



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Business of Seanad	913
Order of Business	913
Immigration (Reform)(Regularisation of Residency Status) Bill 2014: First Stage	925
St. Patrick's Hospital Dublin (Charter Amendment) Order 2014: Motion.	925
Forestry Bill 2013: Report and Final Stages	926
Adjournment Matters.	935
Harbours and Piers	935
Seaweed Harvesting	939

SEANAD ÉIREANN

Déardaoin, 16 Deireadh Fómhair 2014

Thursday, 16 October 2014

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Leas-Chathaoirleach: I have received notice from Senator Averil Power that, on the motion for the Adjournment of the House today, she proposes to raise the following matter:

The need for the Minister for Agriculture, Food and the Marine to state whether his Department will work with other key stakeholders to develop a strategy for the future development of Howth Harbour and ensure the opportunities for increased activity identified in the 2009 report entitled Development of Business Plans for the Fishery Harbour Centres are realised, while also maximising the tourism and leisure potential of the harbour.

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

An gá atá ann go ndéanfaidh an tAire Comhshaoil, Pobail agus Rialtais Áitiúil soiléiriú maidir le cé acu a staonfaidh sé ó aon cheadúnais bainte feamainne a eisiúint go dtí go n-achtófar an Bille nua um imeall trá.

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

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, motion re St. Patrick's Hospital Dublin (Charter Amendment) Order 2014, to be taken on the conclusion of the Order of Business, without debate; and No. 2, Forestry Bill 2013 – Report and Final Stages, to be taken on the conclusion of No. 1.

Senator Darragh O'Brien: Does the Leader have an indication from the Government as to when, post the budget, the social welfare and pensions Bill will be brought to the House? I assume it will be within the next couple of weeks. I raise it because all Members of the House, including Government Members, should be aware that it offers a real opportunity to the Government to redress the total unfairness pertaining to the Aer Lingus and airport pensions. Many Members will have received extensive e-mails from normal families around the country, whose promised pensions the Government proposes to cut by up to 60%. There may be an unintended consequence in this regard and in advance of publication of the social welfare Bill, I urge Government Members in particular to impress upon the Tánaiste and Minister for Social Protection, Deputy Burton, that this offers an opportunity to address this imbalance, particularly for the deferred members of those schemes, who face cuts of up to 60%. I am aware that some Labour Party Senators in particular have been deeply involved in the background in this regard but it will be time for people to put their money where their mouths are during the passage of the social welfare Bill. More importantly, it will be the time to save many families from extensive drastic cuts to their pensions. I ask Members to read in detail what has been sent to them by normal families and by people who are due to retire in the next couple of years regarding the cuts that will be brought upon them by the Government should this issue not be rectified in the social welfare Bill.

Second, I note today is European restart a heart day and I listened to a radio interview on Newstalk this morning with a young man from Swords named Darragh Lawlor, who I know quite well. He carried out cardiopulmonary resuscitation, CPR, on an individual on Main Street in Swords, who happened to be his uncle although he did not realise this was the case. He kept that man alive and that individual has now recovered fully. A total of 70% of cardiac arrests happen in the home and the purpose of European restart a heart day is to try to encourage people to upskill in the area of CPR. While I am aware that the Minister for Health is due to come into the House on 4 November, there will be a lot to go through and I believe a separate debate in the House on a national policy on defibrillation and defibrillators is merited. Certain councils and certain areas of the country are good at it but I refer to a national policy on, as opposed to a roll-out of defibrillators. I also suggest to the Leas-Chathaoirleach that schools are an ideal place for young adults to learn these skills, particularly around transition year. Does the Department of Education and Skills have a policy whereby there can be a roll-out through the schools, thus ensuring that all young adults are trained in CPR techniques? I ask the Leader to arrange a debate specifically on this issue in the next few weeks. It would be important and is a job that Members could do here to inform Government policy with regard to the roll-out of defibrillators and the provision of training to people in life-saving CPR.

Senator Susan O'Keeffe: I thank Senator Darragh O'Brien for a good idea on CPR on this day. I am certain that some schools engage in CPR training and I understand the Senator's suggestion to be that it could be formalised and set in place in order that all schools might be able to avail of it. Thereafter, young people going out into the world would have such training at their disposal and this might be a matter on which Members could engage in this House.

In respect of pensions, the Senator is absolutely correct that a number of Labour Party Senators have raised this matter with the Tánaiste and will continue to raise it with her in the next few weeks.

I wish to take this opportunity to welcome the reassurances of the Minister, Deputy Howlin, regarding those people who fell between the several changes in the water allowance, that is, those who fell neither into the fuel allowance additional measures nor into the tax relief mea-

tures. The Department is well aware that a number of people fall between these positions and the Minister and his Department will find ways to make sure that they are not left out of the changes made regarding the payments for water and Irish Water.

Senator Terry Leyden: It was not very bright of him.

An Leas-Chathaoirleach: Senator O’Keeffe, without interruption.

Senator Susan O’Keeffe: Perhaps it is the case that it is a wee bit more complex than that. Having engaged in a conversation with the Minister, Deputy Howlin on this matter, he has explained and will explain to anyone who asks that it is not a deliberate thing but rather, that when making that measure on a single piece of paper, there are some people for whom one size simply does not fit all. However, the Government is well aware that there are people who fall between the two measures and there is every intent to make sure they do not remain outside these measures.

Senator Terry Leyden: Panic measures.

Senator Susan O’Keeffe: I wish to welcome the One Young World Summit 2014 to Dublin. Members may be aware that Dublin put in a bid and the aforementioned summit is being held here. Members are in the presence of a group of young people this morning and really, this is about bringing leadership and encouraging young people to take their place in the world and to allow their voices to be heard in respect of leadership. They are the leaders of the future and it is good to see some of the older mentors, such as Mary Robinson, Kofi Annan and Bob Geldof in Dublin to share their thoughts and wisdom with these young people. It is a good day and a good place to have them.

On a number of occasions I have raised matters relating to the special investigations unit of the Department of Agriculture, Food and the Marine. While I accept that it has been disbanded, I am concerned about its legacy. If the Minister finds it difficult to attend the House because of the nature of the issues that led to the unit’s disbanding, he may need to put in place an investigation into its legacy. The unit operated for many years, behaved like a private hit squad and effectively ruined the lives and reputations of a number of farmers. It is not enough just to disband the unit; we must examine its legacy and what it did. The confidence that the Department’s new investigations division needs will not exist if the old system has not been thoroughly interrogated in a fashion that gives results and shows that there is nothing to hide. If there were problems, let us know what they were. Otherwise, we will not change or learn.

Senator Sean D. Barrett: When a local authority did not function in the past, the Government installed a commissioner to run it. We are getting close to that situation with Irish Water. There are reports of the meetings yesterday of the Government parliamentary parties where the issue was raised. There is surplus staff, a bonus culture, weak regulation by a regulator that pays its own staff bonuses, the inability to communicate, the “take it or leave it” attitude and the off-balance sheet vehicle that is allegedly meant to promote investment. We need to debate what is turning out to be a poll tax. The consumption of water does not change as people’s incomes increase. We used to pay for water through general taxation, even though the first piece of propaganda put out was that we did not. The losses were mistakenly blamed on the consumer rather than the supplier. We must recover from a very bad start in the operation of Irish Water. Will the Leader arrange for a debate early next week in which these alternatives are considered?

I note the opinions of Fr. Peter McVerry on the housing crisis. Like me, he welcomed what

the Government did on Tuesday, but this is a multifaceted problem. In the buy-to-let sector, tenants need protection when their landlords are in trouble. In communications with Senators, the former Minister for Justice and Equality, Deputy Shatter, showed an interest in this matter. Can we get a lease and a tribunal on rents for such people? The rental sector is here to stay. If we can index rents to some measure of consumer prices, tenants will be protected in their leases. The amount they pay should not be decided in a bubble economy by the vulture capitalists who are taking over buy-to-let properties. The landlords went broke, not the tenants.

We need to tackle brownfield sites in city centres. There is so much dereliction between Heuston Station and Christ Church Cathedral. Are all of those landlords waiting for a bonus when Dublin City Council comes calling with compulsory purchase orders? Can we impose obligations on them to maintain their properties? Brownfield sites have something to contribute. NAMA offered empty houses to some local authorities. As the Leader will recall, there was a low rate of acceptance. The houses might be in the wrong places, but we cannot all live in Killiney and Dalkey. If houses are available and we have a homelessness problem, the Minister should attend the Seanad to debate the matter in the widest possible context within the parameters set out in Fr. McVerry's article, including the question of the capital gains tax paid by people who flip trophy homes and take out large property supplements in our newspapers, distorting the way we view the housing issue.

Senator Paul Coghlan: I am glad that Senator Darragh O'Brien has been restored to his proper place and I welcome him back.

Senator Martin Conway: Hear, hear.

Senator Darragh O'Brien: I thank the Senator.

An Leas-Chathaoirleach: I am glad that Senator Daly was not present to hear that.

Senator Paul Coghlan: I was not going to say that. Yesterday saw references to various literary figures, ending with Senator O'Sullivan citing Mark Twain. We could have done without the other Mark. In any event,-----

Senator Darragh O'Brien: He seems to have upset Senator Paul Coghlan a little.

Senator Mary M. White: He is an elected Member of this House. The Senator should be respectful of him.

Senator Paul Coghlan: -----I am glad that Senator Darragh O'Brien has replaced the usurper and a more sanguine mood obtains.

Senator Darragh O'Brien: It is Thursday.

Senator Martin Conway: The right choice was made.

Senator Paul Coghlan: I take Senator Darragh O'Brien's points on pensions and the CPR. I am delighted that, in the budget, the Minister gave notice of his intention to abolish the pension levy. Most of it will take effect this year with a little remaining for next year.

Senator Darragh O'Brien: He extended it by two years.

Senator Paul Coghlan: I agree with the Senator's other point but perhaps the show is not over yet. Sometimes, time and space are needed. For years, I felt bad about the pension levy.

16 October 2014

All of the people in the private sector who saved hard were having their pension pots raided without having a say in the matter. We understand why it was done, the reason being the appalling state of the nation's finances. While we are not yet back on an even keel, we are well on the road. Please God, there will be further progress. I am sure the Leader agrees.

Senator Trevor Ó Clochartaigh: Táim ag ceapadh - cé go bhfáiltimid roimh na beartais atá déanta maidir le cúrsaí tithíochta sa mbuiséad - nach léir don Rialtas i ndáiríre cé chomh géar is atá an ghéarchéim atá anseo.

We all welcomed the moves in the budget concerning homelessness and the building of social housing but I am unsure as to whether the Government understands the scale of the crisis facing us. COPE is on the front page of this week's *Galway Advertiser*. I met the organisation last Monday. It dealt with 66 homeless people in one night, comprising 44 adults and 22 children, with 11 more sleeping rough in the city. COPE has spoken of a significant crisis in the private rental market. This morning, only two or three houses are eligible or made available by their landlords for the rental accommodation scheme, RAS, in Galway city. There is also an issue with the availability of social housing. In Galway, 4,000 people are on the waiting list.

Last night, I listened to a debate in which Fr. McVerry participated. He believes that the figure of 10,000 houses over four years, equating to 2,500 houses per year, would barely keep up with the number of people becoming homeless, never mind the number of people currently on the waiting list. The Free Legal Advice Centres, FLAC, gave a presentation in European Union House this morning that touched on this matter as well as the issue of families in poverty. There is a looming mortgage crisis, with banks foreclosing on families and private landlords and pushing people out of their homes.

The scale of the homelessness crisis has not yet hit home with the Government. I call for an emergency debate on the matter. I appreciate that the Minister for the Environment, Community and Local Government, Deputy Kelly, will introduce his Department's housing proposals, but this matter crosses a number of Departments, including Social Protection where, as we have been saying, the level of rent supplement has not met the cost of renting in recent years. No rent controls are in place either. A cross-departmental approach is required to address this crisis, something akin to a Government task force. More and more people are sleeping rough, yet I do not get the sense that this is a significant priority for the Government, given that it did make enough available in this year's budget.

As Senator Barrett suggested, instead of just considering this issue in terms of social housing, we should take a broader perspective. Any of the Ministers with responsibility for housing and homelessness in their portfolios should be invited to the House to discuss this matter, perhaps at one of our Seanad consultation committee meetings. As well as inviting other witnesses to discuss the matter in detail, it would be a good use of the Chamber, as the crisis is not being taken on board by the Government.

11 o'clock

Senator Martin Conway: I have just come from the launch of a very important report on sexual violence by the Oireachtas Joint Committee on Justice, Defence and Equality. I commend the Chairman of the committee, Deputy Stanton, and the two rapporteurs on producing what I consider a ground-breaking report on what needs to be done about the appalling crime of domestic violence. The report makes a number of significant recommendations, specifically

on redefining and creating an offence of domestic violence and firming up the penalties. It also makes recommendations on how An Garda Síochána can improve its service to victims of domestic violence. It also suggests a possible constitutional change. We have had constitutional referendums on many issues recently, but a referendum to give constitutional protection to people who become the victims of domestic violence is something the Irish people would welcome and, I have no doubt, endorse. I call for a debate, perhaps this side of Christmas, on domestic violence and the contents of the very fine report published by the committee.

Senator Terry Leyden: I am not surprised there is a Fine Gael revolt over Irish Water as the management of the company is an absolute disaster. I do not concur with the terribly disparaging remarks made by Deputy Lawlor about the chief executive which are not repeatable in the House.

Senator Paul Coghlan: They were corrected.

Senator Jim D’Arcy: Come on, now.

Senator Terry Leyden: The revolt taking place is a result of the two by-elections at the weekend.

Senator Martin Conway: An unfortunate leak.

Senator Terry Leyden: On Sunday the Government decided to introduce panic measures to alleviate the political damage caused to Fine Gael and the Labour Party. In Roscommon 20,000 people are on boil water notices. Commitments were given by the Fine Gael candidate that no charge would apply to these 20,000 people. This was not mentioned in the budget or in any press release since from Irish Water. This was an effort to try to get votes in Roscommon-South Leitrim. I will pursue this matter through an Adjournment debate, with the permission of the Leas-Chathaoirleach, to see exactly what is involved.

Fianna Fáil opposed the Water Services Bill because a full audit of the network should be completed and it should contain fair allowances for families. Water is a basic necessity of life.

Senator Paul Coghlan: It must be piped and treated.

Senator Terry Leyden: The Government has now moved in this direction. A total of 200,000 low income and unemployed families will receive no allowance under the budget, which will be redrawn in days of being announced with great fanfare. Pensioners with a taxable income who qualify for the household benefits package will benefit from the budget but not unemployed people. The Government will have to review in the Finance Bill the position regarding water charges. Another anomaly has arisen whereby landlords with the PPS numbers of their tenants can return the form without the permission of the tenants. This was brought to the attention of Senator O’Brien this morning by a constituent. All these anomalies arise.

An Leas-Chathaoirleach: The Senator’s time is up.

Senator Terry Leyden: Another complication-----

An Leas-Chathaoirleach: In fairness, the Leader yesterday promised a debate on Irish Water in the coming weeks with the Minister.

Senator Terry Leyden: Will the chief executive of Irish Water come to the house and re-

spond? The Minister, Deputy Kelly, has no knowledge whatsoever. He is absolutely redundant as far as this issue is concerned. The poor fellow has no clue as far as Irish Water is concerned.

An Leas-Chathaoirleach: The Senator's time is up.

Senator Terry Leyden: It is the most amazing thing. I have never come across such incompetent Ministers in the history of the State than those appointed in the reshuffle.

Senator Jim D'Arcy: Fianna Fáil was worse.

Senator Susan O'Keeffe: We could help with a few names.

Senator Maurice Cummins: It sounds like there is a drip over there.

Senator Terry Leyden: You can drip away but when it comes to the next election you will be gone.

An Leas-Chathaoirleach: Yesterday I admonished people not to catcall across the Chamber. It demeans and devalues the Chamber. People should make their points and not be personal.

Senator Terry Leyden: The Leas-Chathaoirleach is absolutely right.

An Leas-Chathaoirleach: Senator Leyden would be the first person looking for a lesson. Senator D'Arcy, without interruption.

Senator Jim D'Arcy: Senator Leyden's concerns about the Labour Party and Fine Gael are a bit like the corpse expressing concern about the people at the wake.

Senator Darragh O'Brien: Senator D'Arcy has pretty quickly forgotten the local elections. There are a lot of former Fine Gael councillors walking around the place not knowing what to do, if they are not appointed to a State board, that is.

An Leas-Chathaoirleach: Bí cúramach anois, a Sheanadóir.

Senator Jim D'Arcy: I am sure Fianna Fáil is very deeply upset about the result of the Roscommon-South Leitrim by-election, so I will not say any more about it.

Senator Darragh O'Brien: Our vote was more than that of Fine Gael and the Labour Party combined.

Senator Terry Leyden: We held the vote there.

Senator Jim D'Arcy: What?

Senator Terry Leyden: We held the vote in Roscommon-South Leitrim.

An Leas-Chathaoirleach: Tá an t-am nach mór istigh, a Sheanadóir.

Senator Jim D'Arcy: Senator Leyden raised the issue of Irish Water. We had a great discussion about it at the Fine Gael Parliamentary Party meeting. It was not a bun fight; it was a great discussion and progress was made. Our attitude to Irish Water, which I am sure is the same as Fianna Fáil's, is that we need better contact if there is a problem. We cannot be fobbed off by being given a number and then hearing nothing for a long time. There are teeth-

ing problems with Irish Water, but the ordinary people are prepared to pay for water once it is fair and everyone pays up. Those stirring up trouble and telling people not to pay will sneak in themselves and pay it and leave people in the lurch, which they did with property tax. We need an early discussion on Irish Water. Does the Leader have it on the agenda?

Senator David Norris: I agree completely with what my colleague Senator Barrett stated on Irish Water. I listened with great interest and amusement to the spokesperson, a woman, speaking about it and denying the fact there were any bonuses. She said there was performance related remuneration. Performance related remuneration equals bonus, and let us be honest about it. This is a fact. Bonuses are being paid. As a result of how local authority staff were taken over, there are 2,000 surplus workers. We are paying 2,000 people to do nothing. A very large number of people are on between €100,000 and €150,000, and it is the same in the Civil Service. Here we are, elected Members of the Parliament, the rulers of the country, who receive approximately €60,000, all of which must be vouched and vetted and we must tap in. We are lackeys. We do not have respect for ourselves. We should be looking for a proper wage and proper conditions. Get rid of all the allowances and have everything vouched.

I propose an amendment to the Order of Business, that No. 12, Immigration (Reform) (Regularisation of Residency Status) Bill 2014 – First Stage., be taken before No. 1. The Bill is entitled “an Act to provide for the regularisation of the residency status of persons who have applied for refugee status and/or subsidiary protection if four years following the submission of such an application the application remains undetermined and to provide for related matters”. I understand Senator Ó Murchú has agreed to second this amendment.

Senator Averil Power: I second the proposal by Senator O’Brien on the Irish aviation superannuation scheme, which is nothing short of a disgrace. I and Senators O’Brien, Byrne and others have raised this issue many times in the House, trying to get people on the opposite side to see the injustice behind it. It is the first legislation brought through to destroy the rights of private workers’ pensions. We are now seeing the impact of what it means, which is unfair cuts across the board and particularly outrageous cuts for deferred members of the airline schemes.

Senator David Norris: It is disgraceful.

Senator Averil Power: How would any Member feel if his or her pension was cut by 60% just as he or she approached pension age? It is an absolute disgrace. These are people who worked for a long time in tough jobs and who paid their pension contributions into a private scheme and now they are being cut by 60%. It is a disgrace. It is not too late to stop it. We will push this issue again with the Minister for Social Protection during the debate on the social welfare Bill. I appeal to everybody on the opposite side to look at this issue again. Much of the information they are being given is misinformation as they will have seen from the e-mails sent back to them correcting misstatements made by various Ministers about the issue.

I call on the Leader to schedule a debate in the House on the need for Ireland to recognise the Palestinian state. As Members will be aware, the Swedish Government gave diplomatic recognition to the Palestinian state earlier this week. The British House of Commons approved a backbench motion in favour of recognising Palestine. I think Ireland should have recognised Palestine decades ago, but certainly when the PLO first agreed to recognise Israel. It is particularly important in the aftermath of Israel’s latest assault on Gaza that the international community sends out a clear message of support for the Palestinian people and for their right to self-determination and reaffirms our absolute disgust at Israel’s continued decision to wilfully

ignore for decades UN resolutions calling on it to end its illegal occupation of Palestine. As a country we have always led on this issue. We have led in terms of supporting the Palestinian people and lobbying on their behalf internationally. Unfortunately, in the midst of Israel's latest assault on Gaza, that did not happen as our Government was silent and hid behind the EU. I hope that in this case, since two of our EU partners have decided to recognise Palestine, the Minister for Foreign Affairs and Trade will show some courage on this issue and stand up and promote what is right internationally and not hide behind the EU. Two other countries have had no difficulty in unilaterally recognising the state of Palestine. It would be an important symbolic move to restate our support for Palestine-----

Senator David Norris: Hear, hear.

Senator Averil Power: -----and our support for two states, the states of Palestine and Israel, living together, but everybody needs to be on the same page. It is ridiculous to hear Israeli speakers say it would be wrong to have unilateral recognition of Palestine when in the aftermath of a ceasefire in Gaza, after it had left ruination, murder and carnage behind, it started to build more settlements and did everything it could to undermine a two state solution. At the very least, the tiniest symbolic move we can make is to stand with the Palestinian people, row in behind our Swedish and UK colleagues, and recognise the Palestinian state and do everything we can to help bring it about.

Senator John Gilroy: We are very good in this country at paying lip-service to a great number of things. One of these issues is our national monuments. There is plenty of talk about all we are doing to preserve and conserve literally tens of thousands of national monuments across the country. One sign of neglect, however, is the lack of progress on the new national monuments Bill which has been on the Order of Paper for a number of years with no sign of progress being made towards putting it on the Statute Book. I ask the Leader to ascertain the status of the long overdue, long-awaited and eagerly anticipated national monuments Bill and how we might be able to ensure its progression through the House.

Senator Labhrás Ó Murchú: I second Senator David Norris's amendment to the Order of Business.

Tourism is still one of the most vibrant and progressive industries in Ireland, having served us well down through the years. In the past, its economic benefits were spread right throughout the country so that many small villages that did not have a hotel benefited. In recent years, there has been a tendency for tourism to be concentrated in areas of population. One sector that appears to be suffering too much is the bed and breakfast sector. In the past, this sector was very important where five or six were located in small communities. If four or five people stayed in each bed and breakfast, it meant that those people were spending money in the local economy. One of the main reasons bed and breakfasts are suffering so much is that there is too much bureaucracy attached to them. I would like to have the statistics but I believe that about 50% have gone out of business altogether. The overheads are exceptional and it is almost impossible to provide a service at a competitive rate because of the NAMA hotel rates with which they cannot compete.

The difficulty is that as tourism expands, the bed and breakfast sector will be required and only a small proportion of them will be available. We still have discerning tourists coming to Ireland who do not want a hotel experience; they want a local community experience, and an experience of staying in an Irish home. That has been a huge selling point of our hospitality im-

age down through the years. We have let it slip off the radar because, during the Celtic tiger, the tendency was to build large hotels in areas of population. The NAMA hotel rates are a further blow to the bed and breakfast sector.

I would like the Minister to come to the House for a debate on tourism in general and not to take for granted that it will continue to be stable and vibrant, and continue to grow. That would be a mistake because we are also facing competition from other countries. Tourism has not been getting the attention it should have been receiving for 20 or 30 years when it would have been centre stage because we regarded tourism as something we were good at. We had so many attractions, natural and otherwise, that tourism was a solid industry. We are taking our eye off the ball. The concept of all tourism going to built up areas, the areas of population, is not a good trend when it is done at the expense of other parts of the country.

Senator Paul Bradford: In response to Senator Averil Power, it is important to have a holistic debate on the current situation in the Middle East. Normally one would almost be run-over in the stampede once one spoke about the Palestinian people and Palestinian recognition. Strangely enough, down through the years there has never been such a stampede when people have spoken about the security of the people of Israel or the right of that country to exist. We need a substantive debate on that matter.

While I do not expect the Minister to arrive in the House this afternoon or even next week, I ask the Leader to invite the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, to the House to discuss the lost at sea report which is a stain on the nation's politics. In the history of the Ombudsman's office, only three special reports have issued. We all know the circumstances, including the Leas-Chathaoirleach. In my view, a previous Government and a previous Minister did a grave disservice to a family who suffered deep loss and bereavement arising from a dreadful fishing tragedy. The circumstances have not changed. The current Government parties, individually and collectively - I was a member of that grouping - put forward in the last phase of politics before the Dáil, Seanad and the Joint Committee on Agriculture, Food and the Marine a strong request to the then Government to respond positively to the Ombudsman's report. The circumstances have not changed one bit since then except that people have moved to different sides of this and the other House. If the public sees no action by the Government on this report, it will ask why bother voting and why bother changing governments if nothing changes. I ask the Leader to invite the Minister, Deputy Coveney, to come to the House and explain what is happening to the commitment we all gave to a family to respond to the Ombudsman's special report. The Ombudsman, Emily O'Reilly, who has moved on to a much higher and significant phase on the European stage, put enormous work into that report. It is a damning indictment of all of us if we do not implement her recommendations. I have asked for that on a few occasions but as the weeks and months pass, the pain, suffering and loss experienced by the families concerned has not diminished. They must feel angry about the way the State and various Governments have ignored them. I want the issue debated in this House, and I want to hear from the Minister and the Government on whether they intend to keep their word.

Senator Maurice Cummins: Senator O'Brien raised the Social Welfare Bill. I do not have the exact date but it will come before the House in the next number of weeks. While the Bill will deal with the increases in child benefit and so on announced in the budget, it may be an opportunity for the Senator to raise the plight of deferred benefit pensioners which he, Senator Power and also many Fine Gael and Labour Members have raised with the Minister. The Minister is examining that at present and it is hoped some resolution to the plight of these pensioners can be found.

The Senator also called for a national policy on defibrillators, with which I would agree. Senator Quinn brought forward a Bill on the provision of defibrillators, which was supported in this House on Second Stage. A subsequent Health Information and Quality Authority report suggested that a nationwide roll-out of defibrillators would be very expensive but suggestions were made that CPR training could be given in transition year, which is happening in some schools. That could be established. I agree that we should have a national policy on defibrillators. It is a matter the Senator can raise with the Minister, Deputy Varadkar, when he comes to the House in early course.

Senator O’Keeffe and Senator Leyden called on the Government to deal with the anomalies that have arisen with regard to water charges for low income families. I assure the Senators that will be addressed. They also welcomed the One Young World Summit, about which Senator Noone spoke on the Order of Business yesterday.

Senator O’Keeffe spoke about the legacy of the special investigation unit in the Department of Agriculture and called for a debate on that. I would hope the agriculture committee would call the Minister before it for a debate on that issue. It is probably the most appropriate forum for such a debate but I agree with the Senator that the debate should take place. It is not just a case of abolishing the special investigation unit. We must examine the legacy issue and the families affected as a result of its actions.

Senator Barrett, Senator Jim D’Arcy and other Senators called for a further debate on Irish Water. I have asked the Minister to come into the House. I do not have a date but I will continue to ask him to come into the House and have that debate with us.

Senator Barrett also spoke on the need to expedite the housing programme and the problem of homelessness, which was raised by Senator Ó Clochartaigh also. The Government has allocated €2.2 billion, an unprecedented amount, to the housing programme but I understand the Minister will make a further announcement next week on additional measures to tackle homelessness. We should await that, and I believe there will be further good news. It is regrettable, however, that in the boom years, which was a time of plenty where the economy was concerned, no heed was paid to social housing.

Senator Darragh O’Brien: That is not true. The Leader knows that is not true.

Senator Maurice Cummins: That is another legacy issue.

Senator Darragh O’Brien: The Leader should correct the record.

Senator Maurice Cummins: Little or no social housing was provided.

Senator Darragh O’Brien: That is a ridiculous comment.

An Leas-Chathaoirleach: The Leader without interruption.

Senator Darragh O’Brien: Thousands of social housing developments were built.

Senator Maurice Cummins: They preferred to see it with the developers at that stage.

(Interruptions).

An Leas-Chathaoirleach: Senator O'Brien, you can raise that issue next week.

Senator Susan O'Keeffe: Not enough schools were built.

Senator Maurice Cummins: Schools, housing and everything else-----

Senator Darragh O'Brien: Fine Gael snobs in local authorities opposed social housing schemes throughout the country.

Senator David Norris: Partisan politics-----

An Leas-Chathaoirleach: The Leader without interruption.

Senator Darragh O'Brien: I ask the Leader to check how many social houses were built in the past 14 years.

Senator Maurice Cummins: The Senator should ask the people on the housing lists; they will tell him.

Senator Coghlan welcomed the measures to abolish the pension levy. Senator Conway raised the report of the justice committee on domestic violence. I will try to arrange to have a debate on that report in the House with the Minister.

Senator Leyden highlighted the fact that many people are under boil water notices in Roscommon. I can assure the Senator that no charge will be applicable to those people.

Senator Terry Leyden: Good.

Senator Maurice Cummins: I think the Senator is suffering from amnesia regarding Fianna Fáil's attitude to water charges. People would have been paying a €400 flat charge for the past two years-----

Senator Terry Leyden: Not true.

Senator Maurice Cummins: -----if it had managed to get into office but, thankfully, that did not happen.

Senator Mary M. White: Is the Leader provoking us?

(Interruptions).

Senator Maurice Cummins: I agree with Senator Norris. If I was doing a crossword and had to come up with a five letter word for performance-related payments it would be "bonus". I am agreeable to the Senator's amendment to the Order of Business, that No. 12 be taken before No. 1.

Senator Power raised the plight of the Palestinian people. As I said yesterday, the Government pledged an additional €2.5 million recently for the rebuilding of Palestine. It has been the policy of successive Governments that there should be a two-state solution in the Middle East where Palestine and Israel is concerned.

I will find out for Senator Gilroy the status of the national monuments Bill and revert to him

16 October 2014

on that. Senator Ó Murchú spoke about tourism matters, especially the plight of the bed and breakfast sector and the need to reinvigorate that sector. The Minister for Transport, Tourism and Sport, Deputy Donohoe, will be in the House on 26 November for a debate on tourism when the Senator will have an opportunity to raise those relevant points.

Senator Bradford raised the Ombudsman's lost at sea report. I agree totally with the sentiments expressed by Senator Bradford on that issue. We will have a debate on fisheries on 12 November with the Minister for Agriculture, Food and the Marine, Deputy Coveney, in the House and that will be an opportune time to raise that matter with the Minister.

An Leas-Chathaoirleach: I apologise to Senator Michael Mullins whom I omitted to call even though his name was down. On rare occasions the Leas-Chathaoirleach can err.

Senator Norris has proposed an amendment to the Order of Business: "That No. 12 be taken before No. 2." The Leader has indicated that he is prepared to accept this amendment.

Amendment agreed to.

Order of Business, as amended, agreed to.

Immigration (Reform)(Regularisation of Residency Status) Bill 2014: First Stage

Senator David Norris: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the regularisation of the residency status of persons who have applied for refugee status and/or subsidiary protection if four years following the submission of such an application the application remains undetermined and to provide for related matters.

Senator Sean D. Barrett: I second the proposal.

Question put and agreed to.

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

Senator David Norris: Next Tuesday.

Second Stage ordered for Tuesday, 21 October 2014.

St. Patrick's Hospital Dublin (Charter Amendment) Order 2014: Motion

Senator Maurice Cummins: I move:

That Seanad Éireann approves the following Order in draft:

Saint Patrick's Hospital Dublin (Charter Amendment) Order 2014,

copies of which have been laid in draft form before Seanad Éireann on 30th September, 2014.

Question put and agreed to.

Forestry Bill 2013: Report and Final Stages

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy Tom Hayes, to the House. Before we start, I remind Senators that Senators may speak only once on this Stage, except the proposer of an amendment, who may reply to discussion on the amendment. In addition, each amendment must be seconded.

Senator Trevor Ó Clochartaigh: I move amendment No. 1:

In page 11, to delete lines 17 to 32.

Senator Sean D. Barrett: I second the amendment.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Tom Hayes): It remains my position that unauthorised disclosure of confidential information by members of a committee should be discouraged. I emphasise in this context the words “unauthorised” and “confidential”. Under section 9(1) a committee member may disclose confidential information if authorised to do so by the Minister. This provision is not intended to preclude general comments or discussion on everyday issues relating to the committee. What we are talking about is, for example, unauthorised disclosure of ongoing and sensitive negotiation positions, either at national or EU level, which could be damaging to the official position, or information which is considered to be commercially or strategically sensitive.

It is important to note that section 9 is grounded in section 8, which allows the Minister to make appointments to committees and to share information with such parties to ensure good decisions and policy-making. It is likely that many of the appointees will not be civil servants and will therefore not be covered by the same statutory obligations as the Civil Service on the disclosure of information. It would be remiss if the statute allowing the appointment of such individuals did not provide that the information they receive as a result of such an appointment be protected. Disclosure of information received as a result of appointments under section 8 is subject to the law.

I pointed out on Committee Stage that I had reviewed the issue of disclosure of information in the public interest, in consultation with my legal advisers. My advice is that the words “save as otherwise provided by law” included in the existing text of section 9(1) accommodates the public interest and includes the range of legislative provisions dealing with releases of information. The important point to note in this context is that confidential information may only be released when authorised by the Minister or as provided by law. This means that commit-

tee members are subject to the Protected Disclosures Act 2014, the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013, which was indirectly referenced by Senator Ó Clochartaigh in his contribution on Committee Stage, the Freedom of Information Act and the Data Protection Acts, to mention but a few of the relevant provisions. In the circumstances, I believe the provision is necessary and proportionate, and that to remove it may jeopardise the effectiveness of committees established under the Bill. Therefore, I do not propose to accept the amendment.

An Leas-Chathaoirleach: An bhfuil an Seanadóir sásta leis an bhfreagra sin?

Senator Trevor Ó Clochartaigh: Ba mhaith liom labhairt ar an ábhar sin ar feadh soicind. I appreciate the Minister of State's reply and we are obviously not going to agree on this. I appreciate the level of detail he has given, particularly on the Oireachtas privileges Act, because that was one of our concerns. It sends out the wrong message. It appears from the section that the Minister is given strong powers over anyone on the committees in question. If in future we wanted to find out if anything untoward were happening at this level, I hope we would have a mechanism available to us to ensure we could investigate that fully. I would hate for some Minister in future to be able to gag people by using this section of the Act. We are not going to agree on it. I appreciate the Minister of State's reply but I wish to press the amendment.

An Leas-Chathaoirleach: Only Senator Ó Clochartaigh can come back in, because it is on Report Stage.

Senator David Norris: I can say something, though.

An Leas-Chathaoirleach: Senator Ó Clochartaigh proposed it and Senator Norris had a chance to speak then-----

Senator David Norris: I indicated, and you nodded at me.

An Leas-Chathaoirleach: When the Minister speaks, the only one who can reply is the proposer of the motion.

Senator David Norris: I indicated before that.

An Leas-Chathaoirleach: Senator Barrett seconded the motion. If Senator Norris wants to make a comment, I am not-----

Senator David Norris: If I might just-----

An Leas-Chathaoirleach: I am not trying to be-----

Senator David Norris: I understand that. It is a genuine confusion. I understand the Minister of State did not accept any of the 40 or so amendments that were tabled on Committee Stage and does not propose to accept any today. That seems to be largely because this is a Dáil Bill and it would have to go back to the Dáil. I said this to a Minister last week and he accepted this was the case. It is about time the Government recognised the constitutional provisions for this House. This House is supposed to reform, advise and strengthen legislation by amendment. To refuse to accept any amendments whatsoever out of 40 or 50 amendments is absurd. It makes a mockery of this House. I know the Government wanted to get rid of this House, but they did not succeed, and it is about time that Ministers started thinking and accepting amendments from this House.

We discussed the Freedom of Information Bill the other day. I have reservations about that. It is far too broad and sweeping. The Minister was pushing it, although secretly he would agree. The legislation before us is a situation where information is being withdrawn from the public on the basis it would affect the efficiency of the committees. I made the point about Cabinet meetings that confidential material marked “private” and exchanged between two Cabinet Ministers is now subject to Freedom of Information as a result of the new Bill. That is absurd and will certainly inhibit discussion. There is a lack of joined-up thinking and consistency because we are doing the reverse in this legislation in that we are saying that there will be no access to this information. It also involves the appointment of members to boards. This is the kind of thing that is at the centre of public disquiet about the appointment of people. All such procedures should be open and fair.

Will the Minister of State explain what a class E fine is? How much is a class E fine? I tabled an amendment on the Freedom of Information Bill, where the maximum a civil servant is subject to for deliberately destroying information is a €3,000 fine. That is far too weak. The Minister agreed with me, but because he did not want to take the Bill back down to the Dáil, he did not accept it. This is the kind of parliamentary democracy we are in. It may change a bit now that the numbers have changed in this House. I said we on this side would not force divisions vexatiously or frivolously. However, we sure as hell will do so on points of principle, and we have the numbers now.

Senator Paul Coghlan: A Leas-Chathaoirligh-----

An Leas-Chathaoirleach: Very briefly. I am breaking the rules. I outlined at the start that once the amendment is moved and the Minister responds no one else can come in, but-----

Senator Martin Conway: The Leas-Chathaoirleach is using his discretion.

An Leas-Chathaoirleach: There are rules and discretion and it makes mockery of Report Stage if one allows people to come back in, so this is the only occasion I will let Senator Coghlan back in.

Senator Paul Coghlan: I greatly appreciate the Leas-Chathaoirleach’s forbearance on this matter. I appreciate the rules and know that this is not normal. I did have a chat with the Minister of State privately about the matter I want to raise. Farmers are unable to obtain a felling licence and it seems that the restrictions being imposed on them could be so onerous that there may be no circumstances at all in which they can receive compensation. I think the Minister understands that I do not wish to labour this point but I would look forward to a word from him in response at the appropriate Stage.

Senator David Norris: Can we get on with the amendment?

An Leas-Chathaoirleach: I have granted somebody an indulgence. I had better let Senator Comiskey have a brief word. In fairness to Senator Comiskey, it is in his nature to be brief and to the point.

Senator Michael Comiskey: It is indeed in my nature to be brief and I will be. I again welcome the Minister of State to the House. My concern is the same as that of my colleague, Senator Coghlan. Farmers may have committed their land for a long number of years and be refused a felling licence and then be in a position that they were not able to fell whatever timber was there on the land.

An Leas-Chathaoirleach: The Minister of State has already dealt with the amendment and the amendment is being pressed. I will ask Senator Ó Clochartaigh again and avoid interruption. Is he pressing the amendment?

Senator Trevor Ó Clochartaigh: Yes.

Amendment put and declared lost.

An Leas-Chathaoirleach: Amendments Nos. 2 and 3 are related and may be discussed together by agreement.

Senator Sean D. Barrett: I move amendment No. 2:

In page 27, to delete lines 9 to 13 and substitute the following:

“the Minister shall issue a replanting order in respect of the owner requiring him or her to replant in accordance with the provisions of the order.”.

Senator David Norris: I second the amendment.

Senator Sean D. Barrett: I thank the Leas-Chathaoirleach and welcome the Minister of State. We have all gained from the two previous occasions we have had these debates on forestry. The Minister of State mentioned that he is preparing a programme for the new year and issuing important documents. I hope that he has benefitted from what we have been saying here. It has been a very good dialogue between us.

The purpose of amendment No. 2 is that the Minister shall issue a replanting order. The Bill provides that the Minister “may” issue a replanting order, and that would apply where trees had been felled or otherwise removed without a licence. The purpose of this amendment is to ensure that crime must not pay. While there is provision for a class E sanction and a €2,500 fine on conviction or indictment, the trees will not be replaced because of the use of the word “may”. We want the trees back. That is what society as a whole wants. The amendment is, like the Minister of State, pro-trees. We are asking him to go harder on people who knock down some trees without an appropriate licence. That is the purpose of that amendment.

Amendment No. 3 provides that replanting must be implemented within one year of the felling of the previous trees. In section 26(9), the Bill is again more relaxed on the duties of people who have trees. It provides that “the Minister may, with the consent of the owner, issue a replanting order in respect of other land owned by the owner instead of the land concerned”. It does not have a time limit on it. As we mentioned on Committee Stage, we are concerned about stumps being left around, which makes for an unattractive landscape. I have asked botanists if there are any obstacles to removing stumps and starting again and they say there are not. Providing for a time limit on the replanting order would help the Minister in his work as well. If people have an order for replanting they must proceed to do so rather than delaying it indefinitely with the resulting lunar landscape that we have in certain parts of County Wicklow.

The purpose of both of these amendments are to protect forests and to ensure that they are replaced. They are in the spirit of the Bill and of the discussions that we had on the two previous Stages.

Senator David Norris: The first amendment is a simple one with which we are all familiar - “may” and “shall”. We have been at this hammer and tongs for the 30 years or so that I have been in this House. “May” is very weak and “shall” actually instructs the Minister to do something. Lines 37 and 38 of the Bill are indeed, as Senator Barrett as said, extraordinarily weak. Let us analyse them for a moment. “The Minister may” - no instruction, he may, if he feels like it, if it is a sunny morning, if his digestion is in good order, well, he just may do this. “With the consent of the owner” - this is a lovely one - somebody who swipes trees down and then we have to ask his permission to put them back. That is fatuous in the extreme. It is nonsense, whoever drafted it. Furthermore, the replanting can be done on “other land owned by the owner”. What are we at here? He could destroy a beech tree in an avenue up to the remains of a great house or such like and then he could stick a fir tree up the back side of a mountain ten miles away where he also owns property. That is what is in the Bill. It is a farce.

I am challenging the Minister to accept this amendment, and to demonstrate that he also accepts the constitutional position of Seanad Éireann to advise, guide and amend. This phraseology here, in page 27 of the Bill, is a nonsense, and gives *carte blanche* to any pirate who wants to desecrate the landscape. To recap, the Minister “may”, if he feels like it. He must then of course seek the consent of the owner, who may be a complete crook, and if he manages to surmount these two obstacles, the owner then can plant a cherry tree in the garden of a bungalow somewhere. It is nonsense. The Minister knows it is nonsense as do his advisors. The whole House knows it. The only reason it would not be accepted would be because - oh, dear - it would be such a bother to take the Bill back to the Dáil.

Let us have a bit of democracy. I would be interested to see if the Minister of State will accept this amendment and I very much hope that he does. So what if he causes a bit of bother among his colleagues? They will only respect him for it. The Minister of State is shaking his head sadly. He does not think that his colleagues will respect him for it, but some of them will, and this House would appreciate a bit of respect being shown to it by a Government that tried to get rid of it.

An Leas-Chathaoirleach: I am sure the Minister of State has not forgotten his time in this House and that he has great respect for the Chamber.

Senator David Norris: His Government does not.

An Leas-Chathaoirleach: I will let him answer himself. Does Senator Ó Domhnaill wish to comment? He cannot come back in.

Senator Brian Ó Domhnaill: I wish to comment on the section and the amendment. I can understand where Senator Barrett is coming from with this amendment. However, in reading section 26, one needs to decipher between where 26(1)(a) states “felled or otherwise removed without a licence” - that is one issue - and the other issue, which is “felled with a licence”. I would fully support Senator Barrett’s amendment if it was specifically referring to “felled without a licence”. I understand that under the 1946 legislation, which is being amended in this legislation, a felling licence was accompanied by the condition that the land had to be replanted. That is all well and good, but a number of issues with having a condition to replant land are at stake here from an agricultural point of view, particularly as regards agricultural economics and Food Harvest 2020. The condition to have to replant the land could create a lack of incentive for farmers to undertake a planting programme. It runs contrary to the proper use of agricultural land across the country and to the objectives of the Food Harvest 2020 programme which is

trying to increase land available for agriculture. There are competing demands.

Senator David Norris: They would be involved in contravention of the licence.

Senator Brian Ó Domhnaill: I am trying to distinguish between the two. There are people who destroy plantations. They should be dealt with differently from someone who gets a felling licence.

I spoke last evening to a forest farmer in County Cavan, Howard McCallum, who is a friend of my colleague, Senator Wilson. He wanted to raise this issue because he knows many young farmers who are interested in planting their land but who do not want to take on the responsibility of planting because a felling licence will attach the condition of having to replant. If they want to diversify into other agricultural activities in five or ten years' time they cannot do that. It was fine back in 1946 when the planting policy was for only 4,000 ha. In 1970 a total of 2.6% of land was under trees. Today that figure is 10.6%. We are dealing with apples and pears. The situation is different. I welcome the modernisation of the legislation but we need to modernise this aspect of it too.

Senator Barrett's amendment draws this into the open. It is a good amendment and I support it in respect of trees being felled or otherwise removed without a licence but there should be flexibility where trees are felled with a licence.

Senator David Norris: What about when the licence is contravened? That is in section 26(1). It refers to when the licence is contravened.

Deputy Tom Hayes: The changes proposed in amendment No. 2 in respect of a tree felled or otherwise removed without a licence under section 7 would impose on the Minister an automatic obligation to issue a replanting order in all cases without having regard to the nature and extent of the unlicensed felling and the environmental and silvicultural considerations. There are instances where replanting may not be the appropriate response, for example, where the unlicensed felling occurred on a riverbank or in the proximity of a protected species, such as the freshwater pearl mussel, where the disturbances caused by replanting could pose a threat to the species. In such instances the Minister must be empowered to consider options other than replanting on that site.

Amendment No. 3 proposes to remove one of the options open to the Minister where unlicensed felling has occurred which is the replanting of alternative land to that on which the trees had been felled. To remove this provision would be overly restrictive and would not best serve the interests of ensuring that the forest estate is maintained in a manner consistent with the objective of protecting the environment. As regards the proposed amendment requiring replanting within one year, it is a matter of judgment having regard to the individual circumstances of each case as to the length of time that should be allowed for replanting to take place. The key to this Bill has been flexibility and workable arrangements that facilitate all involved in forestry. That is the key to our discussions with stakeholders and we went into great detail with them over the past nine months.

To impose an upper limit of one year, as proposed, ties the Minister's hands in a situation where a more flexible approach may be required, for example, if native oak woodland in a special area of conservation was removed the replanting options might involve using acorns from the remaining trees to regenerate the wood with native stock. The germination of oak seedlings suitable for replanting would take more than one year in this case.

Senator David Norris: For the replanting process it would be a help to start with the preservation of the acorns.

Deputy Tom Hayes: I assure the Senators that where felling has taken place and replanting is required it will be done in a timely fashion and trees will be replanted as quickly as possible where feasible.

My preferred approach is to retain the current wording contained within section 17(4)(b)(v) which applies to this subsection and states: “within such period of time, as may be specified;”. For that reason I cannot accept the amendment.

Senator Sean D. Barrett: In response to Senator Ó Domhnaill we did try to separate the different categories of trees in amendment No. 2 on Committee Stage but that did not work. That is why we re-submitted it today in a different form. I agree that where the trees are felled without a licence is a more serious case than where the licence is merely contravened. In the last of the three cases, where it is seriously damaged, for example, by a storm, the owner would be relatively innocent. That is why we tried to run them together. The purpose of the amendment is that we shall replace such trees, in particular those which are knocked down without a licence. The fine is inadequate but society wants the trees back. The explanation that putting trees back beside a river could damage the fish stocks when they are merely replacing trees that were there before is a mystery. What mysterious ingredients are in the new trees that would damage the fish stocks when the previous trees had no impact? The legislation could require that the trees be replaced by the same varieties in which case the fish will not be in danger.

On the second amendment I fully agree with the Minister of State that it is a matter of individual judgment but I prefer trees to stumps. That is my judgment and I want to get rid of the stumps as fast as possible to get the trees growing again. I hope the Minister of State and whoever succeeds him will always favour trees over stumps.

I appreciate what the Minister of State says about flexibility. I hope that generates a new spirit in this area, which is one we have tended to neglect. It has a great future. The spirit of co-operation is important. We have to protect the trees in both cases, requiring them to be replaced and that it be done in a timely manner. People in the industry should not think they can knock down a forest and leave ugly stumps around and so on and not participate with the same enthusiasm as the Minister of State in having a national forest playing an environmental, commercial and visual role. We cherish trees and do not want them to be treated in the cavalier way which these amendments are designed to correct and which the Minister of State wants to correct.

Deputy Tom Hayes: I accept what the Senator says about Ministers having a different view or not being as passionate about this as I am. I would hope that a Minister responsible for forestry would have a particular interest in the brief, which is so important. Trees are part of what we are.

12 o'clock

People have a huge connection with them. I am not sure if the Senator was present for the debate on Second Stage, which was very informative on the whole process. I always would have liked to see a person who is committed to the forestry sector holding the forestry brief. I have learned from my dealings with the people involved in the sector that they are extremely committed and dedicated to it and they feel very much a part of it. The sector is part of our environment, part of what we grow and part of what we are.

Normally I would impose a replanting order. That is the thrust of what has been done but exceptional circumstances can occur. The recent wind-blow caused ground disturbances. I was on sites in Kerry, Limerick and elsewhere around the country where damage was caused. All of those places are being replanted other than in such cases of exceptional circumstances where, for example, the ground has been disturbed near a river. When big trees that are 10 or 15 years old fall they disturb a great deal of clay. If replanting in such areas would have a negative effect on the environment, replanting should not occur. I hope that clarifies the issue.

An Leas-Chathaoirleach: Is the amendment being pressed?

Senator Sean D. Barrett: Yes.

Amendment put and declared lost.

Senator Sean D. Barrett: I move amendment No. 3:

In page 27, to delete lines 37 and 38, and in page 28, to delete line 1 and substitute the following:

“(9) A replanting order must be implemented within one year of the felling of the previous trees.”.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 4:

In page 28, line 11, to delete “A person” and substitute “A person under whose direction the activities are being conducted”.

We had a discussion on this matter and I will not labour the point. This amendment relates to the Part dealing with offences and penalties where a person contravenes a condition of a licence granted under the relevant statutory provisions. We propose the wording should be changed to read “A person under whose direction the activities are being conducted”. It is interesting to note that employees working for the Rhatigan company who are members of the UNITE union protested outside the gates of these Houses today. They had been working for a subcontractor on a school site and I am sure we could find other similar cases. This is the issue to which we are pointing in this amendment.

An employee could be contracted to do work that is in contravention of the Act in the forestry sector and that person could be penalised, but the person who instigated that work or the owner could potentially get away with the contravention by saying they did not know anything about it. They could put their hands up and say that it is not what they asked the person to do. We are trying to cover that loophole in this amendment and to make sure the person under whose direction the activities are being conducted, namely, the person at the top of the pyramid, is the one who is punished as well as somebody else who might have broken the law in contravention of the Act.

Senator Sean D. Barrett: I second the amendment. Section 17(c) of the Bill already provides that where a person operating under the direction of another person contravenes the conditions of a felling licence, both persons will be liable to prosecution having regard to the

circumstances of the case. Furthermore, this safeguard is replicated in section 27(10) which sets out the detail for offences and penalties. Consequently, this amendment is not necessary.

Amendment put and declared lost.

Bill received for final consideration.

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

An Leas-Chathaoirleach: Is it agreed that the Bill do now pass?

Senator David Norris: No.

An Leas-Chathaoirleach: The Minister of State would like to make a comment.

Minister of State at the Department of Agriculture, Food and Marine (Deputy Tom Hayes): I thank the Members of the Dáil and the Members of the Seanad for their support on this Bill. I especially thank the Senators for their support on Second Stage. Senator Norris made a cutting comment about the Government and people not taking seriously the work that the Seanad does. I sat through the debate and heard very good contributions from a small number of Senators.

Senator Martin Conway: Well said.

Deputy Tom Hayes: There were worthwhile contributions and they helped me and other people involved in the process of dealing with the Bill. It is a very important Bill and the first legislation on this area since 1946. It covers much of what we are about in Ireland, our love of trees and growing them, protecting the environment and jobs in the forestry and milling sectors.

I have visited the mills across the country which are major employers. When the recession hit and jobs were being lost, those people took it upon themselves to export the timber and we now have a success story in our timber industry. That has percolated through the industry from planting, to the work done in fields in the thinning of trees and all the other work that is part of the operation. A huge number of people are employed in the sector and it is all based in rural Ireland. It is a good success story. I hear people knock rural Ireland every day throughout the country.

Senator David Norris: The Minister of State never heard me knock rural Ireland.

Deputy Tom Hayes: Can I-----

Senator David Norris: I have a meeting with the Palestinian-----

Deputy Tom Hayes: I would rather the Senator would listen to me for a minute.

Senator David Norris: Go on then.

Deputy Tom Hayes: This is a success story in rural Ireland where there are jobs. I thank everybody in this House, particularly the leaders of the parties, the agricultural spokespersons, the members of the committee, everybody who has helped and the stakeholders ranging from the IFA to the other groups that made submissions month after month. I also sincerely thank the officials for their work on this Bill which has brought forestry into the modern era and put it on a sound footing and we can see the industry progressing into the future. I thank the Leas-

Chathaoirleach and all those people involved.

Senator Sean D. Barrett: I thank the Minister of State for those sentiments. I wish him and the sector under his remit well. I look forward to his future visits to the House.

Question put and agreed to.

An Leas-Chathaoirleach: When is it proposed to sit again?

Senator Michael Comiskey: At 2.30 p.m. next Tuesday.

Adjournment Matters

Harbours and Piers

Senator Averil Power: I welcome the Minister of State, Deputy Hayes, to the House. I tabled this matter to highlight the need for a proactive strategy for Howth Harbour. The harbour is massively under-utilised from the point of view of fishing, marine leisure activity and the broader tourism industry.

In 2009 the Minister of State's Department commissioned a report specifically on the fishery aspect of the harbour; it was a report covering a business plan for the development of the fishery harbour centres. That report set out many areas where Howth Harbour could be further developed but, unfortunately, most of what was suggested has not happened. I urge the Minister of State in his new role to put an emphasis on the development of our fishery harbours.

A local business contacted me about the obstacles it is facing in setting up a repair facility at the harbour. One of the areas identified as an area of potential development in the 2009 report is that of repair facilities. It is stated numerous times in the report that there is a need to enhance and develop the repair facilities in Howth Harbour and this has also been highlighted by other independent reports commissioned by the Minister of State's Department. The majority of the work carried out in Howth is done by foreign companies operating from Kilkeel, County Down. If vessels require anything more than very minor repairs, they usually travel to Kilkeel because they cannot get them done in Howth. The State loses revenue every time this happens and it makes no sense.

A company called Fleet Marine based in Howth goes on site in the harbour in vans to carry out minor maintenance work, but cannot do bigger jobs because it has no workshop in the harbour. There is demand for it. Howth Yacht Club wants these facilities, as do other people with boats based in the harbour. They do not want to have to go to County Down; they want to do it in Howth. Fleet Marine has put a number of proposals before the Department and has been contacting the Department for at least a year. Although it has identified suitable empty facilities, it has come to nothing. Could the Minister of State investigate this? It is a major loss of potential business for the area. It is disadvantageous from a fishing and from a marine leisure point of view not to have proper services on site. It puts people off coming to Howth.

Howth Harbour is an amazing facility. Although it is one of the most beautiful parts of the

country with a beautiful harbour, fine restaurants and a great tourism service, the harbour area is underutilised. In places on the Continent that have half of what we have, the water is full all the time. They hold festivals, have maritime museums in France and make the most of their facilities from a tourism, community and leisure point of view. Local community groups and Howth Yacht Club have done amazing work in attracting major events such as the Etchells World Championship. Howth is Magic is a business group that puts together festivals such as the Dublin Bay Prawn Festival. However, such groups constantly tell me that every time they want to hold an event, the red tape is ridiculous and it puts people off holding events. Howth is Magic must go through a laborious process of sending in the same information it sent in for the previous year's festival and not knowing whether it will get approval. From the point of view of a tourism calendar, such events need to be confirmed months, if not a year, in advance. If one is going to promote an event internationally, one needs certainty and does not need to be arguing with local authorities, marine officials or anyone else two or three weeks before it, wondering whether one will get permission. There is a desperate need for a broader strategy that sets out the type of events, whether fishing, marine or leisure, that should be provided in Howth and gives people a framework within which they can work. If one is running the same festival as last year, one should not have to resubmit the same traffic management and health and safety plans that worked last year. It should be more straightforward once it is within an agreed framework.

I ask the Minister of State to take this on as a priority. I encourage him to visit Howth. I live a couple of miles down the road and will bring him out any day to meet the business people and see the potential that exists. It is an area where the Minister of State could make a mark if he put a positive impetus behind it. It would do wonders for both leisure and employment in the area. I hope the Minister of State will give it his attention.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Tom Hayes): I thank the Senator for raising this very important issue. Howth Fishery Harbour Centre is one of the six designated fishery harbour centres, which are owned, managed and maintained by the Department of Agriculture, Food and the Marine. All six fishery harbour centres are first and foremost working fishery harbours. However, each centre has unique features which facilitate a broad range of other diverse activities, including the ones the Senator outlined, which are important from both an economic and social perspective. The Department is conscious of the importance of both fishing and non-fishing activities at the harbours and endeavours to facilitate and develop both. This involves day to day operational support by harbour staff and management and development and repair of infrastructure, subject to available financial resources.

Howth Fishery Harbour Centre is no exception to this diversity. In addition to fishing, there is a wide range of recreational users of the harbour, including the yacht club, sport fishermen, walkers, tourists and other social users. There are a significant number of businesses, especially restaurants, operating in the harbour centre. Notwithstanding the prevailing economic environment in which we operate, I am happy to be able to advise that in excess of €3.2 million has been invested in maintenance, development and upgrading works at Howth as part of the Department's fishery harbour and coastal infrastructure development programme from 2011 to 2013. This investment will result in a significant improvement in the traffic management system, the access available to persons of reduced mobility and the electrical infrastructure available. It will, in addition, serve to act as a catalyst for the enhancement of facilities available to the marine leisure and tourism sector, boat repair facilities and business generally in the

harbour.

The Minister, Deputy Coveney, approved funding of €1.18 million in March 2014 for the maintenance and development of Howth Fishery Harbour Centre. Major works for 2014 include the continued upgrading of the electrical system. The development and upkeep of Howth as a state of the art fishery harbour centre supporting a broad range of marine related and other activities is, and will remain, an ongoing process. Any suggestions from fishery harbour users for the development and improvement of the facilities at Howth will, as has been the case, be given due consideration. The Burke-Melver report was commissioned some years ago to provide a roadmap for future development of the harbours. All the recommendations in the report that were implementable in the prevailing economic climate were subsequently introduced.

The Senator raised the issue of working with the stakeholders. We are already doing this and have been doing it for some time. My Department has established a harbour users forum for Howth. The forum is a broadly based initiative which is open to all stakeholders to participate in. It met most recently in January this year and will, I expect, meet again very early in the new year. This forum, like similar fora in each of the harbours, provides an excellent platform for sharing ideas and obtaining stakeholder feedback, which ultimately helps inform decisions on the future developments in the harbour. In addition, the Department's officials are available to meet harbour users collectively or individually as the need arises.

As I have said, Howth Fishery Harbour Centre is first and foremost a working fishery harbour. The Department is conscious that it is also a very important tourist destination in addition to being a major venue for leisure activities. With that in mind, the Department is anxious to increase the profile of the harbour for the betterment of the wider community in line with the Senator's request. To this end, the harbour regularly approves applications for events, yacht races, local celebrations and various functions within the harbour precincts. For example, in July 2014, the Asgard centennial celebrations were held at Howth Harbour, with the keynote address delivered by President Higgins. It is estimated that this event alone attracted in excess of 25,000 visitors to the harbour. In addition, the Department approved locating the Howth tourism information office within the confines of Howth Fishery Harbour Centre. This facility opened in July this year.

Balancing the needs of the fishing industry with those of the wider range of harbour users while delivering on a public service remit will be foremost when considering future developments in the harbour. Any new developments will be done on the basis of available Exchequer funding and competing national priorities. I assure the Senator that the Minister, Deputy Coveney, is fully aware of the situation, wants to help and will. I can pass on the Senator's invitation to visit the area to the Minister and I know he will do it because he is very favourably disposed towards everything that is happening in Howth.

Acting Chairman (Senator Marie Moloney): I welcome the students of Calasanctius College, Oranmore, to the Visitors Gallery. The group includes the daughter of one of our Members. They are all very welcome and I hope they enjoy their tour. Does the Senator have a supplementary question?

Senator Averil Power: If the Acting Chairman is finished embarrassing people in the Visitors Gallery. I thank the Minister of State for his response. He referred to the tourist kiosk, which typifies everything that is wrong and the point I am trying to make. The tourist kiosk is an 8 ft. by 8 ft. prefabricated container. Fingal County Council wanted to install this temporary

building at the front of the harbour because the previous tourist office was way down at the bottom and tourists did not see it when they came out of the DART station. Even though there was tonnes of space at the front of the harbour where this could be temporarily located, it took months to get approval from the Department of Agriculture, Food and the Marine. There was all kinds of wrangling. Council officials were pulling their hair out because they were paying for all of the works. They had the building and they were paying for the works, but they could not get approval from the Department to go ahead and do the works. We had missed much of the start of the tourism season by the time the approval was finally put in place, which is typical. Letters were going back and forth from the Chief State Solicitor. I do not know what the cost of all of the stuff that was going on was., but it certainly cost more than the cost of the 8 ft. by 8 ft. container. The whole thing was just ridiculous.

The Minister of State referred to the user forum, which I accept is in place. The reality on the ground, however, is that people do not consider the Department to be very co-operative in terms of being proactive and wanting to do new things in Howth. That is the difficulty. It is a real problem. If the Minister of State or the Minister, Deputy Coveney, were to consult any of the interested groups in Howth - I ask them to do so - they would get the same message. The same thing happened in the case of the sea scouts. The Department wanted to rack up their rent massively, which would have pushed them out of their current facility. We had to argue over that for the best part of a year, just as we did in the case of the kiosk. Everything seems to involve a row.

I accept the point the Minister of State made about the various events that have taken place in Howth. The Asgard celebration was fantastic, as are the other festivals we have locally. I know from the groups that organise these events every year that they endure a crazy degree of hassle to get approval. I am talking about people who volunteer their own time in addition to running their own businesses locally. It seems to them that the whole process is designed to discourage people from doing things. There is a lack of productivity. I think there is incredible potential there. I ask the Minister of State to convey this message to the Minister, Deputy Coveney. There is goodwill on the ground from local businesses, community groups and clubs like the yacht club.

I would like to mention another issue that shows how small the thinking is. I understand the proposal the Department made with regard to paid parking has been parked, to use an unfortunate phrase. The proposal to introduce paid parking in the harbour would not have covered its costs.

Acting Chairman (Senator Marie Moloney): This is a very long supplementary question.

Senator Averil Power: It would have lost money. It was actually a really negative thing. There was no proper consultation in that case. The whole framework for how the harbour is managed needs to change. I hope the Minister of State will take this up with the Minister, Deputy Coveney.

Deputy Tom Hayes: It should never be the thrust of the Department to stop people from undertaking development. There are always reasons. I do not know the reasons in this case. I will have a chat with the officials. It is a two-way process. As public representatives, people often come to us to complain about how long the public service is taking to do something. There are always procedures to be followed. If the procedures are not being followed, that is a

16 October 2014

different issue. I would not like to stand over a situation in which locals are frustrated. In most instances, they are voluntarily trying to do good things to help the community, to boost employment creation and develop the tourism industry in their local areas. I will talk to the Minister, Deputy Coveney, about this matter before responding to the Senator. If what she says is true, I think we need to address the issue. I am not saying anything for definite. We will discuss it with the officials and see what the situation is.

Senator Averil Power: delete

Seaweed Harvesting

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire Stáit. I thank the Minister of State, Deputy Coffey, for coming to the House. I know it was a bit of a challenge for him to get here because the previous debate finished early. I appreciate him coming in.

I previously raised the issue I am raising when the Minister, Deputy Jan O'Sullivan, held the position now held by the Minister of State. A delegation of Members of the Oireachtas from Galway West discussed the seaweed harvesting licensing regime with the then Minister at that time. There are many facets to this issue. Seaweed harvesting is an integral part of community life in Connemara and other parts of County Galway, County Mayo, County Donegal and along the west coast. Many people harvest seaweed to supplement their income. In days gone by, they would have done it to survive. Seaweed is used for agricultural reasons and is sold to certain producers. One of the largest processing companies in the State, Arramara Teoranta, which used to be owned by the State under the auspices of Údarás na Gaeltacha, was recently sold to a Canadian company, Acadian Seaplants. We hope the industry can develop and flourish under this and other companies.

New information on the licensing regime with regard to the cutting of seaweed has come to light in the past year or so. We understand the current law in this area is in place under the Foreshore Act 1933. Although people should technically have been applying for licences, that regime was not really enforced until quite recently. I was recently involved in a debate on Raidió na Gaeltachta with an eminent senior counsel, during which we discussed all the different ramifications of the legal scenario. I am sure the Department is aware of them. If there are pertinent rights on somebody's folio to the effect that they are allowed to cut seaweed, does that give them the right to continue to do so under the new regime? I understand that the officials from the Department of the Environment, Community and Local Government who met us previously in the company of the then Minister, Deputy Jan O'Sullivan, are working on the new foreshore legislation.

A public meeting was held in Connemara last night because the local community wanted to discuss the exact intentions of a company that is applying for a blanket licence that would extend across a large section of shore in County Galway. It is of serious concern to many seaweed harvesters that some bigger companies are applying for these blanket licences. We know that before Údarás na Gaeltacha sold Arramara Teoranta, it was beginning to apply for a licence from Loop Head in County Clare to Belmullet in County Mayo. There were concerns about the impact that would have on the local seaweed harvesters. The harvesters have organised public meetings locally to express their concerns about its implications for them. They are concerned about whether they would be able to continue to operate under the auspices of a company that might be given such a licence. Would such a company dictate the price they would receive, the

times when they could cut seaweed, or the amount of seaweed they could cut? Would they have much of a say in the industry?

One of the models I have been proposing is still worth looking at. I would have proposed it to the Minister, Deputy Jan O'Sullivan, previously. Perhaps the seaweed harvesters could come together as part of some type of fair trade scenario, for example, by setting up a co-operative or something like that. Such a move would allow them to negotiate with the different processors in the industry as a group. They would not have to depend on a particular company to buy their seaweed. They would be able to negotiate a good rate and good conditions for the work they are doing. As we all know, it is very hard work. Not everybody would be able for it or is interested in doing it. Perhaps it was not clear for a little while after the Government reshuffle took place which Minister of State had been given responsibility for this area. I now understand that the Minister of State, Deputy Coffey, is responsible for it. I am glad he is in this role. As a man who lives close enough to the coast, I know he will be able to clarify this. I am not familiar with the current state of the seaweed harvesting industry in County Waterford.

People might say this is not a huge issue on a national scale, but it is in Connemara and many other coastal and rural areas. It is seen very much as a traditional thing. There are issues around the legality of the licences. What rights are enjoyed by someone who has a folio and has permanent rights on their portfolio? Do those who have always cut seaweed have squatters' rights? The senior counsel with whom I discussed this issue in the media last Monday tended to think that a case could be taken by somebody who can prove they have cut and sold seaweed on a regular basis over a number of years on a particular stretch of the foreshore. It is possible that they would have rights as well. I hope the Minister of State can clarify that for us. Can he tell us when the new foreshore Bill will come forward? What are his plans for that Bill? How does he intend to make sure the seaweed harvesters, in particular, are protected during the whole process?

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I am happy to clarify this matter for the Senator. Ireland's foreshore is a national asset. It is essential that any activity or development on the foreshore takes account of the need to protect it. The principal legislation governing the use of foreshore is the Foreshore Act 1933. It is widely acknowledged that reform of this legislation is needed. The Government is determined to bring forward a modern regulatory regime that harnesses the potential of our marine environment while protecting the resource. To that end, last year it approved the drafting of a maritime area and foreshore (amendment) Bill and published the general scheme of the Bill. The Joint Committee on the Environment, Culture and the Gaeltacht considered the general scheme in November 2013 and issued its report earlier this year.

Drafting of the Bill is ongoing with a view to its publication during the current Oireachtas session. In brief, it is intended that the Bill will streamline the consent process by aligning the foreshore system with the planning system, reducing duplication between the processes, with consequential benefits for economic activity.

The Senator is concerned about the issue of seaweed harvesting in the context of the proposed Bill. However, the foreshore consent process has a much broader reach and is used to regulate a wide variety of development, both public and private. Such development often involves important and necessary infrastructure including telecommunication cables, offshore renewable energy installations and wastewater treatment plants. Developments such as these are important both from a socio-economic and environmental perspective. It is simply not realistic

16 October 2014

to place consideration of such applications on hold pending the enactment of new legislation. The Bill has not been published yet and enactment is, therefore, some time away. While the specific issue of seaweed harvesting is currently under review in the context of the Bill, I do not consider it appropriate to single out seaweed harvesting for special treatment in this regard.

I also want to clarify that under the provisions of the legislation I am obliged to make a determination on all applications for consent that fall within my statutory responsibility. My Department will, therefore, continue to process applications under the terms of the current Foreshore Act.

Regarding the small number of applications currently with the Department for seaweed harvesting, each will be assessed in the context of the relevant regulatory framework, including obligations that arise under EU birds and habitats legislation. The process will include a public consultation phase for each application. I urge anyone with an interest to make their views known as part of those processes.

Senator Trevor Ó Clochartaigh: Interestingly, since 1933 we have had the Foreshore Act and the licensing regime has not been policed that quickly in the interim. In fact, in the past year or so we have seen an acceleration of applications coming through. I take on board the point made about the need to continue but at the same time surely the Minister is putting the cart before the horse. Would we not be better off waiting for the Act to be fully in place and debated, and the licensing regime overhauled, before issuing licences?

I understand that the public consultation phase is 21 days and that there are six or seven applications on the Minister's desk awaiting decision. As he has said, they could be put out to public consultation any time now. The public consultation phase allows between three to four weeks for people to make a submission. Is he telling me that the applications on his desk could be processed between now and Christmas and that people need to be on their toes if they have an issue with the licences being granted?

Deputy Paudie Coffey: We all acknowledge the need to reform this particular Act. There will be an indepth opportunity for the Senator and all his colleagues, when the Bill is published, to engage in debate and put forward views and, if necessary, amendments. Those views will be welcome and we can debate them at that time. For the moment, we await the Bill. The commitment has been made to bring it to the Houses of the Oireachtas in the current Oireachtas term and I think that will happen.

I shall reiterate what I said about the current number of applications with the Department. Each of them will be assessed in the context of the relevant regulatory framework. We have obligations under the EU birds and habitats legislation. All I can say to reassure the Senator is that the process will include a public consultation phase for each application and we would welcome anybody with an interest to make their views known during that process. I thank the Senator.

The Seanad adjourned at 12.35 p.m until 2.30 p.m. on Tuesday, 21 October 2014.