lives of these babies and recognises their worth is not dependent on the quality or length of their time on this earth.

I am not finding fault with the Leader in regard to what we asked for last year but which never happened, but I believe there was a commitment to have a debate on perinatal hospices and the need to extend perinatal hospice care here. We live in an age dominated by the ideology of choice. In recent weeks I have found it distressing to see elements in the media seek with brutal intent to create a wedge to see abortion legalised in those tragic situations of babies that have a short life prognosis or who are doomed to die shortly after birth. This particular media agenda is wrong, tragic and inhumane.

We can counter this agenda by promoting the cause of perinatal hospice units. Such services are only provided on an *ad hoc* basis in certain hospitals and there are no officially designated care units.

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

Senator David Norris: What about the mothers?

Senator Rónán Mullen: These units are for families, for mothers and their babies. Can we hear from the Minister for Health on this and is it possible we can get a commitment there will be provision for perinatal hospice services in the budget?

Senator Colm Burke: I was intrigued by Senator Daly's reference to fundraising. Perhaps he might outline to the House his involvement-----

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

Senator Colm Burke: -----in fundraising in the United States. There is a question he needs to answer.

An Cathaoirleach: Senator, do you have a question for the Leader? We are not discussing fundraising issues.

Senator Jim Walsh: We should take note that the British Government is supporting the fundraising of Fine Gael. Why would it do that?

An Cathaoirleach: Senator Walsh, you have indicated that you wish to speak.

Senator Colm Burke: I wish to raise the issue of long-term planning. All the evidence suggests that there is a major turn in the economy and that growth rates will vary from 4.5% to 6.1% over the next 12 months, which is very welcome. Long-term planning is an issue we

need to address seriously. The media have not commented in recent times on those between 20 and 30 years of age. In the past five years the number of people in that age group has decreased from 755,000 to 549,000. At the same time, the category of those aged over 65 years has increased from 535,000 to 585,000. A growing number of people are retired. We need to talk about long-term planning in regard to our younger and older populations. We need to have a debate on the type of country we want to have in the next ten or 20 years. At the moment we are discussing day-to-day planning, but we need to discuss long-term planning. We have not had a debate in the House on that issue, and particularly on how we can accommodate the numbers leaving and coming into the country. The numbers will increase. I ask the Leader for a debate on that matter.

Senator David Cullinane: I have called for a debate on Irish Water and the Commission for Energy Regulation's water services plan twice over the past two weeks. I have asked for the Minister of State, Paudie Coffey, to come to the House to discuss these issues. The former Minister of State at the Department of the Environment, Community and Local Government, Deputy Fergus O'Dowd, stated: "Irish Water has come across as arrogant and uncaring, demanding money and demanding PPS numbers without properly explaining why all of this is necessary." He said it was "another cosseted quango with a bonus culture". Deputy O'Dowd, who set up Irish Water, and is now on the record as saying that it has become a complete disaster. It is a pity the same Minister of State did not listen to those on this side of the House when we spent 16 or 17 hours discussing the Water Services Bill. Almost all of the concerns raised by those on this side of the House have now come to pass. They were dismissed by the former Minister of State and the Government parties at the time, who voted in favour of the Bill.

Irish Water has become tainted by cronyism and a bonus culture. It is a complete waste of taxpayers' money. Huge amounts of money were spent on consultants. We now see that Irish Water is telling people, especially those who have no more money to give, that if they cannot pay their water charges they will be deprived of adequate water through a reduction in supply. Is that what we have come to as a society? People who cannot afford to pay water charges will be bullied and will have their water supply reduced. The Government is putting people in an awful situation. I challenged the Leader last week and he did not answer the question. Some families cannot afford to pay their mortgages, have empty oil tanks which they cannot afford to fill or cannot afford to put food on the table. What advice would he give to those people when the water bills arrive on 1 January?

An Cathaoirleach: Senator, you are way over time.

Senator David Cullinane: I am putting forward an amendment to the Order of Business today. I ask the Minister of State to come before the House and I invite the former Minister of State to come to the Gallery-----

An Cathaoirleach: Senator, are you proposing an amendment to the Order of Business?

Senator David Cullinane: -----and listen to the debate.

An Cathaoirleach: You are eating into your colleagues' time.

Senator David Cullinane: I propose an amendment to the Order of Business. I call on the Minister of State with responsibility for Irish Water to come before the House today.

Senator Michael Mullins: I strongly agree with the sentiments expressed by Senator Con-

way regarding customer service. Every successful business guru would say the key to the success of any business operation is good customer service. Every small business in the country knows it must look after its customers if it is to survive. Yet when any of us try to interact with some of the main service providers in the country, including the banks, Eircom, Irish Water and Electric Ireland, it is an endurance test to try to log a query or get information by telephone. We need a debate in the House on how the various State agencies and utility providers deal with their customers.

In the 2011 budget the Minister for Finance, Deputy Noonan, introduced an innovative measure in the form of a VAT reduction to 9% for the hospitality sector. This move created in the region of 34,000 jobs and gave a very welcome stimulus to the economy generally. The recent tourism strategy announced by the Government is designed to create an additional 50,000 jobs over the next decade. It is important, therefore, to have a debate in the House with the Minister for Finance or a Minister of State with responsibility for finance to determine how effective the measure was and how well the hospitality sector has kept its end of the bargain. There is a perception that while the Government honoured its commitment, not all businesses in the hospitality sector lowered their prices to reflect the VAT reduction.

An Cathaoirleach: Senator, you are over time.

Senator Michael Mullins: I would like that discussion to take place at some stage after the budget. The hospitality sector is making a very strong case for the retention of the 9% rate, which I support, but I want to ensure we are getting the return from the sector to match the commitment made by Government.

Senator Terry Leyden: I second the amendment to the Order of Business proposed by Senator O'Brien.

An Cathaoirleach: It was already seconded by Senator Daly.

Senator Terry Leyden: I share the commendation given by the Leader of the Opposition to the Defence Forces, which acquitted itself very well, as it has in the past, in the Golan Heights region, where it was holding peace between the Syrians and the Israelis. It was in a very difficult position and handled itself extremely well. It is a very well organised and trained army. I visited Bosnia-Herzegovina with members of the Defence Forces on an election mission during which they were doing civilian work. Their knowledge and training were exemplary, and equal to that of any army. It is a very disciplined force. We all wish it well. It was a great homecoming. I am delighted the Minister for Defence went to meet those returning at Casement Aerodrome in Baldonnel. It is a good recognition of their position.

The situation in the region is extremely fraught, particularly in the Kurdish town of Kobani, which is now under siege by ISIS. Turkey is standing idly by in this regard, but it should provide support for the Kurdish people to prevent ISIS from taking over Kobani. ISIS will eventually move into Turkey. It is the most serious threat in the region. I spoke to a member of the Kurdish community who addressed a meeting of the Council of Europe last week. He explained how they were let down by the Turkish Government. Kurds are being refused re-entry to Kobani to defend themselves against ISIS. Our Minister should become active in this regard. The situation is fraught and very serious, and it is very important that we as a State play a part.

I agree with the analysis of Senator Marie-Louise O'Donnell. The Governor of the Central Bank has decided that next January anyone who wants to buy a house must have a deposit of

20%. This gives an advantage to those who have houses to sell now.

An Cathaoirleach: Senator, you are over time.

Senator Terry Leyden: I am asking-----

An Cathaoirleach: You are eating into your colleagues' time.

Senator Terry Leyden: That is fine. I am sure they will understand.

An Cathaoirleach: I am not so sure that they will appreciate it.

Senator Terry Leyden: I ask the Leader to ask the Minister for Finance to come before the House to discuss the issues raised by Senator O'Donnell and me.

Senator Marie-Louise O'Donnell: On a point of order-----

An Cathaoirleach: You are abusing the point. You are not going to raise a point of order.

Senator Hildegarde Naughton: I wish to raise the positive news that joblessness has fallen by nearly 10% in Galway City and county over the past 12 months. The national trend is similar, with another decrease indicated in the recent CSO figures, bringing the unemployment rate to 11.1% from a high of over 15% when the Government came into office. By my reckoning, the national decrease in August was the largest monthly decrease since the recession began. However, there are still far too many people out of work and, as we have heard indicated, the forthcoming budget will aim to create and sustain more jobs over the next 12 months. The simple fact is that the more people return to employment, the more revenue the State takes in and the more services it can provide. Perhaps the Leader might ask the Minister for Finance to come to the House after the budget to discuss the economy generally.

Senator Fidelma Healy Eames: I support the call for Irish Water to come in given the major disconnect between the people and the Government on their understanding of the company. I was canvassing in Dublin South West last night where that message was given clearly.

Senator Darragh O'Brien: Who was the Senator canvassing for?

Senator Fidelma Healy Eames: It was for Independent candidate, Ronan McMahon.

Senator Mary M. White: A former Fine Gael man.

Senator Fidelma Healy Eames: I propose an amendment to the Order of Business to call on the Minister for Education and Skills to attend the House to discuss the increasing cost of third level education and its growing unaffordability. Today, the students of Ireland are marching on the Dáil to talk about the impact this is having on their lives. I have just heard that my son is among them. I feel I should be marching on the Dáil as a parent on foot of the cost of third level education. There is a €3,000 student registration fee and many of our kids are dropping out because they are making poor choices. There is a repeat tuition fee where a student made a poor choice the first time around, which costs upwards of €3,000. That is before the student gets money for bus fares, accommodation, a cup of coffee and food.

Let us call a spade a spade. Education is meant to be a right, not a privilege. Third level education provides us with our edge as a nation and it is critical to keep students in college. Students are dropping out for two reasons - poor choices at second level due to the lack of

appropriate career guidance and because they cannot afford to stay. Parents feel it. We must make decisions as a nation. We have a budget next week in respect of which I really hope the Minister takes this matter into account when looking at maintenance grants and the very hefty student registration fee. I look forward to hearing from the Leader in respect of my proposal to amend the Order of Business.

Senator Paul Coghlan: I assure Senator Daly that I enjoyed my breakfast this morning. However, it was conduct unbecoming of the Senator to refer to His Excellency, Ambassador Chilcott in that manner. As far as he was concerned, he was attending a business breakfast.

An Cathaoirleach: Is this relevant to the Order of Business?

Senator Paul Coghlan: I would like to explain this.

Senator Jim Walsh: Was he aware he was attending a fundraiser?

Senator Paul Coghlan: He was following in a long line of distinguished speakers which has included Commissioners and major figures.

An Cathaoirleach: I have ruled on this already.

Senator Mark Daly: Were they all aware that it was a Fine Gael fundraiser?

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

Senator Paul Coghlan: I would like it to be said that the fundraising aspect was totally incidental.

Senator Mark Daly: On him being made aware that it was a fundraiser, did he withdraw?

An Cathaoirleach: Senator Daly must resume his seat.

Senator Paul Coghlan: As far as he was concerned-----

Senator Mark Daly: I know all about Senator Coghlan's special relations with the ambassador.

Senator Paul Coghlan: Senator Daly made his speech.

Senator Mark Daly: When he was made aware that it was a fundraiser, did he withdraw? If not, why not?

An Cathaoirleach: Senator Daly, please. Resume your seat.

Senator Paul Coghlan: It was post the Scottish referendum and in advance of a general election and the UK Government's position.

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

Senator Paul Coghlan: These were very important, topical matters. I hope his speech gains as much coverage.

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

Senator Paul Coghlan: The Leader will agree with me. I ask him to.

Senator Denis O'Donovan: I support Senator Daly's request to amend the Order of Business to take No. 11 on the undocumented Irish today. I rise primarily to express my concern at the decision by the Central Bank to introduce the 20% deposit rule. While it probably has some merit, its effect can be highlighted if I read an excerpt from an e-mail a lady sent me this morning. It shows that many people are concerned. The policy appears to be a knee-jerk reaction to a situation which concerns Dublin, which has approximately 25% of the population. This lady says:

After many months saving - even moving home to our parents - my husband and I wake up this morning to find the 10% deposit we have struggled to save will not be sufficient to buy our home. We have just paid a booking deposit on a house which is not ready until January and may not now be able to draw down the mortgage which has been given to us. Rules laid down by the Central Bank are implemented that very same month. I am pregnant with our first child due in two weeks' time and will now be forced to go back out to the also overheated rental market with no home security, a new baby and very little hope of saving 20% of a deposit at any time in the near future.

Senator David Norris: Hear, hear.

Senator Denis O'Donovan: I do not know who this lady is but she is in the Dublin area, which is all I will say. Her e-mail is typical of thousands of people in that situation.

Senator David Norris: Absolutely.

Senator Denis O'Donovan: We should have a debate on this issue. I ask that the Minister for Finance attends. I support what Senator Mary Louise O'Donnell said earlier, although, unfortunately, I missed some of it. We need an urgent debate because while this type of situation might have some effect in Dublin, in parts of the constituency I represent and in the west, houses are still being sold at less than the cost of building them. We must be very careful to avoid in an effort to reverse the problems of the 100% mortgage, which was a ludicrous idea, doing more harm than good. We should stand together and ensure that this is debated fully before it is implemented in January.

Senator David Norris: I have a point of order. I did not interrupt Senator O'Donovan as I agreed with what he was saying, but when he refers to his constituency, the Chair should remind him that it is the agricultural panel.

An Cathaoirleach: That is not a point of order.

Senator David Norris: It is.

An Cathaoirleach: It is not.

Senator Tom Sheahan: I rise this morning to raise an issue that is coming down the track and which could cause serious problems, that is our immigration policy on which a debate is warranted in the very near future. Statistics from the Department of Finance and elsewhere show that the country is on an upward swing. There is an old saying that a rising tide lifts all boats. I hope that on foot of the improvement in our financial circumstances our people will come home from Australia, America, Canada and other places and benefit. I am fearful, however, that there is nothing in place to prevent 40,000 or 50,000 of our European neighbours coming to the country to benefit from this upward trajectory in our financial status. European

law is what must be tackled in this regard as there is nothing to stop these immigrants arriving at any time. We need control and even to be selfish to bring back our own people from far-flung places.

Senator David Cullinane: Is the Senator saying it is okay for people to go to America and Canada?

An Cathaoirleach: Senator Sheahan, without interruption.

Senator Tom Sheahan: We do not have the capacity in our education system, health system and housing supply. I urge the Leader to arrange a debate as soon as possible. Perhaps my thought structure or approach is simplistic, but a certain reservation is needed in this area which calls for a debate.

Senator Mary M. White: Last week, I put the spotlight on the failure of the Government to extend free breast checks to women aged over 64 years and highlighted the fact that women are at a higher risk between the ages of 55 and 75. It gives me great pleasure that in response Councillor Martina Kinane of Clarinbridge, County Galway, has requested all sons, daughters, nephews, nieces, friends and neighbours of women over the age of 65 to make contact with the office of the Minister for Health, Deputy Leo Varadkar, in the next few days by way of e-mail or letter to urge him to put a stop to this discrimination against women. This life-saving programme was promised for women and the Minister must make good on his Government's commitment by securing funding in next week's budget to provide for its roll-out.

Senator Michael D'Arcy: I wish to raise the matter of motor taxation prior to next week's budget announcement. An unfair anomaly has appeared during the years and now there is an opportunity to remove it. To my surprise, I have been informed that 60% of people tax their car every three months. For those who choose to tax their car for three months rather than half yearly or for the year, there is an additional fee. It costs more to tax one's car every quarter rather than annually. As it looks like there is some leeway in the forthcoming budget, the opportunity should be taken to correct this anomaly. Those who tax their car every quarter are most likely to be struggling. Their car is not a luxury item but a tool of employment in commuting to work. The same fee for taxing one's car should apply to quarterly, half yearly and annual options. This should be put to the Minister for Finance.

Senator Trevor Ó Clochartaigh: I second the amendment to the Order of Business proposed by my colleague, Senator David Cullinane.

Picking up on the Irish Water issue, there is no doubt that the new European Commissioner, Mr. Phil Hogan, left a legacy of disasters in his wake, with septic tanks, water charges, etc. Another legacy he left behind was the reorganisation of local government and, in particular, the way local development companies were treated. A haphazard approach is being taken by local authorities to their local development companies. In some counties responsibility for the delivery of all programmes will be put in the hands of one company. For example, in Galway one company will deliver local development programmes such as Leader and SICAP, social inclusion and community activation programme, in a vast area from Portumna to Cleggan, whereas in other counties of similar size such as Mayo and Donegal several companies will deliver the programmes. This random approach to the delivery of programmes will be another unmitigated disaster. We raised these issues when the Local Government Act 2014 was being put through. It is time for the Minister for the Environment, Community and Local Govern-

ment, Deputy Alan Kelly, to call a halt to what is happening and rethink the approach because it will not work. Will the Minister attend the House to discuss the matter? The decisions by the local community development committees in county councils are being taken by a handful of individuals. Out of a committee of 15, for example, in Galway, only five were allowed to sit in on the decision because of so-called conflicts of interest involving the ten other members who were involved in local development in their areas. It does not make sense that people with that expertise were kept out of a debate and making a decision when the whole idea in having them on the committees was to enable them to bring their expertise to bear.

Senator Catherine Noone: I support Senator Hildegard Naughton in highlighting the recent positive unemployment figures. Additionally, the ESRI has claimed that the economy will grow by 5% both this year and next. It has called for a neutral budget. These are phenomenal growth figures and Ireland is bucking the trend internationally and among our European neighbours. This makes it all the more significant. As a result of this strong growth, the ESRI has stated the budget deficit will fall to just over 2% next year with a neutral budget. A fiscally neutral budget is described by the ESRI as the optimum policy on next week's budget. In its latest economic commentary the institute states that as growth picked up by much more than expected earlier in the year, a large budget adjustment is no longer needed to meet deficit targets. It has forecast GNP, gross national product, and GDP, gross domestic product, growth of around 5% this year and next and stated the level of unemployment could fall to just over 9.5% next year. It is a very difficult environment in which to get any attention for positive news and statistics, with the media's constant obsession with more trivial and negative issues, but it is important to highlight such economic news.

Senator Mark Daly: We have democracy in action in the forthcoming Seanad by-election.

Senator Paschal Mooney: I second Senator Fidelma Healy Eames's proposed amendment to the Order of Business.

Last week I raised the issue of RTE closing down its 252 long wave, LW, radio transmission to the detriment of the Diaspora. I promised then that I would continue to press the issue. I wish to inform the House that earlier this morning at the meeting of the Joint Committee on Transport and Communications I got the agreement of colleagues that the committee would request RTE representatives to appear before it next week to explain this outrageous decision which has caused enormous anger among the Diaspora. A letter was received from the enterprise and communications committee of the Northern Ireland Assembly which was circulated at the committee meeting, in which it expressed its concern about the shutdown of the 252 LW transmission, which will deny listeners in Northern Ireland the opportunity to listen to RTE Radio One programmes. I wish RTE would understand what it is doing with this decision. I expect it to reply positively to the invitation for its representatives to appear before the committee. When it does, I hope it will explain the spin it has put on its decision and that it cost €900,000 to transmit programmes on 252 LW. The whole business smells fishy and is not right. I will continue to raise the issue until there is a satisfactory resolution, namely, RTE suspending its decision at the very least. I am particularly disappointed that when I tabled this as an Adjournment matter - it is not the Leader's fault as it came through the Cathaoirleach - it was turned down, as the Minister had claimed he had no competence in the area. How far have democracy and accountability gone that the Minister in charge of RTE allows this policy decision, not an operational one, to go ahead which affects a large segment of the Diaspora? The Minister seems to have washed his hands of the matter, claiming he has no competence in it.

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An Cathaoirleach: The ruling on whether the issue was eligible to be raised as an Adjournment matter was made on the basis of legislation. I made this very clear at the time.

Senator Paschal Mooney: All I am asking is that the Leader convey the anger of the Diaspora which I am trying to reflect in my contribution to the Minister for Communications, Energy and Natural Resources, Deputy Alex White.

Senator Jim Walsh: I commend the former Minister of State, Deputy Fergus O'Dowd, for his courage in making his statement yesterday on Uisce Éireann. It was crystal clear and echoed much of what had been articulated by Members on this side of the House during the debate on the establishment of Uisce Éireann. At the time I said it was incomprehensible that we would incorporate a water services provider under the auspices of Bord Gáis Energy. Bord Gáis has a very bad culture with regard to work practices, as I said to the Minister at the time and on which I gave him information. Excessive salary bonuses are paid in the organisation. I know people who worked in it - that is probably a misnomer - had a lot of time off for different reasons and came out with very handsome packages. The hard-pressed individuals who are trying to make ends meet should not be burdened with waste in Uisce Éireann with the already excessive salaries for consultants and the bonus culture. It was interesting that yesterday morning a spokesperson for Uisce Éireann defended-----

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

Senator Jim Walsh: I do not think there is any point in bringing the Minister of State to the House to discuss this issue. It was a creature of Fine Gael.

Senator Fidelma Healy Eames: As well as of the Labour Party.

Senator Jim Walsh: I would like to see the Minister responsible, the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, come to the House for a proper debate on the matter. If control is not exerted now, people will not only pay for their water in the future but also for the excesses the elite fortunate enough to work at the top of this organisation will enjoy.

An Cathaoirleach: The Senator is way over time. These are points he can make in the debate.

Senator Jim Walsh: That is not good enough. People's pension pots have been raided. They are being pressured and facing difficulties. We need to have a debate on this and a range of other issues.

An Cathaoirleach: The Senator is way over time.

Senator Jim Walsh: I hope the Leader agrees that it is time the Government and public representatives on both sides of the House represented the people and not the elite who happen to be in positions of authority.

Senator John Crown: I understand the Minister for Health will be coming to the House in the coming weeks to address insurance, future strategic plans and waiting lists. I ask that he also brief the House on the state of hopefully unnecessary emergency plans for Ebola in the event that there are additional cases.

Senator Maurice Cummins: It is nice that calm has been restored. I could not hear what

Senators were saying with the noise on both sides of the House. If people want replies, I must hear what they say in the first place. Senator Darragh O'Brien commended the Defence Forces, as did other Members, on their bravery and professionalism. I am glad we are having the debate at 1 p.m. We all commend the work of the Defence Forces.

With regard to the State Airports (Shannon Group) Bill 2014 and the plight of the deferred members of the pension scheme, we will bring the matter to the attention of the Minister for Social Protection.

Senator Bacik called for a debate on the Amnesty International report on economic, social and cultural rights. Senator O'Donnell referred to the Central Bank report and its comment on the loosening of lending standards. That was a gross understatement. As Senator Conway mentioned, it will be difficult to get the Minister for Finance or the Minister of State at the Department of Finance to appear in the House for the next week or so. After the budget, we will arrange a debate on banking.

Senator Norris referred to funding for the Cuba Support Group and the fact that banks are closing its accounts. He mentioned US interference in the matter. I am sure the people involved are bringing the matter to the attention of the Minister for Foreign Affairs and Trade and the Minister for Finance. Senator Norris should also do so.

Senator David Norris: Can the Leader do so as well?

Senator Maurice Cummins: If Senator Norris gives me the full details, I will raise the matter. It should be examined.

Senator Martin Conway spoke about the lack of customer service in banks and in Irish Water and called for a callback service from Irish Water. Senator Daly proposed amending the Order of Business to allow us to take No. 11, Immigration Reform for US Citizens Living in Ireland Bill 2014 - First Stage. I will accede to that request.

Senator Aideen Hayden referred to political donations and pointed out that the Government has introduced legislation on the matter. It is reforming the way we do politics. She also called for a debate on lending institutions and banks.

Senator Mullins referred to Palliative Care Week and the need for a debate on perinatal hospital care. The Minister for Health will appear in the coming weeks. Perhaps the matter can be raised then, or we can arrange a specific debate. It is difficult to get Ministers to come to the House one at a time on different issues.

Senator Colm Burke referred to long-term planning and Senator Cullinane spoke about Irish Water. Last week, I outlined to him that the request for PPS numbers is quite legitimate under data protection legislation. I do not know if he was listening.

Senator David Cullinane: I did not mention PPS numbers.

Senator Maurice Cummins: The Data Protection Commissioner stated that Irish Water was entitled to PPS numbers under the legislation. It relates to people receiving allowances. That is why PPS numbers are requested.

Senator David Cullinane: That is not what I asked.

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Senator Maurice Cummins: Sinn Féin, as I pointed out previously, already charges for water indirectly in Northern Ireland as part of the domestic rates.

Senator David Cullinane: We stopped water charges.

Senator Maurice Cummins: That is more of that rubbish talk. There is also a property tax in Northern Ireland. Sinn Féin recently deferred the introduction of direct charging for water until 2016. I wonder why. The average domestic rates charge in Northern Ireland is £950 per household, which is far in excess of the equivalent in the South. The Sinn Féin policy of keeping Irish Water but abandoning water charges will add €850 million to the deficit.

Senator David Cullinane: I have the fully costed alternative budget here.

Senator Maurice Cummins: That must be bridged by additional taxes. We have not seen the budget-----

Senator David Cullinane: I will give Senator Cummins a copy so that he can learn something.

Senator Maurice Cummins: I am glad it was published at last. Perhaps Senator Cullinane can tell us where the €850 million will come from.

Senator David Cullinane: It is all in here. Perhaps the Leader can arrange a debate, which he has refused to do for the past three years.

An Cathaoirleach: The Leader without interruption.

Senator Maurice Cummins: Senator Mullins referred to the VAT reduction for the hospitality sector and how effective the measures were. It would be a laudable thing to have a debate on the issue. Senator Terry Leyden referred to the conflict in Syria and the dangers of Islamic State. He called for a debate with the Minister for Foreign Affairs and Trade, who has indicated that he will be coming to the House in the next couple of weeks.

Senator Naughton referred to the 10% reduction in unemployment in Galway city and county. She stated that job creation and sustaining jobs was the number one priority of the Government. Senator Healy Eames called for a debate on third level education. We have asked the Minister for Education and Skills to come to the Chamber but I have not yet received a date for the debate. Senator Denis O'Donovan called for a debate on the banks. The Central Bank report included a consultation process on its proposals. We will try to have the Minister before the House in the coming months.

Senator Tom Sheahan referred to bringing back Irish people and the possibility of people from other European countries coming to the country. Freedom of movement is a major plank of the European treaties. There is not much that can be done in that regard, but it is worthy of a debate. Senator Mary White referred to the extension of the BreastCheck programme to women over 64 years of age. I am sure the Minister will do everything possible to extend the programme.

Senator Michael D'Arcy referred to the taxation of cars and mentioned an anomaly in the system. I will bring the matter to the attention of the relevant Minister, probably the Minister for the Environment, Community and Local Government. Senator Ó Clochartaigh referred to local development issues. The Minister for the Environment, Community and Local Govern-

ment, Deputy Kelly, will appear in the Chamber at the end of the month or in early November to deal with housing and homelessness. A debate on that matter has been requested for some time. It is another day's work to get him to appear for debates on the issues mentioned this morning.

Senator Catherine Noone referred to the latest commentary from the ESRI and the positive news contained therein. Senator Paschal Mooney updated us on the long-wave radio transmission by RTE. It is good that RTE is appearing before the Oireachtas joint committee, which is the proper place to raise the issue. Senator Jim Walsh referred to the bonus culture in Bord Gáis and Uisce Éireann. I am sure we will have a debate with the Minister on that. I agree with the point raised by Senator John Crown.

An Cathaoirleach: Senator Darragh O'Brien has proposed an amendment to the Order of Business: "That a debate with the Minister for Social Protection on the IAS scheme be taken today." Is the amendment being pressed?

Senator Darragh O'Brien: Yes.

Amendment put:

The Seanad divided: Tá, 21; Níl, 22.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Crown, John.	Brennan, Terry.
Cullinane, David.	Burke, Colm.
Daly, Mark.	Coghlan, Eamonn.
Healy Eames, Fidelma.	Coghlan, Paul.
Leyden, Terry.	Comiskey, Michael.
Mooney, Paschal.	Conway, Martin.
Mullen, Rónán.	Cummins, Maurice.
Norris, David.	D'Arcy, Jim.
Ó Clochartaigh, Trevor.	D'Arcy, Michael.
Ó Domhnaill, Brian.	Gilroy, John.
O'Brien, Darragh.	Hayden, Aideen.
O'Donovan, Denis.	Henry, Imelda.
Power, Averil.	Moloney, Marie.
Quinn, Feargal.	Mullins, Michael.
Reilly, Kathryn.	Naughton, Hildegard.
van Turnhout, Jillian.	Noone, Catherine.
Walsh, Jim.	O'Donnell, Marie-Louise.
White, Mary M.	O'Keeffe, Susan.
Wilson, Diarmuid.	O'Neill, Pat.
Zappone, Katherine.	Sheahan, Tom.
	Whelan, John.

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

and Aideen Hayden.

Amendment declared lost.

12 o'clock

An Cathaoirleach: Senator Marie-Louise O'Donnell has proposed an amendment to the Order of Business: "That a debate with the Minister for Finance on the Central Bank's consultation paper on residential mortgage lending policy be taken today." Is the amendment being pressed.

Senator Marie-Louise O'Donnell: No, I am withdrawing it until after the budget.

Amendment, by leave, withdrawn.

An Cathaoirleach: Senator Mark Daly has proposed an amendment to the Order of Business: "That No. 11 be taken before No. 1." The Leader has indicated that he is prepared to accept the amendment. Is that correct?

Senator Maurice Cummins: I accept the amendment.

Amendment agreed to.

An Cathaoirleach: Senator David Cullinane has proposed an amendment to the Order of Business: "That a debate with the Minister for the Environment, Community and Local Government on water service charges be taken today." Is the amendment being pressed?

Senator David Cullinane: Yes.

Amendment put:

The Seanad divided: Tá, 18; Níl, 24.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Crown, John.	Brennan, Terry.
Cullinane, David.	Burke, Colm.
Daly, Mark.	Coghlan, Eamonn.
Healy Eames, Fidelma.	Coghlan, Paul.
Leyden, Terry.	Comiskey, Michael.
Mooney, Paschal.	Conway, Martin.
Mullen, Rónán.	Cummins, Maurice.
Norris, David.	D'Arcy, Jim.
Ó Clochartaigh, Trevor.	D'Arcy, Michael.
Ó Domhnaill, Brian.	Gilroy, John.
O'Brien, Darragh.	Hayden, Aideen.
O'Donovan, Denis.	Henry, Imelda.

Seanad Éireann

Power, Averil.	Moloney, Marie.
Quinn, Feargal.	Mullins, Michael.
Reilly, Kathryn.	Naughton, Hildegarde.
Walsh, Jim.	Noone, Catherine.
White, Mary M.	O'Donnell, Marie-Louise.
	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.
	Whelan, John.
	Zappone, Katherine.

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

Amendment declared lost.

An Cathaoirleach: Senator Fidelma Healy Eames has proposed an amendment to the Order of Business: “That a debate with the Minister for Education and Skills on the increasing costs and growing unaffordability of third level education be taken today.” Is the amendment being pressed?

Senator Fidelma Healy Eames: Yes.

Amendment put:

The Seanad divided: Tá, 19; Níl, 24.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Crown, John.	Brennan, Terry.
Cullinane, David.	Burke, Colm.
Daly, Mark.	Coghlan, Eamonn.
Healy Eames, Fidelma.	Coghlan, Paul.
Leyden, Terry.	Comiskey, Michael.
MacSharry, Marc.	Conway, Martin.
Mooney, Paschal.	Cummins, Maurice.
Mullen, Rónán.	D'Arcy, Jim.
Norris, David.	D'Arcy, Michael.
Ó Clochartaigh, Trevor.	Gilroy, John.
Ó Domhnaill, Brian.	Hayden, Aideen.
O'Brien, Darragh.	Henry, Imelda.

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O'Donovan, Denis.	Moloney, Marie.
Power, Averil.	Mullins, Michael.
Quinn, Feargal.	Naughton, Hildegarde.
Reilly, Kathryn.	Noone, Catherine.
Walsh, Jim.	O'Donnell, Marie-Louise.
White, Mary M.	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.
	Whelan, John.
	Zappone, Katherine.

Tellers: Tá, Senators Fidelma Healy Eames and Paschal Mooney; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

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

The Seanad divided: Tá, 25; Níl, 18.	
Tá	Níl
Bacik, Ivana.	Barrett, Sean D.
Brennan, Terry.	Crown, John.
Burke, Colm.	Cullinane, David.
Coghlan, Eamonn.	Daly, Mark.
Coghlan, Paul.	Healy Eames, Fidelma.
Comiskey, Michael.	Leyden, Terry.
Conway, Martin.	MacSharry, Marc.
Cummins, Maurice.	Mooney, Paschal.
D'Arcy, Jim.	Mullen, Rónán.
D'Arcy, Michael.	O'Brien, Darragh.
Gilroy, John.	O'Donovan, Denis.
Hayden, Aideen.	Ó Clochartaigh, Trevor.
Henry, Imelda.	Ó Domhnaill, Brian.
Moloney, Marie.	Power, Averil.
Mullins, Michael.	Quinn, Feargal.
Naughton, Hildegarde.	Reilly, Kathryn.
Noone, Catherine.	Walsh, Jim.
Norris, David.	White, Mary M.
O'Donnell, Marie-Louise.	

O’Keeffe, Susan.	
O’Neill, Pat.	
Sheahan, Tom.	
van Turnhout, Jillian.	
Whelan, John.	
Zappone, Katherine.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Paschal Mooney and Denis O’Donovan.

Question declared carried.

Immigration Reform for U.S. Citizens Living in Ireland Bill 2014: First Stage

Senator Mark Daly: I move:

That leave be granted to introduce a Bill entitled an Act to facilitate reciprocity in the making available of employment permits for citizens of the United States of America and for that purpose to amend the Employment Permits Act 2006 and to provide for related matters.

Senator Terry Leyden: I second the proposal.

Question put and agreed to.

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

Senator Mark Daly: Next Tuesday.

An Cathaoirleach: Is that agreed? Agreed.

Second Stage ordered for Tuesday, 14 October 2014.

Sitting suspended at 12.35 p.m. and resumed at 1 p.m.

Defence Forces Overseas Missions: Statements

An Cathaoirleach: I welcome Minister of State, Deputy Paul Kehoe.

Senator Paschal Mooney: I have enormous respect and admiration for the Defence Forces.

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My late uncle, Captain Terry Cullen, served with distinction in a long career. I have memories of an Army uniform since my childhood and this has influenced my continuing attitude towards the Defence Forces which have achieved a reputation worldwide for peacekeeping. It is in that context that Ireland has been sending Army personnel to Lebanon, along the critical border between Israel and Lebanon. It has not been easy for the Army. During the years it has been caught between the various factions that operate in south Lebanon. The South Lebanese Army, a proxy army for the Israeli army, has engaged with Army personnel. Ireland has lost personnel in that area and there is still ongoing controversy surrounding the fatal wounding of one soldier. In more recent times, in the context of this motion, serious concern has been expressed about putting the Defence Forces in harm's way. Following the recent military engagements involving the capture of Fijian forces and personnel of the Philippine army by al-Qaeda and other factions in that part of Lebanon, it emerges that the Army had to rely on the Israeli defence forces, IDF to extricate its personnel from what could potentially have been a very serious situation. This raises the question of whether Defence Forces personnel should go back into the area.

A question also arises about the armaments being used by the Defence Forces. I subscribe to the view - I am sure the Minister of State will have an opinion on this issue - that Ireland should not arm the Army to the level being suggested in order to enable it to engage with disparate forces which are attempting to stoke up trouble and mayhem in the area. If Ireland was to provide the high velocity armaments being suggested, the Defence Forces would be left open to the possibility of having even more casualties. The Defence Forces are in place exclusively as a peacekeeping force under a UN mandate; they are not there as a peace enforcer. While I fully subscribe to the view that Ireland should supply the Army with the most up-to-date equipment in terms of clothing, personnel carriers and armaments, it should stop short of providing the Army with the armaments being suggested as they would put our troops in harm's way.

I am also interested in knowing the Minister of State's view on the ongoing commitment the Government has made through the United Nations to continue supplying Army personnel in the area, particularly given what is going on with Islamic State in Iraq and Syria, ISIS, and with the Syrian civil war having spilled over into Lebanon, and whether he believes there is a role for Irish troops in the future. It is no longer as simple or straightforward as it was when Ireland first sent peacekeeping forces to Lebanon when the mandate was clearer. It has now been muddied considerably. I am concerned that Ireland will be drawn into a conflict not of its own making and that Army personnel would be endangered. This was not the original intention when Irish troops were there primarily as a peacekeeping force.

I ask the Minister of State - perhaps he will not wish to comment on this issue - what is the Government's attitude to the continuing advance of ISIS. Does he believe it is leading to even more instability in the region? Ireland is involved, albeit on the fringes. Given the way things are going and the uncertainty surrounding the outcome of the Syrian civil war and because Lebanon has always tended to always as a result of whatever is going on in Syria which for a long time dominated Lebanese politics, has or will the Government take a position on the issue or is a decision on it being left to greater powers? I am not suggesting Ireland should be drawn into it in any way; I am only thinking in terms of the safety of Army personnel.

I welcome back the Army battalion that arrived home last night to a very warm welcome from families and friends. It was in contrast with what I read about the return of the Philippine battalion, following its particular difficulties. There was a parade and the battalion was enthusiastically embraced by the population of the Philippines. Does the Minister of State think the decision by the Philippine Government not to send further troops to the area will have any

influence on the Government's decision in that regard.

Senator John Whelan: I welcome the Minister of State to address this important issue and look forward to hearing from him on the measures the Government and the Department are taking to ensure optimum measures and every effort is made to ensure the safety and well-being of the Irish UN peacekeeping mission on the Golan Heights. I acknowledge the Minister of State's own personal interest in the matter. From speaking to members of the Permanent Defence Force Other Ranks Representative Association, PDFORRA, I know they are grateful to him for the interest he has taken at all times in their issues and concerns and attending their conferences. I wish to acknowledge this. This is an issue that is particularly poignant for me as my father, Paddy Whelan, served with the UN peacekeeping mission in the Congo in 1960, one of the first missions to be embarked on by Irish peacekeepers. For some, it proved to be a tragic tour of duty. Those to whom I refer made the ultimate sacrifice in the service of their country and in the interests of peacekeeping. On the Sunday before last I had the privilege of attending a tenth anniversary memorial service organised by Irish United Nations Veterans Association, IUNVA, Post 27 in my home town of Portlaoise. The IUNVA is a very important organisation and I urge the Minister of State to ensure that the Minister for Defence and the Government assist and support it in its efforts. The IUNVA plays a vital role in maintaining links between Army comrades and colleagues and in providing support to them, in many ways, as they readjust to civilian life.

As Senator Mooney stated, we witnessed the joy of families as they welcomed their loved ones home from their tour of duty in Syria at Dublin Airport last night. It is always a great relief for families when soldiers return home safely. It is important to keep in mind the families that are left at home and offer any supports, guidance or counselling they or their returning loved ones require. Irish military personnel are being exposed to some barbaric deeds that are too horrific to countenance or even contemplate in the ravaged and war-torn part of the world in which they are obliged to serve. I read about some of the situations with which they have been confronted and I am of the view that no person should be obliged to deal with what I have seen described. Anyone would have difficulty trying to cope with our personnel have witnessed. The soldiers in question do not just need military support or equipment, they also require post-trauma and psychological counselling and access to medical services and assistance at all times. It cannot be easy to return to one's family and home having witnessed harrowing scenes while away on duty.

The Irish peacekeepers in the Golan Heights find themselves in a most invidious situation because they are surrounded by warring factions on virtually all sides and can be under threat or in danger at any time. Our soldiers have a proud reputation worldwide as a result of their service in the Congo, Cyprus, Lebanon, Kosovo, Eritrea and so many other far-flung lands. We should be grateful for that reputation and for the courage and commitment members of the Defence Forces bring with them when they wear the blue beret. I commend the Minister of State on his efforts in respect of this matter. I also acknowledge the efforts of the Minister, Deputy Coveney, in seeking assurances with regard to parameters and conditions within which Irish peacekeepers are operating. I reiterate that the support they receive should not stop when they return home. It is not just on the battlefield or when operating in dangerous terrain that they need support, they and their families require continuing support from us, the State and the Department of Defence at all times.

Senator Feargal Quinn: I welcome the Minister of State. I also welcome the opportunity to contribute to this debate. There has been little discussion with regard to Irish troops serving

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in the Golan Heights. This matter is particularly important at present, particularly in light of what is happening on the border between Turkey and Syria. The situation in the region gives rise to great concern and I am of the view, therefore, that we must give consideration to it.

I listened with interest to what Senator Whelan had to say. I recall visiting Baldonnell with my future wife in 1960 or 1961 in order to watch the first Irish troops departing for Africa. I remember the sense of pride among people at the time about the fact that those troops were being deployed abroad. For many years we had seen British troops being sent to various locations across the globe but they, of course, did so as imperialists. However, as Senators Whelan and Mooney reminded us, the Irish troops to whom I refer were being deployed to Africa as peacemakers.

There are some viewpoints which are worthy of consideration. A former Irish Army officer, Tom Clonan, has previously described Irish troops stationed on the Golan Heights as human shields. As was the case in respect of other peacekeeping missions, they are stationed in the middle of an area between Israel and Syria. It appears they are in more danger from the various Syrian factions than they are from the Israeli defence forces. If some major incident involving these Irish troops occurs, we in this House will find ourselves asking what should we have done and whether we have plans to take action. I am aware of a number of moves which have taken place in the area to which I refer. Are we sure we know what we intend to do if anything involving our troops should occur? I am not seeking to comment on this matter but if the feeling I have expressed is shared among members of the Irish Army, then it is a matter of some concern.

Senator Mooney referred to the UN contingent from the Philippines which has withdrawn from the mission to the Golan Heights. It is interesting that the President of the Philippines has stated “Our troops cannot be deployed to help in a situation where their mission is impossible or unclear” and “As commander in chief and leader of this country, I don’t want to deploy you to handle a ‘mission impossible’”. Is the Minister of State of the view that deploying Irish troops is a mission impossible or is it a mission the objectives of which are unclear? Does he disagree with the President of the Philippines and is he in a position to state that the Irish troops in the Golan Heights have a clear mandate and mission, with the proper security guarantees in place? In light of the fact that the US has been making statements to the effect that this particular conflict in the Middle East could last many years, can the Minister of State provide a mid-term or long-term outlook with regard to Irish troops serving with the UN force in the region? Should we expect that our troops will be obliged to commit to serving for many years to come? Are there plans regarding what might happen if some disaster or other occurred?

Organisations such as the United Nations are doing their best in the context of their operations in the Middle East. Countries such as Jordan must be commended for the role they are playing in terms of helping to alleviate some of the effects of the current crisis. I refer, in particular, to the efforts of these countries to take in refugees. Jordan has a long history of welcoming in refugees from the many conflicts - that which marked the foundation of the State of Israel, the 1967 war or those which arose more recently - that have occurred in the Middle East. I very much welcome funding allocated by Ireland towards the efforts of the United Nations, the World Health Organization, the Red Cross, the International Refugee Committee and other organisations in order that they might help to properly address the crisis in the Middle East. Will the Minister of State elaborate on the position of the Irish citizens who are working for various organisations carrying out operations in the region or who are representing the Department of Foreign Affairs and Trade there? It would be useful if he could provide an overall indication of the position, if that is possible. If an Irish citizen is captured in the region, upon

whom do we rely for assistance? Should we rely on the United States, the UK or others to rescue him or her? Should we pay a ransom? Should we send in the Army Ranger Wing or are we helpless to assist? I am sure the Minister of State would not want to reveal any operational details but I am interested in obtaining a general sense of what might happen in a situation such as that which I describe.

This is a useful debate. We should discuss this matter more often, particularly as I am not sure whether we have plans with regard to what should be done if an incident occurs. I would welcome any comments the Minister of State may wish to make but I understand that he will not be in a position to reveal anything of an operational nature. No one is ever going to state that we would be happy to pay a ransom because that would only encourage those carrying out abductions. However, I would like to believe that this matter has been thought through and that there are plans in place to deal with any incidents which might occur in the future.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I welcome the opportunity to address the Seanad on this issue. If Members on all sides have one thing in common, it is respect for the Irish Defence Forces.

Since 1974 the United Nations Disengagement Observer Force, UNDOF, has successfully supervised the implementation of the disengagement agreement, maintaining an area of separation between the Israeli and Syrian forces which is over 75 km long. UNDOF has been a successful mission in supporting the efforts of the international community both in the Golan Heights region of Syria and in the broader Middle East region.

Since September 2013, an Irish infantry group comprising 130 personnel has been deployed to the UNDOF mission and acts as a force reserve company. Its role includes the provision of a quick reaction force which is on standby to assist with ongoing operations within the UNDOF area of responsibility.

The escalation of the conflict in the Syrian Arab Republic has affected the UNDOF area of operations significantly in recent months. The armed forces of the Syrian Arab Republic have deployed and carried out military activities and security operations in the UNDOF area of operations. These activities are in violation of the 1974 disengagement agreement. Also, numerous clashes have taken place between Syrian security forces and armed members of the opposition in the area of separation.

Since 27 August, and in response to the hostilities, the Irish force reserve company has dealt with several incidents as requested by the Force Commander of UNDOF. On 29 August and in a follow-up operation, the force reserve company assisted in the safe extraction of 58 members of the Philippine battalion. Also, on 30 August Irish soldiers extracted 35 Filipino troops from a position surrounded by rebels. The 45 Fijian peacekeepers who were detained by armed elements in late August were released unharmed on 11 September.

Given the evolving security situation, the mission has continued to reconfigure its operations with a view to ensuring the safety of personnel while continuing to implement the mission's mandate. There has been a fundamental realignment of the UNDOF mission in the past fortnight, reflecting the situation on the ground. The headquarters of UNDOF, including the Irish contingent, has been relocated to Camp Ziouani on the Israeli side of the area of separation.

Although Ireland remains committed to the mission, the Minister for Defence, Deputy Si-

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mon Coveney, recently requested that the UN fundamentally review the capacity of the mission to fulfil its mandate in light of the ongoing civil war in Syria. He personally discussed the review with the under-secretary general in the UN Department of Peacekeeping Operations. The UN Security Council was briefed on the mission in detail on 17 September by the UN Secretary General. On 19 September, the Presidency of the UN Security Council issued a statement reaffirming the Council's unconditional support for the UNDOF mission. The Minister for Defence and I support the Security Council's call to Israel and Syria to remain committed to the terms of the 1974 Disengagement of Forces Agreement and to scrupulously observe the ceasefire and the separation of forces. The Minister for Defence and I join with the Security Council in condemning recent hostile acts against UN peacekeepers in UNDOF's area of operation. We call on all parties to allow UNDOF to operate freely and ensure full security of its personnel. There can never be any justification for attacks on or the detention of UN peacekeepers.

While the Minister for Defence agrees with the President of the Security Council that the goal must be for the peacekeepers to return to their positions in UNDOF's area of operations as soon as possible, the Minister is of the view that it is important at this time to restructure the mission, relocating most of the UNDOF force on the Israeli side of the area of separation in order to minimise the unacceptable risks to peacekeepers. The Minister for Defence and I welcome the fact that the UN Secretary General will report back to the Security Council around mid-October on the steps required to maintain UNDOF's capacity to discharge its mandate.

I would like to commend the recent efforts of the Irish 44th Infantry Group in its role as UNDOF's quick reaction force in discharging its duties effectively. The Government, the Minister for Defence and I place high importance on the valuable work being done by the Defence Forces in the challenging operating conditions they face in the region and in other missions throughout the world.

Given the strong and unconditional endorsement of the mission by the UN Security Council, including the capabilities provided by Ireland, last month the Minister for Defence recommended to the Government that the Irish Defence Forces continue to participate in the mission. The Irish contribution to UNDOF is an important element of the force, which plays a vital role in ensuring stability in the Golan Heights and in the region.

While we were awaiting a response from the United Nations, the deployment of the 46th Infantry Group to the UNDOF mission was delayed. That rotation is now complete. An advance party of Defence Forces personnel deployed to UNDOF on Wednesday, 1 October, while the main contingent followed yesterday, 7 October.

In conclusion, I welcome the comments made by all the Members who have spoken thus far. I can assure the House that participation in UNDOF will kept under review.

The position regarding the Filipino forces is a matter for their government, just as a matter concerning the Irish Army or Defence Forces is a matter for the Irish Government. I can assure everyone that we will keep the matter under constant review and that all intelligence we get will be treated in a very sensitive way. Any decisions that the Government makes will be based on details and intelligence received from all sides.

Last night Senator Mooney talked about the return of the Filipino soldiers. When soldiers return it is a special occasion for the returning personnel and their families, so we did not want to have a jamboree-like party for them. It is very important that they were reunited with their

families, because returning from a tour of duty is a special time in their lives. The personnel are partners, husbands, wives, mothers, fathers, and so on.

Senator Whelan mentioned support, and I can assure him that there will be supports provided for personnel who return. I recognise that it can be quite difficult for personnel who have served on any form of mission to return home and all of a sudden find themselves in the day-to-day running of a family home. For the previous three to six months they would have had a daily routine, but now they must adjust to living with their families and everything else involved. Adjusting can be quite difficult at times. Having spoken to personnel who have served abroad, I know that fitting back into family life can be quite difficult. I can assure the Senator that both the Department of Defence and the Defence Forces in general will give all help and support possible to members who return.

There is constant dialogue between all the aid agencies and the Irish Defence Forces. There is no specific agency serving in the Golan Heights, but there are agencies in the Middle East generally. I can assure the Senator that the Irish Defence Forces have a constant dialogue with all agencies. It is important that their safety is constantly kept under review and that there is constant dialogue, because the Irish Defence Forces can learn from the aid agencies that operate on the ground.

On behalf of the Minister for Defence and on my own behalf, I wish each and every member of the 46th Infantry Group, under the leadership of Lieutenant Colonel Dennis Harrington, a safe and successful mission, and I hope they will return safely to Ireland when they have completed their mission.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire Stáit. Ach an oiread le Seanadóirí eile, tá áthas orm a bheith in ann labhairt ar an díospóireacht seo agus a bheith in ann ár mbeannachtaí agus ár mbuíochas a chur in iúl do na saighdiúrí cróga agus na daoine ar fad a bhíonn ag plé leis na misin seo go dtí Arda Golan - an dream atá tagtha abhaile agus ríméad orthu agus ar a gclanna go bhfuil siad slán sábháilte agus an dream atá ag dul anonn ag seasamh ar son na síochána.

I welcome the time set aside to discuss this issue in the Seanad. I am sure we all share the genuine concern for the health and safety of Irish troops stationed in the Golan Heights on the UNDOF mission. Irish Defence Force personnel who have served on UN peacekeeping missions have been a credit to the country through their professional conduct and exceptional work. Sinn Féin is committed to positive Irish neutrality and an independent foreign policy. We believe Ireland should actively work to promote conflict resolution, peaceful democratic settlements and pathways and mechanisms to facilitate the self-determination of peoples throughout the world. The State's history of serving in UN blue helmet peacekeeping missions is a matter of pride and enhances our standing as a neutral state. However, sending troops to the UNDOF mission is not a simple or straightforward decision. As we know, UNDOF was set up in 1974 to patrol and monitor the strip between Syria and Israel, but it has been increasingly caught up in the civil war in Syria with rebel groups attacking UN bases and kidnapping peacekeepers.

Ireland was asked to provide troops to the mission after Austria announced it was pulling out over security concerns and because the EU failed to renew its arms embargo on Syria. When this issue was debated in the Dáil on 18 July 2013, my colleague, Deputy Seán Crowe, made it clear that Sinn Féin felt the current mandate for UNDOF was not fit for purpose and that EU decisions, coupled with the continued erosion of Irish neutrality by consecutive Governments,

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robbed Irish troops of their neutrality on this mission. As a result, Sinn Féin voted against sending Irish troops on the UNDOF mission and we stand over that decision.

However, although we opposed this deployment we accept that the Government did get Dáil approval to deploy troops. Ever since we have used all opportunities to ensure their safety is of paramount concern. Almost all UN troops in the region are now deployed in the Israeli-occupied Golan Heights area, including Irish troops, and that the UN Security Council has strongly backed the UNDOF mission. However, we now have a situation where the US and some EU states, with the support of some Arab countries, have carried out air strikes against ISIS targets in Syria and Iraq. This muddles the complexity of the Syrian war with many neighbouring countries supporting rebel and radical Islamist groups while at the same time they symbolically assist the US to bomb ISIS targets, supposedly without the approval of the Syrian Government. Is the Minister of State concerned about the reports that the al-Nusra front, an al-Qaeda aligned group, has stated that it will seek revenge for these attacks? What steps are being taken in this regard? In the past the group has attacked the Golan Heights and taken peacekeepers hostage. Are the Minister of State and Government confident that everything possible is being done to ensure the safety of Irish peacekeepers on these missions?

Kurdish defence forces have bravely fought off Islamic jihadists since 2012 and Kurdish areas have become a haven for refugees fleeing persecution, but there is now a fear that they may be overrun. According to reports, more than 60,00 Kurds have fled from ISIS across the Turkish border in the past few days. Sinn Féin supports the Government's humanitarian support for the vulnerable and impoverished Syrian population, and we would support Government initiatives to increase State humanitarian aid. Indeed, we believe aid should be sent to Kurdish regions in Iraq and Syria, and this should be negotiated directly with Kurdish officials. We also believe that all sides in the conflict should immediately begin a cessation of violence and enter into inclusive peace talks. We support the troops that are there and call on the Government to do more.

We all value Irish neutrality. Interesting work is currently being done by the Committee on Public Service Oversight and Petitions on foot of a petition by Shannonwatch, which has called into question the issue of Irish neutrality because of the use of Shannon Airport by US military aeroplanes etc. The process is ongoing but we have a very interesting engagement in Shannon Airport with the gardaí and airport authorities last week. I am sure when the committee completes its deliberations it will produce proposals on the issues. It is a matter of concern for many citizens that the use of the airport brings our neutrality into question. It is something we should examine at a future date.

Idir an dá linn, tugann muid tacaíocht do na saighdiúrí agus do na mná agus na fir cróga a bhí amuigh ansin ag seasamh ar son na síochána.

Report of Committee of Selection: Motion

Acting Chairman (Senator Diarmuid Wilson): Before I call on the Government Chief Whip to make his contribution, I call on the Leas-Chathaoirleach and Chairman of the Committee of Selection.

Senator Denis O'Donovan: The 18th report of the Committee of Selection reports that it has discharged Senator Lorraine Higgins from membership of the Committee on Procedure and Privileges at her own request and has appointed Senator Marie Moloney in substitution for her. The Committee of Selection reports that it has discharged Senator Susan O'Keeffe from membership of the Committee on Agriculture, Food and the Marine at her own request and has appointed Senator Denis Landy in substitution for her. The Committee of Selection reports that it has nominated Senator Michael Mullins to serve on the Committee on Procedure and Privileges.

I move: "That the report be laid before the Seanad."

Question put and agreed to.

Business of Seanad

Senator Paschal Mooney: I do not know if I am anticipating the Minister of State but in light of the fact that only a small number of Senators wish to make contributions to this important debate, I seek an amendment to the Order of Business that would allow non-party spokespersons to make a contribution in the time available, otherwise this debate will collapse.

Acting Chairman (Senator Diarmuid Wilson): The Order of the House is that spokespersons only may speak, but the Senator proposes an amendment.

Senator Paul Coghlan: The amendment is quite acceptable. There are two others who wish to speak. The Acting Chairman might allot them a few minutes each.

Senator Paschal Mooney: I am grateful to the Minister of State. I also propose that each speaker, like party spokespersons, be allowed to speak for five minutes.

Acting Chairman (Senator Diarmuid Wilson): My difficulty is that the order of the House is that the debate is to conclude at 1.45 p.m.

Senator Paschal Mooney: I apologise.

Acting Chairman (Senator Diarmuid Wilson): That would not facilitate that.

Senator Paschal Mooney: At what time is the next business due?

Acting Chairman (Senator Diarmuid Wilson): It is due at 3 p.m.

Senator Paschal Mooney: I suggest an extension to 2 p.m.

Acting Chairman (Senator Diarmuid Wilson): Does the Minister of State have a difficulty?

Government Chief Whip and Minister of State at the Departments of An Taoiseach and Defence (Deputy Paul Kehoe): I can stay until 1.50 p.m.

Acting Chairman (Senator Diarmuid Wilson): That is fine. The proposal is that the House sit until 1.50 p.m. Is that agreed? Agreed.

Defence Forces Overseas Missions: Statements (Resumed)

Senator Paul Coghlan: I welcome the Minister of State to the House and thank him for his contribution. I fully share the admiration and respect of the Minister of State and Senators Mooney, Whelan, Quinn and Ó Clochartaigh for our Defence Forces and the very difficult work they have been doing for quite some time. As we know there are a number of different warring factions in the regions who, as has been outlined, have caused great upset at times to our forces who are trying to keep the peace in that area. In more recent times the group known as ISIS or ISIL has advanced into the area. I understand, following a recent incident in the region which endangered our peacekeeping mission, the withdrawal of our forces to the Israeli side took place.

The participation of members of the Irish Defence Forces in UN peacekeeping missions across the globe for over 50 years has enhanced this nation's image abroad. Members of the Irish Defence Forces on peacekeeping duties in trouble spots around the world have saved countless lives. I am sure I speak for every Member of the House when I pay tribute to the thousands of men and women of the Irish Defence Forces who have served as UN peacekeepers over decades and mention those Irish soldiers who have lost their lives serving our country on UN duty and the families they left behind.

For 40 years UNDOF has supervised the implementation of the engagement agreement with Israel and Syria along the Golan Heights. It has helped to maintain peace and stability, not only along the volatile border but also in the entire Middle East region. Any armed conflict in the Golan Heights between Israel and Syria has always had the potential to spark a wider regional conflict and, as we know, because of the advancement of ISIS or ISIL and the dangerous situation which is developing on the Turkish and Syrian border, the mission in which we have engaged is all the more important. Thankfully, we are not involved on the Turkish and Syrian side.

Since September 2013, members of the Irish Defence Forces have been deployed on the UNDOF mission and have excelled in the role of a quick reaction force. The ongoing civil war in Syria has had a profound effect on UNDOF. The breakdown of law and order across Syria and the emergence of a number of different armed rebel groups, many with very different objectives, now fighting against Syrian Government troops has made a volatile region very unstable. UN peacekeeping forces in the region have been drawn into incidents as a result of the ongoing conflict. Members of the Defence Forces played a key role in securing the safe extraction of fellow peacekeepers in August.

Given the ongoing civil war in Syria, the Minister for Defence, Deputy Simon Coveney, recently requested that the UN fundamentally reviews the capacity of the mission. Accordingly, he has been involved in discussions with the UN on this and the UN Security Council was briefed on the mission in detail on 17 September by the UN Secretary General. There has now been a fundamental realignment of the United Nations Disengagement Observer Force mission, UNDOF, on the Golan Heights to reflect the changing situation. UNDOF's headquarters, including the Irish contingent, has been relocated to the Israeli side of the zone of operation, a practical and understandable move. The Government has confirmed the Defence Forces will continue to participate in the mission. Accordingly, the 46th Infantry Group has been deployed

to it.

Ireland has established a worldwide reputation for its commitment to UN peacekeeping of which we can all be proud. It is important to recognise, however, that this role involves Irish men and women, serving the State, being sent to dangerous and hostile areas. I congratulate the Ministers, Deputies Coveney and Kehoe, for their actions on this and their willingness to delay the deployment of the next contingent until the UN Security Council examined the mission and started the process of adopting its operations on the ground to take account of incidents over the summer. I thank the troops now returning from their mission for their service and wish those replacing them all the best for a safe and successful six months.

Senator Marc MacSharry: I thank the House for extending the time for this debate and the Minister of State for making himself available. I commend the Ministers, Deputies Coveney and Kehoe, for their efforts in this regard.

I come from an Army town in the north west with Finner Camp on our doorstep. For many generations, people from my area have served the country loyally in a variety of international missions, as well as with Border responsibilities during the height of the Troubles. We are all very proud of those who have served, as well as the employment it has given across the north west. We all join in welcoming home the 44th Infantry Group today and wishing the 46th Infantry Group well which departed this morning. I am pleased the Minister was there to welcome them home in the early hours of this morning. That is as it should be.

I appreciate the Minister has said he is keeping the situation under review from a safety perspective. However, as an Irish person and as someone from a town with a long association with the military, we are proud that we are playing a role in an international context, particularly in peacekeeping in difficult areas.

The Minister of State will also be aware, and I wish to put on the record of the House, that I had contact with the Taoiseach in June 2014 having been contacted by the wife of a man who had served his country for more than 30 years in more than 13 missions throughout the world on behalf of the Irish Army and whose family were concerned that he was to be subjected to a medical discharge against his will. We contacted the Taoiseach as this lady wished to meet him to discuss the situation. As the man has cancer, the Taoiseach kindly wrote back and said that the Minister of State, Deputy Kehoe, would be prepared to follow up the case and meet the lady in question. Deputy Kehoe kindly contacted me and I put him in direct contact with the lady in question. He gave her a commitment that the man would not be medically discharged. He also gave me the same commitment in person. I am not mentioning names at the express wish of the family at this point. An official from his office contacted the lady just before a review scheduled for 22 July to assure her that her husband would not be getting his P45.

The man subsequently went to the review on 22 July but was informed it was not a review and he was to be discharged. Since then, there has been much correspondence between me, the Minister and the Taoiseach but nothing of substance has come back other than those parrot-like responses that emanate from Departments when they do not know what to say. It was the basic acknowledgments from the office of the Minister of State and the Taoiseach in terms of return phone calls and to the effect that the situation was being looked into. The man was discharged on Monday of this week having served 37 years in the military and been on 13 missions, on the last of which he was diagnosed with cancer. The Norwegian doctor facilitating that mission had to fight with the Irish authorities to repatriate him which ultimately happened but he has

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been ill since. Without any medical review by the medical corps this man was discharged. This was despite the Minister of State giving me and the man's wife his word this would not happen.

I hope the proud and brave soldiers of the 44th Infantry Group who came home last night do not have to look forward to the same. Is it standard practice that if a soldier does not recover from cancer quick enough that he or she will be discharged from the military after 37 years of service?

Acting Chairman (Senator Diarmuid Wilson): I have given the Senator a fair bit of latitude so far. I must ask him conclude.

Senator Marc MacSharry: You have, Acting Chairman. I know Senator Leyden does not mind.

Acting Chairman (Senator Diarmuid Wilson): Sorry Senator, this is statements on Army participation in the UNDOF mission on the Golan Heights.

Senator Paul Coghlan: The Senator is speaking to a different matter.

Senator Marc MacSharry: Lieutenant Colonel Concannon wrote to the GP of the individual in question and assured him that when the review came up that it would not impose any further stress on the said soldier. What a joke. This line beggars belief. The man in question continues to fight cancer-----

Senator John Whelan: On a point of order, Acting Chairman.

Senator Marc MacSharry: -----and despite the personal assurances of the Minister of State to the individual's wife on behalf of the Government. He also gave me the same commitment. Now they have been cast aside.

Senator John Whelan: On a point of order, Acting Chairman.

(Interruptions).

Senator Marc MacSharry: Is this what the soldiers of the 44th Infantry Group who returned from the Golan Heights today have to look forward from the Government?

Acting Chairman (Senator Diarmuid Wilson): Senator MacSharry, please respect the Chair.

Senator Marc MacSharry: Will they be cast aside just because they are ill after 37 years' service? Is the Government proud of this?

Acting Chairman (Senator Diarmuid Wilson): Senator MacSharry, please respect the Chair and resume your seat.

Senator Paul Coghlan: The Senator is abusing the situation.

Senator Marc MacSharry: And rightly so because the Minister of State abused 37 years of service, as did the Senator's Government.

(Interruptions).

Senator Marc MacSharry: The family in question has an entitlement. No doubt their

names will come out in due course. The Taoiseach and the Minister of State know the people in question. Does the Minister of State know this lady? Does he know her commitment to the military?

Senator Paul Coghlan: The Senator is abusing the situation.

Senator John Whelan: This is an abuse.

Senator Marc MacSharry: Her first husband was killed in the Lebanon? Do you know that?

Acting Chairman (Senator Diarmuid Wilson): Senator MacSharry, please respect the Chair.

Senator Marc MacSharry: This is the treatment we stand over. After 37 years of service and despite the Minister of State's commitment, this man is thrown to the wolves. He is told the best of luck with his illness but we do not want him.

Acting Chairman (Senator Diarmuid Wilson): Senator MacSharry, please resume your seat.

Senator Marc MacSharry: Is this some sort of cynical cost-saving measure? Did the Minister actually try to make the matter worse?

Acting Chairman (Senator Diarmuid Wilson): If the Senator does not resume his seat, I will have to suspend the House.

Senator Marc MacSharry: It deserves to be suspended for such an abuse by the Government of people who give their lives for the State. The Minister can throw his eyes up to heaven all he likes.

Acting Chairman (Senator Diarmuid Wilson): Senator, resume your seat.

Senator Marc MacSharry: The Minister can throw his eyes up to heaven all he likes because that is all he is good for.

Acting Chairman (Senator Diarmuid Wilson): Senator, resume your seat. I call Senator Whelan on a point of order.

Senator John Whelan: We are discussing a specific motion. The Government side generously extended time to facilitate what were deemed to be legitimate contributions on this motion. The matter Senator MacSharry has chosen to raise would be more appropriate to the Adjournment. It is an abuse of the House.

Senator Terry Leyden: I welcome home the 130 troops from the 44th Infantry Group who served so gallantly in the Golan Heights. Their mission was extended because of a security situation there. I am delighted the Minister, Deputy Coveney, got the opportunity to welcome them home this morning at Casement Aerodrome which was a nice gesture. I was most impressed with the welcome by the families and friends which was broadcast on "Morning Ireland". We are very fortunate to have such good representatives under RACO, the Representative Association of Commissioned Officers, and the Permanent Defence Force Other Ranks Representative Association, PDFORRA. I commend all men and women of the 44th and wish the 46th every success on its tour of duty. We have one of the best-trained armies in the world. I witnessed

its work at first hand during an election mission in Bosnia and Herzegovina several years ago.

We should be very proud of our Army personnel's achievement in the UNDOF mission. They were in a very sensitive area and acted courageously. It is only appropriate the Houses should extend a warm céad míle fáilte home. I wish the 46 members every success and safety in the Golan Heights.

Deputy Paul Kehoe: I thank everybody for their contributions. I am not sure if some of the Senators were here for the start of this debate and the start of my contributions. I think everyone on all sides of the House has huge respect for the Irish Defence Forces and it is unfortunate that a Senator had to come in here and show his disrespect for the people who return-----

Senator Marc MacSharry: Well that is rich coming from the Minister of State. He should ask the woman to whom he and Mr. O'Doherty in his office gave the commitment. He is a disgrace to the military.

Acting Chairman (Senator Diarmuid Wilson): Senator MacSharry should withdraw the word "disgrace".

Senator Marc MacSharry: He should resign if that is the way he treats the military.

Acting Chairman (Senator Diarmuid Wilson): I am asking Senator MacSharry to withdraw the word "disgrace".

Senator Marc MacSharry: There is no question whatsoever of me withdrawing the word "disgrace". I assure the Chair that it is used only because I cannot think of a stronger word that clearly underlines the treatment of the family of which the Government is well aware.

Acting Chairman (Senator Diarmuid Wilson): Senator MacSharry is showing disrespect to the Chair and the House.

Senator Marc MacSharry: I am not showing any disrespect to anyone. I have a real respect for our military. This Minister of State has none given what he did to the person who was medically discharged last Monday, despite his personal commitment.

Acting Chairman (Senator Diarmuid Wilson): I have asked the Minister of State to conclude these statements and I ask Senator MacSharry to respect the Chair and the decision of the Chair and of this House.

Deputy Paul Kehoe: I thank the people who did show respect for the members who came home last night and the members who departed yesterday for the Golan Heights. I wish them the very best of luck. I will not go into any individual case in this House but as I have respect for the family, the personnel and the people-----

Senator Marc MacSharry: They are watching on the Internet. The Minister of State can say "Hello" to them. They have been looking for him for months.

Deputy Paul Kehoe: There have been appropriate representations through the family and the Department on this issue. The gentleman involved has been quite ill for quite some time so I respect that. I know there has been dialogue with the family on this issue as recently as Tuesday this week. Perhaps Senator MacSharry was not aware of that but I was warned about the Senator's behaviour by another person on this issue so I will leave it at that.

Valuation (Amendment) (No. 2) Bill 2012: Committee Stage (Resumed)

Debate resumed on Government amendment No. 21:

In page 7, line 5, to delete “assesses” and substitute “estimates”.

Acting Chairman (Senator Feargal Quinn): We are discussing amendment No. 21, but amendments Nos. 21 to 25, inclusive, are being discussed together.

Senator Tom Sheahan: When we finished up on this previously, we were discussing self-assessment. While self-assessment is a laudable quick fix for rates, I could not trust myself to provide a self-assessment regarding rates. I imagine the Valuation Office might suggest 5X whereas I might suggest 2X.

Senator Thomas Byrne: We are at a serious juncture with this Bill. I suggest that when the Cabinet and the Minister for Public Expenditure and Reform, Deputy Howlin, proposed the introduction of a self-assessment or partial self-assessment process, this was what they intended. When the Bill was approved by Cabinet in August 2012, the Minister in his press release made a big issue of this and on numerous occasions in the Dáil, the Minister’s replies to questions referred to the principles of self-assessment to be utilised in the revaluation.

What seems to have happened, unless there has been some change in the meantime, is that this part of the Bill has been completely gutted. I object to that. Previously, the discussion was on the extent of self-assessment and how far it would extend, geographically, across the country. The Minister of State has brought this Bill to the House, but the wishes expressed by Cabinet and the Minister two years ago now seem to have been superseded during the long process of getting the Bill to this Stage. I do not know if there has been political involvement in this.

Minister of State at the Department of Finance (Deputy Simon Harris): I thank the Chair and the Seanad for facilitating the resumption of Committee Stage.

I made many of my comments on this during our previous debate on Committee Stage and I have looked at the issue again in light of comments made by Senators. I am satisfied that what the amendments seek to do is in line with what the Bill always intended to do. I am also satisfied that the amendments make the system better for occupiers. To give an example, up to now we had a situation whereby if occupiers got the valuation wrong, they were always at risk of having a retrospective higher evaluation as the valuation officer could come back and say they were wrong and owed a certain amount.

Under this system, once an occupier assisted valuation is agreed with the Valuation Office, the occupier cannot be at risk of the office coming back and saying he or she owes more. Under this legislation occupiers will also be able to make representations, even in cases where they are not happy with the valuation they have given themselves. They can even appeal their valuation. This is about ensuring the list is equitable and fair. It is about ensuring we arrive at a situation whereby occupiers can provide information, but also about requiring the Valuation Office to agree that it is an acceptable valuation. If people do not like that, we have a robust

and streamlined appeals process in place, so I am satisfied with the amendments we are putting before the House.

Senator Thomas Byrne: We have already had a discussion on the appeals process and our problems with it. Serious problems have been raised and we take issue with the idea there is a robust appeals process and have mentioned the Constitution in that regard. I am aware that even this morning the Department's officials had meetings regarding the appeals process. How, therefore, the Minister of State can say he is satisfied there is an appeals process in place when his officials are still discussing that process with relevant interest groups is questionable.

This section in the Bill, as provided on Second Stage, states that the commission - this is being changed to Minister in amendment No. 22 and we agree with that - may make regulations providing for the carrying out of the valuations of relevant properties under this Act. Regulations about the valuations are being changed by amendment No. 23 to valuation or the taking of one or more of the steps that comprise such valuation. Essentially, the Minister of State in gutting this section has changed the process from a self-assessment valuation to enabling the Minister to make regulations that force people to give information to the Valuation Office through one or more of the steps comprising the valuation. He is putting more of a burden on occupiers, without giving them control or the self-assessment they were promised.

Self-assessment exists for property tax, with penalties in the case of under valuation, and I have no difficulty with that. We do not want people cheating the system. We also have self-assessment for the Revenue Commissioners. Self-assessment was promised in this area, but I contend it has been completely gutted by this system. It has been gutted in a way the Minister for Public Expenditure and Reform did not intend, judging by his press statements and replies to questions.

Deputy Simon Harris: I reject any implication that this did not receive a political input or that the Minister for Public Expenditure and Reform and others were not involved. A memo was brought to Government on these changes in July 2014. The amendments I am bringing forward in the House have the approval of Cabinet collectively. I am eager to stress that the fact we continue to engage, as the Senator asked me to here during our previous debate, with industry bodies such as the Irish Hotels Federation, is not a sign of weakness within the legislation. Rather, we are ensuring that having waited so long for this and nothing having happened in regard to reforming valuation over a long period of years, we are getting the best possible legislation. We will get to the issues raised by the Irish Hotels Federation and others later. The reality is that under the legislation the occupier will have multiple ways of ensuring that he or she can contest a valuation with which he or she is not happy and to provide information and work with the Valuation Office to arrive at a valuation that is fair and correct. That is what we all want. We want to get to a situation whereby valuations are equitable and fair. I believe that occupier-assisted valuation is the best method of doing this. It allows the Valuation Office to work with the occupier and for the occupier to provide information to arrive at a valuation that is equitable and fair. Therefore, I stand over the proposal in these amendments.

Amendment agreed to.

Government amendment No. 22:

In page 7, line 7, to delete "Commissioner" and substitute "Minister".

Amendment agreed to.

Government amendment No. 23:

In page 7, lines 8 and 9, after “valuation” to insert “, or the taking of one or more of the steps that comprise such valuation,”.

Amendment put:

The Seanad divided: Tá, 21; Níl, 13.	
Tá	Níl
Brennan, Terry.	Byrne, Thomas.
Burke, Colm.	Daly, Mark.
Coghlan, Eamonn.	Leyden, Terry.
Coghlan, Paul.	Mooney, Paschal.
Comiskey, Michael.	Mullen, Rónán.
Conway, Martin.	Norris, David.
Cummins, Maurice.	Ó Domhnaill, Brian.
D’Arcy, Jim.	O’Brien, Darragh.
D’Arcy, Michael.	Power, Averil.
Gilroy, John.	Quinn, Feargal.
Hayden, Aideen.	Reilly, Kathryn.
Henry, Imelda.	Walsh, Jim.
Moloney, Marie.	White, Mary M.
Mullins, Michael.	
Naughton, Hildegard.	
Noone, Catherine.	
O’Donnell, Marie-Louise.	
O’Keeffe, Susan.	
O’Neill, Pat.	
Sheahan, Tom.	
van Turnhout, Jillian.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Thomas Byrne and Terry Leyden.

Amendment declared carried.

Government amendment No. 24:

In page 7, line 12, to delete “under such assessment” and substitute “for those purposes”.

Amendment put and declared carried.

Government amendment No. 25:

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In page 7, line 18, to delete “submission of valuations” and substitute the following:

“submission of valuations (including submission by electronic means) and other matters under this Part”.

Amendment put and declared carried.

Amendment No. 26 not moved.

Acting Chairman (Senator Feargal Quinn): Amendments Nos. 27 to 30, inclusive, are related and may be discussed together.

Government amendment No. 27:

In page 7, lines 31 and 32, after “Commissioner” to insert the following:

“, including provision for extensions to the deadline in cases in which such submission is made by electronic means”.

Deputy Simon Harris: Amendment No. 27, which is similar to amendment No. 25, provides for an extension of deadlines where material is submitted online or electronically. This is good practice.

Amendment No. 28 makes provision to restrict occupier-assisted valuations to certain components of a valuation. This might, for example, be the exclusion of particular types of specialised property or categories of property.

Amendment No. 29 provides that regulations made by the Minister may be specific to certain components of a valuation.

Amendment No. 30 provides that a published valuation list may include a combination of properties that were subject to direct assessment by the valuation manager and occupier-assisted valuation by the occupier.

Amendment agreed to.

Government amendment No. 28:

In page 7, to delete lines 42 to 49 and substitute the following:

“(i) the specification of classes of properties that shall be, or shall not be, the subject of valuation under the regulations;

(j) the specification of geographical areas within the rating authority area that shall be, or shall not be, the subject of valuation under the regulations.”.

Senator Thomas Byrne: I wish to ask a question on amendment No. 28. Subsection (j) states: “the specification of geographical areas within the rating authority area that shall be, or shall not be, the subject of valuation under the regulations.”. Does that concern the trial period for this or the test case that will be launched at the start? Can the Minister of State explain that further?

Deputy Simon Harris: It is to give flexibility to allow for occupier-assisted valuation in an entire geographical area or an entire category. It is therefore to provide for flexibility within

the legislation.

Amendment put and declared carried.

Government amendment No. 29:

In page 8, lines 5 and 6, to delete all words from and including “or” in line 5, down to and including “order.” in line 6 and substitute the following:

“(b) specific to a particular valuation order, or

(c) specific to certain components of a particular valuation or to certain of the steps that comprise a particular valuation.”.

Amendment agreed to.

Government amendment No. 30:

In page 8, to delete lines 10 to 12 and substitute the following:

“(b) the other Parts of this Act shall apply with any necessary modifications, and, accordingly, a valuation list published under section 23 may include property to which this Part applies.”.

Amendment agreed to.

Acting Chairman (Senator Feargal Quinn): Amendments Nos. 31 to 37, inclusive, are related and may be discussed together by agreement.

Government amendment No. 31:

In page 8, lines 15 and 16, to delete “at any time (including after the effective date)” and substitute “at any time prior to the publication date”.

Deputy Simon Harris: Amendments Nos. 31 to 37, inclusive, are the remaining amendments to sections in Part 5A dealing with occupier-assisted valuation. Amendments Nos. 31 to 33, inclusive, propose to change section 26(d). Under what was proposed in the Bill, there was provision for the occupier, after having submitted an initial valuation, to be asked to submit an alternative valuation. The new proposal is more streamlined. Where an occupier of a property submits a valuation that is considered not to be accurate, or where he or she fails to submit a valuation, there is a provision to allow for a substitute valuation to be proposed by the valuation manager.

Amendment No. 34 is a new provision to allow an occupier to make representations where an alternative valuation is proposed by the valuation manager instead of the submitted valuation, thus bringing the occupier-assisted facility into line with the generality of provisions relating to the right to make representations already provided for in the 2001 Act. As a consequence of the amendments to this part, a valuation list or part of a valuation list compiled using the occupier-assisted provisions will now be subject to the same appeal provisions applicable to a valuation list compiled by way of direct assessment by the valuation manager. Amendments Nos. 34 to 37 are a combination of renumbering, referencing, renumbered sections and a wording change to the final section on the submission of a known false valuation. This wording is extended to include recklessness in the submission of a valuation and brings the provision in

line with an existing similar provision in the 2001 Act. That provision is in section 48(2)(b) of the 2001 Act.

Senator Thomas Byrne: In respect of the provision being changed by the Minister of State, he describes it as streamlining the process - a valuation would be submitted and would not be substituted by the person valuing the premises but by the office itself. The Minister of State is taking a further step away from the reforms announced by the Government two years ago. We welcomed these reforms and really only queried the geographical extent of them around the country.

I mean no disrespect to the Valuation Office but it seems to be dictating the pace here when it should be the taxpayers and ratepayers who dictate the pace on this. This is making the whole thing unnecessarily complex in what is an already complex system. We should be looking to make things easier for people and to make valuations real for people if that is the system we are going to have if the Government is not going to bring in a site valuation tax, which would be much simpler and more efficient. We are going to stay with a complicated and inefficient rates system where the ratepayers are forgotten and every burden that can be put on them is put on them. We had some hope that this burden was going to be lifted slightly by self-assessment.

Along with self-assessment, we would have been delighted with an ability to pay clause. A Minister who brought in self-assessment plus an ability to pay clause would be considered heroic by the small business community around this country. One can imagine the jobs announcements that would flow from that. The more I study this Bill and the more I listen to the people who have contacted me and the Minister of State describing the amendments he is making, the more I believe that we have a system that is over a century old and possibly older and is not fit for purpose and should be radically overhauled. A special commission should be set up to look at what we can do to raise money. Is it to be this system or will it be a site valuation tax or some other form of taxation? We should make it simpler and give taxpayers and employers a break. This Bill is doing nothing of the sort. These amendments are going backwards rather than forwards.

Deputy Simon Harris: I disagree fundamentally with Senator Byrne, which probably does not come as a great surprise to him. First, I do not think it is fair to level criticism. I know the Senator said he meant no disrespect to the Valuation Office but the amendments and legislation before this House are signed off on by the Cabinet collectively. All the amendments before the House today have the collective support of the Cabinet and I am happy to stand over them.

Senator Byrne talks about the burden on ratepayers. The greatest burden on ratepayers has been an inability to have a fair, uniform and equitable value attached to their premises. It has been the fact that we have an archaic system and have not been able to access outsourcing, use modern technology and help people to conveniently give information that will be of use and material benefit to the Valuation Office in assessing a fair and correct method. The people I meet regularly, including those in the hotel industry and pub trade, ask me whether we can hurry up and get this legislation in place so that we can revalue as quickly as possible. That is what they are saying as recently as this week. They ask me whether we can get the Valuation (Amendment) Bill done and dusted. I am not claiming that this Bill is a solution.

Senator Thomas Byrne: Why has it been on the shelves of the Seanad for years?

Deputy Simon Harris: I am not going to get into the tit-for-tat of why it has been two

years. I could ask the Senator why the previous Government did nothing in 14 years.

Senator Thomas Byrne: We did. We introduced legislation in 2001 from which the Minister of State quoted. He quoted 14 years.

Deputy Simon Harris: I am not going to play politics with this Bill. It is an honest attempt to try to modernise the system. What I and nobody else in government have done is suggest that it is an answer to all the challenges faced by small business. In the last exchange we had here on Committee Stage, I outlined my view that there is a role to play in terms of local authorities and in respect of the Department of the Environment, Heritage and Local Government. This is a valuations Bill and that is all it is. It is not pretending to be anything else and I think it is a very honest attempt to try to improve the system.

Senator Thomas Byrne: The Minister of State has resorted to the stock response of “What did Fianna Fáil do in 14 years?”, which is becoming very tiresome. They talk about 14 years in power. During those 14 years of government, we were amending a Bill we brought in in 2001 so the idea that we did nothing is wrong. The reason people are giving out to the Minister of State about this Bill not being brought through is because it was published in 2012. It has been sitting on a shelf in the Seanad Office since Second Stage. We have got to Committee Stage and we find that changes to the Bill are drastic. I am trying to find out what is going on, why these changes are being made and why the reforms are not being substituted.

The Taoiseach tried this before as well. He blamed the Seanad when he was asked where the Valuation (Amendment) Bill was by one of the Minister of State’s colleagues on the back benches in the Dáil. The Taoiseach said “Oh we know the way the Seanad does its business”. That was his exact reply. Of course, it was in the run-up to the referendum. The reality is the Government made a mess of this Bill. It is trying to make changes. The Minister of State’s officials met interest groups and I am grateful that they did so because it is very important but it is a pity it is happening at five minutes to midnight in the week before it finishes Committee Stage here. This is going backwards rather than forwards and I reject the contention that it is something to do with Fianna Fáil.

Deputy Simon Harris: I said I would not go down that road and I will still resist doing so. The issue is, as Senator Byrne rightly notes, the fact that as today, we are still having a discussion about how we can make sure this Bill is the best possible Bill. The Senator is right in that my officials are still engaging with stakeholders. We still have Report Stage in this House once we conclude Committee Stage. It has not even been introduced in the other House.

Rather than trying to make these sorts of debates irrelevant, we are listening to feedback and trying to make it the best and most robust Bill possible while recognising the legal constraints as well. I think any objective person looking at this Bill will see it as an honest attempt to modernise a system. Senator Byrne correctly noted that the last Act was in 2001. An awful lot has changed since then in respect of valuations and the situations SMEs face in this country. We will continue to engage and hear any constructive suggestions.

Amendment agreed to.

Government amendment No. 32:

In page 8, line 25, to delete “subject to subsection (2).”.

Amendment agreed to.

Government amendment No. 33:

In page 8, to delete lines 33 to 48 and substitute the following:

“(2) Where the occupier of a property—

(a) submits a valuation that, in the opinion of the officer, is not accurate, or

(b) fails to duly submit a valuation by the deadline provided, the officer of the Commissioner shall, on or before the publication date

and, in accordance with the matters set out in section 19(5), determine the appropriate valuation in respect of the property concerned, issue a

valuation certificate to that effect and enter that valuation on the valuation list.”.

Amendment put and declared carried.

Government amendment No. 34:

In page 9, to delete lines 1 to 24 and substitute the following:

“Right of occupier to make representations under self-assessment

26E. Where section 26D(2) applies, the provisions of section 26 enabling the occupier of relevant property to make representations and enabling the amendment of a valuation certificate shall apply with any necessary modifications.”.

Amendment agreed to.

Government amendment No. 35:

In page 9, line 25, to delete “26G. An occupier” and substitute “26F. An occupier”.

Amendment agreed to.

Government amendment No. 36:

In page 9, line 27, after “provided” to insert “by, or pursuant to, regulations under section 26B(2)”.

Amendment agreed to.

Government amendment No. 37:

In page 9, to delete lines 29 to 31 and substitute the following:

“Where person submits false valuation

26G. A person who submits a valuation under this Part that is false knowing it to be false or being reckless as to whether it is false shall be guilty of an

offence.”.

Amendment agreed to.

Question put: “That section 11, as amended, stand part of the Bill.”

The Committee divided: Tá, 24; Níl, 15.	
Tá	Níl
Bacik, Ivana.	Byrne, Thomas.
Brennan, Terry.	Crown, John.
Burke, Colm.	Daly, Mark.
Coghlan, Eamonn.	Leyden, Terry.
Coghlan, Paul.	MacSharry, Marc.
Comiskey, Michael.	Mooney, Paschal.
Conway, Martin.	Mullen, Rónán.
Cullinane, David.	Norris, David.
Cummins, Maurice.	O’Brien, Darragh.
D’Arcy, Jim.	O’Donovan, Denis.
Hayden, Aideen.	Ó Domhnaill, Brian.
Heffernan, James.	Power, Averil.
Henry, Imelda.	Quinn, Feargal.
Higgins, Lorraine.	Walsh, Jim.
Moloney, Marie.	White, Mary M.
Mullins, Michael.	
Naughton, Hildegard.	
Noone, Catherine.	
O’Keeffe, Susan.	
O’Neill, Pat.	
Reilly, Kathryn.	
Sheahan, Tom.	
van Turnhout, Jillian.	
Whelan, John.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Thomas Byrne and Terry Leyden.

Question declared carried.

SECTION 12

An Cathaoirleach: Amendments Nos. 38 to 40, inclusive, are related and may be discussed together. Is that agreed? Agreed.

Government amendment No. 38:

In page 10, lines 4 to 7, to delete all words from and including “, subject” in line 4 down to and including “functions” in line 7.

Deputy Simon Harris: Section 12 provides that section 28 of the Act of 2001 be replaced by a new section 28 to enable the Commissioner of Valuation to appoint a revision manager to carry out revisions of valuation in accordance with the Act and with such guidelines on relevant matters as may be issued by the commissioner from time to time. This amendment has the effect of enabling the commissioner to appoint designated officers in order to exercise his or her statutory function in a more uniform manner. The amendments to section 12 will serve to streamline the guidelines and manner in which the revision manager discharges his or her duties, having been appointed by the commissioner to carry out revisions of valuation in accordance with the 2001 Act. These duties include the appointment by the revision manager of another officer of the commissioner to carry out any of the relevant functions.

The purpose of amendment No. 38 is to delete from the Bill the clause “subject to the revision manager’s general superintendence and control”. This is to avoid this being open to question on appeal.

Amendment No. 39 proposes to insert the words “, or of comparable powers under the repealed enactments,” in order to avoid a situation in which a material change of circumstance - for example, a type change to a premises - is overlooked during evaluation, or a change occurs between the valuation of the property and the issuing of the final certificate. This could mean that the premises does not qualify for revision and will have to wait for the next revaluation before the valuation can be amended, which would be unsatisfactory and unfair on the ratepayer, or on other ratepayers, as the case may be.

Amendment No. 40 is a simple correction of a typographical error in the new section 28(6) of the Principal Act, as inserted by Section 12 of the Bill.

Senator Thomas Byrne: Could I make a general query about the delegated functions that are being assigned under this section and the amendments facilitating that? Can the Minister explain why this is necessary? Not every organisation or every part of the State operates in such a way that a junior officer needs statutory functions to carry out tasks. I wonder why it is necessary here.

Deputy Simon Harris: The question Senator Byrne raises is a fair one. The logic behind these amendments is that they would provide greater consistency. At the moment the system is not consistent, and on the last occasion on which we had this debate we heard many examples of inconsistencies in the application of various functions. Having a revision manager to oversee consistency and standards prevents a situation whereby one could have 50 individual valuation officers, resulting in an inconsistency that can already be seen in many local areas. The idea of a revision manager is to provide somebody to oversee all the other valuation officers. It is a prudent measure, to attempt to ensure consistency.

Senator Thomas Byrne: The general point I am trying to make is that this highlights the archaic nature of this system - that we must appoint people who are mid-ranking civil servants essentially as statutory officers. I do not think it is necessary. For example, I do not think Irish Water has statutory positions, although perhaps it does. Here it is so old-fashioned, archaic and complicated that we must pass a law to give certain people a particular post in the organisation. The more I look at this, the more I think that the whole system needs a major overhaul.

Senator Tom Sheahan: My understanding is that it will be useful with outsourcing and so on. Outsourcing, I imagine, will come up for tender every few years, and the buck must stop somewhere. I am surprised that Senator Byrne cannot acknowledge that for what it is.

Senator Thomas Byrne: I am not complaining; I am querying it.

Senator Tom Sheahan: Yes, but that would be my understanding of it.

Senator Thomas Byrne: If it must be done, it must be done. We will not stand in the way of that.

Senator Tom Sheahan: When there is outsourcing the buck must stop somewhere, so I think this is a prudent measure.

Amendment agreed to.

Government amendment No. 39:

In page 10, line 20, after “subsection” to insert “, or of comparable powers under the repealed enactments,”.

Amendment agreed to.

Government amendment No. 40:

In page 11, line 2, to delete “subparagraph (i) or (ii)” and substitute “subparagraph (i) or (iii)”.

Amendment agreed to.

Senator Kathryn Reilly: I move amendment No. 41:

In page 11, between lines 38 and 39, to insert the following:

“(13) The Commissioner will also take account of the profitability of current occupier if valuation is based on use of premises by previous occupier.”.

This amendment relates to legacy rates. Where a premises has been empty and a new start-up business takes over it may be rated the same as the previous occupier, although in many cases, particularly in cities and big towns, high rates are one of the factors that force some businesses to close. The argument behind this amendment is that the new rate should be based on the profitability of the new business.

Deputy Simon Harris: The proposed amendment would result in serious anomalies in the valuation list, which would be at variance with long-established valuation practices and the core principles of correctness, equity and uniformity which underpin the legislation. Under current valuation practices, if one took a parade of ten identical shops which were all of equal rental value and occupied by ten different businesses, one should reasonably expect that all those properties would have identical rates of valuation. This would not be the case if profitability were a consideration. The proposition that rates should be levied based on profitability rather than rental value would be a significant departure from the long-standing practice of levying rates by reference to property values. There are already taxes in place which are levied on prof-

itability - for example, VAT and income and corporation tax. Furthermore, the relation between turnover and profitability can vary significantly within sectors, as in retail, and between sectors, such as fuel sales and hospitality. I note the point the Senator is making, but I am satisfied that there are other ways of taxing profit. This would be a significant departure from the valuation method and I do not propose to accept the amendment.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendments Nos. 42 and 43 are related and may be discussed together. Is that agreed? Agreed.

Government amendment No. 42:

In page 11, to delete lines 45 to 49 and substitute the following:

“(14) An amendment of a valuation list made under subsection (10), (11) or (12) shall have full force for the purposes of the rating authority concerned making a rate in accordance with—

(a) section 29 of the Local Government Act 1946 (as substituted by section 45 of the Local Government Act 1994), or

(b) section 55 of the Fisheries (Consolidation) Act 1959, as appropriate, in relation to the property concerned by reference to that list as so amended.”

Deputy Simon Harris: Amendment No. 42 is proposed in order to align the legislation under which a local authority makes a rate with the revision amendments of a valuation list made by the commissioner. The background to this proposed change is that there are existing provisions in section 28(14) and 28(15) of the 2001 Act which provide for an amendment to the valuation list to have effect from the date of its making and for refunds of rates to be made consequent to such amendments. These provisions are based on rating law rather than valuation legislation and are at variance with the basic principle of rating law that a single rate is made for an entire financial year. Amendment No. 43 has the effect of removing the provision in section 28(15) in the 2001 Act relating to moneys paid by way of rates and their subsequent refund as circumstances require, because this is considered to be a rating matter, more appropriately to be dealt with under rating law than under the valuation code. In fairness to the drafters of the 2001 legislation, I see what they were trying to do, but it has been inoperable and, therefore, to leave it in this Valuation Bill would be misleading. That is why we tabled these amendments.

4 o'clock

Amendment agreed to.

Government amendment No. 43:

In page 11, to delete line 50, and in page 12, to delete lines 1 to 21.

Amendment agreed to.

Section 12, as amended, agreed to.

SECTION 13

An Cathaoirleach: Amendments Nos. 44 to 46, inclusive, and 62 are related. Amendment No. 46 is a physical alternative to No. 45. All four may be discussed together by agreement. Is that agreed? Agreed.

Senator Kathryn Reilly: I move amendment No. 44:

In page 12, line 27, to delete “ “40 days” ” and substitute “ “60 days” ”.

The purpose behind this amendment and amendment No. 46 is simply to give people more time to respond.

Deputy Simon Harris: I thank Senator Reilly for tabling these amendments. Again, I note what she is trying to do but I would contend that the Government has already gone some way towards doing what is envisaged. The 40-day period in which to make representations on a revision is already being extended in the Bill from the 28-day period which currently applies. The proposed 40 days in which representations can be made is identical to that in respect of first making appeals to the commissioner under the 2001 Act. It has worked as a reasonable period for the more formal appeals stage so it should also serve in the same way for the more informal representation stage, in respect of which the 28-day period to which I refer currently applies. If the period for making representations is extended beyond 40 days, it will provide a further rates-free period for new properties being added to the valuation list for the first time. It will also give the occupier of a new property an unfair advantage over competitors. A new property occupier has probably already enjoyed a rates-free period as he or she waits for his or her property to be added to the valuation list. We are keen to ensure that the representations period - the more informal appeals process - will be as accessible as possible. That is why we have extended it from 28 days to 40. To extend it further would just create a logjam.

Senator Thomas Byrne: Will the Minister of State outline the intention behind amendment No. 62?

Deputy Simon Harris: I will outline the position with regard to amendments Nos. 45 and 62. Amendment No. 45 contains a new provision to equip the commissioner with additional authority in the context of addressing anomalies on the valuation list pending revaluation of the rating authority area. The commissioner will no longer be obliged to rely on the determinations of the Valuation Tribunal or the higher courts in order to address such anomalies. This amendment is designed to provide for exceptional circumstances where a decision by a revision manager not to change a valuation could lead to inequity and a lack or diminution of uniformity of value between certain properties in the same rating authority area. This would include situations where there has been no material change of circumstances to justify a revision under section 28. In such exceptional cases the commissioner will have discretionary powers to direct a revision manager to amend the valuation of a property which he or she considers to be inaccurate. When considering this matter initially, I took advice from rating consultants and I take this opportunity to thank the members of the Society of Chartered Surveyors in Ireland for their constructive dialogue during this discourse, which led to the preparation of the amendment.

It is also proposed to delete section 40 of the 2001 Act, which gives the commissioner discretionary power whereby if he or she amends a valuation list under section 38 in respect of a particular property - arising from a decision of the Valuation Tribunal or the High Court or Supreme Court - he or she may also amend, in a manner consonant with the relevant decision, that or any other valuation list with regard to each other property appearing on that list that he

or she considers is similarly circumstanced.

The original purpose behind section 40 was to ensure equity and uniformity - as outlined in the Long Title and elsewhere in statute - so that if a valuation of a particular property was changed, the value of other similarly circumstanced properties could also be changed in order to maintain the relativity between them. As a result of the fact that the new section 29A of the 2001 Act, as inserted by amendment No. 45, will provide the commissioner with a similar but broader discretion, section 40 may now be deleted because it is superfluous. The key point is that the commissioner will no longer be obliged to await determinations of the Valuation Tribunal or the higher courts, as was heretofore the case in the context of section 40, and will now be better equipped to address anomalies on the valuation list pending revaluation. I am sure that, like me, Senators have been informed by stakeholders of instances where, as is an age-old problem, service stations have been bypassed by motorways. What we are doing will give the commissioner discretion to act in such circumstances.

Senator Thomas Byrne: What about amendment No. 62? The Minister of State did not mention it.

Deputy Simon Harris: I dealt with both amendments.

Amendment, by leave, withdrawn.

Section 13 agreed to.

SECTION 14

Government amendment No. 45:

In page 12, to delete lines 32 to 39 and substitute the following:

“ **29A.** (1) Where a revision manager decides not to—

(a) amend the valuation of a relevant property under section 28, or

(b) amend any other material particular in relation to that property as it appears on a valuation list,

the Commissioner may, exceptionally and provided he or she is of opinion that it is necessary to do so in the interests of equity and uniformity of value or, in a case falling under paragraph (b), in the interests of maintaining the valuation list in as accurate a state as practicable, direct the revision manager, as appropriate, to amend—

(i) the valuation of that relevant property, or

(ii) the material particular that, in the opinion of the Commissioner, is inaccurate, and to issue or cause to be issued a new valuation certificate in relation to the property concerned.

(2) For the purpose of complying with a direction under subsection (1)(i), the revision manager shall determine the valuation in accordance with section 49 as if the valuation were being determined for the purpose of section 28(4). Following that determination, the revision manager shall issue or cause to be issued in relation to the property concerned—

(a) in accordance with section 29, a copy of the new valuation certificate proposed to be issued under subsection (6) of section 28, and

(b) in accordance with that subsection (6), the new valuation certificate (in the terms as originally proposed under section 29 or, as the case may be, as amended under subsection (3) of that section).”.”.

Amendment agreed to.

Amendment No. 46 not moved.

Section 14, as amended, agreed to.

Section 15 agreed to.

SECTION 16

An Cathaoirleach: Amendments Nos. 47 to 57, inclusive, are related, amendments Nos. 49 and 51 are consequential on amendment No. 48, amendment No. 54 is consequential on amendment No. 53 and amendments Nos. 56 and 57 are consequential on amendment No. 55. All may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 47:

In page 13, lines 1 and 2, to delete “(other than where section 19(1A) applies) or section” and substitute “or”.

Deputy Simon Harris: The 2001 Act introduced a new first-line opportunity for ratepayers to challenge proposed valuations by means of making representations, a matter to which I have already referred during the course of this debate. This relatively informal process was designed to allow and has enabled the Valuation Office to engage constructively with ratepayers before valuations are finalised and published. The Act also preserved the existing appeal to the commissioner and the subsequent appeal to the Valuation Tribunal. There is a further appeal to the higher courts on points of law. This provides ratepayers with up to four different occasions of appeal, which is out of kilter with practice in other jurisdictions. In order to streamline the appeals process while maintaining due process and appropriate appeal opportunities for ratepayers, the Bill proposes to abolish the appeal to the commissioner while preserving the right to make representations on the appeal to the tribunal and, thereafter, to the higher courts on points of law. The proposed abolition of the appeal to the commissioner following the determination of a valuation under the 2001 Act will mean that all formal appeals will be heard by the Valuation Tribunal.

Amendments Nos. 47 and 48, which relate to section 34, are required as a consequence of amendments proposed elsewhere, particularly those to section 26 and provisions relating to occupier-assisted valuation. It will now be possible for an occupier who assisted in the valuation of his or her property to appeal the final determination, which is quite important. This correctly aligns the right of appeal of occupiers who participated in the occupier-assisted valuation with the right of appeal with the right of appeal of those who had their valuations determined directly by the Valuation Office in the traditional manner.

Amendments Nos. 49 and 51 involve renumbering, while amendment No. 50 deletes superfluous wording.

Amendment No. 52 provides, in the interests of fairness, that the appeal provisions previously enjoyed by appellants to the commissioner will now apply in respect of appeals to the tribunal. As a result, an appellant will now be able to pursue any appeal to the tribunal which he or she could pursue by way of appeal to the commissioner heretofore.

Section 45 of the Valuation Act 2001 empowers an officer of the commissioner to serve a notice on a person who is the owner or occupier of a property requiring him or her to supply within a period specified in the notice such information as is specified in that notice. A person who fails to comply will be guilty of an offence in respect of which the Act provides for prosecution and penalties. The purpose of amendment No. 53 is to encourage and incentivise an occupier of a property to provide information when requested and to ensure fair procedures in appeals coming before the Valuation Tribunal. This will be done by precluding the occupier of a property from gaining an unfair advantage in the consideration of evidence which, under current arrangements, could occur if the occupier withholds the required information until he or she presents it for the first time at a hearing of the tribunal when there is no opportunity for the commissioner, as a respondent to the appeal, to examine the material presented and make a substantive response. A practical interpretation of this amendment must be assumed. If the occupier could not have had the information when it was sought, he or she will not be put at a disadvantage. A person who fails to comply with a request for information under section 45 can already be found guilty of an offence. People are rarely, if ever, prosecuted for such offences. As a result, the more practical outcome is to provide that the withheld information cannot be used for benefit the appellant to the detriment of other occupiers in the relevant rating authority area, including his or her competitors who will have already provided accurate information or not withheld it during an appeal.

Amendment No. 55 arises as a consequence of the proposed changes to the occupier-assisted valuation provisions contained in section 11 of the Bill. Amendments Nos. 54, 56 and 57 are minor and technical in nature and involve renumbering.

Senator Thomas Byrne: In the context of amendment No. 53, I was astonished to hear the Minister of State refer to fair procedures and to fairness with regard to the commissioner having access to certain information. That is outrageous. We are referring here to taxpayers. It appears that we do not want to give the latter an advantage over the officials or the Department. That is the wrong base from which to start. We should be seeking to put in place fair procedures for taxpayers and ensuring that they have every advantage in the context of properly and legally complying with their taxation obligations. What is involved here relates to those obligations because rates are based on the valuations provided. Amendment No. 53 is completely inequitable. The idea that somebody is going to withhold information in order that he or she might make an appeal is terrible. What is proposed denies ratepayers access to fair procedures and completely hampers their right to a proper hearing of the evidence. It removes fair procedures from the ratepayer and hampers his or her right to a proper hearing of the evidence. I would like the Minister of State to set out the section which specifies that new information can be provided. I have not read that in the section. As I read it, the reality is that new information cannot be provided on appeal. That is, in my view, extremely unfair. I cannot envisage how, as the Minister of State said, such events would happen to the detriment of other occupiers. It seems to be the case from what the Minister of State read out that there is a danger of ordinary citizens getting one over on the tax man. That is wrong. We are looking for ordinary citizens to have their right to have the proper valuation carried out and have every piece of information available to them, even if it arrives late or at an appeals stage. It should be noted that in a planning hearing with

An Bord Pleanála it does not restrict itself to the file before the county council. This amendment should be opposed.

Deputy Simon Harris: It is not about disadvantaging taxpayers, rather it is about ensuring that every taxpayer is treated equally. It is about ensuring that a taxpayer, when having his or her rates assessed or having a valuation done, having provided all the information in regard to his or her premises, is not put at a disadvantage by somebody who has not. I will give the Senator more detail. This provision only applies in very specific circumstances. However, it does require occupiers of rateable properties and their agents to provide information when requested to do so. There is nothing peculiar about that. This is as it should be, as the introduction of relevant information which the occupier already had but withheld until the appeals stage should not be allowed to disadvantage other rate payers. Why should we disincentivise people to provide the information?

If two competitors in an area are being valued and one ratepayer is willing to provide the trading information they are meant to while another does not, the Valuation Office then estimates the trading value. The occupier always had the information. There is an appeal at which the occupier provides the information. The person who has been upfront, has complied and has done everything by the book is disadvantaged by those who blindside the people carrying out work on behalf of taxpayers, which we all are. Since the enactment of the Valuations Act 2001, it has been a criminal offence to fail to provide information requested or to supply information which is false. It is already a criminal offence, so why should we have an appeals process which allows information which has been withheld to be submitted? It is very important to note-----

Senator Thomas Byrne: That is not what the section states. The section refers to the information the person so failed to supply. What about information that comes to light after the procedure? It seems to be excluded by the amendment.

Deputy Simon Harris: I take the point the Senator is making. To be very clear, the only purpose of this provision concerns those who had the information when it was sought. If one has new information one would be entitled to produce it-----

Senator Thomas Byrne: Where does the section state that?

Deputy Simon Harris: -----at the tribunal.

Senator Thomas Byrne: That is not for what the section provides.

Deputy Simon Harris: The provision does not do anything to prevent people providing new information. Rather, it prevents people from holding onto information and withholding it until they get to the appeals stage. In that regard it is quite fair. It is also important that at representation stage people can provide all the information they want. There is a process in place at representation stage to provide information. We cannot have a situation where information which was withheld at the representation stage, but was within the gift of the ratepayer, is then produced at a tribunal. It is very important that people are not at a disincentive by complying. It is also important to note the amendments refer only to information which was requested and not supplied. They do not concern information one was not asked for or which commissioners only thought about later. It concerns people who were requested to provide information which their competitors were also asked for, but who chose not to provide information which was in their gift to provide.

Senator Thomas Byrne: I cannot see that somebody, to advantage himself or herself, would withhold information at the start of the process and then provide it during the appeals process. I cannot see how that advantages anybody in the long term. No matter what the Minister of State says, if the information was not given or falls into the category specified in the notice it cannot be used in an appeal even if the information is absolutely crucial and, on a reading of the section, it comes to light after the initial process has been completed.

Deputy Simon Harris: It is very important that the Bill is read as a whole. If there is a situation where any information one has can be provided right up to the issuing of a certificate and though the representation stage, the amendments refer to the fact one was asked by the Valuations Office to provide information which every other ratepayer can be asked to provide. It is not something it thought about later and should have asked a ratepayer about. It refers to situations where a person was asked to provide information and did not. As we have already said and agreed, it is a criminal offence to withhold information. Why, therefore, would we have an appeals system which would allow information which had-----

Senator Thomas Byrne: Is the Minister of State telling me that information which comes to light subsequent to the initial certificate but before the appeal can be used at appeals stage?

Deputy Simon Harris: Any new information can be provided right up until representation stage.

Senator Thomas Byrne: That is not what I asked. What about tribunal stage?

Deputy Simon Harris: We are only referring to information which has been requested. If the Valuations Office estimates a valuation because no data has been provided, the appellant will be able to provide that data at appeals stage. It refers to people who have been asked for information but did not provide it. It does not refer to anything else at appeals stage. The ratepayer still has the opportunity to provide that information through the representation process. We have extended the period of representation to 40 days and right up to the issuing of the certificate. People do not have the option under this amendment to then produce information they had at that stage.

Amendment agreed to.

Government amendment No. 48:

In page 13, to delete lines 7 to 9.

Amendment agreed to.

Government amendment No. 49:

In page 13, line 10, to delete “(f) any decision by” and substitute “(d) any decision by”.

Amendment agreed to.

Government amendment No. 50:

In page 13, line 11 to delete “or section 28(9), or”

Amendment agreed to.

Government amendment No. 51:

In page 13, line 12, to delete “(g) in the case” and substitute “(e) in the case”.

Amendment agreed to.

Government amendment No. 52:

In page 13, line 14, to delete “section 28(7).” and substitute the following:

“section 28(7), or (f) any decision of the revision manager concerned that the circumstances referred to in section 28(4) do not exist for the exercise of the powers under that section in relation to the property.”.

Amendment agreed to.

Government amendment No. 53:

In page 13, between lines 16 and 17, to insert the following:

“(3) A person who fails to supply information specified in a notice served under section 45(1) prior to the issue of—

- (a) the valuation certificate pursuant to section 24 or 28,
- (b) a global valuation certificate, or
- (c) a notice under section 28,

shall not be permitted to ground or support an appeal to the Tribunal by reference to information that the person has so failed to supply.”.

Amendment put:

The Committee divided: Tá, 24; Níl, 14.	
Tá	Níl
Bacik, Ivana.	Barrett, Sean D.
Brennan, Terry.	Byrne, Thomas.
Burke, Colm.	Crown, John.
Coghlan, Eamonn.	Daly, Mark.
Coghlan, Paul.	Healy Eames, Fidelma.
Comiskey, Michael.	Leyden, Terry.
Conway, Martin.	MacSharry, Marc.
Cullinane, David.	Mooney, Paschal.
Cummins, Maurice.	Mullen, Rónán.
D’Arcy, Jim.	O’Brien, Darragh.
Gilroy, John.	Power, Averil.
Hayden, Aideen.	Quinn, Feargal.
Heffernan, James.	Walsh, Jim.
Henry, Imelda.	White, Mary M.

Higgins, Lorraine.	
Moloney, Marie.	
Mullins, Michael.	
Naughton, Hildegarde.	
Noone, Catherine.	
O'Neill, Pat.	
Reilly, Kathryn.	
Sheahan, Tom.	
van Turnhout, Jillian.	
Whelan, John.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Thomas Byrne and Terry Leyden.

Amendment declared carried.

Government amendment No. 54:

In page 13, to delete line 17 and substitute “(4) In this section—”.

Amendment agreed to.

Government amendment No. 55:

In page 13, to delete lines 21 to 23.

Amendment agreed to.

Government amendment No. 56:

In page 13, line 24, to delete “(c) the date of” and substitute “(b) the date of”.

Amendment agreed to.

Government amendment No. 57:

In page 13, line 26, to delete “(d) the date of” and substitute “(c) the date of”.

Amendment agreed to.

Section 16, as amended, agreed to.

SECTION 17

An Cathaoirleach: Amendments Nos. 58 and 59 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 58:

In page 14, line 4, to delete “is incorrect” and substitute the following:

“is not a determination of its value that accords with that required to be achieved by section 19(5) or, in the case of an appeal from a valuation made under section 28, with that required to be achieved by section 49”.

Deputy Simon Harris: These amendments provide for the insertion into the section of the Bill the grounds on which a ratepayer may base an appeal to the Valuation Tribunal. The change of service is to strengthen the concepts of correctness, equity and uniformity as the pre-eminent principles on which the valuation code is grounded. It also aligns the grounds of appeal and the determination of value in a revaluation or revision scenario.

Senator Thomas Byrne: This goes to the heart of the issues discussed about other sections. In the light of these discussions and even after two years after the Bill was first published, will the Minister of State simply withdraw the amendment and come back on Report Stage after discussions with the industry? I have read some of the representations made to me concerning the legislation’s provisions and do not agree with all of them. On this one, the taxpayer must have his or her rights protected as much as the office must. This is fundamentally unfair and goes to the heart of the debate. I, therefore, urge the Minister of State to withdraw the amendment.

Senator Averil Power: I share Senator Thomas Byrne’s concerns and believe it is premature to be pushing the amendment at this point when there are discussions ongoing. It is important to have an appeals process that is fair. Will the Minister of State withdraw the amendment until Report Stage?

Senator David Norris: It does seem logical to request the Minister of State to withdraw the amendment since he is obviously not completely decided as he is still in discussions. Accordingly, it seems prudent and practical to withdraw the amendment and resubmit it on Report Stage if his officials can clarify the matter to his satisfaction. I support Senator Thomas Byrne on this point.

Senator Tom Sheahan: In the interests of being prudent, if there are further grounds for appeal to be agreed, could they not be dealt with in an addendum to the Bill later?

Deputy Simon Harris: I thank Senators for the acknowledgement that my officials have engaged with various stakeholders on this issue. However, it is important to note that the substance of the discussions to date has been that if there are to be further amendments or addendums, they will be to section 19(5), as opposed to the actual appeals section.

Last time, we spoke at length about the fact, based on several court decisions and best practice, that the valuation appeals tribunal needed to examine a valuation of the same measure as the valuation manager. That involves two principles, the principle of a correct value and the principle of equity and uniformity. Concern has been expressed by some stakeholders that one of these principles could trump the other. It is a concern on which I have an open mind, as it is a complex issue and several stakeholders have sought legal advice.

I am satisfied that the amendment is robust enough. I am grateful to the Irish Hotels Federation and the Society of Chartered Surveyors for meeting my officials at short notice to discuss this matter and being constructive on it.

8 October 2014

I am satisfied that amendments Nos. 58 to 60, inclusive, are robust and that any further amendment will refer to section 19(5).

Senator Thomas Byrne: While the Minister of State is technically correct, if we insert this section, we are referring to section 19(5) as amended the last day. We did not know discussions would take place this morning. I am glad that the Irish Hotels Federation is being open on this matter. It is performing an important civic duty on this incredibly complex - I contend unnecessarily so - area of law. If the Minister of State was to withdraw the amendment, it would be a sign of good faith for the discussions. It would allow them to continue and he could return to it on Report Stage. As the Bill will not be law after today, he would have nothing to lose in withdrawing the amendment.

Deputy Simon Harris: I do not want to be argumentative because there has been a constructive effort in the House and by the stakeholders to ensure a robust and fair system of appeal will be in place. However, I must reiterate that any change to section 19(5) will not affect the appeals provision. All we are saying is that the appeals provision needs to take cognisance of section 19(5), namely, the two principles.

Senator Thomas Byrne: It is a problematic section.

Deputy Simon Harris: Concerns were expressed last week on Committee Stage when amendments to section 19(5) were debated. I undertook to ask officials to engage with the relevant stakeholders on the concerns raised. Meetings have taken place with the Irish Hotels Federation and the Society of Chartered Surveyors. One concern relates to whether the methodology used by the valuation manager in drawing up the valuation list can be challenged in an appeal to the tribunal. The wording proposed in the amendment does not prohibit such a challenge and never set out to do so.

Another concern is that equity and uniformity might be seen to enjoy a higher weighting than correctness. There is no intention on my part to give one precedence over the other. Both criteria are necessary, as outlined in the High Court Carlton Hotel judgment and one serves as a check on the other.

In response to the arguments made last week on the proposed amendment to section 19(5), we have engaged with the interested stakeholders to ensure there is a full understanding on both sides of the issues and perspectives involved. I have received submissions from the Irish Hotels Federation and my officials have met representatives from it and the Society of Chartered Surveyors. I appreciate the efforts made by these organisations to consider the implications of the proposed amendment in such a short timeframe. While I acknowledge that some of the consultations did not have time to reach a definitive conclusion, the engagement to date has helped me and the House to have a more informed view of the concerns raised. The advice of legal experts has also been sought. I have been assured there are no fundamental flaws in what has been proposed. However, the engagement with the two bodies in question will continue. I am satisfied that amendments Nos. 58 to 60, inclusive, are robust and that any further amendment will refer to section 19(5) and can be dealt with on Report Stage.

Senator David Norris: As I understand it, the Minister of State is saying that in a situation where there is no specific provision for an appeal, an appeal is not specifically precluded either; therefore, an appeal could be made. Perhaps I do not understand him correctly?

Deputy Simon Harris: No. The issue at hand concerns the criteria by which the valuation

tribunal must assess an appeal. The amendments I proposed the last day to section 19(5) were cognisant of High Court judgments. Those amendments indicated that the Valuation Tribunal needed to consider that the correct value was attached in a concrete sense, as well as uniformity and equity in terms of other premises in a geographical area. The concern has been expressed by some stakeholders, as I have outlined, that one of those principles could be viewed as having precedence over the other. I am very eager to ensure that is not the case, as it has never been the case with this legislation. We have been engaging with stakeholders and seeking legal advice to ensure that is not the case. I give a commitment to the House that I will continue that engagement between now and Report Stage, and if wording can be put forward that will improve the position, give clarity and prevent a legal difficulty, I would be very happy to try to accommodate that.

The substance of the appeals process will not be changed and it must reference section 19(5), to which we can potentially return on Report Stage, subject to ongoing engagement. I am happy to keep Senator Byrne and others abreast of the issue.

Amendment put and declared carried.

Government amendment No. 59:

In page 14, to delete lines 5 to 12 and substitute the following:

“(ii) in accordance with the matters set out in section 19(5) or 49, as appropriate, what the appellant considers ought to have been determined as the property’s value,””.

Amendment agreed to.

Question put: “That section 17, as amended, stand part of the Bill.”

The Committee divided: Tá, 22; Níl, 15.	
Tá	Níl
Bacik, Ivana.	Barrett, Sean D.
Brennan, Terry.	Byrne, Thomas.
Burke, Colm.	Crown, John.
Coghlan, Eamonn.	Daly, Mark.
Coghlan, Paul.	Leyden, Terry.
Comiskey, Michael.	MacSharry, Marc.
Conway, Martin.	Mooney, Paschal.
Cullinane, David.	Mullen, Rónán.
Cummins, Maurice.	Norris, David.
D’Arcy, Jim.	O’Brien, Darragh.
Gilroy, John.	O’Donovan, Denis.
Hayden, Aideen.	Ó Domhnaill, Brian.
Henry, Imelda.	Power, Averil.
Higgins, Lorraine.	Walsh, Jim.
Moloney, Marie.	White, Mary M.
Mullins, Michael.	

Naughton, Hildegarde.	
Noone, Catherine.	
O'Neill, Pat.	
Reilly, Kathryn.	
Sheahan, Tom.	
van Turnhout, Jillian.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Thomas Byrne and Terry Leyden.

Question declared carried.

NEW SECTION

An Cathaoirleach: The acceptance of amendment No. 60, a Government amendment, involves the deletion of section 18.

Senator Darragh O'Brien: Was the vote not on amendment No. 58?

An Cathaoirleach: The vote was on section 17, as amended.

Government amendment No. 60:

In page 14, between lines 18 and 19, to insert the following:

“Amendment of section 37 of Principal Act

18. The Principal Act is amended by substituting for section 37 the following:

“37. (1) The Tribunal shall consider an appeal made to it under section 34; in considering the appeal, unless the issues in the appeal do not relate to the value of property, the Tribunal shall achieve a determination of the value of the property concerned that accords with that required to be achieved by section 19(5) or, in the case of an appeal from a valuation made under section 28, with that required to be achieved by section 49.

(2) Having considered the appeal, the Tribunal may, as it thinks appropriate—

(a) disallow the appeal and, accordingly, confirm the decision of the Commissioner, valuation manager or revision manager, as appropriate, or

(b) allow the appeal and, accordingly, do whichever of the following is appropriate—

(i) decide that the circumstances referred to in section 28(4) existed for the exercise of the powers under that section,

(ii) in accordance with the matters set out in section 19(5) or 49, as appropriate—

ate, increase or decrease the valuation as stated in the valuation certificate,

(iii) decide that the property ought to be included in the relevant valuation list, and determine the valuation in accordance with the matters set out in section 49,

(iv) decide that the property, ought to be excluded from the relevant valuation list,

(v) decide to amalgamate relevant properties, the subject of 2 or more appeals, and determine the valuation of the amalgamated property, in accordance with the matters set out in section 49,

(vi) decide that the property ought to be subdivided into 2 or more relevant properties, and determine the valuation of each such subdivided property in accordance with the matters set out in section 49,

(vii) amend any detail, other than the valuation, as stated in the valuation certificate,

(viii) amend any detail stated in the notification made under section 28(7).

(3) The Tribunal shall endeavour to make a decision on an appeal made to it under section 34 within 6 months from the date of its having received the appeal.”.”.

Deputy Simon Harris: The conversation on amendments Nos. 58 and 59 probably leads into this area. This amendment aligns the consideration by the Valuation Tribunal of appeals with the grounds on which an appeal can be made under section 35 and with the determination of value by the valuation manager, under section 19, or the revision manager, under section 49, as appropriate. These amendments are a response to the debate that centred on what the tribunal can consider when considering an appeal that concerns the value of a property. The wording published in the Bill was considered too restrictive and, as we have already discussed, there has been extensive consultation with stakeholders in arriving at the working now proposed.

The amendment seeks to preserve the principles of correctness of value and equity and uniformity of value throughout the process from initial determination of value through to the decision on appeal.

Where the Valuation Tribunal allows an appeal under section 37 with a view to amending the valuation, it is required to achieve a determination of the value of the property concerned that accords with what is required to be achieved by section 19(5) or, in the case of an appeal from a valuation made under section 28, with that required to be achieved by section 49. In essence, the Valuation Tribunal is based on a similar position of the valuation manager or revision manager, as the case may be, when determining the value of a particular property. The objective is to ensure that the valuation manager and the Valuation Tribunal on appeal apply the same criteria when determining values. I could continue but I would probably be repeating the arguments I made in respect of amendments Nos. 58 and 59. This is something we will continue to engage with stakeholders on in advance of Report Stage.

Senator Thomas Byrne: We objected to the last section because the issues we raised were so serious that they impinged on the Constitution. We believe there was a major unfairness in what was proposed. I acknowledge the comments of the Minister of State to the effect that he will continue the dialogue. We are keen to ensure that this dialogue would continue in an or-

derly way and yet that the Bill would not be delayed unnecessarily because of it. It has already been delayed by over two years at this stage. Notwithstanding the comments of the Minister of State about dialogue we called a vote because of the seriousness of the matter and to try to emphasise the points that we have made.

The entire thrust of the Bill seems to be to clip the wings of the tribunal, to remove the discretion that exists and to restrict the scope for it to make decisions that are different from the original decisions. We believe that is unfair. It seems to be a complete and total reaction to the decisions of the court and the tribunal. We believe that is no way to bring about legislation. We should not be legislating every time a court rules in favour of members of the public. In this case it was two hotels, but they could have spoken for citizens everywhere. Effectively the process ruled in their favour but large parts of this legislation seem to be designed completely to restrict that. We have to emphasise that.

I am determined that this Bill does not finish today. That is why I am talking about this. I am emphasising the points because, frankly, I am determined that the talks continue and that major changes should be made to the Bill before it goes ahead. Too few organisations representing business have been involved in this Bill. The Minister of State has received representations, as have we, from two organisations but there are chambers of commerce, business groups and small firms associations that need to begin examining the Bill to see how it will impact on their members.

We have all met people who have had valuations. We have assisted them along with their professional advisers in making representations. We are keen to ensure that this is fair. The bottom line is to get away from a system whereby the top is telling the bottom what it should pay and to ensure the bottom actually has rights in the process. The businessman and the employer should have recourse to a fresh appeal but every part of the Bill seems to be designed to restrict that.

Deputy Simon Harris: I have said all I can, other than to repeat that the talks are continuing. We are having a constructive engagement. However, any constructive engagement would relate to section 19(5) as opposed to this amendment and I urge the House to agree to the amendment.

Amendment put and declared carried.

Question, "That section 18 be deleted", put and declared carried.

NEW SECTION

Government amendment No. 61:

In page 14, between lines 42 and 43, to insert the following:

"Amendment of section 38 of Principal Act

19. Subparagraphs (i) and (ii) of section 38(b) of the Principal Act are amended in each of those subparagraphs by inserting, after "situated", the following:

"and, where the appellant is not the occupier or the rating authority, that appellant".

Senator David Norris: It is 5 p.m.

Deputy Simon Harris: Persons other than the occupier are entitled to appeal a determination by the commissioner.

Senator David Norris: Can I protest? The clock clearly shows 5 p.m. and we were to conclude at 5 p.m.

An Cathaoirleach: I have a clock in front of me and I am in the Chair. You are interrupting the House. An tAire Stáit, please.

Senator David Norris: I am pointing to what is on the screen.

An Cathaoirleach: I am looking at the clock in front of me.

Senator David Norris: It says 5 p.m. I can see it from here.

Deputy Simon Harris: He is wasting my time.

An Cathaoirleach: An tAire Stáit, please.

Senator David Norris: You are breaking the rules of the House, A Chathaoirligh, as much as you always are.

An Cathaoirleach: I am not breaking the rules of the House.

Deputy Simon Harris: I assure Senator Norris that I will be speedy on the matter.

5 o'clock

Persons other than the occupier are entitled to appeal a determination by the commissioner. These include the rating authority, another occupier in the rating authority area or an interest holder. This is a technical amendment to ensure that where the valuation list has been amended to take account of an appeal decision of the Valuation Tribunal, the High Court or the Supreme Court, the appellant is notified of the amendment by the commissioner in situations in which the appellant is not the occupier of the property subject to the appeal.

Amendment agreed to.

Progress reported; Committee to sit again.

Arts and Culture Sector: Motion

Senator Darragh O'Brien: I move:

That Seanad Éireann---

- recognising the significant contribution that a vibrant arts and culture sector makes to the Irish nation;

- acknowledging the positive impact on the economy and employment of our wider arts sector, contributing €4.7 billion to the economy and directly and indirectly supporting 79,000 jobs;

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- noting that in the period 2005 to 2010 alone more than €1.1 billion was invested in the sector;

- highlighting that these funds facilitated a transformation in our national, regional and community arts and culture infrastructure, performance venues and film and television production capacity;

- recognising the need to protect and promote our cultural heritage as we approach the centenary of the 1916 Rising; and

- agreeing that independence and autonomy of the arts sector is crucial, that political interference should be avoided and that the “arm’s length” principle should be reaffirmed;

calls on the Government to---

- develop a new national strategy for the arts sector to build on the significant advances made in the past 20 years;

- outline detailed plans for the commemoration of the centenary of the 1916 Rising;

- protect our national cultural institutions from further budget cuts in 2015; and

- guarantee the independence of our national cultural institutions and their boards from political interference.

Cuirim fáilte roimh an Aire go dtí an Teach. The foregoing motion deals specifically with the arts. The Minister has had something of a baptism of fire in the sector. Let us look back at what most of us would agree is an important sector of our country and our heritage and one in which my party has a proud record. We are concerned at how in recent years, before the Minister took over, funding for the Arts Council was drastically reduced. This Government does not seem to hold the arts and culture sectors of the country in any regard whatsoever.

Let us consider the record of previous Governments: the establishment of Aosdána, tax exemptions for creative writers and artists, removing VAT from books, establishing the now famous Irish Museum of Modern Art and the National Concert Hall, providing funding for the Millennium Wing of the National Gallery, converting Collins Barracks for use by the National Museum of Ireland, providing funding for the Wexford Opera House, establishing Temple Bar as a cultural quarter, establishing Culture Ireland to promote Irish culture abroad, enacting tax relief for filming and establishing arts and cultural performance centres throughout the country.

I wish the Minister well in her job but I believe the Government really needs to reaffirm itself in this area because of the damage done prior to the Minister’s taking over. Let us set aside the political damage that has been done to Fine Gael, the Taoiseach and the Minister. Damage has been done to our arts and cultural sector, and those involved believe their independence has been undermined in many ways by the actions of the Government or those of an unnamed and unknown Fine Gael party official. That is simply one aspect of the matter, to which I will return.

I implore the Minister, in the run-up to the budget next week, to consider reversing some of the savage cuts that have been brought about in this sector. Do we want to be a society or do we want to be an economy? All of us, regardless of what side of the House we are on, value

the importance of our national heritage, culture and arts. Since 2011 we have seen the ongoing dumbing down of this sector by the Fine Gael and Labour Party Government. In particular, what has occurred during recent weeks with the John McNulty affair has further degraded and debased the arts and culture sectors, let alone this House and the Oireachtas.

First and foremost I would like the Minister to get back to doing her job, and I imagine she shares my view. I have a large degree of sympathy for the situation that the Minister was put in. We all know about the coincidences to which the Taoiseach has referred in respect of the Irish Museum of Modern Art. Let us consider the reportage on the matter from yesterday evening. One disappointing aspect from the perspective of those in the arts and culture sector is that they maintain that what happened in recent weeks is simply an example of how the Government has treated the sector. What the Minister has been endeavouring to do in recent weeks is to treat this sector as if belonged to her, or as if Fine Gael owned the sector and could play with these boards as they wished.

Senator Catherine Noone: That is rich.

Senator Darragh O'Brien: That is what Fine Gael has done. Let us deal with the facts that we still do not know the answers to.

Senator Marie-Louise O'Donnell: How are they facts? If Senator O'Brien does not know them and he does not know the answer to them, then how are they facts?

Senator Darragh O'Brien: Here is one fact: the board of IMMA was increased from nine to 11. Who decided that? The Minister decided that. She appointed two Fine Gael members to the board of IMMA, breaching that party's cap and bringing the membership from nine to 11. That is what the Minister has done, and that is a fact. Senator O'Donnell may dispute it if she wishes.

Senator Marie-Louise O'Donnell: Senator O'Brien can point away.

Senator David Norris: May I be of assistance with regard to facts? Facts can exist independently of the ignorance of a particular speaker about the facts. The population of China is X million. That is a fact, but I do not know what it is.

Acting Chairman (Senator Paul Coghlan): Senator Darragh O'Brien has the floor. Senator O'Brien without interruption, please.

Senator Darragh O'Brien: This may be uncomfortable for Fine Gael, but the independence of the sector is important regardless of the stroke that Fine Gael tried to pull. I am entitled as a citizen and as an Oireachtas Member to know what happened. Members of Fine Gael are not entitled to assert that the issue of who told the Minister to appoint Mr. McNulty to the board of IMMA is a party matter. The Taoiseach says the Minister did it and that he was not aware Mr. McNulty was going to be appointed. Apparently, the Minister was aware that he was one of 29 people whom the Minister's party was interviewing to put on the list. The situation has turned into a total and utter farce. The most disappointing thing is that the Minister has used this sector for party political purposes. As a Fianna Fáil Member I will take criticism all day long - and some of it valid - but I outlined in brief earlier some of the achievements of previous Fianna Fáil Governments in the arts and cultural sector. I am entitled to know - and I want an answer today - whether the Taoiseach told the Minister to appoint John McNulty and Sheila O'Regan to the board of IMMA. Did the Minister know that John McNulty was

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going to be a by-election candidate? If not the Taoiseach, who in Fine Gael headquarters told the Minister that she should appoint him? The Minister said yesterday that he was eminently qualified to serve on the board of IMMA. I disagree with her completely. No one believes the Minister or the Taoiseach on this. If the Minister wishes to draw a line under this controversy, the Minister and the Taoiseach should have fronted up and said what happened. The Taoiseach has apologised, but for what we do not know. Today provides an opportunity to correct the record and stop misleading the House by omission, as the Taoiseach has done. I hope the Minister deals with those issues. This is also an opportunity for the Minister to outline what her vision as Minister is for the sector. The Minister cannot move on as a Minister in this area until she addresses what has happened over the last few weeks and answers those questions honestly. I have a lot of personal regard for the Minister, but she and her authority as Minister have been totally and utterly undermined by what has happened. Her party tried to pull one of the greatest political strokes ever.

Senator Catherine Noone: That is rich coming from Fianna Fáil.

Senator Darragh O'Brien: The Senator can say that if she likes.

Senator Catherine Noone: That is unbelievable.

Senator Darragh O'Brien: It is actually not unbelievable.

Senator Catherine Noone: Total amnesia.

Senator Darragh O'Brien: All of us here deserve an answer with regard to what happened. Listen to the commentary over the last couple of weeks from people in this sector. See how they feel. Forget about Mr. McNulty for a minute and the Fine Gael stroke to get him into this House, which may happen on Friday. I do not care whether he is in the House or not at this stage.

Senator David Norris: I do.

Senator Darragh O'Brien: Look at what has happened in this sector since 2011. I am asking the Minister - because she has not been able to do it up to now - to tell us what she is going to do in this area. I do not think the Minister can move on from this in any way, shape or form until she is honest with people. She has not been honest with people. The Taoiseach has not been honest with people.

Acting Chairman (Senator Paul Coghlan): Can you wind it up, Senator?

Senator Darragh O'Brien: It is not acceptable for the Minister, the Taoiseach or the Government to say this has nothing to do with the Irish people and that it is an internal Fine Gael matter. It is not. Her party is funded to the tune of €4.2 million every year by the taxpayer. If the paid official in Mount Street in Fine Gael told the Minister to appoint the two individuals to the board and, more importantly, to make sure-----

Acting Chairman (Senator Paul Coghlan): The Senator's time is up. He is half a minute over time.

Senator Darragh O'Brien: -----that the Minister put belt and braces on this individual's candidacy for the by-election, we are entitled to know-----

Acting Chairman (Senator Paul Coghlan): The Senator is eating into the second speaker's time.

Senator Darragh O'Brien: -----if the Minister did that without the say-so from the Taoiseach. No one believes that.

Acting Chairman (Senator Paul Coghlan): I call on Senator Daly to second the motion.

Senator Mark Daly: I welcome the Minister to the House. I am proud to serve with her on the all-party consultation group on the decade of commemorations. Like many others inside and outside this House, I am concerned about the lack of focus on the celebrations for 2016. There has been a lack of focus, in particular, on the descendants of Cumann na mBan, the Irish Volunteers and the Irish Citizens' Army, who number in the region of 150,000. They are extremely concerned that there is no clear vision when they ask the Government what is happening with the celebrations of 1916. Even the terminology of the group is in doubt. Is it a celebration? Is it a commemoration?

To my mind, what we are celebrating in 1916 is the words of the Proclamation. We are celebrating the vision of equal rights, equal opportunities and civil and religious liberties. As we have seen from the celebrations so far, that equality eludes us still. At the commemoration of the 100th anniversary of the founding of the Irish Volunteers at the Garden of Remembrance, the President attended, the Irish Army showed up, the Ministers and the Taoiseach were there. However, only 426 descendants were invited because they were all who were included on the current database, despite the existence of more than 150,000 living direct descendants. Then there is the 100th anniversary of Cumann na mBan. Was it equal? It was not. Was the President there to give a speech? Was it televised on RTE? Did the Army show up, as it did for the Irish Volunteers? Did Cumann na mBan give any less in 1916, in 1914, in the decade of independence? Its role was critical. Yet, a hundred years on, equality eludes us still.

It is ironic that we see for the first time a bridge over the Liffey named after a woman. She is rightly a member of Cumann na mBan and an activist in the trade union movement. I am sure my Labour Party colleagues are delighted to see this. However, I am sure if my Labour Party colleagues - many of whom have fought for an equality that eludes us still - think of their own counties and think of the public parks, buildings and roads named after women, aside perhaps from Markievicz Park in Sligo, they would be hard-pressed to name them. Over 50% of the population are women, but women do not get proper recognition.

What we are celebrating is what we were trying to achieve as outlined in the Proclamation at that time. In the decade of commemorations - this is my concern - how will the committee that is tasked with organising the celebration of the 100th anniversary of the Rising and the Proclamation make the families central to this celebration? How can the Minister make them central and allay their concerns? I know the descendants are meeting on Sunday to organise themselves to ensure their voice is heard. I am sure the Minister will allow their voice to be heard. We need a clear vision. We have some colleagues in this House who have described the leaders and the people who signed that Proclamation as traitors-----

Senator David Norris: Hear, hear. So they were.

Senator Mark Daly: It says a lot about the Senator for him to describe people who signed a proclamation looking for equal rights and equal opportunities, which he himself has sought, in such terms. It says a lot-----

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Senator David Norris: They were hung by your government.

Senator Mark Daly: -----tragically, about him.

The issue that is also of concern to us is the nomination of Mr. McNulty in the upcoming election for this House. This is not befitting the House. The Minister was not entirely informed of the reasons people were being appointed to IMMA. I accept that. On 20 June, the Taoiseach visited Sligo for the opening of Lissadell House. During that visit, I understand Mr. McNulty met him with a delegation and the issue of the Seanad by-election was discussed. If the Minister does not know the answer, she might find it out. Perhaps the Minister would confirm whether such a meeting took place, if the issue of the by-election was discussed and if Mr. McNulty was assured, despite the many tortuous interviews that were held and the many individuals who were lobbying for the job, of the Seanad post. Did the Taoiseach promise Mr. McNulty the Seanad seat at the meeting in Sligo on 20 June? If the Minister does not have that information to hand at the moment, perhaps she will be able to find out and revert to the House later because it would be of grave concern to all of us if that meeting took place.

Acting Chairman (Senator Paul Coghlan): Does the Minister wish to respond now?

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): No. I am happy to wait until other Senators have contributed.

Acting Chairman (Senator Paul Coghlan): I now call Senator Eamonn Coghlan, who has six minutes.

Senator Eamonn Coghlan: I welcome the Minister to the House. It is an honour and a pleasure for me to respond to the motion before the House today. Senator O'Brien should note that there are different strokes for different folks and ---

Senator Mark Daly: Is Senator Coghlan admitting it was a stroke?

Senator Eamonn Coghlan: I think Senator O'Brien is trying to pull a stroke here. I had intended to speak to the motion before us but seeing as Senator Daly referred to the number of appointees, I would like to put on record that during Fianna Fáil's 14 years in government, it appointed more than 200 people to the boards of cultural institutions without any advertising or use of the Public Appointments Service.

To return to the motion, we have a lot to be thankful to our forefathers for, from the Bronze Age right up to today, as Senator O'Brien alluded to earlier. Ireland is renowned for its arts and culture all over the world. Our bards, seanchaí, ceol agus craic are famous. Our arts, culture and heritage define us as a people and shape our lives. When one goes abroad one sees how highly respected and regarded Ireland's arts and culture really are. We owe a debt of gratitude to the Arts Council and our education system for our achievements. James Joyce, Samuel Beckett, W.B. and Jack Yeats ---

Senator David Norris: The Senator should not forget John Butler Yeats.

Senator Eamonn Coghlan: --- Liam Neeson, Gabriel Byrne, Colin Farrell, Saoirse Ronan, U2, Daniel Day Lewis, Riverdance, the Chieftains, the Blarney stone, the Cliffs of Moher are all world famous. Our sports people are also artists in their own way. When one sees Rory McIlroy striking a golf ball on the international stage one must admit that is an art too. Irish culture and art is respected all over the world.

I lived in the United States for more than 20 years and studied at Villanova University in Philadelphia, where Irish history, culture and arts were embedded in the curriculum. The late Seamus Heaney, for example, lectured in Villanova University on numerous occasions and Senator Mac Conghail is currently collaborating with that same university. While I was in the United States I worked with Bord Fáilte, along with Senator Norris, promoting Irish arts, culture and heritage and I fully appreciate how important they are for tourism here. The Irish diaspora in the United States promote Irish festivals which have attracted millions of people over many years. They are tremendously proud and fond of Ireland and all that is Irish. We could not buy such support.

In these days of economic difficulty, however, we cannot take our eye off the ball. We must continue to invest and explore new opportunities for Irish arts and culture. The core policy goal of the Department of Arts, Heritage and the Gaeltacht is to enhance access and to recognise the social and economic role of the arts, culture and film sectors in Ireland by promoting and encouraging artistic expression, cultural awareness and participation through an appropriate policy, legislative and resource framework and to provide capital infrastructure for the national cultural institutions. Since 2011, €580 million has been invested in the arts and cultural institutions and in the Irish Film Board. A portion of this funding is distributed by the Arts Council which is doing amazing work all over the country. Last year alone, the council supported approximately 120 small arts festivals in towns and villages all over Ireland where more than 7,900 artists were employed, not to mention technicians and crew members. These arts festivals contribute enormously to local communities, boosting business for hotels, bars and restaurants as well as transport providers. The Galway Arts Festival, for example, contributed €21 million to the local economy last year.

The Government recognises the importance of having a vibrant arts and cultural sector. The contribution of the artistic, cultural and creative industries to our society and our economy cannot be underestimated. They are a major sector of our economy, in terms of their contribution to GNP and employment generation. Culture-related tourism is big business which should not be underestimated. Indeed, it is a key element of our overall tourist product. The arts play an important role in our communities and reach people from all walks of life. They are an important contributor to social inclusion. Participation in the arts by children improves their self confidence, interpersonal communication skills and self esteem.

In the programme for Government agreed in March 2011, Fine Gael committed to the development of Ireland's first national cultural policy. This year the Government approved plans to begin drafting that policy, entitled Culture 2025, which will set out our high-level aims and policies in the cultural arena up to 2025. It will be the first comprehensive cultural policy to emerge from Government in several decades.

The Arts Council also undertook a major review of its operations this year to address how it plans, partners, promotes and provides for the arts. The review is rooted in realism, is harnessing the views of the arts sector, partners and stakeholders and is informed by comparative experience at home and abroad. The council is confident that this review will yield long-term benefits for the arts.

As part of the Government's reform plan, it is intended to reduce the size of a number of boards under the Department of Arts, Heritage and the Gaeltacht on a permanent basis. Legislation is needed to give statutory effect to this change and it is expected that such legislation will be published late in 2015. The heads of the Bill are currently being considered by the relevant

Oireachtas committee.

In conclusion, I would like to point out that on a global scale the arts, culture and creative sectors are expected to become a significantly greater part of the international economy in the future. Ireland must make its presence felt if it is to become a competitive leader in this area in the future. More important, from a social perspective, we must encourage, educate and develop the next generation of artists to follow in the footsteps of ---

Senator Darragh O'Brien: I can read all of that on the Fine Gael website if I want to.

Senator Eamonn Coghlan: --- of those I mentioned earlier, as well as artists like Brian O'Doherty, Sean Scully and Dorothy Cross and the world-renowned film maker James Coleman.

Senator Marie-Louise O'Donnell: I welcome the Minister to the House for this debate. I wish to speak about why the arts matter to me. I had the privilege to be trained in the arts and education, as well as the privilege of being educated in the arts and performance and the arts in education. I know, through my training and education that the arts are our national legacy, national language and national identity. I have worked in the arts all my life. I have performed, written about, built, created and developed theatre, visual arts spaces, festivals, writer-in-residence programmes, concert series, children's arts festivals and community arts programmes. I have worked with writers, poets, performers and musicians; worked at the Helix at DCU and on the board of the National Concert Hall; and lectured extensively on the arts and culture in Ireland, Europe and the USA. My involvement in the arts is also one of the reasons, if the not the main reason, that I am a member of Seanad Éireann. No Senator, politician or Minister has a monopoly on the arts and neither do I. The Minister has said that the arts are for everyone and she is entirely correct. More than that, the arts are about everyone. It is the right of all citizens to have exposure to the arts, to be educated through the arts, to be involved in the arts and to live better because of the arts. That is all I have learned in my 35 years working in the area. They are of the greatest value to society and to ourselves; they are immeasurable, unmatched and unparalleled. I am speaking today because of my knowledge, my training and, hopefully, through a moment of expertise and experience. Thousands of books have been written about the value of the arts. Hundreds and thousands of contributions political to the human self and society and the value they give, and there are thousands of political speeches on the topic. I do not intend to make another.

The Minister has a unique opportunity to propel the arts to the metaphysical level that technology is propelled onto. She has a unique opportunity to make the arts as important as trade, import, export - of which they have been great examples - to make them as important as health, education, and justice. Any Deputy or Senator in these Houses knows that the very thing they rely on when they are travelling abroad is the arts. The Minister has the opportunity, possibly the best ever, to articulate the unending importance of the arts. She has the greatest opportunity now to argue the case for points for music and visual arts on the leaving certificate curriculum alongside maths. She has a massive opportunity to pave a road for the arts to become an independent subject on our post-primary curriculum. However, the Minister's greatest opportunity now, because of the situation in which we find ourselves, is to argue loudly, articulately and convincingly for more capital funding for the arts and for the arts to be, justifiably, as well resourced financially as every other area around the Cabinet table.

Senator David Norris: Hear, hear.

Senator Marie-Louise O'Donnell: If the Minister really believes in the power of the artistic disciplines in all our lives, she can make the greatest case for the arts to be equal when it comes to finance.

I cannot end without making a reference to Mr. McNulty and the board of the Irish Museum of Modern Art. Any political interference that undermines the independence of the boards of our cultural institutions, or any board, is unacceptable and should never happen. However, I feel that the thrust of this motion, the thrust of the amendments to the Order of Business, the thrust of the recent Adjournment debate, just might be operating in the realm of the dark arts. A very good example of the dark arts is Jacobean tragedy, 16th century tragedy by Webster and Middleton, among others, which came after Shakespeare.

Senator David Norris: *'Tis Pity She's A Whore.*

Acting Chairman (Senator Paul Coghlan): Order, please.

Senator Marie-Louise O'Donnell: Their plays always concerned a very good person, who was new to a position, an eager, enthusiastic, talented, aware and energetic person, who was brought down by a question of morality. In the 16th century this was usually in the guise of a cardinal or a pope, but of course nothing has changed. This great morality hid behind arras, large stage curtains, with a big sword and picked off the young, energetic, new, alive, able person, bit by bit. There are many moralists like that around the House and, rightly so, they have argued about the appointment of Mr. McNulty. However, they have tried to do what Yeats said was impossible, "to separate the dancer from the dance". They say "I am arguing for the arts, I am not making it personal." That is amateur, lacking in real truth, and so full of false modesty that it would find a better home in the town hall in Tulska; no harm to Tulska.

I wish the Minister well in her new portfolio. It is new for her and she should be allowed to begin it. The way to give it the greatest curtain call ever is to demand that the arts get their rightful funding, that they get their deserved financing, that they get major new capital funding to acknowledge, and this must be acknowledged, a politically realigned belief in their power. The message to the Minister is not just to leave arts funding uncut in this budget, but to renew and increase it, demonstrating a new, realigned belief in the Minister's power and the power of the arts. That is her brief, that is my gift to her and that is her real way forward for the entire arts community. I know she can get it and I know that she can do it.

Acting Chairman (Senator Paul Coghlan): Order. Applause from the Visitors Gallery is not permitted.

Senator Susan O'Keefe: It is welcome all the same.

Acting Chairman (Senator Paul Coghlan): I am in the Chair and must act impartially.

Senator Marie-Louise O'Donnell: Will the Acting Chairman now stop the applause of the public audience?

Acting Chairman (Senator Paul Coghlan): Senator O'Donnell has got it. She must now hold her peace.

Senator Susan O'Keefe: It is a hard act to follow. I thank the Minister for being here. I particularly welcome the motion that Fianna Fáil has put forward on the grounds that it shows an enormous interest in the arts.

Senator Darragh O'Brien: The track record shows it.

Senator Susan O'Keeffe: We will ignore the darker arts that might be at play. Indeed the idea that Fianna Fáil would stand up and trumpet its role in what it has created is not in the spirit of the arts at all, given that, as the previous speaker has said eloquently, the arts belong to all of us. They do not belong to any particular party and what it might have achieved or might not have achieved.

We are here today to discuss with the Minister the way in which her portfolio, particularly as she is a new Minister, may grow in the year or years ahead and to see how we always need investment in the arts. The Minister knows that very well. She knows that while we have around us in this country a remarkable number of extraordinary artists across all the fields, they need support. As we approach this budget, we all hope that there will be not just a reversal but perhaps an increase in the monies committed to the arts because of the very important role they play. They are part of our lives to the deepest core. When people talk about poetry nourishing the soul, I believe that is actually true. While putting bread on the table is always important, the rose has always had its role and this should continue. At every level, social, local, national, or international, the arts, and everything to do with them, are everywhere with us, wherever we go.

When thinking of Ireland, particularly abroad, people think of two things - the beauty of Ireland, and particularly our wonderful writers, but also our wonderful artists. It is difficult to imagine that we would not be able to celebrate this ourselves at the highest level possible, and to always have it central to our needs. "It's the economy, stupid" gets a great run on every level at all times, but for me this is who we are and what we stand for in the world. We have punched above our weight for such a long time. We must recognise that much more clearly at home.

I am lucky to be standing here as the chair of the Yeats 2015 national steering group and it would be a shame if I did not mention it at this point. As it is officially part of the decade of commemoration, it allows for a whole year to be exclusively about the role played by culture in our lives, our extraordinary cultural heritage and our contemporary cultural wealth, and how we can marry them. It is not a commemorative event. There will be some commemorative aspects to it - it is 150 years since the birth of William Butler Yeats - but it will also be a celebration of what he did, of the inspiration that he gave and continues to give. Indeed, my colleague, Senator Eamonn Coghlan, mentioned any number of artists and singers and all kinds of people, many of whom were inspired by Yeats. We will be celebrating Yeats across the country, throughout the year and across the world, because he had, long before social media and long before jet planes, a great capacity to understand that it is the link that binds the world together. While we may disagree about all manner of things, we find harmony when we sing, when we read poetry and when we write, and in those things we are at one as human beings. That is a very important and profound message that we can take away. Where we might disagree about all manner of things, we find harmony when we sing, read poetry or write. In those things, we are at one as human beings. This is an important and profound message.

Two weeks ago I had the pleasure of being with the ambassador, Dan Mulhall, in London when we launched Yeats 2015 to a very appreciative audience who were dying to take part and to find great ways to celebrate Yeats and, I might add, all that is part of contemporary Irish culture. I look forward to the launch of Yeats 2015 with the Minister in Dublin, hopefully next month. We have been working hard for a long time to get to this stage. However, it is important that it be about more than Yeats because we should also celebrate our great contemporary cultural wealth. I know the Minister will be working hard to assist us to build and grow in this

area, particularly as we come out of difficult times.

Seamus Heaney said that William Butler Yeats had the gift for beating the scrap metal of day-to-day life into a ringing bell. Perhaps there has been a lot of scrap metal recently but I am sure the Minister will be able to produce more than a ringing bell.

Senator David Norris: I welcome the Minister to the House. I did not intend to speak on this motion but it is clearly a Trojan horse. It is an attempt by Fianna Fáil to raise questions on the McNulty election to the Seanad. For that reason, I decided to speak on it. I understand that a number of distinguished visual and other artists are in the Gallery, and I wonder what they think of the fact that once again we are playing politics with the arts for partisan advantage. I regret that.

The most significant thing about the election has not been mentioned, namely, that we are having an election in the most rotten borough in Europe. There are 225 votes for a seat in a national Parliament. What kind of democracy is that? The Taoiseach stands over this while he simultaneously dilutes the only democratic element, the university seats, by expanding them to 850,000 voters from the existing 65,100 and 100,000, respectively. That is the scandal. This motion is a Trojan horse because it is about politics rather than the arts.

The arts are the soul of a country and one cannot sell them out. There is a touch of Paudeen fiddling in the till about this debate. I believe that when all this fuss settles down, Fianna Fáil is just as cynical as everybody else on this. I heard its Members speak about voting for McNulty just to embarrass the Government. How much of a stroke is that? I heard Senator Mark Daly say that he would not vote for Mr. Craughwell because he was in the British army. He was also in the English army. I am not in favour of armies at all. When it comes to 1916 and the Proclamation of Independence, I am one of the people who has actually read the bloody thing.

Senator Darragh O'Brien: So have we.

Senator David Norris: There are fine elements in it but I wonder what the Belgian refugees thought about the reference to our gallant allies in Europe, also known as the Kaiser who was trampling on little Catholic Belgium. History is a much more complex project than those who simplistically use it for political purposes appear to realise.

The arts are significant for the welfare of the people. I honour and salute institutions like the Project Theatre in Temple Bar, which brought in unknown people, including people from the flats, gay people and women, who had never been satisfactorily projected on the stage. They brought in new audiences and new subjects. I salute the Abbey Theatre and Senator Mac Conghail. If he did nothing else, I am grateful to him for shutting that awful little shoebox drawer of a balcony in the Abbey Theatre and replacing it with a fully raked auditorium. He took a space that was a disaster and managed to make it amenable for artistic productions.

We also have Joyce. I know we are not supposed to name people but I see Mr. Niall Ó Donnchú in the Gallery. He is one of the most constructive people in the arts with whom I have dealt. I dealt with 35 North Great Georges Street, which the city authorities proposed to demolish despite its magnificent ceilings and its pivotal position on the street. We managed to rescue that building and to celebrate James Joyce.

Some 30 years ago I travelled to New York with Senator Eamonn Coghlan, who was a very fine representative of Bord Fáilte. People in America told us that we were lucky to have people

like Joyce. This is an insignificant little island off the coast of Europe but our artists put it on the map. It is incredible that a small, contained space like this could produce people like Swift, Berkeley, Joyce and Shaw. The list is endless. For a long time, we were pretty pathetic in terms of the visual arts but that was because of our social history. There was no money to invest for the majority of people in the plastic arts. We have a great 18th century heritage, however. We are debating in a magnificent Chamber. More than 30 years ago I identified the ceiling of the Chamber as the work of Michael Stapleton. People used to come in here and say:

Oh, the beautiful work. They had talent in them days; they could do wonderful things but they couldn't do it nowadays.

Oh yes, they could. The entire central section and the apse were replaced in the last 30 years by young Irish crafts people. Let nobody say that we cannot do it. In terms of visual arts, we were pretty disastrous except for Georgian architecture, some academic painters and some painters in the 19th century. There has been a flowering, however, by people like Michael and Patrick Scott and Louis le Brocquoy. There is a tremendous resurgence and vibrancy in the use of colour, and this has been internationally recognised.

All around us, Ireland is identified by our artists more than by our soldiers or politicians. I look forward to hearing the Minister's comments on commemorating 1916. I yawn every time I hear about bloody 1916. I hope to Lord God almighty that it is not a repetition of 1966, most of which I spent under the bed because I was not a heterosexual Catholic republican or white - I was white, however, or pink. It was dreary and awful, and I hope they do not repeat it.

Acting Chairman (Senator Paul Coghlan): The Senator is into injury time.

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): I welcome the opportunity to address the House on Fianna Fáil's Private Members' motion. Yesterday evening I addressed the House on the issue of the board appointments I have made since I became Minister. I do not want to go over the same ground this evening. I appointed John McNulty and Sheila O'Reagan based on merit and I stand over my statement of yesterday evening. Tonight I was invited before the House to discuss arts and cultural policy, and I am pleased to do so. It is important that we move forward. New plans announced by the Government last week will ensure that all State boards appointments are made through the public appointments process. I have already instructed the management team in my Department to immediately set about implementing the new system for board appointments. It is a system to which I intend to strictly adhere. I regret the controversy surrounding my first two board appointments. I have learned valuable lessons from that experience. I see this motion as a valuable opportunity to set out my priorities as Minister for Arts, Heritage and the Gaeltacht.

The arts, culture and creative sectors have made a huge contribution to our society since the formation of the State. Access to the arts, culture, and Ireland's rich heritage is vital to preserving our national identity and promoting Ireland's image abroad. Promoting and valuing cultural and creative resources are crucial parts of positioning Ireland for the future and, while the arts, creative industries and cultural tourism make a major contribution to our economy, the arts is about much more than that. I feel passionately about the individual importance of the arts and how self-expression through the arts can create a dialogue which allows us to understand the world in a different way.

Learning from the past and looking towards the future, the arts, whether we know it, touch

every aspect of our lives and, if allowed, can make a hugely positive impact on us as individuals and a society. The national cultural institutions - museums, libraries, galleries, archives, theatres and concert halls - are stakeholders in this process, as are the Arts Council, artists and the public. On foot of their collections, staffs and contributions to knowledge, these institutions are essential building blocks of the cultural identity and creativity of Ireland. My Department's statement of strategy on culture and the arts is to promote and develop Ireland's world-class artistic and creative strengths at home and abroad, maximising their societal and reputational value to the country. Developing a cultural policy is essential to implement these aims.

Last June an agreement was reached to draft a national cultural policy, Culture 2025, which will set out the high level aims and policies in the area of culture for the period up to 2025. This is the first time in the history of the State that any Government has undertaken such an endeavour. Culture 2025 will focus on a range of issues, including what culture means to us in the 21st century; what can be done to embed culture at the heart of decision making and discourse in the public and private sectors; policies for growth and expansion; international representation and collaboration; and the delivery of cultural services in the digital age. I reassure the House that I am fully committed to the delivery of the country's first ever national cultural policy and of the opinion that culture should be at the centre of Government policy. My Department is finalising a draft discussion paper. I will be initiating a wide-ranging consultation process to ensure all stakeholders and members of the public can make their views known. I attended a Culture Summit in Edinburgh last August, when an eminent speaker said, "It's not the economy stupid, it's the culture genius."

I take the opportunity to mention the arts in education charter, to which Senator Marie-Louise O'Donnell referred and which is extremely important and an initiative I am very eager to progress. Making the arts more accessible will be a cornerstone of my ministry. Immersing school students in the arts through a targeted strategy will benefit future generations and give young people a greater understanding and appreciation of the arts as they progress to adulthood. I have met my colleague, the Minister for Education, Deputy Jan O'Sullivan, on a number of occasions to discuss this initiative in detail. We are both very keen to progress implementation of the charter without delay. The arts are for everyone and I am very aware of the great work done by arts officers in local authorities throughout the country. I want to work closely with them in bringing the arts to communities.

In response to Senator Mark Daly, on the first opportunity which arose after I became Minister I was delighted to attend an excellent and worthwhile event in Ballina to commemorate the women of Cumann na mBan. The 1916 commemorations are one of my major priorities. I have consistently stated I want the commemorations to be inclusive, respectful and appropriate. I have had the honour of attending a number of First World War commemorative events since my appointment and only last week I visited Richmond Barracks, which is receiving €3.5 million in funding from the Department under the €22 million capital projects plan announced earlier this year. The plan also includes a major project at the GPO where an interpretive centre will be opened in time for Easter 2016, a new visitor centre at Kilmainham Gaol, the refurbishment of the military archives at Cathal Brugha Barracks and several other projects. I received an update from my Department today on the draft plan for the commemorative programme for 2016. My intention is to bring the plan before the all-party group on commemorations before putting it out for public consultation. My Department is also liaising with the Department of the Taoiseach on the draft programme which I want to be in a position to publish in the weeks following the budget. I feel very strongly that the arts must play a central role in the commemo-

rations. They have a way of reaching out and speaking to people, giving them a sense of pride and making them feel both connected to the past and enthused about the future. I also want to bring local communities on board for the commemorations. It is important that people have a sense of ownership of the commemorations and getting local communities involved is the best way to do this.

The Irish film and television industry is going through a positive period of growth and international acclaim. Not only are some of the biggest television series in the world being made here, it was a real pleasure for me to visit the set of one of the biggest film franchises in the world when the crew from “Star Wars Episode VII” came to Skellig Michael for a few days in the summer. It was fantastic to be able to witness, at first hand, the buzz a major production brought and, of course, the positive spin-off for the local community in terms of job creation and economic activity. The welcome and co-operation the film crew received from the community in Portmagee are what Ireland is all about and what make us special. I want Ireland to become a first choice destination for film makers. The audio visual sector has a turnover of approximately €500 million per year and supports 6,000 jobs. The increase in the number of independent television productions is driving this growth and I remain very committed to supporting the industry through direct funding supports and financial incentives such as the enhanced section 481.

Every Senator is aware of the dramatic and near catastrophic reductions in public spending as a result of the financial collapse which will forever be the legacy of the previous Fianna Fáil Government. Like every State body, the national cultural institutions have been obliged to endure significant reductions in financial allocations in the past few years. Notwithstanding financial and staffing restraints, all of the institutions, together with regional museums, galleries and cultural centres, have worked tirelessly to minimise the impact of the cuts in funding and maintain visitor numbers and the visitor experience to the greatest extent possible. Many, if not all, of the institutions have carried out critical staffing and operational reviews in order to better inform how they might achieve optimal performance within current financial and staffing constraints. It is testament to this collective effort and strong resolve to succeed that in 2013 there were over 3.6 million visitors to the cultural institutions directly supported by my Department, an increase of some 4% on the previous year’s figures.

Despite the cutbacks imposed in recent years, I am pleased to say there are a number of major capital projects under way at the cultural institutions. The major work being undertaken at the National Gallery of Ireland provides for an overall refurbishment of the historic Dargan and Milltown wings at a cost of some €32 million. This project has created almost 300 construction jobs and I recently had an opportunity to view some of the work. This two year project is scheduled to be completed by 2016 and will bring the National Gallery of Ireland back up to international standards and allow it to again present world-class exhibits in a world-class setting. It is important to remember that only three years ago the gallery was facing the prospect of having to close these wings. A major €4 million refurbishment was recently completed at the Royal Hospital Kilmainham premises of the Irish Museum of Modern Art, IMMA. This project has brought the premises up to international standards and when I visited in August, I was very impressed by the refurbished galleries.

6 o'clock

Funding has been allocated for building development works at the National Archives headquarters on Bishop Street, which will address the longstanding problems associated with the

storage conditions in the National Archives. It is anticipated that construction will begin in early 2015. I visited the premises and was amazed to see the tremendous collection we have and the excellent relationship that the National Archives enjoy with the Public Record Office of Northern Ireland. Similarly funding has been approved for a significant renovation project at the National Concert Hall as part of the decade of centenaries celebrations. This project involves the renovation of the Kevin Barry room. Again this work is long overdue and will serve to improve substantially the facilities at this much loved venue. My Department and I have been engaged in intensive budget negotiations for the last number of weeks, and while I cannot of course go into detail at this point, it is certainly my intention to protect our cultural institutions and the arts from any further budgetary cuts, as far as possible.

I would like now to address the issue of the reform process being undertaken at the national cultural institutions. I would immediately like to dispel the notion that there is any intention to undermine the independence of our national cultural institutions. In fact the opposite is the case.

Senator Darragh O'Brien: That is not true. It is not what the Bill says.

Acting Chairman (Senator Paul Coghlan): The Minister does not have to reply.

Deputy Heather Humphreys: The intention is to copperfasten the legal position of each of the cultural institutions to ensure that there is absolute clarity and certainty as to their roles and responsibilities. The reform of the cultural institutions was first mooted by Fianna Fáil as far back as 2008 when little or no progress was made in relation to this issue. Indeed, it was that Government which proposed wholesale amalgamations and mergers of these venerable institutions. Those amalgamation proposals were reviewed by the Fine Gael-Labour Government and I am pleased to say they were subsequently scrapped. My Department carried out an in-depth examination of the position in each of the cultural institutions and following this review the then Minister, Deputy Jimmy Deenihan brought proposals to Government which were accepted in relation to the institutions which I have already mentioned. This includes creating a legislative basis for three cultural institutions, the National Concert Hall, the Irish Museum of Modern Art and the Crawford Art Gallery and updating the legislation in relation to the National Gallery of Ireland, which dates back to Victorian times. The proposal also provides for a range of operational reform measures, including shared services, governance reform, reduced board sizes and enhanced processes for board appointments.

I am pleased to report that significant progress has already been made on an administrative basis in relation to a number of reform measures. For example, the three main art galleries in the country, the National Gallery of Ireland, the Irish Museum of Modern Art and the Crawford Art gallery are already sharing support services and improving co-operation in a number of different areas. Shared HR services are in operation and there is good progress towards shared financial support services.

Draft heads of a Bill have been produced, approved by Government and submitted to the relevant Oireachtas committee for scrutiny. It is important to re-emphasise that artistic policy at the national cultural institutions has never been nor ever will be the remit of the Minister and this is guaranteed in all of the draft legislation currently being prepared. I come to the Department of Arts, Heritage and the Gaeltacht with no baggage, and I bring an open door policy. In my opinion, nobody has a monopoly on good ideas and I am open to consultation and listening, because at the end of the day, what I want is the best workable solution possible, so that our

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national institutions can thrive and flourish, while at the same time operate within the principles of probity, fitness and good corporate governance. My priority as Minister is to advance the policy areas I have outlined this evening: the commemorations, the cultural strategy, progressing the arts in education charter and arts in the community.

When this Government took office in 2011 we inherited a catastrophic financial position. Unfortunately it has not been possible to save the arts and culture sectors from what by any standards have been substantial reductions in funding. Since 2011 over €580 million has been invested in the arts, culture and film sector. This Government is committed to the arts. I will make every effort to secure as much funding as is possible for both the national cultural institutions and the overall arts and culture sector. That will not be easy, but I will be fighting tooth and nail and I want to see the arts contribute to and benefit from our economic recovery.

In conclusion, I want to say it is an absolute privilege and an honour for me to serve as Minister for Arts, Heritage and the Gaeltacht and to work hand in hand with such a dynamic and creative sector. The arts are for everyone - for every human being who ever wanted to lift their voice to sing, who felt the need to write a

poem, who took a pencil in their hand to create a thing of beauty. The arts are not about just passive enjoyment. They are about active participation and dialogue. The arts are how we explain our world to ourselves in song and story. They are the end product of when we dream dreams and see visions. But that is only the beginning of what they are. They are connectors. They are enablers. States that prioritise the arts, from when their citizens are toddlers — those states do well, not

just in the arts, but in industry, technology and innovation. So here is the bottom line, as I see it. It is my job to help make everybody own the arts, enjoy the arts, gain from the arts. That is a big, complicated task, but I am up for it.

Senator Thomas Byrne: Táim chun labhairt as Gaeilge anocht mar measaim go bhfuil an-tábhacht ag baint le cúrsaí Gaeilge agus litriocht agus filíocht na Gaeilge i gcomhthéacs na n-ealaíon sa tír seo. Cuirim fáilte roimh an Aire go dtí an Seanad. Tá a lán ceisteanna curtha agam uirthi le laethanta beaga anuas, ach nílim chun na ceisteanna sin a athchur anocht.

Measaim go bhfuil tábhacht faoi leith ag baint leis na healaíona agus leis an díospóireacht seo maidir leo. Cuireadh in iúl dom aréir go raibh ealaíontóirí, aisteoirí agus filí ag breathnú ar an díospóireacht anseo agus tá a fhios agam go bhfuil siad anseo i nGailearaí na gCuariteoirí agus go bhfuil ealaíontóirí ar fud an domhain ag breathnú ar an díospóireacht seo anocht. Tá sin tábhachtach mar léiríonn sé an tábhacht a chuireann siad síos do ní hamháin na healaíona ach don pholaitíocht agus an baint atá ag an bpróiseas polaitíochta leis na healaíona.

Maidir leis na rudaí a tharla le coicís anuas, tá frustrachas i measc muintir na n-ealaíon agus tá sin le feiceáil. Tá daoine ag rud nach bhfuil an córas ceart, nach bhfuil spéis ag an Rialtas sna healaíona faoi mar a bhíodh ag rialtais eile. Is féidir le Seanadóirí gáire a dhéanamh faoi seo, ach sin atá á rá ag daoine. Dúradh sin ar an dteilifís aréir agus dúirt Colm Tóibín ar an Domhnach é sa *The Sunday Business Post*. Caithfidimid éisteacht leis na healaíontóirí sin agus eile atá ag tabhairt moltaí don Rialtas. Caithfidimid éisteacht le gach guth.

Cháin an tAire Fianna Fáil agus glacfaimid muid le roinnt cáinte maidir leis na ciorruithe a rinneadh le blianta beaga anuas, ach sílim go bhfuil stair an-mhaith ag Fianna Fáil maidir leis na healaíona. Tá an frustrachas i measc muintir na n-ealaíon le feiceáil faoi láthair agus tá súil

agam go dtiocfaidh toradh maith as an bhfrustrachas sin. Tá súil agam go dtiocfaidh níos mó airgid chucu agus go dtiocfaidh níos mó neamhspleáchais chuig na healaíona agus chuig na hinstiúidí cultúrtha sa tír. Is é an neamhspleáchas an gné is tábhachtaí den scéal seo. Tugann neamhspleáchas ceart d'ealaíontóirí a gnó féin a dhéanamh, ealaíon a chruthú, dánta a chumadh agus pictiúirí a chur ar phár. Sin an rud is tábhachtaí agus tá súil agam go dtógfaidh an tAire nua seo treo nua maidir leis na healaíona agus an méid atá faoina stiúr sa Roinn. Le cead ón gCathaoirleach, léifidh mé dán "Ranna", dán an-ghearr le Máire Mhac an tSaoi. Measaim go léiríonn an dán seo an frustrachas atá le brath i measc muintir na n-ealaíon, rud a gcaithfidh polaiteoirí déileáil leis.

Ranna

Le snoí croí is intinne

Bhreas ar phár

M'urraim don áilleacht

Go bhfuil mar atá.

Thugas dóibh siúd é,

Leosan níorbh fhíor é,

Chuireadar uathu é -

Is níor foilsíodh é.

Feasta bead gléasta

I gcaidhp na gcloigíní;

Tréigfead an véarsa

Ag déanamh bhur ngrinn díbh.

Senator Maurice Cummins: I am a former chairman of the Garter Lane Arts Centre and many other bodies in my native city. As someone who has been involved in the arts all my life, I welcome the Minister and compliment her on an excellent contribution. It is normal practice in the House that when the Opposition tables a motion during Private Members' business, the Government tables an amendment. This evening, in a spirit of harmony, conciliation and respect for the arts, the Government decided not to oppose the motion, believing Fianna Fáil genuinely wanted to support the Minister for Arts, Heritage and the Gaeltacht before the budget is announced next week. Alas, we should have known better. Fianna Fáil is playing politics with the motion, as it has played with the arts all of its life. I go back no further than the interregnum after the previous Government had been kicked out by the people at the last election. I will stick to the arts. In the month before the new Government took office, it appointed 18 people to arts bodies and boards. Were the positions advertised? No; not one position was advertised and I am only speaking about the 18 appointments made in the one month period after it had been kicked out of office. I will not go back as far as the two or three other Fianna Fáil Ministers who appointed many political friends, councillors, former Deputies, wives of current Senators on the other side of the House and party activists to boards.

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Senator Thomas Byrne: On a point of order, Senator Mark Daly is unmarried and my wife was never appointed to a board. Before Senator Maurice Cummins throws these allegations-----

Senator Maurice Cummins: Anything I say is the truth and I can stand over it.

Senator Thomas Byrne: Is the Senator accusing my wife of being on a board?

Senator Mark Daly: Is Senator Maurice Cummins accusing me of being married?

Acting Chairman (Senator Marie Moloney): Senator Maurice Cummins is speaking and Members should allow him to speak without interruption.

Senator Thomas Byrne: Senator David Norris has left.

Senator Maurice Cummins: I assure Members that stuffing boards with political hacks has been Fianna Fáil policy when in office. Before leaving the topic, before the self-proclaimed guardians of transparency come and have their say, I will refer to one body in the case of Sinn Féin. The current board includes two Sinn Féin councillors and two Sinn Féin activists.

Senator Trevor Ó Clochartaigh: They are active in their areas of expertise.

Senator Thomas Byrne: They can probably speak Irish.

Senator Maurice Cummins: That is just one body.

Senator Trevor Ó Clochartaigh: What about Fine Gael members?

Senator Maurice Cummins: I will not go into any of the appointments made in Northern Ireland. I say this before Sinn Féin Members have a go, as I know they will.

Senator Trevor Ó Clochartaigh: The Senator is putting words in my mouth.

Senator Maurice Cummins: The Minister has stated we now have a policy on the appointment of board members. She has given an indication that she is fully committed to using the public appointments process in the future in line with current Government guidelines. Last week the Government agreed to a revised model for ministerial appointments to State boards. The new requirements provide us with a more credible, transparent and robust appointments system and model which will ensure appointees are populated by the high calibre personnel required to successfully discharge the challenging and demanding mandates. I have asked the Minister for Public Expenditure and Reform to come to the Chamber to address Members on the issue of transparency and the new model for making appointments. I hope he will come to the House in early course to address the matter.

We agree on the independence of the arts, which is why we devised the model. We will deliver for the arts. I acknowledge the amount of money provided, €1.1 billion, in the six years of Fianna Fáil's tenure. I am sure every cent was spent well, but, as my colleague pointed out, €580 million has been put into the arts in the past three years by the Government, this at a time when, as the Minister pointed out, cuts were necessitated because of economic mismanagement by Fianna Fáil which resulted in the country having to access emergency funding from the troika and the collapse of the banking system. That is the legacy of Fianna Fáil. However, some good things were done in the arts. After listening to her, I am confident that the Minister is competent, capable and worthy and someone who will fight for the arts. We will support her in obtaining funding and not play politics in the way Fianna Fáil has tried to do in the motion.

Senator Fiach Mac Conghail: I welcome the Minister. As she has had a tough start, I will not get involved in the party politics of Fine Gael, Fianna Fáil and Sinn Féin. She is listening and, in that spirit, I have some constructive criticisms and arguments to make about what has been mentioned. She should take it in the spirit it is intended in the sense that we are all trying to move forward. I will deal with the minutiae of why I disagree with her, but the criticism is meant to be constructive.

I also commend the Government for not proposing an amendment to the motion. That is significant because in the past politics were played with amendments to motions. I, therefore, commend the Leader for not tabling an amendment to the motion.

I acknowledge the artists, arts workers and the members of the national campaign for the arts in the Visitors Gallery. As we have a packed Visitors Gallery, there is engagement, interest, passion and ownership, which is required for the support of the arts, particularly in raising money.

I should state the obvious that I am the director of the Abbey Theatre, Ireland's national theatre, which receives State funding through the Arts Council. As director of the Abbey Theatre, I sit on the Council of National Cultural Institutions which is in place to support the dissemination of the programmes of the National Museum of Ireland, the National Library of Ireland, the Chester Beatty Library, the National Concert Hall, the National Archives, the Irish Museum of Modern Art, the Crawford Gallery, the National Gallery of Ireland and the Arts Council.

I am proud and honoured that the Taoiseach decided to nominate me as a Senator and I have done my best to be useful, supportive and responsible in my role. However, it can be fairly summarised that the coalition Government has treated the arts and culture community, at local and national level, shabbily and with disrespect and arrogance. Since the coalition Government took power, it has wielded the sword of Damocles over nearly all of the national cultural institutions in a two pronged attack, if the metaphor can be extended. On one side, it has savagely cut budgets, as the Minister knows, but it has accepted a disproportionate cut in funding over any other Department. We need the Minister to restore the confidence of artists in art organisations by looking to stop these cuts and seek an increase. In that regard, I welcome the Minister's statement. Any support we can give her in order to motivate the Ministers, Deputy Howlin and Deputy Noonan, to increase the funding, we will give.

The figures illustrate the situation clearly. The combined funding for national cultural institutions, which was €156.7 million in 2008, was €98.2 million in 2014, which constitutes a drop of 37.4% across the sector. The total expenditure across all Government Departments and bodies, which was €61.9 billion in 2008, was €52.9 billion in 2014, which constitutes a drop of only 14.5%. Therefore, there has been a savage and disproportionate cut. Why is the arts getting such a disproportionate and savage cut? I believe the Minister now has the wind behind her and has the support of the Seanad to try to advocate for the rights of citizens, nationally and locally, to have a full experience and full access to the arts. That can only be done through increased funding.

I have no doubt the National Library, the National Gallery, the National Museum and many other arts organisations are under severe pressure to keep their doors open. In fact, I can imagine the doors are about to close on some of those. Certainly, outreach and education programmes and community programmes are being cut. The savage cuts need to stop but the sword is still swinging on what I would call this tsunami of destruction with regard to the legislation and the

amalgamations, which cause great anxiety, uncertainty and strain. This is the second part of the two-pronged approach.

The Minister mentioned that she wanted to dispel the notion there is any intention to undermine the independence of our national cultural institutions and she spoke about the intention to copperfasten the legal position of each of the cultural institutions. However, the National Cultural Institutions Act 1997 does just that. Both the museum and the library have a separate board, so I do not understand why those two boards have to step down. I agree that shared services are important and that the public service reform plan regarding savings has to be a priority, but it needs an arm's-length principle. The only way that arm's-length principle can be protected is if there is a statutory board to make sure the governance is sorted. There is no reason the National Library board, the National Museum board, the National Gallery board or the Irish Museum of Modern Art board cannot protect and continue that arm's-length principle.

The Minister recently introduced, under pre-legislative scrutiny, the National Concert Hall Bill. While I know it is only the pre-legislative stage and I know the Minister is listening, she is certainly proposing that she would have a wide range of powers in directing policy. Clearly, the words "arm's-length principle" and protection around directing policy are needed. None the less, I know the Minister is listening in that regard.

In June, the Government announced Culture 2025, which will be the first comprehensive cultural policy to emerge from Government in several decades. I welcome that, as I know the National Campaign for the Arts and the arts committee welcome it. As stated by the Government, it is an opportune time for a fundamental review of Ireland's cultural policy. I urge the Minister to put a steering committee in place and I understand from her speech that she is about to announce a draft paper shortly. I believe the momentum is there to deliver a national cultural policy by Easter 2016. Before then, the Minister will spend her time listening to individual artists and arts organisations, looking to see if there is a different way of doing that. What I would love her to do in that time is to suspend all governance and legislative changes currently under consideration which have an impact on the governance and independence of the national cultural institutions. They should be suspended until the framework of a national cultural policy - Culture 25 - is in place. That is the right order - the horse before the cart rather than the cart before the horse is what we are looking for.

To recap, first, the national cultural policy should be the primary purpose of national policy and the Minister's legacy will be to set that policy in stone. Second, we are here to support stopping the cuts and increasing support for the Arts Council and other national cultural institutions, so the Minister's vision can be implemented over the next couple of years.

Senator Catherine Noone: I welcome the Minister and thank her for a fine speech, which was passionate and shows her clear commitment to her Ministry. I welcome Fianna Fáil's introduction of a motion in regard to the arts, albeit one which, as other speakers have alluded to, is entirely motivated by political opportunism. This is a shame because I feel the arts should be out of reach of political opportunism. As Senator Norris said, it is the soul of the country. In seeking to promote this debate under the guise of supposedly talking about the arts, the Fianna Fáil Members show exactly what the arts mean to them - a political football and little more, and an effort to prolong the controversy that has gone on for the last number of weeks.

Over the course of the recession, it has at times been considered too easy to put the arts to the back of the agenda. However, in defence of this Government, it has worked hard to keep

the arts on the agenda and has been able to set forth the agenda for the arts and make sure that our institutions are defended when it comes to the budget. As far as I am concerned, the controversy of the last number of weeks has been a major distraction for the Minister and her committed officials from the job at hand, especially in the context of the budget. I am very pleased to hear the Minister's commitments with regard to the intensive budget negotiations that are currently under way.

The arts are something for which we are globally recognised, as other speakers have said, and a field in which we can, as a nation, invest and benefit if we do so in a strategic manner. The arts are often wrongly viewed as a drain on resources. Our books, plays, festivals and works of art are renowned across the world and we punch way above our weight internationally. We must ensure we are working to get the most out of these and ensure our talent is celebrated and nurtured through a fully rounded education within which the arts plays a role. The protection of the arts needs to be seen as a statement of intent. It serves to show that Ireland continues to treasure its art and the institutions that contain that art and that work, in order to encourage artists also.

All that being said, however, I find it interesting, or maybe frustrating or irritating, that Fianna Fáil has decided to raise the issue of guaranteeing the independence of the national cultural institutions and their boards from political interference. It is interesting because it is not so long ago that Pat Carey, as Minister, appointed a former Fianna Fáil Deputy to the Irish Film Classification Office board. What is the difference? The person, whose name I will not mention, was on a board of ten appointees who received an average of €40,000 each in fees and expenses in that year. This Fianna Fáil cronyism and largesse of the time stands in stark contrast to our principles of reducing expenses. Is this the type of independence for our national cultural institutions that Fianna Fáil is seeking? Is this the sort of arm's-length approach they are looking for? The hypocrisy is mind-blowing.

I find it interesting that Fianna Fáil has tried to engage in a debate on political cronyism. It is interesting because, right up to even the last days of its term, as Senator Cummins has already mentioned, Fianna Fáil was stuffing boards even more quickly than it had given every taxpayer in the country an absolute stuffing. Senator Cummins mentioned only the arts but, between January and March 2011, 182 board appointments were made by Fianna Fáil. That is really something else. They just cannot help it. Meanwhile, we have taken steps to prevent this kind of thing from ever happening again by publicly advertising all appointments to State boards from this point on.

Senator Thomas Byrne: Only when you were caught.

Senator Catherine Noone: Would I have preferred this to happen earlier in the term? Yes, absolutely, but nevertheless, the point stands. It is something that Fianna Fáil was not bothered or able to do during its 14 years of Government. The holier-than-thou attitude is hard to take, to put it mildly.

I wish the Minister well in her Ministry. I have complete faith in her ability and her commitment, and I wish her well in the budget negotiations.

Senator Sean D. Barrett: I welcome the Minister. I was not present for her previous visits, but I served with her on other committees and I congratulate her on her appointment, which I am sure will be highly successful.

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The terms of the motion acknowledges the contribution of the arts - literature, music, paintings, Nobel prizes, including by Members of this House such as former Senator Yeats, and so on. Ireland has an immense arts profile which is a huge part of its national prestige. The proliferation of arts is a reason many people visit the country. There is a huge amount to be proud of and I wish the Minister well in her post.

I have some misgivings. We all can think of new things to do in the arts. It is incumbent on us to say what we should stop doing otherwise one gets the financiers into trouble. It is an issue of incrementalism, we all add our new thing and nothing that has been established and running for a long time is ever questioned. I question the level of support for the film industry in this country which has been questioned by many economists. Is there a return? I will come up with the good things later but we must say what is not looking good. I worry, looking at the financial reports for the Department, about the budget of €255 million of which €70 million was spent on administration. I see administration as overheads; not the creative element relating to musicians, artists and actors.

I agree with Senator Mac Conghail when he asked us to please stop talking about governance and restructuring. We have the same thing in the university sector. People are fascinated by committees, structures and talking shops. Let us get out and do the real action which is on the stage and in front of audiences. We must divert money away from people who are fascinated by organisation charts and moving people from one place to another because nothing happens except people at the meeting talk to each other. When they get to the end of the year, and end of their public service careers, all they will have done is rearrange committees. We have to be aware of that tendency which is counter productive and corrodes the morale of creative people. I hope that the restructuring of the libraries, galleries and so on will not occupy us unduly.

The policy inherited by the Minister lacks a reference to young people. There are lots of commemorations and events where the average age must be 50 years plus. Why do we not have the actors we support and cherish in schools? Why not have musicians go to schools? Why not have rehearsals for plays and operas in schools? We have to enthuse the next generation. They never see any of these people coming to school. If they did they would be charmed and delighted. I remember my experience in school when actors visited - it was absolutely wonderful. Rehearsals must take place but why have them in a closed theatre? Let us make it part of the Minister's term in charge of this vital and necessary Department. If a lot of the actors from Senator Mac Conghail's neck of the woods, and musicians from the National Concert Hall and RTE, went to schools at lunchtime the pupils and teachers would be enthused by making the arts accessible.

We have built enough arts centres up and down the country. There is no need to build any more. There are enough parish halls and school buildings. Let us concentrate on performance.

The Minister for Finance will still have problems with finances next Tuesday. The Minister for the Arts, Heritage and the Gaeltacht can turn a given budget into much more excitement, for young people in particular, and I wish her well in that task. Go raibh maith agat.

Senator Paul Coghlan: With the permission of the House, I propose to share time equally with Senator Michael Mullins.

Acting Chairman (Senator Marie Moloney): Is it agreed that the Senators have three minutes each? Agreed.

Senator Paul Coghlan: The Minister is very welcome to the House. I totally accept her bona fides and good intentions. As she indicated here tonight, it is important now to move forward.

The Government plans she announced last week that all appointments to State boards should be made through the public appointments process is welcome, and we all agree with it. Last night she laid out that she instructed her management team in the Department to immediately set about implementing the new system for board appointments. I note it is a system she intends to adhere to strictly.

I welcome the Minister's comprehensive speech here this evening. I welcome the fact that she outlined that her priority is to advance the policy areas she outlined in her speech, the commemorations, the cultural strategy, progressing the arts in education charter and arts in the community.

As I referred to already, the revised model for ministerial appointments to State boards, requiring that State board vacancies must be advertised openly by the Public Appointments Service, is welcome. Advertisements will set out all relevant experience, educational and other qualifications required, as well as particular attributes considered necessary. Appointments will be processed in a transparent way by PAS. The new requirements will provide us with a more credible, transparent and robust appointments model which will ensure that boards are populated by high calibre personnel required to successfully perform their challenging and demanding mandates.

As part of the Government's reform plans, the Minister intends to reduce the size of a number of boards, under her Department, on a permanent basis. Legislation, however, is needed to give statutory effect to this change. It is expected that this legislation will be published in late 2015. The heads of the Bill are currently with the relevant committee for its consideration.

I accept the Minister's priorities. She should be allowed to get on with her work. She wants to ensure that we have a 1916 commemoration that is inclusive, respectful and appropriate. She will consult widely on the best way to demonstrate this hugely significant event in our history.

I accept that she wants to make the arts more accessible and build on the important work done within her Department and the Department of Education and Skills, in terms of implementing the arts in education charter. She also wants to continue to protect and support heritage by working with local heritage groups. Under the build heritage jobs leverage scheme 2014, 578 protected buildings and historic structures across the State are on target for completion in 2014. The Government invested €5 million which has unlocked €15 million in private funding.

The Minister for the Arts, Heritage and the Gaeltacht is a breath of fresh air and I say "ar aghaidh leis an obair".

Senator Michael Mullins: I join in the welcome and good wishes extended to the Minister.

I thank Fianna Fáil for tabling the motion. There might have been an element of mischief making, as some people have indicated, but it has given an opportunity for many people who are deeply involved in the arts, for many decades, to outline their vision for the arts and the importance of the arts. The Minister, in her speech tonight, clearly laid out her vision for arts in Ireland and recognised the huge contribution that the arts community makes to this country.

I shall take up the issue raised by Senator Barrett. He said that he was not present for the Minister's speech. He will be pleased to learn that she has indicated she wishes to make the arts more accessible to everybody and accessibility will be the cornerstone of her Ministry. Immersing school students in the arts, through a targeted strategy, will benefit future generations and give young people a greater understanding and appreciation for the arts as they progress to adulthood. The Minister's discussions with the Minister for Education and Skills, Deputy Jan O'Sullivan, have been productive and will, no doubt, lead to many more young people getting involved in the arts at a young age.

In preparation for tonight's debate I looked through a number of figures. I was pleased to discover that despite savage cuts, which were necessary, to all budgets in recent years that over €0.5 billion has been allocated to the arts and cultural institutions and the film board since 2011. As I perused the figures I recognised many organisations have received significant contributions. An organisation that was very much in the news recently, the Irish Museum of Modern Art, received funding of just under €5 million last year and had 121,000 visitors. That means taxpayers subsidised each visitor to the tune of €38 per head. I am sure that level of investment was well deserved. Members of the board should look at how visitor numbers can be significantly increased to reduce that level of subsidy.

Senator Fiach Mac Conghail: It is free to visit the museum. The Senator should get his facts right.

Senator Michael Mullins: That is not what I mean. What I mean is that the number of visitors would increase significantly such that the level of subsidy would reduce. I very much welcome the investment of €22 million in various national commemorative projects in 2015. I particularly welcome the moneys being invested in Teach an Phiarsaigh in Ros Muc, as I am sure does Senator Trevor Ó Clochartaigh. The investment will see a new visitor's centre-----

Acting Chairman (Senator Marie Moloney): I must ask the Senator to conclude. Several other Senators are waiting to contribute.

Senator Michael Mullins: In conclusion, I wish the Minister well. She has set out a clear vision for where she intends to take the Department in the next 18 months and I have no doubt that she will have the support of every Member of the House.

Senator Trevor Ó Clochartaigh: Cuirim fáilte roimh an Aire agus roimh na cuairteoirí ins an gailearaí.

It is a shame that the artist is not at the centre of the debate because that is the way it should be. A country that does not know its history or that is not familiar with the people and events that shaped its collective memory is akin to a stranger who, having no idea where she has come from, is unable to find her way forward. The sorry fact is that Ireland's key cultural institutions are in a state of neglect and in disarray owing to a shocking lack of public funding. In a nutshell, this amounts to Government-inflicted death by a thousand cuts. Year after year, budget after budget, the Government has cut funding to the arts sector and the key cultural institutions which have had their boards disbanded and their independence seriously compromised, while the staff, mostly members of SIPTU, who work in them have seen their conditions of employment deteriorate. When it comes to funding and supports for our key cultural institutions, the Government's record is abysmal. For example, in 2008 the National Library of Ireland and the National Museum of Ireland received €30.8 million in public funding between them, but last

year they only received €17.9 million. As is so often noted, there is a madness in starving these institutions to the point of unsustainability at the very same time as public interest in what they are doing is booming.

Unfortunately, when it comes to funding for our artists, the story is no better. In that context, I received a message this morning from an artist friend of mine, who has had to move to London. He writes:

People in Ireland only take the arts seriously when calculating its contribution in attracting large multinationals to towns like Galway. We run arts festivals where no money goes to local artists and the Government funding decision on them depends on how many hotel beds they fill. Who are they working for and who is standing up for citizen artist? I was forced to move to London to have a viable career. It makes me very sad. Now England benefits from all of my experience, not Ireland. Ireland is only for trainees it seems. Shameful.

I acknowledge that the Government has supported the restoration of Richmond Barracks and Kilmainham Court House. However, when we look at Kilmainham Gaol, the second most visited tourist site in the country, we see yet another lost opportunity owing to lack of vision and funding. It is now almost impossible for a member of the public to gain access to the gaol during the summer months because almost all of the tours are pre-booked by touring companies. This means that schools, community groups and even returning emigrants are highly unlikely to gain access. Right across Europe important institutions remain open into the early hours of the morning and midnight tours are common practice. Unfortunately, most of our public cultural institutions are beset by a failure to capitalise on their huge tourist potential.

On the McNulty debacle, the biggest insult was to artists, the many highly qualified people who could have been appointed to the board of IMMA. A number of artists have contacted me today and requested that I make some points on their behalf in the House tonight. One artist is actually critical of the many artists who are no longer engaged in politics. He argues that they are not critiquing politicians in a way that would have been done in the past. I note that Robert Ballagh derided the lack of revolutionaries, political thinkers and activists in the arts sector. Artists have told me that they feel they are not listened to or respected in the way that they once were, as the satirist and the voice of reason. They believe the value of the arts has been overly commodified and that the art colleges are becoming too middle class and too accepting of the *status quo*. That is an issue on which we could deliberate further at a later date. The arts community was highly insulted by the way in which the recent appointments were made to the board of IMMA. Artists argue that Ireland has huge creative capital which must be supported but that there is the lack of an acknowledgment of the arts as a sector in itself and the artist as the creator of cultural capital. Although I support the idea of artists working in the educational sphere, I do not think it should be a condition of their receiving a grant that they have to teach in a school. We should recognise them as artists and what they do as important in its own right. The State as a patron in controlling the arts is an issue for many artists. They argue that when they receive a grant from the State, they are made to feel they must do things in a certain way.

I must note the cruel irony in the Private Members' motion. Asking the Government to provide details of its plans to commemorate the centenary of the 1916 Rising is absolutely legitimate. However, we should not forget that it was as a result of Fianna Fáil corruption, wheeling and dealing that the country's most significant historical site in the context of the 1916 Rising and the foundation of the State will shortly be turned into a parking lot and shopping arcade.

Senator Darragh O'Brien: Rubbish. If the Senator had attended the meeting at City Hall, he would know-----

Senator Trevor Ó Clochartaigh: When in government Fianna Fáil could have issued a compulsory purchase order and acquired Moore Street and the surrounding lanes of history from NAMA. As we know, this did not happen and instead a bankrupt private developer was allowed to let this historical quarter descend into a state of abject disrepair and decay. Surely, if ever there was a metaphor for the decay and corruption at the heart of political life in Ireland, this is it.

It is also nothing short of a disgrace that the Government has not yet published a full programme of events to commemorate the centenary of the 1916 Rising. I spoke to James Connolly Heron, a great grandson of James Connolly, who is very disillusioned, as are the other relatives of the signatories to the Proclamation, that he has not yet seen a draft programme of events. Thus far, all we know is that a parade will take place on the Easter Monday. Apart from that, I am not aware of any other event. This is shameful and well beyond what would be considered a reasonable timescale. Fundamentally it means that Bord Fáilte will not have adequate time to advertise the various events abroad and bring much needed tourist revenue into the capital. It also means that community groups, NGOs, sports organisations and others are unable to plan events as, to date, no funding has been ringfenced for 1916-specific events. Also, as far as I am aware, no meetings have taken place between the Abbey Theatre and the other key cultural institutions and the Government about the running of special centenary exhibitions, plays etc. This is particularly worrying as such events take time and money to organise, promote and plan. In addition, most of these institutions plan at least 24 months in advance. I ask the Minister to state exactly when we will see the programme of planned events for the commemoration of the 1916 Rising and when work will begin on the permanent 1916 exhibition at the GPO.

There is much more one could say on this topic and I would like to speak more on behalf of artists who have contacted me. Perhaps we might organise a specific debate on artists, the arts and the value of same at a future date.

Senator Brian Ó Domhnaill: I wish to share my time with Senator Paschal Mooney.

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

Senator Paschal Mooney: Is anyone else is offering to speak?

Acting Chairman (Senator Marie Moloney): Yes. A number of other Senators have indicated.

Senator Brian Ó Domhnaill: Ba mhaith liom comhghairdeas a dhéanamh leis an Aire. I congratulate the Minister on her appointment to high office. I did not have an opportunity to do so in the House previously. The debacle in recent weeks involving a fellow Donegal man, Mr. McNulty, was unfortunate, but we must now focus on what is really important in the lead-up to the budget. It is time to leave petty party politics behind and move on. Recent events highlight several issues, including how appointments are made to State boards and the commitments made before the last general election. The main issue they highlight, however, is that the political system is broken. It is not working and not effective. I am not making any political point. Senators may laugh if they wish, but I am not trying to score political points. People went before the electorate and promised to do things differently. Politics cannot be run on the basis of putting people in positions based on their political affiliations.

Senator Susan O’Keeffe: Is the Senator suggesting his party never did it?

(Interruptions).

Acting Chairman (Senator Marie Moloney): Please allow the Senator to continue, without interruption.

Senator Brian Ó Domhnaill: My own party did do it and it was wrong to do so. If we are to develop a new Ireland in the lead-up to the centenary of the 1916 Rising, it is time to do politics differently. It is time to stop playing petty party politics. If people make mistakes, they should come out and say so and provide the information requested of them.

To move on to the important issue of the arts, I am glad to have the opportunity to speak to the motion and congratulate my colleagues on tabling it. In the lead-up to the centenary of the 1916 Rising we must ask ourselves who we are and where we are going as a people. Part of our history as a people is the Irish language, arts and culture, and what better way to commemorate in 2016 than by enshrining the culture of arts and the Irish language in our future work. This will require funding, resources and commitment. I hope the Minister, Deputy Humphreys, will fight tooth and nail for a financial commitment from this Government in the lead-up to 2016, as otherwise we would only be paying lip service to the project. We must provide funding for the rejuvenation of the Irish language and the development of our cultural and artistic facilities and people across the country. I agree with Senator Barrett as there is a role for our children and a new Ireland.

I appeal to the Leader and the Minister for a debate on the 2016 commemorations. Instead of discussing the issue now, we should have a structured debate on 2016 in the Chamber in the coming weeks.

Senator Susan O’Keeffe: We have had one already.

Acting Chairman (Senator Marie Moloney): The Senator is eating into his colleague’s time. I will allow Senator Mooney three minutes despite his colleague having gone over his time.

Senator Paschal Mooney: I thank my colleague, Senator Ó Domhnaill, for sharing his time and I echo his welcoming comments to the Minister, Deputy Humphreys. It is my first opportunity to welcome her to the House and wish her well. I should also put on record the outstanding contribution of her predecessor and former Minister, Deputy Deenihan, to the arts over the past while. I am somewhat saddened that in the contributions there seems to be an element of just having a go at Fianna Fáil.

Senator Catherine Noone: The Senator’s party started this in tabling the motion.

Senator Paschal Mooney: I am saddened because if I used the research service, I could find out that former Fine Gael and Labour Party coalitions did exactly the same. I have put it on record in the past and Senator Ó Domhnaill has said it again.

Senator Maurice Cummins: Senators can give it but they cannot take it.

Senator Paschal Mooney: The Senator can come up with all the facts he wants but we would only throw it back at you. What would that achieve? It achieves nothing.

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Senator Maurice Cummins: Yes.

Senator Paschal Mooney: Senator Ó Domhnaill is right, as every Government from the foundation of the State and the creation of State boards has done exactly the same. The Senator is correct that the practice is wrong. I am glad this Government has been forced by public opinion to change the system, although not of its own volition. Public opinion led to the change of the corrupt system, and that is why we would welcome such changes.

I welcome the Minister's commitment to the arts and her acknowledgement that funding for the sector has been considerably reduced over the past number of years because of the economic position. I will pick up one point which I hope the Minister can follow through. She indicated:

The arts are for everyone and I am very aware of the great work done by arts officers in local authorities throughout the country. I want to work closely with them in bringing the arts to communities.

In my county of Leitrim, we have several wonderful arts centres. There is the Glens Centre at Manorhamilton and the Corn Mill Theatre, a national award-winning theatre group in Carrigallen, which is on the Cavan border and close to the Minister's constituency. There is also the famous Dock in Carrick-on-Shannon. All of these are funded, to a large extent, by the local authority as well as the Arts Council, unlike many of the 60 to 70 arts centres across the country funded almost exclusively by the Arts Council. The Dock receives approximately €25,000 or €30,000. Most local authorities will be facing into a very tough estimates meeting, as everybody knows. Although conditions are changing, thanks be to God, there will still be a considerable shortfall.

I am confident the Minister will use her lofty position to try to ensure that when discussion arises around the Cabinet table about the block grant to local authorities, the arts will not be forgotten. I know the Minister cannot in any way direct county managers or locally elected representatives to decide budgets but I hope a message will be sent out to ensure budgets are not cut any further, as they are really at breaking point.

Acting Chairman (Senator Marie Moloney): I ask the Senator to conclude.

Senator Paschal Mooney: I will end with a quote.

Acting Chairman (Senator Marie Moloney): We really do not have the time, as there are two more speakers to come.

Senator Paschal Mooney: On 26 October 1963 at Amherst College, President John F. Kennedy stated that he looked forward to a country which would reward achievement in the arts as we reward achievement in business or statecraft, which would steadily raise the standards of artistic accomplishment-----

Acting Chairman (Senator Marie Moloney): I am sorry but this is not fair on other Senators who wish to speak.

Senator Paschal Mooney: -----and which would steadily enlarge cultural opportunities for all our citizens.

Acting Chairman (Senator Marie Moloney): I am sure people would understand-----

Senator Paschal Mooney: He continued “And I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well.”

Acting Chairman (Senator Marie Moloney): I call the next speaker.

Senator Paschal Mooney: A month later, he was dead.

Acting Chairman (Senator Marie Moloney): There are exactly four minutes remaining before I must call on Senators to wrap up. I ask the two remaining speakers to be brief and share time.

Senator Terry Brennan: I will share time with Senator van Turnhout.

Government policy for the arts is set out in the Programme for Government, and it is to promote and strengthen the arts in all its forms, increase access to and participation in the arts and to make the arts an integral and valued part of our national life. I will omit much of what I had proposed to say and focus on the proposed commemorations of the 1916 Rising. Development of an inclusive and detailed programme of events for commemoration of the 1916 Rising is continuing, with the Minister happy to meet spokespersons to discuss plans for commemoration, which is to be applauded. There is a desire for this process to be as inclusive as possible, and all suggestions are welcome. It is important that commemorations be respectful, inclusive and sensitive, as this is a major commemoration for our country because of its significance in our history. The tone must be respectful and appropriate.

I ask the Minister to do her best in protecting our national cultural institutions from further budget cuts for the forthcoming year. Our national cultural institutions are doing fantastic work, although they have suffered unavoidable cuts in their allocation in recent years. Every publicly funded body has had to deal with this difficult reality during the economic crisis.

Acting Chairman (Senator Marie Moloney): If the Senator does not conclude, Senator van Turnhout will not have time to contribute.

Senator Jillian van Turnhout: I warmly welcome the Minister to the House. Sitting here listening to the debate, I thought of the Churchill quote about never letting a good crisis go to waste. I hope that from tonight we will see increased funding and support for the arts. I have certainly been energised by the Minister’s comments about the Culture 2025 strategy. With my background in children and youth work, I know we are now on our second major national children’s strategy, which brings everybody together and energises people. I hope the strategy even does a bit of that for arts and cultural communities. The consultation and engagement suggested by the Minister is a really good way forward.

I support the comments of my colleagues, Senators O’Donnell and Mac Conghail, although I will not reiterate them at this time. It is very important to protect the “arm’s length principle” and the figures presented by Senator Mac Conghail on funding are startling. We need to restore that funding. I also testify to the importance of arts in youth work, education, non-formal and formal learning settings.

I should focus on the cultural heritage element. Genealogy is a hobby of mine and I have seen the richness of our National Archives and our National Library of Ireland first-hand. When I saw the figures 18 months ago, I saw that there are 47 staff in those bodies, with 14 archivists. In Scotland there are 160 staff and Denmark has 261 staff, with 88 archivists. In Ireland we

pride ourselves on our cultural identity, and if we are really serious, we must invest in these treasures and the richness of resources we have. I fully support the Minister in her work and I hope we can work together. I thank her for coming before us tonight.

7 o'clock

Senator Darragh O'Brien: I welcome the Minister. This has been a worthwhile debate. To those who criticised the motion as being a Trojan horse I say that if my colleague, Senator Thomas Byrne, had not questioned the relevant appointment a couple of weeks ago, we might not even be discussing it. I hope we will all learn from this matter. I certainly hope the Minister will learn from it. She has stated she has done so, which is welcome. If we were to proceed on the basis that we, as Oireachtas Members, should not question anything, what would happen? I recall that on the day on which the matter to which I refer was raised here on the Order of Business, the Leader indicated there was nothing to see. However, that did not prove to be the case. We all know that what happened in this instance was wrong, but it is done.

Let us focus on the arts and the commemorations. I am glad that Senator Trevor Ó Clochartaigh is present because he and other colleagues referred to the 1916 Rising commemoration. Senator Brian Ó Domhnaill requested a separate debate on the matter. We have already engaged in such a debate, but there is no plan or schedule in place. On Monday last I was the only Oireachtas Member from any party to attend a meeting in City Hall on the situation relating to Moore Street. Like many others in the House, some of my relatives were involved in the Easter Rising. The proposed commemoration must be inclusive, but I am somewhat concerned about what the Government means when it refers to “inclusivity”. If it means inviting members of the British royal family to attend the commemoration, to do so would be wrong. If we do, we might as well invite the descendants of General Sir John Maxwell who was responsible for executing the leaders of the Easter Rising. We must be cautious because it is our commemoration. We commemorate the First World War, rightly so. Former Taoisigh and Senator David Norris want to debase and degrade the memory of the leaders of the Rising and I abhor this. However, those to whom I refer are entitled to their opinions. It has been suggested we commemorate John Redmond who sent hundreds of thousands of people - a large proportion of whom were slaughtered in the trenches - to fight for the British Empire on mainland Europe. That is fine. I do not agree that John Redmond, in particular, should be commemorated, but if that is what inclusivity involves, I will accept it.

I welcome the Minister's contribution, but it was short on content, detail and focus. The first legislative proposal she has produced is the general scheme of the national cultural institutions (National Concert Hall) Bill which states the board of the National Concert Hall must report to the Minister and take policy decisions from her “in such other manner and at such intervals at the Minister may direct”. The proposed legislation is very strong on ministerial direction and does not even allow for criticism of the Minister or Government policy. If we want an arm's length approach - we do - then people's hands should not be tied behind their backs. The Minister should listen to the views of those in the arts and cultural sector. It is not just the major museums, art galleries and theatres which all do a fantastic job on which we should be focusing. We should champion the work of the Séamus Ennis Cultural Centre, the Millbank Theatre, Draíocht and so on because they all make a contribution. I think most Members would agree with me in that regard.

The situation which arose in recent weeks was extremely unfortunate. However, it was not my fault or that of my colleagues that it came to light. Should I be quiet and say nothing about

it? If we want to debate appointments to State boards, etc., we can do so and fling mud at one another all we want. I was obliged to put questions to the Minister this evening because I had not obtained answers to the one I had asked previously. I am going to leave the matter at that for now because there seems to be no point in pursuing it further, which is unfortunate. The Government stated it was going to operate in a transparent and open manner and do things differently. However, we cannot obtain answers from it.

I welcome the contributions made by all Members during the debate. The motion was tabled to highlight the position on the arts, funding for which has been dramatically reduced in recent years by the Government and that which preceded it. There is a need for us to refocus our efforts for the arts. If we were not to raise the issue of appointments to State boards - let us forget about IMMA for one moment in this regard - would it be the case that the Government could appoint whomever it wanted to whichever board it saw fit? If that is what has emerged from the current situation, good. What my party is seeking is a refocusing on the areas of arts and culture and for the State to get its act together in respect of the extremely important commemoration due to be held in 2016.

I wish the Minister luck. I hope matters improve for her and I am sure they will. She will obtain agreement from us when policies with which we can agree are brought forward. However, the first legislative proposal she has introduced - the general scheme of the national cultural institutions (National Concert Hall) Bill - falls way short of what is required. The proposed legislation will restrict and constrict activities in the sector as a result of the over-emphasis on ministerial direction.

I again welcome this debate. Anyone who peruses the text of the motion will see that it contains no criticism of the Government. Hence, no amendment has been tabled by those opposite. I would be happy if we could obtain broad agreement in the House to hold a follow-on debate with the Minister - without the necessity of tabling a Private Members' motion to facilitate it - in two or three months time in order that we might discuss the various aspects relating to the sector. I accept that the Minister will probably not want to see the inside of this Chamber for a long time to come, but perhaps she might see her way clear to return in eight or ten weeks.

Question put and agreed to.

Acting Chairman (Senator Marie Moloney): When is it proposed to sit again?

Senator Maurice Cummins: Ar 10.30 maidin amárach.

Adjournment Matters

Waste Management

Acting Chairman (Senator Michael Mullins): I ask those in the Visitors Gallery to be quiet, please. I welcome the Minister of State at the Department of the Environment, Community and Local Government.

Senator Colm Burke: I also welcome the Minister of State. The matter I wish to raise relates to the current waste processing facility at Churchfield in Cork which has been in operation for a number of years. In fairness, the operator of the facility has been providing a very valuable service for residents in Cork city and surrounding areas. However, the volume of waste at the facility which is located in an industrial estate that is not being processed has increased substantially in the past 12 months as a result of the fact that the operator has acquired a number of smaller waste companies. It is right in the middle of a residential area. It is continuing to cause concerns for the residents with regard to the odour in the area from the facility and the risk to health. Some of these estates in the immediate area are new housing estates, such as Willowbank, which is one of the biggest estates near it. One group of ten private houses backs onto the facility. All of them have young families and there is a health risk to the families. In 2004, planning permission was granted to Cork County Council to develop a landfill facility in Bottlehill, Cork, which is a number of miles from the city. It is a well-developed facility but is not a waste processing facility. It was built to deal with landfill. The construction of five landfill cells, an office building, a maintenance building and stormwater ponds and infrastructure including holding tanks, a site road network, a car park, security fencing and weighbridges was carried out at a total cost of €48 million, between acquiring land and building road infrastructure, but it is lying idle. A facility dealing with waste processing is now in the middle of a residential area.

I ask for a joint approach between the Department, the county council, the city council and private contractors to work towards the use of the facility built at a cost to taxpayers and the moving of waste processing facilities. I am not necessarily saying that it should be moved to the site in Bottlehill but a suitable location should be identified for the contractors to deal with this matter.

What is in place cannot be allowed to continue. One of the concerns of the residents is that the value of their houses has decreased by 50%. They could not sell their houses if they put them on the market. This needs to be dealt with at an early stage.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I thank the Senator for raising this issue and allowing me the opportunity to reply today on behalf of Minister for the Environment, Community and Local Government, Deputy Alan Kelly. I am happy to clarify the matter.

Planning for the provision of waste management facilities forms part of a waste management plan. The preparation and adoption of a waste management plan, including decisions on the provision or operation of particular waste infrastructure, is the statutory responsibility of the local authority or authorities concerned taking into account local circumstances. The Government has no role in this area. Indeed, under section 60(3) of the 1996 Act, the Minister for the Environment, Community and Local Government is precluded from exercising any power or control in relation to the performance by a local authority, in particular circumstances, of a statutory function vested in it. Any decision to operate or not operate Bottlehill landfill is therefore a matter for Cork County Council.

Similarly, any question of making a suitable site available to accommodate waste processing facilities is also the sole responsibility of the local authorities concerned and all queries in either case should be directed to Cork City Council or Cork County Council, as appropriate. The Government's role generally and the role of the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, specifically in relation to waste management is to

provide a comprehensive legislative and waste policy framework through which the relevant regulatory bodies, such as the local authorities and the Environmental Protection Agency, operate. In this regard, my Department published A Resource Opportunity - Waste Management Policy in Ireland in July 2012, setting out a range of measures which will significantly revise the current regulatory regime to ensure, *inter alia*, that waste collected is managed in accordance with the waste hierarchy as set out in the waste framework directive, whereby prevention, re-use, recycling and recovery are favoured over the disposal of waste.

The policy encompasses measures covering the full spectrum of waste management planning, compliance and enforcement and provides a solid basis for the achievement of a more sustainable approach to waste management in this country. It is this policy approach, based on the waste hierarchy, rather than favouring one project over another, that must guide the development of diversified, indigenous waste treatment capacity. Ireland has been very successful in reducing its reliance on disposal to landfill over recent years. Further targets for reduction under the landfill directive will require that we build on this progress. At the same time, we have become reliant on the export of our waste with significant quantities being shipped abroad for treatment, often through incineration. We have a clear need for domestic treatment capacity and the Government's waste policy provides a framework within which the industry can develop over the medium term. This will give us control over our waste, control over a valuable resource and the scope to support and create jobs.

Senator Colm Burke: I thank the Minister of State for the reply but I am quite disappointed because this is a facility that cost €48 million and it is lying idle. All that I am asking is that the Department communicates with the city and county councils about the facility in a residential area. The last sentence of the reply refers to giving us control over a valuable resource and the scope to support and create jobs. A facility in the middle of a residential area is causing major problems to the residents and the Department has a responsibility. While the Department did not directly fund the cost of the landfill facility in Bottlehill, it was borrowed money and the debt is being serviced by the local authorities. I am open to correction but the cost of servicing it comes from the ratepayers and taxpayers in the country. The Department and the Government still have responsibility to ensure every cent spent is used wisely and in the proper manner. I am not convinced.

In fairness to Cork County Council, it has issued a request for information about engaging with private enterprise. This includes waste separation and recycling facilities. This invites the private sector to make submissions. Each solution proposed must include, as a minimum, the financing of any works required to deliver a proposed solution. The solution proposed may include, but is not restricted to, the solutions listed, which includes waste separation and recycling facilities. With regard to the use of the facility at Bottlehill, the Minister should communicate with the relevant local authorities to see whether we can progress the matter and resolve two problems at once.

Deputy Paudie Coffey: I understand the Senator's concerns, particularly with the level of public funding that has gone into providing the infrastructure. I must also reiterate my obligation. The statutory responsibilities lie with local authorities, Cork County Council in this case. It is a statutory function of the local authority and the Government and the Department are precluded from interfering or exercising any power over the local authority in a case such as this. The Government must take account of the national waste framework directive where we propose sustainable waste management policy based on the hierarchy of reduce, reuse and recycle. If he wishes, the Senator can ask the relevant local authority to outline the plans it has

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for the infrastructure or make a submission to the Department. I cannot make any promises or commitments in that regard.

The Seanad adjourned at 7.20 p.m. until 10.30 a.m. on Thursday, 9 October 2014.