



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 05 Samhain 2014

Wednesday, 05 November 2014

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

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

The need for the Minister for Health to address the fears expressed by staff and residents about long-term proposals for Crooksling Hospital, Brittas, County Dublin, which is a high-dependency residential unit with a day-care facility for older people and is highly valued in the local community.

I have also received notice from Senator John Whelan of the following matter:

The need for the Minister for Health to confirm his Department's and the HSE's commitment to the future investment of €13.5 million in St. Vincent's community hospital in Mountmellick, County Laois, in order to underpin and enhance its facilities and services, and to prepare it for HIQA compliance on a phased basis to secure it as a 100-plus bed unit in elderly care.

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

The need for the Minister for Education and Skills to make a statement on the programme for Government commitment to deliver a technological university for the south east, the process involved, the costs associated with the process to date and the formal withdrawal of WIT from the process; and the steps he will take to break the logjam and continue the delivery of a multi-campus university for the region.

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, statements on Irish Water, to be taken at 11.45, with the contribution of all Senators not to exceed five minutes and the Minister to be called on to reply to the debate no later than 1.50 p.m.; No. 2, Criminal Justice (Terrorist Offences) (Amendment) Bill 2014 - Committee and Remaining Stages, to be taken at 2.30 p.m.; No. 3, Criminal Justice (Mutual Assistance) Bill 2014 - Committee and Remaining Stages, to be taken on the conclusion of No. 2; and No. 56, motion No. 10, Private Members' business, to be taken on the conclusion of No. 3, with the time allocated to this debate not to exceed two hours.

Senator Darragh O'Brien: I propose an amendment to the Order of Business that motion 11 be taken before No. 1. That motion states: "That Seanad Éireann requests the Government to initiate legislation to provide for a constitutional referendum to enshrine the ownership of Irish Water to the Irish people in perpetuity." One of the major issues with regard to the management of water charging has been the manner in which Irish Water is set up as a subsidiary of Bord Gáis Éireann. Effectively the sole shareholder in that is the Minister for the Environment, Community and Local Government and the equivalent Minister in any future government. He or she will be that shareholder and there is nothing to prevent the Government or any future Government from-----

An Cathaoirleach: For clarification, it is No. 56, motion 11.

Senator Darragh O'Brien: It is No. 56, motion 11. There is nothing to prevent any Minister with responsibility for the environment from selling Irish Water. Water is not a utility that can be just sold; it is owned by the Irish people. That should be enshrined in the Constitution. The Taoiseach has mentioned his intention to introduce legislation on this, which he believes will strengthen -----

Senator Paul Coghlan: We already have some.

An Cathaoirleach: Senator O'Brien without interruption.

Senator Darragh O'Brien: The problem with primary legislation is that it can be changed by any future Government. If legislation was introduced stating that a majority of two thirds of the Dáil and Seanad was required to vote for the privatisation of Irish Water, that can be changed by legislation should some Government in the future decide to sell Irish Water. This is not a political point to be made, it is a fact, but the concerns of thousands upon thousands of people do not relate solely to the charges but to the structure in which Irish Water has been set up and the fact that it is set up in such a way that in the future it could be privatised. It is not ours to sell.

Water is a resource of the Irish people. Something as fundamental as a right to water should be enshrined in Bunreacht na hÉireann. Next March, there will be a series of referenda on points that have come through the Constitutional Convention. I welcome that. Three referenda are planned. There is nothing whatsoever to stop this Government, to clear any doubt over this issue, from having a fourth referendum on that day. That fourth referendum would be to put the question to the Irish people that Irish Water and the water resource in this country stays in the ownership of the Irish people in perpetuity. That is what I propose today by way of an amendment to the Order of Business and that while we have the Minister, Deputy Kelly, here

that, as part of the debate, one hour would be set aside for this specific issue. I urgently call and urge those on all sides of the House to support this. The Seanad will have stood up and done something real in this regard and will put it to the Dáil to initiate legislation. The Seanad cannot initiate legislation, unfortunately, to initiate a referendum. What we can do is speak very strongly as one, as the upper Chamber of the Oireachtas, and say that this is what we want, that we want to ensure that water is owned in perpetuity by the Irish people and can never be sold off to private interests.

Senator Aileen Hayden: I wish to start by commending Ruhama, an organisation that deals with women who are involved in prostitution, and congratulate it for its excellent work. It dealt last year with 305 women from 36 countries who have been affected by prostitution. Of those 305 women, 83 were trafficked into Ireland. It is the lowest form of reprehensibility to see women in this country treated in this way. Ruhama has called for us to change the law urgently, to criminalise the purchase of sex -----

Senator David Norris: Rubbish.

Senator Aileen Hayden: ----- and that is something this House has many times debated.

Senator David Norris: But not very honestly.

Senator Aileen Hayden: Could we have an update on where we stand in relation to that particular proposal and, if necessary, a further debate in relation to the Turn Off the Red Light campaign?

Today Bank of Ireland announced that it had repossessed just over 300 homes from their owners in the first half of this year and another 300, there or thereabouts, buy-to-let properties. It is a matter of urgency that while we are all applauding the performance of the Irish economy -----

Senator Darragh O'Brien: We are not.

Senator Aileen Hayden: ----- and the 4.7% growth announced yesterday, there are many people who are not feeling the benefit of this uplift whatsoever. Many of those people who are at the coal face of repossession are perhaps the most vulnerable. There are those who have experienced homelessness as a result of having their homes repossessed. I ask that we have an urgent debate in this House on the issue of repossessions and in particular to discuss the report of the joint Oireachtas committee on finance -----

Senator Darragh O'Brien: I remind the Senator that she voted for the Land Law Reform and Conveyancing Act 2009.

Senator Aileen Hayden: ----- on the mortgage market and some of the measures it has proposed -----

An Cathaoirleach: Senator Hayden, without interruption.

Senator Darragh O'Brien: ----- which made it easier to repossess homes -----

An Cathaoirleach: Senator Hayden without interruption, please.

Senator Darragh O'Brien: ----- and for a watered down code of conduct on mortgage arrears -----

An Cathaoirleach: Senator O'Brien, please. Senator Hayden, without interruption.

Senator Darragh O'Brien: ----- and she opposed the family home Bill as well -----

An Cathaoirleach: Senator, please.

Senator Darragh O'Brien: She can call for debate but she had opportunities to do something about it and her Government has made these reforms.

An Cathaoirleach: Senator O'Brien, please allow Senator Hayden speak without interruption.

Senator Aileen Hayden: No disrespect to the Senator, but there is a joint Oireachtas committee report on mortgage lending which was signed up to by all of the political parties involved in that committee, including that of the Senator. There are many excellent recommendations in that report and it deserves to be debated in this House. There are many issues that we would all agree, across the House, across party, and I do not think this should be consistently regarded by Senator O'Brien as a party-political issue.

Senator Darragh O'Brien: No, it is a fact that the Senator -----

An Cathaoirleach: Senator Hayden without interruption, please. Senator O'Brien, you have spoken already.

(Interruptions).

Senator Aileen Hayden: The code on mortgage arrears is set by the Central Bank, which is -----

Senator Darragh O'Brien: Sorry, but you -----

An Cathaoirleach: Senator O'Brien, please.

Senator Aileen Hayden: Does the Senator have an issue with the truth?

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

Senator Aileen Hayden: I have asked -----

Senator Darragh O'Brien: The Senator has done nothing about it in the Seanad.

Senator Aileen Hayden: I have asked the Leader for a debate on the joint Oireachtas committee's report on mortgage arrears and the recommendations that committee has made in relation to some serious changes that could be made both to the code of conduct on mortgage arrears and to setting up an independent service to assist all mortgagees - not just the ones from AIB and EBS but all mortgage holders - to get independent advice and not to be at the mercy of individual banks. I am asking the Leader that we have that debate as a matter of urgency.

I welcome Deputy O'Sullivan's intervention to help unblock the process in relation to the merger between the Waterford and Cork institutes of technology to pave the way for a technological university in the south east. We are all well aware of the serious needs -----

An Cathaoirleach: Senator, you are way over time.

Senator Aileen Hayden: I would not be over time, if you do not mind, a Chathaoirligh, if I was not being constantly interrupted by my friend over there.

An Cathaoirleach: Senator, you are way over time now.

Senator Aileen Hayden: It is a matter of critical importance for the future of third level education in this country and there is plenty of evidence that the south east is suffering economically. The presence of a third level institution would help.

An Cathaoirleach: I call Senator Norris.

Senator David Norris: First of all, I would like to second the amendment to the Order of Business moved by my colleague and friend, Senator O'Brien. I think it is quite extraordinary that Seanad Éireann cannot propose legislation for a referendum. This is one of the things that needs to be looked at. If there was ever a chamber, a reflective chamber, that was appropriate to the proposal for referenda, it is this Chamber rather than the parties-driven Dáil.

Senator Darragh O'Brien: Hear, hear.

Senator David Norris: I hope that in the forthcoming months, in the run-up to the next general election, there will be a commitment by all parties to a real and exhaustive examination of possibilities for reforming the Senate including allowing intervention with regard to financial matters and referenda.

I would like also to take up this business of Ruhama and Turn Off the Red Light. It is time this kind of nonsense was really honestly addressed. The situation in the North of Ireland is that legislation has recently been passed up there. An examination was carried out by Queen's University Belfast on this issue. It showed that despite the puppeteering going on by this middle class collection of ex-nuns and radical feminists, 98% of the women for whom voices are being articulated by this self-appointed group are opposed completely to it. They constitute 90% of the women working in this area. The Nordic experience is that prostitution is creeping back onto the street. The police are against it by and large. Everybody realises that it is going to be inoperable and ineffective and will lead to serious risks to the lives and welfare of the women and men involved in the sex business. Yes, prostitution is messy. It is regrettable, but it is a fact of life ----

Senator Aileen Hayden: On a point of information.

An Cathaoirleach: Senator Hayden, there is no such thing.

Senator Aileen Hayden: I have to totally object to what Senator Norris is saying.

An Cathaoirleach: Senator, please resume your seat.

Senator Aileen Hayden: He is suggesting that women choose prostitution like they would choose to be an accountant.

Senator David Norris: Could the Senator interrupt a little more clearly? I could not hear what she said.

Senator Aileen Hayden: That is disrespectful.

Senator David Norris: I could not hear what you said.

An Cathaoirleach: Senator, through the Chair.

Senator Aileen Hayden: You are suggesting that women choose prostitution like they choose to be doctors or accountants -----

An Cathaoirleach: Senator, resume your seat please.

Senator David Norris: Read yesterday's edition of *The Irish Times*.

An Cathaoirleach: Senator Norris, please.

Senator Aileen Hayden: It is an outrageous -----

An Cathaoirleach: Senator Norris, please.

Senator David Norris: Thank you, a Chathaoirligh. I am suggesting that a group of middle-class people are pushing an agenda without actually realising what the situation on the ground is. Prostitution has been here forever. It may very well be regrettable but the Senator needs to face the facts and this needs to be operated in a way that looks after the welfare, the health and the safety and security -----

Senator Aileen Hayden: Is Senator Norris suggesting-----

An Cathaoirleach: Senator Hayden, please.

Senator David Norris: -----of the women and the men involved in this and not in this academic approach-----

Senator Aileen Hayden: I am sorry but I cannot let that go.

Senator David Norris: You have to. Let us have a debate and we can all have our views on it.

Senator Paul Coughlan: No one wants to see Irish Water sold and I take on board many of the points made by Senator O'Brien. There is existing legislation and many issues to be examined. I am not stating the Senator is right or wrong. I do not think any of us can at this point be definitive, but I do not think we should rush into it. Senator Norris made a point on this being a reflective Chamber. On this issue we need to reflect a little.

Senator Darragh O'Brien: We have a lot of reflection to do.

Senator Paul Coughlan: I am not procrastinating, but I am opposed to rushing into anything.

Senator David Cullinane: We are looking for clarity.

Senator Paul Coughlan: What Senator Cullinane thinks might be clarity today might not be tomorrow, with respect.

Senator David Cullinane: You might want to sell it off tomorrow.

Senator Paul Coughlan: Senator Cullinane should look at what his leader said at the beginning and what he is saying now. We are all in solidarity with people who genuinely cannot afford to pay. There will be a scheme, whether a waiver or whatever, for these people. I accept

what Senator O'Brien stated, namely, that everybody wants to do the right thing. I want to see this being a reflective Chamber. I want to see us doing the right thing.

Senator Darragh O'Brien: Have a referendum.

Senator Paul Coghlan: I just do not think we can say definitively now what the right approach is.

Senator Darragh O'Brien: That is the right approach.

Senator Paul Coghlan: We need to examine things.

Senator Darragh O'Brien: Provide clarity, please.

Senator Paul Coghlan: Pause a while on this. We will examine it. We will have a debate later today-----

Senator Darragh O'Brien: Make it meaningful by passing the motion.

Senator Paul Coghlan: -----and perhaps some good suggestions will come forward. I appeal to Senators to reflect and give it a little time rather than rushing to a vote willy-nilly.

Senator Terry Leyden: As far as a referendum is concerned, and it is a matter to be considered later, those drafting it had better be aware that Veolia, which has major investments in water in this country, has already privatised part of the water system. In 2010 it was awarded a 20-year contract to design, build and operate Greystones wastewater treatment facility. Its largest municipal contract in Ireland is the Clareville drinking water treatment plant. It has water collection operations in Roscommon. It operates from Kilkenny and has offices in Sligo, Galway and Roscommon. Somebody tell me how we can have a referendum now on contracts already granted for more than 20 years. Would Veolia be excluded from a referendum or would its contracts be torn up in this regard?

Senator Colm Burke: They are also investments.

Senator Terry Leyden: Be very well aware that contracts have been entered into with a private multinational company, Veolia, which now operates throughout the length and breadth of Ireland in treatment plants for water and sewerage. Let us get real about this. Privatisation has already taken place. I have no problem with referendums, but if one is drafted be very conscious of the fact there will be a constitutional-----

Senator Maurice Cummins: Tell Senator O'Brien-----

An Cathaoirleach: Senator Leyden without interruption please.

Senator Terry Leyden: I am informing the House of the realities of life with regard to a constitutional referendum. I support my colleague, Senator O'Brien, on a referendum, but there are private schemes in Glinsk and Oran in my area and in a sense they are in community ownership. Would these water schemes have to be taken back into public ownership or would they be excluded from operating these schemes? Bear in mind it is not a simplistic question. I just want to bring this to the attention of the House, based on my experience in both Houses and in dealing with Veolia, which is a very demanding operator-----

Senator Paul Coghlan: That is why we must examine it further.

Senator Terry Leyden: Of course we will examine it, but I am alerting my colleagues to the fact that whatever constitutional amendment is drafted it will have to exclude those companies operating at present which have privatised supplies in various parts of the countryside, including Roscommon. I am aware of this information and I would not by carrying out my responsibilities if I did not bring them to the attention of the House. I have very detailed analysis on the amount of water being treated by Veolia in Ireland at present and I will bring it to the attention of the media today.

Senator Lorraine Higgins: I wish to raise an issue relating to how medical cards are awarded to people in this country. Like many of my Oireachtas colleagues, time after time people come to my clinic with illnesses so grave that it beggars belief they do not satisfy the requirements for a discretionary card if they fail under other criteria. Numerous people have contacted me about the fact their cards have been taken from them. Recently I discovered that under Regulation (EEC) No. 1408/71 pensioners have an automatic entitlement to a non-means tested medical card if they are in receipt of a social security pension from another EU state or Switzerland and one is not subject to PRSI for earnings if one is not employed or self-employed in Ireland. If one has never contributed to the Irish social welfare system in any way one is automatically entitled to a non-means tested medical card, while those who have contributed are not. There is something fundamentally wrong with this and we must address it. It is why I want the Minister for Health to come to the Seanad to debate the issue and clarify what he will do to level the playing field in this regard.

Senator Feargal Quinn: Yesterday a number of Senators raised the problem of diesel laundering in Border counties. The system we have does not work and we must do something about it. That part of the country is almost like mafia territory. The Revenue Commissioners estimate 150 filling stations do not obey the law and use fuel with a dye in it. We were told the new dye would work and that it would be impossible to remove, but clearly it is not working.

We need to find a different system to overcome this problem. I do not know what the answer is, but it has been suggested the Government should register and provide fuel free of dye to farmers and have them seek a rebate. This cannot be done on this side of the Border only; we must also get the North and Britain to do it. There is an answer, which is to do away with the dye in the fuel because it is making it far too easy to engage in diesel laundering. Once the dye is in the fuel it encourages the mafia-type behaviour taking place. We must do something about it. We have seen the amount of criminality taking place and the answer is in our own hands. We must not leave it in the hands of those gangsters, who use it at an estimated cost of €10 million per year to the Exchequer. We can do something about it.

Senator Michael Comiskey: I welcome the visit over recent days of the Minister for Agriculture, Food and the Marine, Deputy Coveney, to China. Yesterday he hosted a dairy conference. China imported €270 million worth of dairy products from Ireland in 2013. With our dairy targets set to increase by 50% in the coming years, it is crucial that we have more and more exports to countries such as China. There is also a market for beef, as China imports 5.6 million tonnes of beef annually. We have had our own problems in the beef sector in recent months. I hope with these new markets the price for beef here will increase. Joining the Minister on his trip to China are 37 companies, which in turn will create more and more jobs here, which I welcome.

Senator David Cullinane: I welcome the fact we will have statements on water services today and that the Leader listened to us and arranged the debate, which is important. I hope all

Senators will be able to contribute to the debate, and I will not table an amendment to the Order of Business as the Leader signalled yesterday he wants this to happen. People will raise many issues and disagree on various aspects of water services and charges.

11 o'clock

That is where we are politically, but the one point about which, given people's comments, there seems to be agreement is that water should remain under public ownership and not be sold. If we are genuine in this, I do not know why we cannot support the proposal tabled by Fianna Fáil Members today. A similar Private Members' Bill has been introduced in the Dáil by Sinn Féin and will be debated in three weeks' time. If we are serious about ensuring that our water services cannot be sold, what is the problem with saying so in the Constitution? In that way, only the people of the State could give permission for water services to be sold.

People want certainty, but there has been far too much confusion and too many mistakes have been made. Let us not add to the confusion further. I am sure that Government Senators will not support the amendment to the Order of Business, but they will have time to reflect in the coming weeks. If they want to ensure that water services remain in public ownership, they need to make proposals that satisfy people about that. We will disagree on charges and so forth, but I hope that we can reach an accommodation on the fundamental issue of water's ownership. I will support the proposed amendment to the Order of Business as well as the Bill that has been tabled by Fianna Fáil.

Senator Denis Landy: I wish to raise an issue that faces everyone in the Chamber regardless of whether we like it, namely, death. One of the most difficult actions taken during the reduction in budgets was the removal of the bereavement grant of €850, which took effect on 1 January 2014. The consequence for families trying to bury loved ones has proven difficult. It has also proven difficult for undertakers, particularly those in rural areas who are embedded in their communities. Indeed, many are also local public representatives. The quality of coffin used by undertakers has diminished radically. Most are imported. People are losing jobs across the country because families cannot afford to buy good quality Irish coffins. The cost to the Exchequer of replacing the bereavement grant in the next budget would be minimal in the overall context. At this early point in our preparations for the 2016 budget, will the Leader bring this matter to the attention of the Tánaiste and Minister for Social Protection? It has come to my attention that the matter has upset people to no end. Families in probate situations do not have money. Undertakers are doing their best. Something that we in Ireland always try to do is bury our dead properly, but some families are being denied this opportunity.

Senator Denis O'Donovan: I support my leader's call for a referendum on protecting the right to water. The difficulty for the country and successive Governments is that the public does not trust Governments or what they do. According to Senator Paul Coughlan, it is already the law that we cannot sell Irish Water, but it is not sufficient merely to have a legislative provision.

Senator Paul Coughlan: It should be strengthened.

Senator Denis O'Donovan: A minimum requirement of two thirds of the Dáil and two thirds of the Seanad to override that provision should be enshrined in the Constitution. This should be our aim.

I thank the Leader for his response yesterday - unfortunately, I was attending another meeting - to my call for the Minister for Agriculture, Food and the Marine, Deputy Coveney, to at-

tend the House to debate the farming and fishing industries. Even though we had a benign year in weather terms, I am concerned by the plight of inshore fishermen. I am referring to smaller fishermen, most of whom use open boats and fish during the summer for lobster and pollock and fish for shrimp and dredge for scallop during the winter. It is tough work. Many are family people trying to eke out a living.

It has come to my notice that the Sea-Fisheries Protection Authority has applied strict criteria on the contamination of various fish stocks. In some respects, this is to be welcomed. However, the criteria applied to scallop are so severe that fishermen may not be able to fish them at all. Many who sent scallop to dealers last year were never paid because they failed a test. The test is different in France and Spain. The scientists should recognise that attached to the main body of the scallop that we eat is a little gut. This is the part that is contaminated, not the meat of the scallop itself. I will not move an amendment to the Order of Business on this matter, but will the Leader ask the Minister to consider how to reach out to these underprivileged and deprived inshore fishermen with small boats who are trying to raise families and make an honest living? I know from my own experience with fishermen that it is tough work. Raising the bar year on year will wipe out their livelihoods. We should reflect on this matter. Perhaps it could be encompassed in the debate the Minister is to take in the House.

Senator Colm Burke: I would have no difficulty with holding a referendum on Irish Water. As to Senator Leyden's comments, a 20-year contract was given because there was an investment in infrastructure. To ensure a refund on that investment, it was necessary to have such a contract. There is no reason that this type of system could not continue even if a referendum was held to ensure that Irish Water's infrastructure was not sold. It is not a major problem. This is a democratic state, and if that is what people want, I see no reason not to have it.

I wish to discuss an issue that I have raised numerous times. I have tabled two Adjournment motions but, three years on, the mess is getting worse. I am referring to our court system. We have set up the Court of Appeal, which means that the amount of work passing through it and the Supreme Court will increase dramatically. The taxation of costs, that is, deciding what costs should be paid to the legal practitioners involved in successful cases, has not been addressed. We have a problem, in that there are only two Taxing Masters. This week, only one of those is sitting and adjudicating on costs for the entire court system. It is wrong that this matter has not been resolved. I made the simple proposal two years ago that a third Taxing Master should be appointed, but it was not accepted. I am repeating my call now. The appointment will have to be made. Currently, three judicial review proceedings concerning disputes with one of the Taxing Masters are going through the High Court.

An Cathaoirleach: The Senator has gone way over time.

Senator Colm Burke: This matter needs to be resolved. People are entitled to be paid for the work they do, particularly in the court system. Decisions on payment are being delayed for as much as four years.

Senator Paschal Mooney: I appreciated the Leader's response yesterday to my remarks about the ongoing saga of the long wave 252 transmitter. Earlier this morning, at the Joint Committee on Transport and Communications, I sought and received the unanimous backing of the committee for the newly appointed RTE board, which was announced by the Minister for Communications, Energy and Natural Resources, Deputy White, overnight, to reverse the decision to shut down the long wave 252 transmitter. The momentum has been building on this

issue over the past number of weeks to the point where it is now a major issue for the Irish in Britain and also for those who are concerned about the transmitter in Meath, which was upgraded in 2007 and can be fully digitised. There are no technical reasons RTE should shut down this transmitter. It has not even answered the question as to what it will do with it if it shuts it down.

I congratulate the newly appointed chairperson designate of the RTE board, Moya Doherty of Riverdance fame. For the record, Moya Doherty and I go back a long way. She worked as my production assistant in the early 1980s in 2fm and she has done well since. She has done much better than I have.

Senator John Gilroy: The Senator gave her good training.

Senator Paschal Mooney: I thank Senator Gilroy for that kind thought. She certainly has more money than I have but she deserves every penny of it. She is a very talented and committed broadcaster. Her appointment will enhance considerably the status of RTE. I call on Moya and the newly appointed members, when they take their seats on the newly appointed RTE board, to reverse the decision by RTE management to shut this transmitter down, and they can do so.

I applaud the initiative of several hundred British MPs who passed a motion in the House of Commons yesterday to clarify what is the illegal practice of gender abortions in the United Kingdom - in other words, women seeking abortions because they do not like the gender of the baby - which is an appalling vista. This particular illegality is promoted by British Pregnancy Advisory Service, which advises on 60,000 abortions each year. Its leaflet states it is legal to do this. The British Medical Association is also very fuzzy in regard to whether it is legal but the British MPs who voted overwhelmingly yesterday to clarify the law say it is an illegal act to have a gender-based abortion. It opens up the appalling vista that there could be in this country if there was abortion on demand. I applaud the British MPs on their initiative.

Senator Pat O'Neill: I do not have a question for the Leader but want to address my matter to the Cathaoirleach. Will the Cathaoirleach ask Senator Mary Ann O'Brien who made a statement in the House yesterday under privilege to withdraw it in the House today? I will read what Senator Mary Ann O'Brien said in regard to a 238 year old bridge in the middle of the medieval city of Kilkenny.

An Cathaoirleach: That is yesterday's business. We are not dealing with yesterday's business today.

Senator Pat O'Neill: This must be corrected because Senator Mary Ann O'Brien said: "I am loth to say it but the fact is that corruption and brown envelopes are destroying one of the most beautiful cities in Europe." I was an elected representative on Kilkenny County Council and passed two county development plans, which approved this-----

An Cathaoirleach: The record of the House will show-----

Senator Pat O'Neill: I want Senator Mary Ann O'Brien to come to the House to correct the record because she-----

An Cathaoirleach: There was no allegation. It was a general-----

Senator Pat O'Neill: She made an allegation. She said it is a fact that corruption and brown envelopes are destroying-----

An Cathaoirleach: Against whom did she say it?

Senator Pat O'Neill: She said it against every council official in, and elected representative from, Kilkenny over the past 30 years.

An Cathaoirleach: I do not think she did.

Senator Maurice Cummins: I asked that it be referred to the Garda.

Senator Pat O'Neill: This has been-----

An Cathaoirleach: We are not discussing this issue. The Leader of the House said yesterday that it had been referred to the Garda.

Senator Pat O'Neill: This protest has cost Kilkenny County Council €1.2 million to date.

An Cathaoirleach: We are not discussing this issue.

Senator Pat O'Neill: There will have to be cutbacks in Kilkenny due to this protest. I ask that Senator Mary Ann O'Brien come to the House. If she has her facts right-----

Senator David Norris: A medieval city is being destroyed.

Senator Pat O'Neill: -----she should state outside the House who was involved in getting brown envelopes and what corruption was involved so that she will not be able to use privilege. It is important the record of this House is corrected.

An Cathaoirleach: The Leader of the House dealt with that issue yesterday.

Senator James Heffernan: While the proposal from Fianna Fáil this morning may be a bit of stunt, it is no harm that people are finally starting to listen. A number of people and high profile politicians seem to be jumping on the water charges band wagon. To hear the leader of Sinn Féin say that he will pay the charge one minute and say he will not pay it the next in solidarity with people is a bit of a joke. However, it is good that people have responded to these protests by ordinary people who are sick to the teeth of being made to pay for the mistakes of bankers and bad governance. Having said that, our water services are being put on a privatisation footing and I will support calls for a referendum to be put to the people. It is well within our rights and the people should decide who runs the water supply.

There is a bit of push to try to get people registered to vote in the upcoming referendums. I was given a letter from Limerick County Council and I ask the Leader if this approach is being taken by every county council when reviewing their registers of electors. The letter stated that it appears the person is no longer resident at the above address - take note that this letter arrives at an address at which the person is no longer living. It states that if the council does not hear from the person to the contrary within the next ten days, it will assume that is the case and will make arrangements to remove the person's name from the register of electors. This is madness. A letter can arrive to a place where a person is no longer living and the person is told he or she must respond in ten days or else he or she will be removed from the register. It is a complete mess. Is anyone taking responsibility for this?

I have seen electoral registers where some people have a vote in a number of different areas. I have come across instances where people who have been dead 20 years have been sent polling cards and yet people who move house are taken off the register without them knowing it. There

is utter confusion.

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

Senator James Heffernan: It is probably worthy of a debate at some stage. The register is not fit for purpose and it needs to be sorted out.

Senator Michael Mullins: I support what Senator Heffernan said. The register is not fit for purpose. There has been much controversy in recent times about PPS numbers.

(Interruptions).

Senator Michael Mullins: Linking the register of electors and people registering to vote with PPS numbers could possibly be a way to streamline it because there is no doubt with people moving house, flat or apartment quite often, many find themselves on the register in several locations.

I have no difficulty enshrining ownership of Irish Water in the Constitution but we need to tease it out and maybe get some legal advice on it. The issue raised by Senator Leyden probably casts some doubt on whether it is legally possible to do that. We need to copperfasten in as strong a way as possible the ownership of Irish Water to ensure it remains in the ownership of the people.

I renew a call I made recently for the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, to come to the House to give an update on the Action Plan for Jobs 2014. We should be really proud of the web summit as its success has given our country a major international boost. We would like to hear from the Minister how successful recent trade missions abroad have been. It is time he came to the House for a meaningful discussion on the Action Plan for Jobs.

Senator Thomas Byrne: I do not believe the Government will end up charging for this period of time at all. I do not believe I will pay because one of the principles of taxation, or one of Adam Smith's canons of taxation, is certainty of taxation. Under the Constitution, the Government must tell people what taxes they owe but it has not told us. Nobody knows and it is a complete shambles. The Government must do what Fianna Fáil has asked and suspend the water charges. I do not believe that anyone is under an obligation to pay water charges for October or November while this mess and shambles goes on.

Let us not forget that this is a shambolic Government. Once the troika left town and once the excuses that the Government had were over, it simply has not been able to run the country.

Senator Pat O'Neill: What is the growth rate at present? It is 4.7%.

Senator Thomas Byrne: Does the Senator want to know about the growth rate?

An Cathaoirleach: Senator Byrne, please, without interruption.

Senator Thomas Byrne: Does the Government side want to know about adding in prostitution and adding in illegal activities at the start of the year as the reason for economic growth? We can have a debate on that issue.

An Cathaoirleach: Senator Byrne, please, through the Chair.

Senator Pat O'Neill: It is €1 billion more in tax. Please, continue.

An Cathaoirleach: Senator Byrne, please, without interruption.

Senator Thomas Byrne: Thanks to calculating the income from prostitution, we have economic growth.

An Cathaoirleach: Senator Byrne, please, through the Chair.

Senator Thomas Byrne: This Government has made a shambles of it. There is no public support for Irish Water at the moment and I urge all Members not to wait for legal advice.

Senator David Cullinane: Hear, hear.

Senator Thomas Byrne: It is our duty to look at these motions and then vote on them in accordance with what we want. Let us forget about legal advice. There is nothing to stop us maintaining the ownership of Irish Water in the hands of the public. It is essential that everyone here does this. If Members vote against this motion today-----

Senator Michael Mullins: Senator Leyden seemed to think there was.

Senator Thomas Byrne: I am speaking, Senator.

An Cathaoirleach: Senator Byrne, please, without interruption.

Senator David Cullinane: Some Senators think if we say “pretty please”, things can be sorted.

Senator Thomas Byrne: If Members vote against this motion they are essentially supporting the privatisation of Irish Water.

Senator Pat O’Neill: Next it will be the ESB network.

Senator Thomas Byrne: We will not take any guff from the Taoiseach and his promises to tighten up the legislation. That is nonsense, as I said yesterday. We must have a referendum.

Senator David Cullinane: Hear, hear.

Senator Thomas Byrne: If Members support the maintaining of Irish Water and the maintaining of a healthy and safe water supply to the people, they must support this motion.

Senator Jim D’Arcy: I wish to comment briefly on the Irish Water issue. Can Senator Cullinane explain whether he was talking about all the water of Ireland or just water in the Twenty-six Counties?

Senator David Cullinane: All our rivers run free, even in the harbours.

Senator Jim D’Arcy: I fully agree with Senator Feargal Quinn’s comment about laundered diesel and both of us have raised the issue before. It is a bit like Italo Calvino’s story about the Argentine ants. Everyone has a solution for how to get rid of them but none of them works. As the Senator said, we must remove the dye from diesel and give VAT rebates. Unfortunately, the British Treasury is blocking such an initiative.

Senator David Cullinane: Hear, hear.

Senator Jim D’Arcy: I spoke to Mr. Danny Kennedy, who is the Minister for Regional De-

velopment in the North, and I know that diesel laundering is not a Northern issue but a Treasury one. We also need to raise the issue at the British-Irish Council. I have raised the matter with British parliamentarians, including very recently with Sir Roger Gale, and he said he will bring the matter to the attention of the British Treasury and George Osborne. We need to act fast.

Senator Fidelma Healy Eames: Bring him into the House.

Senator Jim D'Arcy: Laundered diesel has led to Revenue losing approximately €1 billion over the past five years. Coincidentally, that is the investment we need to make in Irish Water over the next two years and it would also more than pay for the A5 motorway. This is a very serious issue and I ask the relevant Minister to come into the House to give us an update on where we are at the moment.

Senator Marc MacSharry: In anticipation of a later debate on water, I shall not mention it. Senator Comiskey mentioned that the Minister for Agriculture, Food and the Marine is in China at present. I wish him well and hope he can make progress in broadening markets for Ireland, which clearly needs to be done. Not enough is being done in that regard in the Department, unlike the previous Secretary General who spent much time going around the world trying to broaden the markets available to Ireland.

I wish to refer specifically to the two weeks of talks, which in my view are superficial, that are taking place between the industry, representatives of the Minister and the farm organisations. Our focus has been incorrect in terms of dealing with the beef crisis. We need engagement directly from Government level with the European Commission, specifically with DG Enterprise and Industry and DG Competition, to change the rules that allow companies such as large multiples like Tesco and to a lesser extent large processors in Britain and Ireland to erect barriers to trade and impose anti-fair trade practices which prevent farmers in the South of Ireland from gaining a fair price for their produce. This right is enshrined in Article 39(b) of the Treaty on the Functioning of the European Union, and we as a Government, or this Parliament and its Government, have done nothing about enforcing it.

On one hand, it is good to see the Minister broadening our horizons in terms of seeking to open new markets. Engagement between all sectors of the industry is welcome. On the other hand, the talks are superficial window dressing. Both the Government and farming organisations, in terms of their leadership in negotiations with the multiples and processors, have done nothing in real terms to address the incomes of small farmers. I call on the Minister to make himself available to the House as soon as he returns to update us on these talks. I want him to tell us what tangible actions he will undertake to ensure fair trade exists once again on the islands of Britain and Ireland.

Senator Paul Bradford: Will the Leader request the Minister for Foreign Affairs and Trade to come to the House to discuss his ongoing efforts to assist the undocumented Irish in the United States? It is appropriate that the Government would renew its efforts because the political map of the United States changed very significantly last night due to a significant swing to the Republican Party, which means the Obama Presidency has come to an absolute end. President Obama has been completely neutralised and, therefore, political initiatives will come from the other side of the House.

It is also important that we all reflect on the fact that tens of millions of Irish Americans voted for the Republican Party last night and yesterday, as they have done so for many years. We

have a dewy-eyed vision in Irish politics sometimes that Irish America means the Democratic Party. Irish Americans think differently from the way we expect them to, however, and they vote in large numbers for the Republican Party. We must recognise that fact and build strong links with that party which is now the dominant party in the United States.

The immigration issue has been a significant problem for the past 25 years. The Kennedy Bill has been mentioned but a former US presidential candidate, Senator John McCain, was the man who pushed most strongly for the entitlement of Irish people to remain in the United States. Now we must renew our efforts, especially with the new US House of Representatives and Senate. I ask for the Minister to come to the Seanad to give an account of what the Government is doing. We must reflect seriously on the fact that the politics of the United States and of Irish America is significantly different from what some in this country wish it to be. We should acknowledge the new thinking among the Irish community in the United States.

Senator Fidelma Healy Eames: I wish to follow up on what Senator Bradford has said. Such a debate is worthy of consideration. In a way the vote is collapsing for the Democratic Party because President Obama has not been the Messiah people expected him to be based on all his original promises. Everyone needs to learn from that situation.

Will the Leader tell me when the Minister for Education and Skills will come to the House to debate statements on education? I do not believe she has debated the issue in the House. She may have been here to debate a Bill but not this issue.

I do not know whether people have noticed the number of international schools that have closed suddenly leaving students high and dry. Do we care about international foreign students? One would have to wonder whether we do because truly they have made complaints regularly to the Garda about their concerns. I have been told by a very reliable source that the Garda needs to start treating complaints from these students very seriously because they can see a pattern and doubt emerging in a school. These are our students. The message needs to go out internationally that students we take into this country have a right to learner protection within this State. We need to know whether such colleges are regulated and bonded in a secure enough manner to reassure families overseas when they hand their money over to the colleges. Many of these are very vulnerable students. I believe these people have been let down and I ask the Leader to respond to my query.

I support Senator MacSharry's call for the Minister for Agriculture, Food and the Marine to come to the House for a debate. We need to look at the way farmers are being manipulated by factory monopolies in this country in terms of the price of beef. I have met many of those farmers. Things have not got better despite the moves that seemed to have been made to make them better. I do not believe anything has really happened to protect farmers or give them a boost. In the UK, the same animal will get an additional €1 per kilo. This amounts to a difference of approximately €300 for the same animal, depending on whether it is processed in the UK. That facility is not available to the Irish farmer. There is something fundamentally wrong in this regard.

Senator Brian Ó Domhnaill: I support the call made by my colleague, Senator Darragh O'Brien, for legislation to be drafted to provide for a referendum to enshrine the entity known as Irish Water into the ownership of the Irish people. We are dealing with the supply of water, which can be defined as a public good or as a necessity. I am not sure whether it would be known as a public good in economic terms. According to the World Health Organization, for

the existence of human life an individual needs access to between 50 and 100 litres of water each day. In 2002, the United Nations prepared a document which outlined that water is a basic necessity for human life. If we accept that, surely we have to make sure the entity charged with drawing up a pricing policy and controlling this basic necessity for human life cannot be allowed to be sold. We cannot allow venture capitalists to come in with private equity to fund the resource or the company known as Irish Water. I know Sinn Féin has proposed this. If there are shareholders coming into a company, the shareholders are going to dictate the terms. They will seek profit, which will involve screwing the customers.

Senator David Cullinane: Senator Ó Domhnaill must be mixing us up with somebody else.

Senator Brian Ó Domhnaill: I am not.

Senator David Cullinane: Of course that is what the Senator is doing.

Senator Brian Ó Domhnaill: Senator Cullinane should read his party's document.

Senator David Cullinane: What document is the Senator referring to?

An Cathaoirleach: Senator Ó Domhnaill, without interruption.

Senator David Cullinane: He is talking nonsense again.

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

Senator Brian Ó Domhnaill: We are having a debate today on Irish Water. If all Senators in this House look into their own hearts, I am sure they will find they do not want a Chinese investor, an American billionaire or someone from the Asian stock market running and controlling water, which is a finite resource and is a basic necessity for human life. That is what is going to happen here, whether we like it or not. My core belief is that Irish Water as an entity should be disbanded forthwith.

An Cathaoirleach: The Senator can make those points during today's debate.

Senator Brian Ó Domhnaill: It is not fit for purpose. We can discuss this matter during the debate.

Senator David Cullinane: The Senator is making it up as he goes along.

Senator Brian Ó Domhnaill: The Senator's party is looking for private investment.

Senator Maurice Cummins: Senator Darragh O'Brien has proposed an amendment to the Order of Business calling for legislation to be introduced to provide for a referendum on Irish Water. I do not doubt that water is a resource of the Irish people. I do not think there is any doubt about that. The Taoiseach has stated on the record that the Government has no intention of privatising Irish Water in any way. The Opposition has no such intention either.

Senator Fidelma Healy Eames: That does not prevent it from happening in the future.

Senator Maurice Cummins: I do not think the Labour Party, Fianna Fáil or Sinn Féin have any intention of privatising the water supply. The Government is still preparing a package of reforms on water. The Taoiseach stated yesterday that his preference would be to strengthen

the existing legislation that already prevents the privatisation of Irish Water. I think we should wait and spend a little time in advance of next week considering the Government's stance on the matter. It is preparing to strengthen the existing legislation, which already prevents the privatisation of Irish Water. Perhaps Senator Darragh O'Brien can wait and raise the matter again next week-----

Senator Darragh O'Brien: No.

Senator Maurice Cummins: -----if he feels that what the Taoiseach and the Government have come up with is not strong enough. I ask the Senator to postpone any move, given that we are having a debate on Irish Water today and in light of the fact that the Government will clarify its stance on many issues next week.

Senators Hayden and Norris expressed significantly differing views on Ruhama, which certainly does a great deal of good work to help women in both jurisdictions - in Northern Ireland and here in Ireland. Obviously, the Senators do not agree. They have different views on Ruhama.

Senator Hayden also called for a debate on the Oireachtas committee report on mortgage lending. I will certainly try to facilitate such a debate.

Senator Hayden also commented on the question of a technological university being established in the south east. I understand that Senator Cullinane has an Adjournment matter today on that matter, which will certainly bring clarity. There is a pressing need for a university in the south east. It is Government policy. I am sure the Minister will give a full reply to Senator Cullinane this evening.

Senator Coghlan urged us to take a *festina lente* approach to the matter of a referendum on Irish Water. He said we should reflect and hasten slowly. Senator Leyden pointed out that private companies are providing services for water treatment plants, etc.

I remind Senator Higgins, who spoke about medical cards, that we had a debate with the Minister for Health yesterday. The Minister gave clarity on many issues that were raised by Senators yesterday.

Senators Quinn and Jim D'Arcy spoke about the issue of diesel laundering, which was also raised by Senator Darragh O'Brien yesterday. Great strides have been made in this regard as a result of the great co-operation between the customs services, the police forces and the laboratories in the UK and Ireland. I understand they have been successful in many instances. I have asked the Minister for Finance or the Minister of State at the Department of Finance to come to this House to update Senators on the matter. I hope we can have such a debate before this session finishes. It would be beneficial at this time.

Senator Comiskey outlined the benefits that might accrue as a result of the visit of the Minister for Agriculture, Food and the Marine, Deputy Coveney, to China. Senator MacSharry also commented on that matter.

Senator Healy Eames spoke about the beef crisis. I gave a comprehensive reply on that matter yesterday. I pointed out that the Minister, Deputy Coveney, has chaired the third meeting of the beef round-table between processors, farm bodies and other stakeholders in the beef sector. All the stakeholders, including the farm bodies, the meat processors, the Government agencies

and representatives of Tesco and McDonald's, were present. The Minister has secured a strong endorsement from all the stakeholders for the establishment of a farmer-owned producer organisation in the beef sector. It is hoped that this will help to rebalance the negotiating powers of farmers.

In this year's budget, the Minister announced details of a beef investment package worth €74 million. The beef genomics payment will increase by €100 per animal for the first ten animals. The remaining animals will be eligible for an €80 payment per animal. The Minister is aware of what is happening. He is working to the best of his abilities to address the problems that obviously exist in the beef sector. The opening of further markets in China will certainly assist in improving prices for beef

Senator Fidelma Healy Eames: Not if the factories are still in control.

Senator Maurice Cummins: If the Senator is not happy with the reply, I cannot do anything about it. That is the reply I have given her.

Senator Cullinane spoke about Irish Water. I think I have addressed that matter.

Senator Landy called for the restoration of the bereavement grant. That is a matter he can raise with the Minister for Social Protection in the course of the social welfare Bill which will come to the House in early December.

Senator O'Donovan raised the difficulties experienced by inshore fishermen in particular. We will have the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, in the House for a debate in the next week or two to speak on fisheries, which the Senator sought some time ago.

Senator Colm Burke spoke about the courts system and the need for a third Taxing Master. He outlined the difficulties in the courts system. I will bring the matter to the attention of the Minister for Justice and Equality, Deputy Frances Fitzgerald. A number of justice matters are due to be dealt with in the afternoon.

Senator Paschal Mooney also raised LW 252 and called on the new RTE Authority to reverse the decision taken. I note his points also on gender-based abortion in the UK, and the overwhelming vote of MPs in the UK yesterday.

Senator Pat O'Neill called for clarification on the matter raised by Senator Mary Ann O'Brien yesterday. She referred to brown envelopes and the fact that corruption might have taken place in Kilkenny. I informed her yesterday that if she had any information on the matter she should pass it on to the Garda. It is essential that people who make allegations and raise such matters should give the information to the Garda as a matter of urgency.

Senator David Cullinane: Hear, hear, on all issues.

Senator Maurice Cummins: Senators Heffernan and Mullins spoke about the review of the electoral register. It is not fit for purpose at present and there is a need for local authorities to get their act together and to take a unified approach to the problem because as Senator Heffernan mentioned, there are people on the register who died a number of years ago and people who were removed from the register when they moved from one house to another. Difficulties have existed with the register for some years and the matter must be addressed.

Senator Thomas Byrne called for the suspension of water charges. That surprises me. Fianna Fáil seems to be panicked into a new position of abandoning water charges.

Senator Darragh O'Brien: I called for it weeks ago in this House.

Senator Maurice Cummins: I am responding to Senator Byrne in his absence. Fianna Fáil has been panicked into a position to abandon water charges for an undefined period, a position not accounted for in the party's pre-budget submission. Typically, Fianna Fáil is just making up a contradictory policy as it goes along. There is no doubt in anyone's mind that radically reforming the water system for the benefit of society is a challenging task. It is the type of reform that was purposely ignored by Fianna Fáil during its 14 years in power when the country was awash with money. Fianna Fáil does not have a coherent policy on water charges.

Senator Darragh O'Brien: We do. We have been very clear.

Senator Maurice Cummins: Its original deal with the troika envisaged a €400 annual charge dating from last year with no allowances. Fianna Fáil does not know where it is on the matter.

Senator Darragh O'Brien: I thank Senator Cummins for his critique. We have a very clear policy on water. We will take what he said on board.

An Cathaoirleach: The Leader should be allowed to speak without interruption.

Senator Maurice Cummins: If the Senator thinks there is confusion on Irish Water within the Government, there is no policy where Fianna Fáil is concerned. The party has dithered from one way to another on numerous occasions and will continue to do so.

I referred previously to what Senator MacSharry said on the beef crisis. Senator Bradford called on the Minister for Foreign Affairs and Trade to come to the House for a debate on the undocumented Irish and the need for stronger links with the Republican Party as a result of its success in the mid-term elections.

Senator Healy Eames called on the Minister for Education and Science to come to the House to address the issue of international schools and the damage it is doing to our reputation abroad. I agree that is the case. We have seen many vulnerable students lose their money. I am aware the matter is one the Minister is attempting to address, but I will endeavour to bring her to the House to discuss the matter in early course. Senator Ó Domhnaill also made points about Irish Water.

I replied to a number of speakers who made points but who are no longer in the House. I will not do so in future. I will do my best but it is difficult. I do not wish to look across to the Opposition and see those who are missing when I cannot see who is missing from this side. It is not very nice that people from whatever party would come to the House and try to make a political or other point and then run to the media to give a press release and not listen to a response.

Senator Marie-Louise O'Donnell: Senator Cummins is correct.

Senator Maurice Cummins: That has gone on in this House for far too long. I cannot solve the issue. Members should look into their own hearts and examine the manner in which they conduct themselves in the House.

An Cathaoirleach: Senator Darragh O’Brien has moved an amendment to the Order of Business: “That No. 56, motion 11 be taken before No. 1 for one hour”. Is the amendment being pressed?

Senator Darragh O’Brien: Yes.

Amendment put:

The Seanad divided: Tá, 54; Níl, 0.	
Tá	Níl
Bacik, Ivana.	
Barrett, Sean D.	
Bradford, Paul.	
Brennan, Terry.	
Burke, Colm.	
Byrne, Thomas.	
Coghlan, Eamonn.	
Coghlan, Paul.	
Comiskey, Michael.	
Conway, Martin.	
Craughwell, Gerard P.	
Crown, John.	
Cullinane, David.	
Cummins, Maurice.	
D’Arcy, Jim.	
Gilroy, John.	
Hayden, Aideen.	
Healy Eames, Fidelma.	
Heffernan, James.	
Henry, Imelda.	
Higgins, Lorraine.	
Keane, Cáit.	
Kelly, John.	
Landy, Denis.	
Leyden, Terry.	
Mac Conghail, Fiach.	
MacSharry, Marc.	
Moloney, Marie.	
Mooney, Paschal.	
Moran, Mary.	
Mullen, Rónán.	
Mullins, Michael.	
Naughton, Hildegard.	
Noone, Catherine.	

Norris, David.	
Ó Clochartaigh, Trevor.	
Ó Domhnaill, Brian.	
Ó Murchú, Labhrás.	
O'Brien, Darragh.	
O'Brien, Mary Ann.	
O'Donnell, Marie-Louise.	
O'Donovan, Denis.	
O'Keeffe, Susan.	
O'Neill, Pat.	
O'Sullivan, Ned.	
Power, Averil.	
Quinn, Feargal.	
Reilly, Kathryn.	
Sheahan, Tom.	
van Turnhout, Jillian.	
Walsh, Jim.	
Whelan, John.	
White, Mary M.	
Zappone, Katherine.	

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

Amendment declared carried.

12 o'clock

Senator Maurice Cummins: In the interests of clarity it has been agreed that the motion will be discussed during the debate on Irish Water which will be taking place fairly soon.

Senator Darragh O'Brien: For the first hour.

Senator Thomas Byrne: The motion is not being discussed; it will be voted on.

(Interruptions).

An Cathaoirleach: Silence, please. The House has decided that the first hour will be for discussion of the motion.

Senator Fidelma Healy Eames: On a point of order, does that add an extra hour to the debate? If not, that is not what is being voted on.

An Cathaoirleach: Is the Order of Business-----

Senator Darragh O'Brien: The Minister for the Environment, Community and Local Government will be here today. That is what we want in order that we can have a meaningful debate. The motion is now on the floor for the first hour and the motion will be voted on or agreed in the first hour of that debate. That is better than having statements. It is realistic and a message from the Seanad will go out about Irish Water and our resource staying as a public resource owned by the people.

An Cathaoirleach: Is the Order of Business, as amended, agreed to?

Senator Denis Landy: On a point of order, will the Cathaoirleach to clarify what process the debate will now take seeing as up to-----

An Cathaoirleach: Please, resume your seat, Senator. I am asking the Leader to clarify for the House how the debate will proceed for the rest of the day and the speaking time arrangements.

Senator Maurice Cummins: The time arrangements will be the same as those I outlined. It is now midday. The Minister will be called to reply to the debate no later than 2 p.m. with the contributions of Senators on Irish Water and on the motion not to exceed five minutes.

Senator Darragh O'Brien: For the sake of clarity, the first item on the floor now is the motion which I will move. People can speak in the first hour and in the second hour. They are two separate items, one being the motion. I will move the motion at the start and the Minister will reply to the motion. The second hour will be a general debate on other issues related to Irish Water.

Senator Fidelma Healy Eames: On a point of order, that would mean that some people will not get into the debate at all and it is unfair as some people will be speaking twice.

An Cathaoirleach: That is a matter for the Chair and the Chair is tied by the decision of the House.

Senator Fidelma Healy Eames: I appeal to the Cathaoirleach.

Senator David Norris: May I point out to the House that this means a reduction of three quarters of an hour in the total speaking time because it is stated in the Order of Business and it was agreed that the debate would commence at 11.45 a.m. and conclude at 2.30 p.m. Now it is starting at noon and ending at 2 p.m.

An Cathaoirleach: The House has made a decision.

Senator David Norris: I am pointing out that there has been a substantial reduction and that some people will speak twice while others will not speak at all. I think that is wrong.

Senator Maurice Cummins: That is not true.

Senator Darragh O'Brien: To move this on, we will work out that people on the Opposition side will not speak twice. We will work out that as many people as possible from the Opposition side will have an opportunity to speak. I do not envisage any of our speakers speaking twice. They are two distinct debates.

Senator Fidelma Healy Eames: On a point of order, I appeal to the Leader and to the House on an issue as fundamental and important to the nation as water-----

An Cathaoirleach: That is not a point of order. Please, resume your seat.

Senator Fidelma Healy Eames: -----that adequate time is given to this debate. It is not mathematically feasible to achieve what is being proposed.

An Cathaoirleach: Please, resume your seat. You are wasting time. The Leader has said the Minister will be called upon to reply at 2 p.m. instead of at 1.50 p.m. Is that agreed?

Senator Darragh O'Brien: That is with regard to the statements. Will the Minister be responding to the motion?

An Cathaoirleach: Yes.

Senator Darragh O'Brien: At what time will he respond to the motion? There will be a vote on the motion after one hour.

Senator Maurice Cummins: I ask if it could be agreed that the vote on the motion would be taken at the end because it will cut into the time.

An Cathaoirleach: The House decided it has to be taken after an hour.

Senator Maurice Cummins: In that case, would the Opposition be agreeable to taking the statements first and the motion in the following hour because otherwise we will be cutting into the time for the statements? The House can decide again to change its mind and take the motion in the second hour which would be more suitable.

An Cathaoirleach: The Leader will have to put that proposal to the House.

Senator Maurice Cummins: I propose that with the agreement of the Opposition, the debate on the motion will be in the second hour of the debate. I propose that statements be taken first, with the motion in the second hour, followed by the vote. If we take the motion, first we will be cutting into the time for the statements.

Senator Darragh O'Brien: We want to get this very clear.

An Cathaoirleach: Is this a point of order?

Senator Darragh O'Brien: It is a point of order. The amendment to the Order of Business was that this item be taken before No. 1, statements on Irish Water, and for one hour. Therefore, the motion must be taken first because this is what the House has decided. We will work out the speaking arrangements here. It is open to the Leader to ask the Minister to extend the time he can give to statements but the motion is to be first.

Senator Maurice Cummins: The Minister cannot do so.

Senator Darragh O'Brien: If that is not possible for him, so be it. However, the motion as passed by the House must be taken in the first hour.

Senator Marie-Louise O'Donnell: Will someone tell me why we cannot have a vote on this now since every one of us knows our thoughts on it?

Senator Fidelma Healy Eames: Exactly.

Senator Darragh O'Brien: All it allows is one hour for people to make their contributions about a referendum.

Senator Marie-Louise O'Donnell: They can make their contributions by their vote.

An Cathaoirleach: Resume your seat, please, Senator.

(Interruptions).

Senator Darragh O'Brien: I will make a proposal.

An Cathaoirleach: Resume your seat, please, Senator.

Senator Darragh O'Brien: I am only trying to help.

An Cathaoirleach: The Leader has to make any proposal to the House. Does the Leader wish to change anything at this stage?

Senator Maurice Cummins: As I said previously, I propose that with the agreement of the House we would have the two-hour debate, with one hour, being the second hour-----

Senator Darragh O'Brien: I will respond to the Leader.

Senator Maurice Cummins: -----and that we would have the vote on the motion at the conclusion of the debate rather than cutting into the amount of time for statements.

Senator Darragh O'Brien: I have a proposal that will assist. As we have tabled the motion, I propose that the motion be taken first without debate, that the two full hours be allowed for statements on every aspect, and that we first take, without debate, the motion on the referendum and the people's ownership of water in this country.

Senator Marie-Louise O'Donnell: Yes. Hear, hear.

Senator Darragh O'Brien: This means that everyone would have an opportunity to speak.

Senator David Norris: I second that proposal. We now have a situation where we have an hour and three quarters-----

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

Senator David Norris: -----as opposed to the original proposal of two and a half hours.

An Cathaoirleach: Does the Leader wish to make the proposal put forward by Senator Darragh O'Brien?

Senator Maurice Cummins: I will agree that it be taken without debate to get it out of the way.

Order of Business, as amended, agreed to.

Irish Water: Motion

Senator Darragh O'Brien: I move:

That Seanad Éireann requests the Government to initiate legislation to provide for a constitutional referendum to enshrine the ownership of Irish Water to the Irish people in perpetuity.

Senator Thomas Byrne: Ba mhaith liom cur leis an rún. I second the motion and compliment Senator Darragh O'Brien and my colleagues on bringing it forward.

Question put:

The Seanad divided: Tá, 37; Níl, 16.	
Tá	Níl
Bacik, Ivana.	Brennan, Terry.
Barrett, Sean D.	Burke, Colm.
Bradford, Paul.	Coghlan, Eamonn.
Byrne, Thomas.	Coghlan, Paul.
Craughwell, Gerard P.	Comiskey, Michael.
Crown, John.	Conway, Martin.
Cullinane, David.	Cummins, Maurice.
Gilroy, John.	D'Arcy, Jim.
Hayden, Aideen.	Henry, Imelda.
Healy Eames, Fidelma.	Keane, Cáit.
Heffernan, James.	Mullins, Michael.
Kelly, John.	Naughton, Hildegard.
Landy, Denis.	Noone, Catherine.
Leyden, Terry.	O'Neill, Pat.
Mac Conghail, Fiach.	Quinn, Feargal.
MacSharry, Marc.	Sheahan, Tom.
Moloney, Marie.	
Mooney, Paschal.	
Moran, Mary.	
Mullen, Rónán.	
Norris, David.	
Ó Clochartaigh, Trevor.	
Ó Domhnaill, Brian.	
Ó Murchú, Labhrás.	
O'Brien, Darragh.	
O'Brien, Mary Ann.	
O'Donnell, Marie-Louise.	
O'Donovan, Denis.	
O'Keeffe, Susan.	
O'Sullivan, Ned.	

Power, Averil.	
Reilly, Kathryn.	
van Turnhout, Jillian.	
Walsh, Jim.	
Whelan, John.	
White, Mary M.	
Zappone, Katherine.	

Tellers: Tá, Senators Paschal Mooney and Ned O’Sullivan; Níl, Senators Paul Coghlan and Michael Mullins..

Question declared carried.

Irish Water: Statements

An Leas-Chathaoirleach: I welcome the Minister for the Environment, Community and Local Government, Deputy Kelly, to the House for statements on Irish Water.

Minister for the Environment, Community and Local Government (Deputy Alan Kelly): I am pleased to have this opportunity to contribute to what is a timely debate, as I am sure we will all agree. The scale of the endeavour to set up this utility is enormous. I want to say this quite publicly because when I became Minister I wanted to show this. It was completely underestimated. It is time to hold hands up and admit that. While the timelines may have been dictated by the troika, we all accept at this stage that they were overly ambitious and unachievable. One cannot do things in two years which really will take five or six years in my opinion. I fully accept both of those. I fully accept that the scale of this project, which is the largest utility created in the history of the State, and the timelines associated with doing it were wrong.

While I was not a member of Cabinet and was not part of that decision-making process, I am now and I am responsible. I hold my hands up and admit that errors and mistakes were made regarding both of those. The complex nature of the set-up, the way that was dealt with, the charging structure and the communications of Irish Water were not what they should have been. We must now take steps to address all those issues in an open, honest and frank way, and I have to take responsibility for leading that charge.

The timelines have led to confusion, uncertainty and huge frustration for the public. Again, I fully accept this. It is time for the Government to listen and to ensure we have learned from those mistakes. We need to bring about a utility that is fit for purpose and that can develop a quality water supply for future generations. That is the critical issue. We need to develop a utility that can develop our water system for future generations. I am the father of young children;

I know the requirement we have. In ten years we will have issues all over the country if we do not do something about it. We already have serious issues all over the country as it is.

As a Government, we are working on a package to bring the necessary certainty and clarity to the charging structure in particular, which has been an issue of huge frustration. I want to ensure clarity that when the public are facing into charges they are modest and affordable. Based on the experience of my clinics in County Tipperary - in Nenagh, Roscrea, Thurles, Clonmel, Tipperary Town etc. - and from what I hear from all my colleagues in the Labour Party and across other parties, including my Government colleagues in Fine Gael, there are people who are worried about preparing for potential bills in the region of €500, €600, €700 or €800. Let me be quite clear on this; this is essential. Under the package the Government is preparing, nobody will be paying these levels of charges in any way, shape or form. They will be modest and will be set out over a defined period. Nobody will be paying such charges for their water services or anywhere near that.

I fully acknowledge there have been huge failures in communication. I am personally trying to improve on that. I have to lead from the top, as the Minister with responsibility. Along with its parent company, Irish Water needs to ensure it communicates correctly and appropriately. Irish Water has apologised to its customers and elected representatives throughout the country for the failures of the past. Many steps have been taken to rectify the position and I hope to hear from some Senators that they have witnessed the relevant changes being implemented in a positive way.

The transformation programme under way in Irish Water is significant. It involves both funding and organisational changes. Each of these is important undertakings in its own right. As a Government, we made many mistakes throughout the process. As a former Member of this House, I always like to engage in quite open debate with Senators. I acknowledge that mistakes were made but establishing Irish Water as a utility was not one of them. The latter was not a mistake; it was and remains the right thing to do. That is why I say to Senators that we need to support Irish Water.

I wish to address, first and foremost, the reasons we have set up Irish Water and why I am of the view that it will deliver long-term benefits for taxpayers and its customers. Operating water services through approximately 34 local authorities - this number changed over the years - was wholly inefficient. This was despite the major efforts made by those authorities and the people who worked for them, many of whom I know. Imagine what the ESB would be like if it was divided into 34 separate companies all developing their own plans independently, with little or no integration of planning or investment. It would not be future-proofed - it is as simple as that. Power shortages would be a regular occurrence and there would be calls on Government to rationalise and improve the system. This is what we are doing in the context of Irish Water. In other words, we are rationalising and improving the system for the future. If I could ask people to cast their minds back to two years ago, when, on the previous occasion on which the very successful web summit was held in Dublin, there were severe water restrictions in place across this great city. Some of the largest and most powerful investment companies in the world sent their representatives here on that occasion and these individuals were faced with the fact that water supplies were restricted each night. Hotels could not provide water for people to take showers and restaurant owners were restricted in terms of how they could use water on their premises. That is not the type of message we need to send out from this country to anyone.

To put matters simply, if the previous situation had been allowed to continue, our opera-

tional costs would be out of line with those of other countries and the burden of these costs would be borne completely by taxpayers. Furthermore, it was difficult to make soundly-based investment decisions through a fragmented system such as that which previously existed and which did not have a national and regional perspective on the condition of water services infrastructure and the overall priorities for investment and planned maintenance. Essentially, this is the reason that over 800 km of the water pipes in Dublin are well in excess of 100 years old. However, I will say this to those Senators who are present for this important debate that we need to reassess the role of local authorities. I am of the view that they need to be retained as a source of information and that they are a key cog in the wheel relating to local water services. As the Minister with responsibility for local government, I assure the House that this issue is being addressed. Local authorities have community connections which Irish Water has not developed and which it will not develop very quickly. They are also better equipped to communicate locally in the event of burst mains, floods and many other water-related issues.

There has been huge emphasis on the start-up costs relating to Irish Water. I accept that it was a mistake for the latter to be referred to as “consultant costs” on a couple of occasions in public. All of these costs were assessed by the utility management experts in Commission for Energy Regulation, who found that 95% of them were justified. Again, this is not the opinion of me, as Minister, or the Government, rather it is the express opinion of the independent regulator. Independent regulation is an important element of the utility model because it ensures that Irish Water’s costs are scrutinised and that challenging efficiency targets are set. A major element of the operational cost of providing water services relates to energy and consumables such as chemicals for the treatment of water, etc. Already this year, through a national procurement of goods and services, Irish Water has made savings in excess of €12 million. That is the type of change a utility of this nature can bring about.

All citizens nationally deserve the same quality of water services and we must address - as a matter of urgency - the situation of people who are on boil water notices. It is completely insane that such notices have been in place in many counties for in excess of ten years. Some of these notices are in place in my county but in this regard I refer to Roscommon and other counties in particular. The current position cannot continue to obtain.

Irish Water has already adopted a new approach towards asset management and capital projects planning. Evidence of this, which needs to be aired publicly, is the targeted €170 million saving through the proposed upgrade of the Ringsend wastewater treatment plant, which I visited yesterday, as an alternative to extension previously proposed by Dublin City Council. As a result of this development, the plant will be able to treat the wastewater of in excess of 2.1 million people as opposed to 1.65 million as is the case at present. The €170 million, which relates to one project, is a major saving. It is ironic that it equates to the set-up costs relating to Irish Water in their entirety.

Historical under-investment mean that we have a water services system which is failing both customers and taxpayers. The level of investment required to bring our systems up to date runs to billions. It is expected that we will need to invest between €600 million and €1 billion in water infrastructure each year. The new funding model, which includes domestic water charges, allows us to address these legacy issues and provide new infrastructure for the future. I am excited about this new infrastructure. I travel throughout the country receiving representations from Senators and meeting members of local authorities, both collectively and individually, fellow Deputies and Government colleagues. Everywhere I go, there is a need to improve the infrastructure relating to water. To be frank, some issues relating to said infrastructure across

have only come to light since Irish Water was established. Those issues relate to many local authorities and they would not necessarily have been placed overtly in the public domain.

As a commercial utility and similar to the ESB and Bord Gáis, Irish Water can borrow from the markets. In broad terms, if Government support is not more than 50% of Irish Water's operational revenue, then it will be considered under EUROSTAT rules to be a commercial undertaking. This is critical because it will mean that debt raised by Irish Water to fund capital will not count as part of Government debt and will be more favourable in terms of the general Government deficit than would be the case with moneys obtained through direct Exchequer funding. The Commission for Energy Regulation, CER, has permitted Irish Water to spend up to €1.77 billion on its capital programme in the period ahead if funding can be accessed. We simply must access such funding because we could not afford to provide the necessary level of investment through the traditional model without significant budget impacts in terms of taxation or cuts to other areas of spending. In political terms, we can all argue about the percentages, etc., involved but that to which I have just referred is a fact. It is for the reason I have outlined that we need to move to a system where funding will come directly from those who use this precious and expensive resource. The latter will create a real emphasis on the need for sustainable use of said resource. Through the domestic metering programme, we are already seeing an emphasis on identifying customer-side leakage, which accounts for some 5% of the national leakage rate of up to 49%. Before Irish Water was created, the latter percentage was assessed as being much lower. This emphasis on reducing leakage has never before been seen and will be accompanied by a customer focus on conservation and sustainable usage in the long term that should reduce consumption by an estimated 10% to 15%.

I assure the public that the Government is working to bring clarity to how much people will pay for water. Changes in charges are coming about. Charges will be modest, fair and affordable. Householders will have certainty within the next two weeks or less about how much they will pay and those facing the greatest challenges from water charges will receive adequate affordability supports. Payment options and so forth will be flexible.

Preceding these statements on Irish Water, the House had an intense debate on the issue of privatisation. I watched it from outside. This is an emotive issue. Given my political lineage, privatisation is not something that I would tolerate or in which I believe. The commitment to public ownership of water services was enshrined in the 2007 legislation and reaffirmed in the legislation passed last year. I wish to be clear - Irish Water will remain in public ownership, full stop.

The public has the right to honest debate on this issue. There is no evidence to support the propaganda of a privatisation agenda. Devoid of any substantive argument, however, many people are still propagating this myth. Both Houses and all parties have stated that they are in favour of public ownership. If any individual in either House believes that we should privatise Irish Water at some point - I have met no one, nor do I believe I will even though I could be wrong, who believes this - will he or she please say it so that we might get a feeling for the percentage of people in question? My party would never agree to such a thing. Fine Gael has publicly stated that it would not. Sinn Féin has publicly stated that it would not. Fianna Fáil has stated publicly that it would not. Many Independents and smaller parties have done likewise.

I accept the motion that was passed by the Seanad and the House's right to do so. I welcome the debate, as it is appropriate. While I will not rule such a referendum out, given that this is an issue of public concern, I will make two remarks. First, the manner in which the Seanad voted

today must be digested. I will bring that message to the Taoiseach and the Tánaiste. It is my duty to do so. I will speak about it with the Cabinet. Second, we must consider other issues. For example, were we to hold a referendum on Irish Water, would we also need to hold a referendum on many other utilities? A broader debate on this question may be necessary. I am not claiming to have all of the answers. Although it is possible that we should not do so, could the Oireachtas use other mechanisms to give the assurance and clarity that people need if we are to close out any thought, however minuscule, of a privatisation agenda?

In parallel with the Government's work on water charges, Irish Water must improve its engagement with customers and public representatives. I have stated this publicly, realising the level of engagement that local authorities have had with communities about water services down the years. I was a part of that mix myself for many years. Importantly, Irish Water needs to fill that role in a way that supports the work of public representatives. It has already adjusted resources in its customer call centre, which I hope to visit in the coming days, so that the public receives quicker response times when calling to register or seek information. This re-allocation of resources has resulted in average customer response times dropping to below 20 seconds. Irish Water is also strengthening its engagement with elected representatives in other ways. It has opened dedicated telephone lines for Oireachtas Members and councillors. This evening will see it host its first weekly clinic for Oireachtas Members in the AV room, an important outlet for Members of both Houses to work with Irish Water, ask questions and get clarity on behalf of their constituents about many issues. In particular, I invite Senators to consider the issues of capital improvements and how to improve drinking water quality. Future capital investment in Irish Water has been underestimated. The scale of that investment will be colossal, but the critical elements are where the investment will go, how we will prioritise projects, how we will ensure that, for example, raw sewage no longer flows into the Avoca river in Arklow and what the timelines will be. This covers small and medium-sized issues all the way up to the significant water requirements of the conurbation that is this great city and its surrounding counties in respect of which I will have to make major decisions on how to supply water so as to ensure an adequate supply. Dublin has an excess water capacity of between 1% and 4%. It should have an excess water capacity of 20%. During the summer or when the weather otherwise affects supply, there is trouble. That is what happened two years ago.

The establishment of a unified Ervia-Irish Water board presents an opportunity to reinvigorate the organisation so that it becomes considerably more customer-focused in its operations and communications. This is a significant opportunity. I have stated publicly that the board needs expertise. I expect to see changes on the board. I am working intensely with my colleague, the Minister for Communications, Energy and Natural Resources, Deputy White, in that regard. I will speak with him again today. I expect to see advertisements for the board in the near future. The Government will identify the types of people required on such a board and ask anyone who is interested to apply through the new public appointments process. We will assess who are the best people to support this vital utility.

The Ervia group and Irish Water are actively reviewing their communication strategy to reflect the needs of all stakeholders better. I also recognise that the particular pay model in the Ervia group has been the subject of much comment and criticism. The new board's first action will be to deal with issues that are in the public's consciousness concerning pay structures and bonuses. As Minister, that current situation is not something I tolerate. If mistakes have been made, we must fix them. The board will be mandated to do so in whatever way it must.

The Government's vision is for a country in which every household connected to the public

water system has a high-quality, reliable water supply and a relationship with the new, national utility based on good customer service and reliability. We need to get to that point. I will not stand here and claim that all mistakes will be wiped out overnight, as I do not want to give hostages to fortune. Mistakes will probably be made, but all I am concerned about is that they are honest mistakes and not of a scale that results in hardship. It is a massive utility.

It is a vision for a well-funded public system in order that the utility can upgrade public water supplies, achieve low leakage levels and provide adequate levels of wastewater treatment to protect public health in the decades ahead and to keep our rivers, lakes and coastal waters free of pollution, thereby helping to maintain Ireland's image as a clean, green country, which is absolutely central to the Government's desire to promote tourism. This is essential from a tourism point of view and I certainly speak on this issue with some knowledge given my previous employment. It also is a vision for a water-secure country, notwithstanding the challenges of a rising population, economic recovery and the real concerns with regard to climate change. It will be a water-secure country in the context of global water demand being likely to exceed supply by 40% by 2020. It will be an Ireland that has a security of water supply that will guarantee current and future competitiveness for industries such as agrifood, ICT and the pharmaceutical and chemical industries, which combined provide well over 200,000 water-intensive jobs in Ireland. Such security of supply will attract further water-intensive industries to Ireland as other countries experience growing water shortages, thus creating further prosperity for this country. Ireland hopefully will address these issues quicker than anywhere else.

I genuinely look forward to the ensuing debate. My Department, my colleague, the Minister of State, Deputy Coffey, and I, as well as every member of the Government, will take on board the decision the Seanad made today, as well as the contributions Members are about to make in this regard. This subject matter is of great importance and it is critical that the Government makes the right decisions in this regard into the future. I am determined to promote the fact that this utility is needed but that it is needed for the right reasons. This is about the future, about water provision and about ensuring that future generations will have what this generation has had as we improve the services. While mistakes have been made, the Government will ensure that into the future, they will be addressed and we will have a utility of which everyone can be proud and which can deliver for the country. I again thank Members for their invitation.

An Leas-Chathaoirleach: I thank the Minister. Each speaker has five minutes and as 19 Members are offering, I will be sticking to the clock quite rigidly. I call first Senator MacSharry, who has five minutes.

Senator Marc MacSharry: I welcome the Minister and thank him for his comments. An historic thing happened before he entered this House today, which he mentioned. I ask him to assure the House that instead of treating this engagement as little more than superficiality, he intends to bring forward legislative proposals, as voted for by his colleagues, to put this squarely in the ownership of the people. The Minister's Fine Gael colleagues did not see fit to support that motion and, clearly, they have different views. It is clear they are not as committed as the Minister's colleagues appear to be in the context of having this in the ownership of the people. I hope that whenever the Minister has finished laughing, he might listen to the point----

Deputy Alan Kelly: As I was not laughing, the Senator might correct himself.

Senator Marc MacSharry: -----which is that as an institution, as a House of the Oireachtas and as representatives of the people, Members have voted unanimously to call on the Gov-

ernment to initiate legislation to enshrine the ownership of Ireland's water by the Irish people. It will require a little more than looking at it, considering it or having a word with the Taoiseach. Members need that commitment from the Minister. Furthermore, the Minister stated that mistakes were made but the Government would now put things right. As the Minister was speaking in this House today, Members could see from media tweets that while he was telling them that he would be in a position to give costs within the next two weeks, 90 minutes ago he indicated it would be next week. The goalposts are changing all the time. Last night, it was the Tánaiste and Minister for Social Protection, Deputy Burton, giving a sum of €200. Since October, there have been nine adjustments by the Government to the stated charge template of Irish Water. Frankly, the Government has joined Irish Water as a bottomless pit alive with the din of headless chickens. That is what the people think of this process.

I will make a few brief points of rebuttal. The Minister invited Members to imagine if the ESB had been split up into 34 different companies. The difference is, albeit not to the highest quality, these 34 companies are in the ownership of the people because they are housed by those who are representing the people as elected councillors. They were delivering water to every community in this State and flawed as it was, people could get quick answers. Somebody could get a connection, would pay fees and the process one followed to get it was clearly recognisable. Today, we do not have a clue although we have spent hundreds of millions of euro.

Senator Marie-Louise O'Donnell: Hear, hear.

Senator Marc MacSharry: The Government is in disarray. The Labour Party has, quite rightly, shown a little bit of leadership in supporting Fianna Fáil here today but Fine Gael is nowhere to be seen. Are there any Fine Gael Members in the Chamber?

Senator Cáit Keane: Excuse me.

Senator Marc MacSharry: I apologise; there are two present.

Senator Cáit Keane: The Senator has a few facts to correct.

Senator Marc MacSharry: Two of 15. The Senator no doubt will get her opportunity to speak but in the meantime, let me say another few things. The Minister spoke about the €180 million or the €10 million about which the then Minister, Phil Hogan, lied to the people. I am using the word "lie" by using privilege in this House, which I am allowed to do. I am not abusing it but I am using privilege to say-----

Senator Cáit Keane: A Leas-Chathaoirligh, the Senator is accusing the former Minister of lying. You could ask him to correct that.

An Leas-Chathaoirleach: Senator, it is not appropriate to use the word "lie" in the House.

Senator Marc MacSharry: No, I will correct you, a Leas-Chathaoirligh. The reality is that it is appropriate to use the word "lie" when that is the truth. I merely am using parliamentary-----

Senator Cáit Keane: Withdraw the word "lie".

Senator Marc MacSharry: No, I will not withdraw it.

An Leas-Chathaoirleach: Sorry, Senator, I think you should withdraw the word "lie".

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Senator Marc MacSharry: There will be no withdrawing it.

Senator Cáit Keane: Withdraw the word “lie”.

Senator Marc MacSharry: But if I could finish-----

Senator Cáit Keane: Nobody lied.

An Leas-Chathaoirleach: I think you are out of order in using that word. That is my ruling.

Senator Marc MacSharry: I appreciate your personal view on that.

An Leas-Chathaoirleach: You have one minute left.

Senator Marc MacSharry: I have chosen to use-----

Senator Cáit Keane: This affects the House.

Senator Marc MacSharry: I have chosen to use parliamentary privilege to say the then Minister, Phil Hogan, lied to the people.

Senator Cáit Keane: I have chosen to ask the Chair to ask the speaker to withdraw the word “lie”.

An Leas-Chathaoirleach: I have asked him and he has refused.

Senator Marc MacSharry: Yes, and I will not be withdrawing it.

An Leas-Chathaoirleach: Senator, it is an abuse of privilege.

Senator Marc MacSharry: I have chosen to use parliamentary privilege, which is my right. I am sure that senior Members in the House can acknowledge that.

An Leas-Chathaoirleach: No, Senator, you are actually abusing your parliamentary privilege.

Senator Marc MacSharry: Can I please get on with the debate?

Senator Cáit Keane: The Senator is getting away with abusing his parliamentary privilege.

Senator Marc MacSharry: This is filibustering.

Senator Cáit Keane: What is his mandate for abusing parliamentary privilege?

An Leas-Chathaoirleach: Senator, you have only a few seconds left in which to finish.

Senator Marc MacSharry: No, I do not have a few seconds left.

Senator Cáit Keane: Yes, he has abused parliamentary privilege.

An Leas-Chathaoirleach: Yes.

Senator Marc MacSharry: I will now continue. I have-----

An Leas-Chathaoirleach: Senator, you went down the road of using the word “lie”.

Senator Cáit Keane: The Chair has ruled.

Senator Marc MacSharry: I will disrupt-----

An Leas-Chathaoirleach: Senator, please-----

Senator Marc MacSharry: I will disrupt this entire debate.

An Leas-Chathaoirleach: -----stop interrupting me.

Senator Marc MacSharry: I will disrupt this entire debate. A Leas-Chathaoirligh, let me tell you again-----

An Leas-Chathaoirleach: Listen, Senator, I am in the Chair.

Senator Marc MacSharry: -----former Minister Hogan lied to the people. He lied to the people by saying it was €10 million.

An Leas-Chathaoirleach: Senator, I have already told you not to use that word in the Chamber.

Senator Marc MacSharry: He told them that they had the opportunity to bill and he lied again to Deputy Cowen in the other House.

An Leas-Chathaoirleach: Senator, you are abusing your privilege and your time is up.

Senator Marc MacSharry: I am using parliamentary privilege to use that word. The Minister would say-----

An Leas-Chathaoirleach: I call Senator Keane.

Senator Marc MacSharry: Excuse me, I am not finished here at all.

An Leas-Chathaoirleach: Your time is up.

Senator Cáit Keane: The Senator's time is up.

Senator Marc MacSharry: You should have manners and let people speak.

An Leas-Chathaoirleach: I call Senator Keane.

Senator Marc MacSharry: I was being interrupted constantly. Unless you want her contribution to be interrupted-----

An Leas-Chathaoirleach: Senator, you created the interruptions yourself. I call Senator Keane.

Senator Marc MacSharry: -----you will give me some leeway here, because I will continue to speak.

An Leas-Chathaoirleach: Senator, your time is up. I warned you at the outset that I would be rigid. I call Senator Keane.

Senator Marc MacSharry: No, you did not warn me. You did not allow me to use parliamentary privilege-----

An Leas-Chathaoirleach: I call Senator Keane.

Senator Marc MacSharry: -----to say that the former Minister, Phil Hogan, lied about the costs of Irish Water.

An Leas-Chathaoirleach: Senator Keane has five minutes.

Senator Marc MacSharry: He lied.

An Leas-Chathaoirleach: Senator-----

Senator Marc MacSharry: He told lies about it.

An Leas-Chathaoirleach: Senator MacSharry, please resume your seat.

Senator Cáit Keane: I do not want the clock to start until he sits down.

An Leas-Chathaoirleach: Please resume your seat.

Senator Marc MacSharry: It now is €180 million. If I could just say to the Minister-----

An Leas-Chathaoirleach: Senator MacSharry, please resume your seat.

Senator Cáit Keane: On a point of order, please do not allow the time he wasted.

Senator Marc MacSharry: -----the only opinion that matters-----

An Leas-Chathaoirleach: Senator MacSharry, please resume your seat.

Senator Marc MacSharry: You are going to be obliged to suspend the House because the only opinion that matters-----

An Leas-Chathaoirleach: Senator, please resume your seat.

Senator Marc MacSharry: -----is that of the people, not the opinion of the regulator.

An Leas-Chathaoirleach: Senator, resume your seat.

Senator Marc MacSharry: It is the people who require value for money.

Senator Cáit Keane: I have been called to speak.

An Leas-Chathaoirleach: Senator, please resume your seat.

Senator Marc MacSharry: It is the people who require value for money, not the regulators.

Senator Cáit Keane: I have been called to speak.

An Leas-Chathaoirleach: Senator MacSharry, please resume your seat.

Senator Marc MacSharry: It is the €180 million about which former Minister Hogan lied.

An Leas-Chathaoirleach: Respect the Chair and please resume your seat.

Senator Marc MacSharry: No, I am not finished at all.

Senator Cáit Keane: I have been called to speak.

An Leas-Chathaoirleach: Please resume your seat.

Senator Marc MacSharry: This person has chosen to interrupt and disrupt the leader of the Opposition on this issue and on this spokespersonship.

Senator Cáit Keane: I have been called.

An Leas-Chathaoirleach: Please resume your seat.

Senator Marc MacSharry: I will continue to speak to make my point.

An Leas-Chathaoirleach: Your time is over the limit.

Senator Cáit Keane: He is abusing the House.

Senator Marc MacSharry: There is no question of me stopping to speak.

An Leas-Chathaoirleach: Please resume your seat.

Senator Marc MacSharry: This person disrupted the House in a filibuster and would not allow a point to be made.

An Leas-Chathaoirleach: Senator, please respect the Chair.

Senator Denis Landy: Suspend the House.

Senator Marc MacSharry: So I intend to continue in this regard. I will continue by saying-----

Senator Cáit Keane: He is abusing the House.

Senator Marc MacSharry: -----what the Minister did was-----

An Leas-Chathaoirleach: Senator MacSharry, as Leas-Chathaoirleach I am suspending the sitting for 15 minutes until you calm down.

Sitting suspended at 1 p.m. and resumed at 1.15 p.m.

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy Coffey, to the House. We will resume. I ask Senator Keane to proceed. She has five minutes.

Senator Gerard P. Craughwell: On a point of order, I am appalled by what happened here this morning. Fifteen minutes of our valuable time has been lost. The Minister is now gone.

An Leas-Chathaoirleach: That is not a point of order but I note the point.

Senator Gerard P. Craughwell: Some 150,000 people marched at the weekend.

An Leas-Chathaoirleach: We are again wasting time. It is not a point of order.

Senator Gerard P. Craughwell: I would appreciate it-----

Senator Cáit Keane: That is not my time Senator Craughwell is using.

Senator Gerard P. Craughwell: -----if those on this side of the House were allowed to finish what they have to say.

An Leas-Chathaoirleach: Senator Craughwell will have an opportunity to speak on that.

Senator Cáit Keane: Senator Keane should proceed. She has five minutes.

Senator Marc MacSharry: On a point of order, I would have expected the protection of the Chair to be allowed speak for five minutes when I was being constantly filibustered.

An Leas-Chathaoirleach: That is not a point of order. Senator Keane should proceed.

Senator Marc MacSharry: Clearly, it is how the Leas-Chathaoirleach wishes the debate to continue and we will ensure that Senator Keane has plenty of assistance in her own address.

Senator Cáit Keane: Starting now, I welcome the Minister of State to the House-----

Senator Marc MacSharry: We are not starting now. Senator Keane took up everybody else's speech.

Senator Cáit Keane: -----to debate what is a worrying issue for everybody.

Senator Marc MacSharry: That is right, Senator Keane will be telling more lies than her colleague.

Senator Cáit Keane: I would like the protection of the Chair.

Senator Marc MacSharry: Is that what Senator Keane intends to do?

An Leas-Chathaoirleach: I ask Senator MacSharry allow the Senator to proceed.

Senator Marc MacSharry: Will Senator Keane tell the truth about Irish Water-----

Senator Cáit Keane: A lot of people are worried about Irish Water.

Senator Marc MacSharry: -----and the quango that they set up to pay bonuses to people?

Senator Cáit Keane: I want to ask the Chair to protect me.

An Leas-Chathaoirleach: Senator Keane to proceed.

Senator Cáit Keane: I cannot speak.

Senator Marc MacSharry: Some 150,000 people who were protesting at the weekend are supposed to be paid up.

Senator Cáit Keane: That is totally out of order.

Senator Marc MacSharry: Just as out of order as Senator Keane was the previous time.

An Leas-Chathaoirleach: I propose that the sitting be suspended until 1.45 p.m.

Sitting suspended at 1.16 p.m. and resumed at 1.45 p.m.

An Cathaoirleach: Senator Keane has four minutes remaining.

Senator Cáit Keane: I have five minutes. I did not get to speak earlier.

An Cathaoirleach: Senator Keane has four minutes.

Senator Cáit Keane: Okay. I again welcome the Minister of State, Deputy Paudie Coffey, to the House to discuss a very serious issue which many people are worried about. I heard people express their fears on the ground recently and the situation has been ongoing since the local elections. The Government is examining the issue since last May. It will not make any rash decisions but it has been listening to people.

It has already been stated by the Government that the way Irish Water was set up and its communication leaves a lot to be desired. The Minister has apologised for that and John Tierney has apologised for it. However, it was the correct decision to set up Irish Water. People who cannot afford to pay for water will get assistance as part of the household benefits package. The Government has said the situation will be addressed for poorer people. People who pay taxes, who pay for everything in this country, will also have to be helped. The Government has said that also. Many issues relating to Irish Water must be changed.

Nobody has a monopoly on doing everything right. The previous Government agreed with the troika that there should be water charges. Fine Gael and the Labour Party agreed to set up Irish Water and the methodology for same. It is obvious that everything was not done correctly and that must be fixed. It has been agreed that Ireland has the biggest water use *per capita* in the EU. The EU and IMF programme of financial support for Ireland both contain commitments to reintroduce domestic water charges. Ireland is under a legal obligation from Europe to implement cost recovery. This morning when Deputy Adams was asked on the radio what he thought about the EUROSTAT arrangements and how the amount was moved off the balance sheet, he said he did not know about it. He told the EU to bugger off. I do not think we can afford to tell the EU to bugger off on such issues.

The directive from Europe must be followed and the polluter-pays principle is also important. It appears that we could be in trouble on the issue. The people have spoken on the charges and the Taoiseach has listened. Fine Gael, the Taoiseach, the Labour Party and the Government have said Irish Water will not be privatised.

Senator Marc MacSharry: Why did the Senator not vote for the referendum?

Senator Thomas Byrne: We are sick of this. We do not believe the promises.

An Cathaoirleach: Senator Keane should be allowed to speak without interruption.

Senator Cáit Keane: It was stated in the legislation that Irish Water would not be privatised. If we have to strengthen the legislation in that regard I would be in favour of spelling the situation out further in black and white. The Fine Gael position is that Irish Water will not be privatised. It will never be privatised while we are in government.

Senator David Cullinane: Yes, while Fine Gael is in government.

Senator Cáit Keane: I say that loud and clear and Members opposite should take it on board. I support the setting up of Irish Water.

Senator Marc MacSharry: More jobs for the boys.

Senator Cáit Keane: The best way to proceed is to have a semi-State company independent of Government that can borrow on the markets, off balance sheet.

(Interruptions).

Senator Cáit Keane: If I must shout to be heard above the ignorance of the House, I will do so.

An Cathaoirleach: Senator Keane has one minute remaining.

Senator Cáit Keane: If we must borrow at the rate of €1 billion a year-----

An Cathaoirleach: Senator Keane has had her say.

Senator Cáit Keane: If we have to raise €850 million, my question is where we would get the money. Under EUROSTAT rules one cannot use funds directly-----

Senator David Cullinane: I wish to raise a point of order, a Chathaoirligh.

Senator Cáit Keane: -----that one must pay for capital purposes unless-----

An Cathaoirleach: Senator Cullinane can make his point of order.

Senator David Cullinane: It is absolutely disgraceful that Senator MacSharry has ruined this debate today.

Senator Cáit Keane: Agreed.

An Cathaoirleach: That is not a point of order. I ask Senator Cullinane to resume his seat.

Senator David Cullinane: Dozens of Senators will now not have an opportunity to speak because of his selfish antics here today.

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

Senator David Cullinane: He should be ashamed of himself.

Senator Cáit Keane: If it was not off-balance sheet, where would we find the money for social housing, health and education? Those people who are agreeing to break the law are not coming up with that. How will they? Personally I would recommend-----

An Cathaoirleach: I have to ask the Senator to conclude as her time is up.

Senator Marie-Louise O'Donnell: I welcome the Minister. I think we should pay for water and we should pay for it when it is fair and when it is just. However, we should only pay for water when it is entirely and distinctly our own in perpetuity. It is interesting that we were never taught the words “preserve”, “purify” and “supply”; we were taught the words “install” and “meter”. I wonder what Irish Water was paying its PR company for that mistake. Water is number one. It is not just a right to life; it is life. We are all 60% water; our hearts are 73% water; our lungs are 83% water; and everything we eat is 93% water. So water is life; without it we cannot exist. There is nothing to compare to it. All those arguments that if we enshrine it in the Constitution, other things will get enshrined with it are puerile and facile. It is the only thing; it is liquid gold.

The World Bank has privatised water in hundreds of countries in exchange for loans. Nestlé bottles African water and calls it “Pure Life”. Imagine privatising pure life.

An Cathaoirleach: I call for silence in the Chamber. Senator O'Donnell is speaking.

Senator Marie-Louise O'Donnell: Countries have been brought to their knees by vulture funds, bank speculators and corporations which put up bills, beggar the poor and rape those countries of their natural resources. The privatisation of state waters around the world has one common denominator - it always happened under pressure of international lenders. Some 34% of water throughout the world is privatised and we will not bring it up to 35%. Privatisation is always about hard technology and water rights. They privatised water in poorer areas of South Africa and disconnected it. They privatised it in Tanzania and the people had to buy it back. They privatised it in the Philippines and it gave rise to cholera. They privatised it in Paris and it took it back. They privatised it in Germany; it is now owned by the public. In the EU the selling of water supply for a financial bailout is part of the Greece and Portugal negotiations.

The Minister says it can never happen here and he is right. I know it will not because the people will not let it. Standing beside the Minister the other day, Mr. Tierney said he would like to apologise to his customers. I do not know to whom he was talking because I am not his customer. I do not know why he was even speaking like that. He was addressing the Irish public. It is true we have legislation to protect Irish Water for the people, but the legislation is loose and wayward. It can be interpreted or realigned to suit a purpose. I do not trust it and the people do not trust it. I stood alone here when we discussed the national lottery and the legislation was changed. The beet went; the infrastructure of our telecommunications went. We do not trust it.

It is also entangled with a private-public company, Bord Gáis Éireann. What is it doing with a private-public company, Bord Gáis Éireann? Bord Gáis Energy was sold to Centrica for €1.12 billion and there is much to be said on that. Fine Gael claims it will not sell it and I believe it. The Taoiseach says - I respect and admire him - he will not sell it and I believe him. Fianna Fáil claims it will not sell it and I believe it. The Independents say they will not sell it and I believe them. Sinn Féin claims it will not sell it and I believe it. However, I am not too sure I trust the future. I have hope for it, but I do not trust it because no one knows what will happen in the next five months, let alone in the next five years.

I want my child, my grandchildren and all of our grandchildren to know it will be enshrined - that is the word - in the Constitution for the people in perpetuity. It is my only message to the Minister this afternoon. There is no comparison to anything else. That is why the vultures, the swagmen and all these corporations are standing at the seashores; it is because it is like oil. It should be preserved, purified, supplied and paid for. It should be fair, just and affordable. It should be ours and not semi-ours, not private-public ours; not under the wing of Bord Gáis Éireann ours; not a bit of ours; and not half-ours. It should be constitutionally “referendum-ly” ours.

Then the Minister might start talking to the people about three things: what they should do with it; how they can best do it; and why they should personally invest in it. We cannot treat water as the largest company on earth as is being done all over the world because when we view water in economic terms we make a fundamental change about ourselves.

I ask the Minister to relay this message to the Lower House because there was a whisper from a Member here this morning when we won the vote in the House. The word was that it

would not pass in the Lower House. I am not too sure about that if there are major changes. I think the Minister can enshrine it in the Constitution. He can be brave, creative, worthy of his position, and valiant.

Senator Denis Landy: Following on from my vote this morning, I want to say I support the retention of Irish Water in public ownership. However, I want to put to bed a number of issues with regard to how Irish Water was structured. First, when I stand up here I always defend workers when it is justifiable. In this instance I will defend public service workers. Some 4,000 people transferred to Irish Water from local authorities. I spent almost an hour this morning on the telephone with the chief negotiator on behalf of SIPTU. I want to set out the facts of what happened. This is very important. Many so-called political commentators on the right have maligned these people.

Senator David Norris: On a point of order, I inform the House that I am now withdrawing from the House over fact that-----

An Cathaoirleach: That is not a point of order.

Senator David Norris: -----during this debate, apart from Senator MacSharry the only Senators being heard are on the Government side.

An Cathaoirleach: Senator Landy.

Senator David Norris: That is not democracy. It is a disgrace. You are appointed by the Government - of course you are.

An Cathaoirleach: I ask Senator Landy to resume.

Senator David Norris: This is an absolute limitation on democracy. Closing the House down over a little spat for three quarters of an hour is complete nonsense.

An Cathaoirleach: I ask Senator Landy to resume.

Senator David Norris: I am withdrawing in protest at this infraction of democracy

An Cathaoirleach: Senator Landy.

Senator Marie-Louise O'Donnell: On a point of order, I am not a Government Senator.

An Cathaoirleach: That is not a point of order.

Senator Marie-Louise O'Donnell: I am an Independent Senator and voted as such this morning.

An Cathaoirleach: Senator Landy, without interruption, please.

Senator Cáit Keane: Senator MacSharry is.

Senator Marc MacSharry: Senator Keane took up a lot of the time.

An Cathaoirleach: Senator Landy without interruption.

Senator Marc MacSharry: There is one rule for Fine Gael and a different one for the rest of us.

An Cathaoirleach: Senator Landy without interruption.

Senator Marc MacSharry: I am sorry; I have been here for too long to accept that.

An Cathaoirleach: Senator Landy without interruption.

Senator Denis Landy: Irish Water approached the representatives of the workers in the local authorities.

Senator David Cullinane: Senator MacSharry should be ashamed of himself; that is what I am talking about.

Senator Marc MacSharry: The Senator's colleagues are walking around with rapists.

An Cathaoirleach: We will have no crossfire across the Chamber. Senator Landy.

Senator David Cullinane: Senator MacSharry should withdraw that remark.

An Cathaoirleach: Senator Landy without interruption.

Senator David Cullinane: He is a disgrace to himself and his party.

Senator Marc MacSharry: Senator Cullinane should deal with his own questions.

An Cathaoirleach: Senator MacSharry, please. Senator Landy, without interruption.

Senator Marc MacSharry: It is a pity the Chair did not give me the same respect while I was trying to speak.

Senator Cáit Keane: It is a pity I did not get the same respect.

An Cathaoirleach: Senator Landy without interruption.

Senator Denis Landy: This is the third time I will-----

An Cathaoirleach: Senator Landy, through the Chair, please.

Senator Denis Landy: This is the third time, a Chathaoirligh, through the Chair-----

An Cathaoirleach: Can I ask you to finish your contribution?

Senator Denis Landy: No, you cannot, because I have only spoken so far for 40 seconds.

Senator Marc MacSharry: That happened to me earlier on. The Senator should talk to his colleague.

Senator Denis Landy: If you are going to deny me because of this gentleman here destroying this debate-----

An Cathaoirleach: Senator Landy, please.

Senator Denis Landy: -----and other Members of the House blaming us for it-----

An Cathaoirleach: Senator Landy, can you finish your contribution, please?

Senator Marc MacSharry: The Minister will be happy.

Senator Denis Landy: If I can continue my contribution-----

Senator Marc MacSharry: It would be better than going around visiting call centres. He should be in here listening to people.

An Cathaoirleach: I ask Senator MacSharry to have a bit of respect for the House.

Senator Denis Landy: I put the House on notice. If I am interrupted once more, I will walk out.

Senator David Cullinane: Hear, hear.

Senator Denis Landy: Representatives of the workers were approached by the Department of the Environment, Community and Local Government to get buy-in, support and co-operation for the setting-up of Irish Water. The staff transferred across at the request of the Department and Irish Water. Some of them are doing the same job as they have done for 30 years. For some reason, some political commentators have now decided that they are surplus to requirement in the organisation.

An Cathaoirleach: The Senator has one minute left.

Senator Denis Landy: John Fitzgerald, the eminent economist-----

Senator Brian Ó Domhnaill: Why are they getting bonuses for the same job?

An Cathaoirleach: Senator Landy has one minute left.

Senator Marc MacSharry: The next speaker.

Senator David Cullinane: Senator Landy is right. What is happening here is a disgrace. Senator MacSharry should hang his head in shame. He is a disgrace to the Chamber-----

Senator Marc MacSharry: Good luck.

Senator David Cullinane: -----and a disgrace to his party.

An Cathaoirleach: I call the Minister. By an order of the House the Minister is to be called to reply at

Senator Marc MacSharry: You could extend it.

An Cathaoirleach: I cannot extend anything.

Senator Marc MacSharry: The Acting Leader could extend it.

2 o'clock

An Cathaoirleach: The Minister is to reply to the debate at 2 p.m.

Senator Fidelma Healy Eames: I appreciate that. In deference to all of us in this House who have burst ourselves to look for this time, could I ask the Cathaoirleach and the Leader to organise an extension of time?

An Cathaoirleach: I cannot do so. The House decided.

Senator Marc MacSharry: The Acting Leader could propose it. I am sure we would all agree.

Senator Fidelma Healy Eames: I would add to that.

Senator Marc MacSharry: Why does the Acting Leader not make such a proposal?

An Cathaoirleach: I am operating on the basis of the order that was passed by the House.

Senator Fidelma Healy Eames: I understand.

Senator Marc MacSharry: The Minister does not decide. The Acting Leader decides.

Deputy Alan Kelly: Do not even ask me that.

An Cathaoirleach: The Minister has been called to reply and he is on his feet.

Senator Fidelma Healy Eames: I ask the Acting Leader to be fair on this point.

An Cathaoirleach: The Senator should resume her seat.

Senator Fidelma Healy Eames: I am looking for what the Irish people need.

Senator Marc MacSharry: Hear, hear.

Senator Brian Ó Domhnaill: I would simply like to make a calm point of order. This is a hugely critical issue.

Senator John Whelan: For God's sake, you have no credibility.

Senator Brian Ó Domhnaill: You are adding to the reason that we are not having a debate.

An Cathaoirleach: Senator, resume your seat.

Senator John Whelan: The Senator has been blackguarding the House all day.

Senator Brian Ó Domhnaill: You are exactly fuelling the reason that it is cut short.

Senator John Whelan: The Senator cut short the time.

Senator Brian Ó Domhnaill: Come on, you do not want a debate.

An Cathaoirleach: Senator, resume your seat.

Senator John Whelan: The Senator has no manners. He has no respect for anyone.

Senator Brian Ó Domhnaill: You do not want a debate. That is why you shout us down when we speak.

Senator John Whelan: How dare you talk about the House.

Senator Brian Ó Domhnaill: It is a bloody disgrace.

Senator John Whelan: You are a disgrace.

Senator Brian Ó Domhnaill: They do not want a democratic debate in this House. They shouted down Senator MacSharry. They shout us all down because they do not want to hear what the people out there are saying.

Senator Cáit Keane: That is incorrect.

Senator Brian Ó Domhnaill: Fine Gael and the Labour Party are a bloody disgrace.

An Cathaoirleach: Senator, resume your seat.

Senator Brian Ó Domhnaill: They are facilitated by the Cathaoirleach.

Senator Cáit Keane: Senator MacSharry abused the House.

An Cathaoirleach: I ask Senator Ó Domhnaill to withdraw that remark.

Senator Marie Moloney: Can he clarify who he meant when he said “they”?

An Cathaoirleach: Senator, resume your seat.

Senator Marie Moloney: None of us shouted down Senator MacSharry. He should clarify that.

An Cathaoirleach: I am asking the Minister to reply to the debate.

Senator Marc MacSharry: He could extend it.

Deputy Alan Kelly: Okay.

Senator Marc MacSharry: He does not want to extend it because he does not want a debate.

Senator Cáit Keane: You were shouting.

Senator Marc MacSharry: You are the one who did all the shouting.

An Cathaoirleach: Can we have the Minister to reply to the debate?

Senator Marc MacSharry: We did not have a debate. The Government would not let us have a debate.

An Cathaoirleach: Senator, do you want to hear the Minister?

Senator Marc MacSharry: They shouted down people and now they will not extend the time.

Senator Cáit Keane: Senator MacSharry would not let us have a debate.

An Cathaoirleach: Senator, do you want to hear the Minister’s reply?

Senator Marc MacSharry: I do not particularly. I wanted to hear the other Members.

Senator Cáit Keane: You did not.

Senator Marc MacSharry: I wanted to hear my colleagues contribute to the debate.

Senator Cáit Keane: You wanted to hear yourself.

Senator Marc MacSharry: That is what the people wanted to hear too.

Senator Cáit Keane: That is all you wanted.

Senator Marc MacSharry: Fine Gael will not facilitate an extension.

An Cathaoirleach: I am suspending the House.

Sitting suspended at 2.05 p.m. and resumed at 2.15 p.m.

Minister for the Environment, Community and Local Government (Deputy Alan Kelly): I wish to address issues raised in the brief contributions from Senators, which is unfortunate, in my view, but that is the way it has been, unfortunately.

I remind Senators that we need Irish Water; it is a necessity as a utility. Put simply, if we do not have Irish Water, we do not have the capacity to borrow the money to invest in much needed infrastructure to provide a water supply for future generations for domestic use, for future industrial development and many other reasons that are clear to everyone in this House. Irish Water is completely necessary. The alternative is direct funding through the Exchequer. I remind the House of the scale of what is required - €600 million to €1 billion a year - which is not a viable option.

I will address a number of issues raised - or were not raised but would have been raised probably - I wish to be fair. The issue of privatisation was raised by a number of Senators. I appreciate what this House decided and I respect this House. As a former Member of the House I always respect the debates in this House which contribute substantially to the body politic. Sometimes debates in this House can contribute in a way that is not necessarily seen in the Dáil. I will bring the decision of the House to the attention of the Government and to the attention of the Taoiseach and the Tánaiste in particular. I will not rule out that this is the road we should go. I say that out straight. It is something that will need to be digested because it is not a decision one can make very quickly but we will need to digest it.

I have some questions. First, the legitimate concern is where do we join the line as regards other areas and other utilities. I wonder whether we would have calls or cause to do the same with regard to other areas such as electricity and other areas I mentioned previously. It is a genuine issue which we may need to debate further or at least to analyse. Senator O'Donnell asked whether the Oireachtas could use other mechanisms to close off this issue. I believe the issue is closed off but it may be necessary to give extra strength to it. The Government will need to consider the possibilities. We will need to take legal advice on the matter as it is not something that can be undertaken quickly, needing, as it does, an in-depth consideration. I will make the commitment to the House that I will bring the decision made by the House today to the attention of the Government. I will explain and emphasise the nature of the decision. However, we need to look at the impact of any decision if we were to go down the road of holding a referendum. We must consider whether other mechanisms could be used to do, more or less, the same thing.

The second issue raised concerns the charges. We need to bring clarity to the issue of charges very quickly. I am wishing to do so very soon. The Government will make a clear announcement on this and other issues relating to Irish Water. However, I do not apologise for saying that my primary motive is to get this right, whether that is achieved today, tomorrow,

next week or whenever. It is a case of making sure we get everything right.

The charges must be affordable and modest and they must reflect the concerns of families. They will need to be set out clearly for a number of years and this is what will happen. As I said in my opening contribution, issues relating to the pay structure and bonuses and the board of Irish Water will be dealt with in co-operation with the new board. I expect advertisements to be made soon. I am working with the Minister for Communications, Energy and Natural Resources, Deputy White. Through the newly created public advertisement process, we will ensure the best calibre of people. The process is an open one. We need people with defined expertise and the Government will define the type of individual we need. To be honest, this should probably have been done with greater vigour previously.

Customer communications and stakeholder management are critical issues and will improve because they must. Stakeholders across the country need to be managed better by Irish Water and the communication strategy must improve, particularly as it relates to customers. I welcome the fact that the chief executive, Mr. John Tierney, has apologised for certain failings by Irish Water in that regard. It was appropriate of him to do so.

As Senators know, representatives of Irish Water will attend Leinster House this evening. It must and will improve its stakeholder engagement. It is critical that all of the issues relating to Irish Water be explained to people, for example, why it is doing certain work, and that the necessary capital investment programme be promoted. Irish Water must also deal with the resultant inquiries. This will be done.

The capital investment programme is considerable and Irish Water needs to borrow money to implement it. The programme will fix many of the country's problems with water that are often raised in Adjournment debates or, in the Dáil, Topical Issue debates. We need a programme lasting a fixed number of years if we are to show people why we have embarked on the road of Irish Water, what charges are necessary and what results will emanate from same. This is a question of ensuring those results, for example, having the clean water that is necessary to achieve our goals.

Reference was made to Irish Water's setup costs. The independent regulator assessed 95% of those costs as being real and necessary. We must respect the regulator's independence and reflect its advice instead of trying to overshoot something that is not a genuine issue. Through the development in expertise of Irish Water, we have a better wastewater service management process, located in Ringsend in Dublin. The saving from same equals the setup costs of Irish Water, which shows the latter's value.

The next issue was not raised but, to reflect my expectation that it would be, I will address it. I understand that the use of PPS numbers is a concern. However, I must also acknowledge that our country is allocating €300 million in allowances. We need a system to verify whether they are being used correctly. Many other companies use PPS numbers. One is often asked for a PPS number in one's weekly or daily life. I am aware of Senator's Quinn proposal, which will be dealt with in the normal way of democratic debate.

I appreciate what Senator Landy began to say about the workers. It is probably something that I should have acknowledged. I believe in the democratic right to protest, etc., but I hope that every Senator will respect the fact that those workers are only trying to do their jobs to the best of their abilities. Be they local authority or Irish Water public sector workers or private

subcontractors installing meters, everyone should be respected when doing this work.

An improvement is necessary and expected in the relationship between Irish Water and local authorities and in the communication of issues at local level. The process by which the change-over to a utility like Irish Water is managed needs to be improved, given the fact that customers on the ground have been dealing with local authorities for many years.

I acknowledge this debate and wish there had been more contributions. I have reflected on a number of issues that were not raised but that I anticipated would be raised. Every matter that was mentioned is being addressed. The Government has large decisions to make and is in the process of doing so. We will make an announcement on Irish Water in the near future and address people's concerns, which have been reflected in this and the Lower House and in the marches of recent weeks.

Sitting suspended at 2.25 p.m. and resumed at 2.30 p.m.

Criminal Justice (Terrorist Offences) (Amendment) Bill 2014: Committee and Remaining Stages

An Cathaoirleach: I welcome the Minister of State at the Department of the Taoiseach, Deputy Dara Murphy, to the House. This is his first time in Seanad Éireann so I wish him well in his new portfolio and congratulate him. We are here to discuss the Criminal Justice (Terrorist Offences) (Amendment) Bill 2014 - Committee Stage.

Sections 1 to 11, inclusive, agreed to.

NEW SECTION

An Cathaoirleach: Amendment No. 1 is in the names of Senators Cullinane, Ó Clocharthaigh and Reilly.

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

In page 8, between lines 27 and 28, to insert the following:

“Transfer of data outside jurisdiction

12. Data may not be transferred to another jurisdiction for the purposes of it being used against an individual who has already stood trial and been acquitted in this jurisdiction.”.

Go raibh míle maith agat, a Chathaoirleach, and I concur with you.

Ba mhaith liom comhghairdeas a dhéanamh leis an Aire Stáit as an gceapachán atá faighte aige. Tá súil agam go n-éireoidh go geal leis ina phost nua. I wish him all the best in his new position. This is the first time I have had an opportunity to address him. I hope he enjoys his new role and wish him all the best with it.

Sinn Féin tabled two amendments, for today, on the two different Bills which are retrospective and relate to the issue I raised on Second Stage. The rationale behind this amendment

is that any data collected under this legislation should have to comply with standards in the Twenty-six Counties and not those of any other member state. Sinn Féin does not want to see a situation where data that is being shared in good faith leaves the hands of another member state when it's no longer under the standard under which it left Ireland. We feel we cannot afford to see an abuse of power by governments in this area. I cite the example, in recent years, when Mr. Frank McBrearty, Jnr., tried to enter the US with his family but was refused entry by the US authorities. He was refused entry on the grounds that he had a conviction for assault despite it being overturned and being found to be innocent of the charges levelled against him. We feel the matter raises very serious concerns on how data on individuals is retained in this country and then exchanged with agencies in other jurisdictions.

Already there are problems with data protection standards in various police forces. In England it was disclosed that British files wrongly list thousands of people as criminals resulting in many of them being refused employment. We must be careful, if data is being recorded, that it is recorded accurately and that proper regulations are in place with a data controller. In general, Sinn Féin supports the Bill but we feel this issue will add to people's fears about data protection. We have seen so many instances of online misuse of data, etc., that we feel our amendment would strengthen and improve the Bill in a very small way but in a way that we hope the Minister of State would take on board and accept.

Minister of State at the Department of the Taoiseach (Deputy Dara Murphy): I thank the Senator and the Cathaoirleach for their kind words. It is a pleasure and great privilege for me to be here for the first time and I hope to return on another occasion. I also convey the apologies of the Minister, Deputy Frances Fitzgerald.

The Senators' amendment provides for the insertion of a new section in the terrorist offences Bill prohibiting the transfer of data "to another jurisdiction for the purposes of it being used against an individual who has already stood trial and been acquitted in this jurisdiction".

In the case of this Bill, any transfer of data to another jurisdiction would be governed by EU law or the terms of the Council of Europe Convention on the Prevention of Terrorism, the text of which is set out in Schedule 2 to the Bill. Paragraph 2 of Article 17 of the convention provides that parties will carry out their obligations in relation to international co-operation in criminal matters in conformity with any treaties or other agreements on mutual legal assistance that may exist between them. In the absence of such treaties or agreements parties will provide assistance to one another in accordance with their domestic law.

The Office of the Parliamentary Counsel has advised, therefore, that the provisions of the Criminal Justice (Mutual Assistance) Act 2008, as amended, would apply in this case and that no further provision is required in this Bill as proposed by the amendment. The mutual assistance Act provides the legal framework for the provision of assistance that applies to offences across the Statute Book. It is appropriate for all requests for assistance and transfers of data to be dealt with within the context of that framework, rather than by way of individual legislative provisions.

There are restrictions on providing assistance contained in the 2008 Act. In the context of the international agreements concerning mutual assistance arrangements to which the State is a party, this is the appropriate framework within which decisions on mutual assistance should be taken.

As the Senator will be aware, I have been appointed as the Minister responsible for data protection. The data protection legislation also provides for the necessary checks and balances in regard to transfers of data and data protection. As requests for assistance and restrictions on assistance are already provided for in mutual assistance legislation and as data protection legislation provides a sufficiently robust regime to protect data transfers, it is not proposed to accept the amendment.

Senator Trevor Ó Clochartaigh: I thank the Minister of State for his response and I accept both his bona fides in respect of this issue and the background information he provided. In light of the issues we have cited and the examples we have provided, however, I will press the amendment.

Senator Paul Bradford: I welcome the Minister of State. I apologise for missing most of his contribution but I was present for the concluding part. I wish to express my strong objection to the amendment before the House and I was glad to hear the Minister of State indicate it will not be accepted. The phrase “data protection” is nice but protection of citizens and their security and that of the State is what the legislation is about. As a result of the tragic experience on this island and elsewhere across the globe, we are aware of what happens when there is a lack of co-operation between security forces and agencies in the context of dealing with increasingly prevalent and sophisticated terrorist threats. We should be in no way apologetic about putting in place the measures and means required at whatever level to keep citizens, society and our country safe. I am glad the Minister of State is not accepting the amendment. I often clash politically - not personally - with my friends from the Sinn Féin Party and I must inform them that we cannot even consider accepting the amendment because it would lead to a significant undermining of the necessary legislative base that is required to enhance and improve security and deal with the ever-increasing threat of terrorism in all its forms.

Senator Trevor Ó Clochartaigh: That is an absolutely astounding statement from a man with a legal background. The amendment reads: “Data may not be transferred to another jurisdiction for the purposes of it being used against an individual who has already stood trial and been acquitted in this jurisdiction.” Is Senator Bradford saying he does not trust the Irish judicial system and that where someone stands trial and is acquitted, he or she is not held to be innocent of the charges laid against him or her? We are seeking to ensure the latter will not be the case. The inference the Senator is making to the effect that we are opening the door for terrorists is completely misleading. Unfortunately, policing authorities and judiciaries in many other jurisdictions have misused information with which they have been provided. This has led in many instances to wrongful prosecutions which were subsequently overturned. It is absolutely wrong to infer we are trying to open the floodgates. We are seeking to ensure that if a person is acquitted of a crime in this jurisdiction, the decision of our Judiciary will be respected. We are also seeking to ensure the relevant data transferred to another jurisdiction would be bona fide in nature and would not clash with any findings made by the Judiciary in this jurisdiction.

Senator Paul Bradford: I thank my colleague for bestowing a legal qualification upon me. His action might open up the possibility of my entering onto a new career path.

An Cathaoirleach: The House knows what the Senator was talking about.

Senator Paul Bradford: At the core of this legislation and similar legislation introduced by the Government is the framework for keeping, in so far as is ever possible, our citizens, society and country safe. We should never apologise for that. I would be the first to concede

that at times there have been tragic miscarriages of justice and that major errors have been made. There has been in such instances, however, at least the possibility of correcting the awful damage done. There is no chance of redress in circumstances where people are blown to smithereens as a result of terrorist activity. I reiterate that I am glad the Minister of State is not accepting the amendment and also my view that he is absolutely correct not even to contemplate doing so. That is the end of my game of tennis with Senator Ó Clochartaigh on this matter.

Senator Trevor Ó Clochartaigh: I certainly hope it will be game, set and match. While I do not normally engage in toing and froing on amendments of this nature, I do not like the tone of the Senator's approach to the amendment. What he outlined is definitely not what is intended in the context of this amendment. As I informed the Minister of State, we support the Bill. We are trying to ensure everyone will have access to due process and that when the latter has been observed in this jurisdiction, this will be respected in others. The Senator may not have been present when I cited a number of examples regarding abuses of power by governments in other jurisdictions. It was in that context the amendment was tabled.

Deputy Dara Murphy: I accept what Senator Ó Clochartaigh believes might be the intention behind the amendment. There are in place, however, mutual assistance treaties which have been agreed with states throughout the European Union and elsewhere and which function well. Those treaties provide protection and safeguards in respect of both data and individuals.

I could not agree more with Senator Bradford regarding the importance of data protection. The latter is a vague, almost technical term which relates to the protection of an individual's rights but also of those of society in general. We have an obligation to ensure we have procedures in place which allow protection to be afforded not just to our citizens but also to those of other countries. We must, therefore, consider this matter in a broader context. The necessary protections in that regard are contained in the mutual assistance treaties to which I refer. I must state again that we will not accept the amendment.

Amendment put and declared lost.

Section 12 agreed to.

Schedules 1 and 2 agreed to.

Title agreed to.

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

Criminal Justice (Mutual Assistance) (Amendment) Bill 2014: Committee and Remaining Stages

Sections 1 to 35, inclusive, agreed to.

NEW SECTION

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

In page 29, between lines 32 and 33, to insert the following:

“36. Data may not be transferred to another jurisdiction for the purposes of it being used against an individual who has already stood trial and been acquitted in this jurisdiction.”

Tá mé ag cur an leasú seo chun cinn ar an mbunús céanna leis an mBille a chuaigh roimhe maidir le cúrsaí fáisnéise agus cúrsaí eolais agus mar sin de, go bhfuil amhras orainne i Sinn Féin go mb’fhéidir go mbainfí mí-úsáid as an eolas seo, go háirithe i gcomhthéacs duine atá tar éis dul os comhar na cúirteanna agus ar fuarthas neamhchiontach.

Again, it is a similar rationale as the amendment to the previous Bill and I wish to put it on the record again in the context of this Bill. Data collected under this legislation should have to comply with standards in the Twenty-six counties and not those in any other member state. We do not want to see a situation where data being shared in good faith leaves the hands of another member state when it is no longer under the same standard under which it left Ireland. We cannot afford to see an abuse of power by governments in this area. I cite the McBrearty case, in which he was refused entry to the US on the grounds that he had a conviction for an assault when, in fact, that conviction had been overturned and he was found to be innocent of the charges.

We have also seen problems with standards in various police forces. In England, it was disclosed that British files wrongly listed thousands of people as criminals, resulting in many of them being refused employment. It is the same rationale but the question is being put in a different way. What our amendment is actually highlighting here, and what it very specifically cites, is individuals who have already stood trial and been acquitted in this jurisdiction. Why would the Government not accept this amendment? What is the rationale of transferring the data on somebody who has already stood trial and been acquitted in this jurisdiction? We do not see the reason or the logic for that. Perhaps the Minister of State could come back to me on this point.

Minister of State at the Department of the Taoiseach (Deputy Dara Murphy): As the Senator says, it is a very similar argument to the one he made before, so he will not be surprised to hear me make a similar reply. I am unable to accept this amendment because the grounds for refusal of mutual assistance applications, which are included in this Bill, already make such provisions. I refer the Senator to the provisions in section 14, “refusal to confiscate”. For example, section 51B.(1)(c) states, “compliance with the external confiscation order in relation to the offence that resulted in the making of that order would infringe the ne bis in idem principle”. “Ne bis in idem” means a person cannot be tried twice for the same crime.

Subsection (e) states, “the criminal conduct concerned was either committed outside the territory of the designated state or committed wholly or partly in the State” and each state only has jurisdiction of offences committed in their own state. This covers part of the Senator’s argument. It goes on in section 60E, “Refusal to execute external financial penalty order”. Subsection (a) states, “a financial penalty has been made in the State against the defendant in respect of the conduct which has resulted in the making of the external financial penalty order”. Subsection (e) states, “the criminal conduct concerned was either committed outside the territory of the designated state or committed wholly or partly in the State”. Similar provisions apply in the EU-Japan mutual assistance agreement which, as the Senator will be aware, is very recent.

I also point out that a general provision is already contained in section 6 of the Criminal Justice (Mutual Assistance) (Amendment) Bill, which provides that the relevant international instruments have effect in this State in relation to any requirements to the instrument relating

to the protection, disclosure, use or transmission of information or evidence received under it.

It is the view of the Minister, with all due respect to the Senator's arguments, that mutual assistance and existing treaties do give the protections that he is seeking to achieve with both amendments.

Senator Trevor Ó Clochartaigh: I thank the Minister of State. I note that in the first part of his response he spoke about the double jeopardy syndrome. In the McBrearty case that I cited, the information that was given was used for other reasons, namely, to stop somebody from entering the US. We are trying to say that uses could be made of the data that would be unfair and not what the Minister has envisaged. Although I take on board the Minister of State's reassurances, we believe the amendment would copperfasten this right and therefore we will be pressing the amendment.

Deputy Dara Murphy: There is a difference between the legal provisions that would be put in place and instances such as those the Senator has referenced, where mistakes are made. There can and must be an acceptance that no matter what system or legal basis exists, an error can still be made and even the type of amendments he is proposing in both of these Bills would still not remove the possibility of an error occurring.

We have a new EU regulation that is under discussion at the moment. Given the degree to which our world is now shrinking and the ease with which data can be moved through clouds and other technological advances, the view of the Government is that it is within the international treaties and the mutual legal assistance treaties in this case that we must and will proceed.

Amendment put and declared lost.

Sections 36 and 37 agreed to.

Schedules 1 to 5, inclusive, agreed to.

Title agreed to.

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

Sitting suspended at 3.02 p.m. and resumed at 3.10 p.m.

Penal Reform: Motion

Senator Ivana Bacik: I move:

“That Seanad Éireann -

- notes the publication in March 2013 of the Report on Penal Reform by the Oireachtas Joint Committee on Justice, Defence and Equality;

- notes further the publication by the Minister for Justice and Equality in September 2014 of the Strategic Review of Penal Policy; and

- calls on the Minister for Justice and Equality to outline her proposals for reform of

penal policy in the context of the recommendations in the two reports.”

I welcome the Minister of State to the House on the first occasion he is taking Private Members’ business in this House. He is standing in at short notice for the Minister, Deputy Fitzgerald, who regrets that she is unable to attend today. I spoke with her about this motion a number of times.

I welcome the opportunity to speak on the important topic of penal reform. I welcome to the Gallery a group of people whom I know have a great interest in penal reform matters, in particular, a number of people are here from the Irish Penal Reform Trust, namely, Deirdre Malone, Kevin Warner and Fiona Ní Chinnéide. I also acknowledge Paddy Richardson of the Irish Association for the Social Integration of Offenders. I also welcome criminologists, Lindsay Black, Kate O’Hara, Martin Quigley, among others. I apologise if I have omitted anyone but we appreciate the input of these individuals into these debates and their presence here today. I refer to others such as those from the Jesuit Centre for Faith and Justice and the ACJRD, who are also very interested and will be following this debate, as indeed will others with an interest in criminal justice and penal reform.

This motion on behalf of the Labour Party Senators notes the publication in March 2013 of the Joint Committee on Justice, Defence and Equality report on penal reform. I was the rapporteur for that report which made five recommendations. We note further the publication by the Minister, Deputy Fitzgerald, in September of this year of the strategic review of penal policy. We have called on the Minister to outline her proposals for reform of penal policy in the context of the recommendations in the two reports.

I will accept the amendment to this motion which calls on the Minister to implement the recommendations. As the rapporteur for the joint committee report which was produced in March 2013 I drafted those recommendations which were adopted unanimously by the justice committee. At our press conference I called on the then Minister to implement them.

Our report on penal reform contains five practical recommendations for change in penal policy. If adopted, these would bring about a real change in our penal culture to enable greater rehabilitation of those in prison, to reduce re-offending rates and, in our view, to contribute to a safer society for all. Reducing recidivism is a hugely important goal for society as a whole and for victims of crime in particular.

In brief, our report recommended that the Government should take five specific penal policy actions: reduce prison numbers; commute prison sentences of less than six months for non-violent offences; increase standard remission from one quarter to one third and to introduce an incentivised remission scheme of up to one half; introduce legislation for structured release, temporary release, parole and community return; and address prison conditions and overcrowding and increase the use of open prisons. We adopted these recommendations in the justice committee but they were developed by a penal reform sub-committee of the justice committee at my initiative in October 2011 which was chaired by Deputy David Stanton, the Chairperson of the committee.

As rapporteur I worked on the draft report which was then adopted unanimously by the justice committee in February 2013. In the process of preparing the report we heard from a range of experts, organisations and statutory bodies, many with first-hand experience of working every day with prisoners and ex-prisoners. A number of common themes emerged from our

work and from the hearings. In particular, we heard that our prison system was not working to prevent re-offending, to protect victims of crime or to keep society safe. In the few years before we reported, prison numbers had increased dramatically, with pernicious overcrowding a real feature of our prison estate as a result. For example, as we state in our report, the prison population had increased by 400% between 1970 and 2013. Even in the five years from 2006 to 2010, numbers had increased by almost one third. This clearly had a knock-on effect on prison conditions. Indeed, many of the increases in numbers had taken place at a time when crime rates as a whole were falling.

We found prison conditions generally were poor, characterised by overcrowding, by drug misuse, violence, gang conflict and inadequate physical conditions. We heard that opportunities for rehabilitation were limited and that prison release was carried on in an unstructured way with few measures available to prevent re-offending and to encourage re-integration.

Under previous Governments, the official response to these very serious problems was to build more prisons, despite the clear view expressed in the many expert reports produced over the years that prison should be a sanction of last resort and that greater reliance should be placed on community-based sanctions, both to achieve more effective rehabilitation and to reduce re-offending rates. I am happy to say that under this Government, there has been a number of progressive changes to our prison system and to our penal policy generally. There have been no more plans to expand the prison estate. The Thornton Hall project is not being pursued and key progressive initiatives have been taken, including the introduction of an innovative and effective community return programme which ensures greater integration of prisoners into their communities. In the short time it has been in operation it has already produced some very impressive figures. I refer to the introduction of a joint prison and probation service plan for women prisoners. We have seen the phasing-out of the appalling practice of slopping out, with its elimination in Mountjoy Prison, the refurbishment of Mountjoy Prison generally, the closure of St. Patrick's Institution for minors and a commitment to rebuilding Cork Prison so as to address the dreadful conditions there.

Prison numbers have fallen. The Irish Penal Reform Trust has helpfully provided us with a briefing which points out that the figures this week are 3,760 prisoners in custody on any one day, compared with approximately 4,300 persons in prison on any one day, when we reported in March 2013.

In our report we called on the Government to adopt a decarceration strategy by declaring an intention to reduce the prison population by one third over a ten-year period. This would mean a reduction to approximately 2,850 prisoners. This should be done by focusing on non-violent offenders serving relatively short prison terms. Short sentences represent a very significant proportion of our prison population. Last year, for example, 90% of committals to prison under sentence were for periods of less than 12 months for minor offences.

The arguments for decarceration are compelling. It is widely accepted that prison rates have a low impact on crime rates and that numbers imprisoned can be lowered without exposing the public to risk. Measures to tackle recidivism work best within a well ordered prison system with good sentence management strategies, not in a system characterised by severe overcrowding and unstructured release - the old revolving door system. In the past our system has been characterised by these features and by very poor conditions. Even with the improvement in conditions and the move towards eliminating slopping out, we still have a situation where more than half of all prisoners are sharing cells. Even where in-cell sanitation has been introduced

and which is welcome, prisoners have to use the toilet in front of cell mates, with a resulting effect on their privacy and dignity.

There is little emphasis on education or rehabilitation; with long lock-up times and with very little reliance on open prisons. In Ireland only 5% of the prison population are in so-called open prisons, compared to 30% in Finland and close to 40% in Denmark. Open prisons are far more facilitative of rehabilitation and re-integration. Kevin Warner has recently written that this is particularly true for the very vulnerable population of 18 to 21 year-old male prisoners, 225 of whom were incarcerated in Irish prisons in May 2014. However, there is very little attention given to this grouping and very little provision made for their rehabilitation and re-integration into society.

The justice committee report argued that in order to tackle overcrowding, reduce prison numbers and develop a system in which genuine rehabilitation can be accomplished, there should be specific strategies of decarceration and in particular that custodial sentences imposed for under six months imprisonment in respect of non-violent offences should be replaced with community service orders and that standard remission should be increased. We also recommended that those in certain categories - prisoners such as first-time offenders – should be eligible to earn extra remission of up to one half of their sentence on an incentivised basis. We pointed out that this would simply bring our remission rules into line with those already operating in the UK and would not apply to groups currently ineligible for remission such as persons serving life sentences for murder, for example.

We argued that our recommendations would contribute to a greatly improved penal system with lower re-offending rates. We visited Finland as part of our committee's work and found a system which is highly progressive. With a population of over 5 million and a prison system that was highly punitive with high rates of incarceration, Finnish policy-makers recently adopted a decarceration policy which has reduced prison numbers and a better penal system for all.

Our report fed into the strategic review of penal policy established by the then Minister, Deputy Shatter, and which finally reported this year. The final report of the review process was published in September by the Minister, Deputy Fitzgerald. There is a great deal of commonality between the two reports.

The strategic review report contains many progressive recommendations, notably recommendation 32 which states that imprisonment should be a sentence of last resort and that this principle should be enshrined in statute. It is also stated that reduction in the over-reliance on prison is a key goal and should be a key goal of any penal policy. Other key recommendations in the strategic review report include greater use of structured temporary release, the introduction of enhanced remission of up to one third, development of the community return programme, establishment of the parole board on a statutory basis and extension of the restorative justice programme, an issue particularly close to the heart of Senator Conway, my colleague on the Joint Committee on Justice, Defence and Equality.

There is much commonality between the two reports and if implemented, the recommendations in both would make for a much more progressive penal system which works more effectively to reduce re-offending and encourage reintegration of offenders. The key concern of groups like the Irish Penal Reform Trust and others is about the implementation of the recommendations in both reports. At a recent Association for Criminal Justice Research and Development conference in Wheatfield Prison, jointly run with the Department of Justice and Equality, I

asked this question about implementation. It is vital that we see a timetable established as well as a timeline of action on each of the recommendations, in particular in the strategic review report, with key individual tasks identified. We also need to see a public commitment to establish immediately the consultative council which is recommended in the strategic review report as a key mechanism to ensure that actions arising from the report will be implemented.

There are other matters which need to be addressed and I hope they will be addressed in the course of this debate, for example, the research capacity of the Department of Justice and Equality and issues around data collection which has been a real problem for anyone who has worked in criminal justice and penal reform. There are other issues around the needs of young children and families whose mothers or fathers are in prison and whose needs must be accommodated in the prison system. I very much look forward to hearing the comments of colleagues and to responding to the debate.

Senator Aileen Hayden: I second the motion and thank my colleague, Senator Bacik, for bringing this matter before us. I thank the Irish Penal Reform Trust for its briefing to us. It has welcomed this motion which calls on the Minister for Justice and Equality to outline her proposals for reform of penal policy in the context of the recommendations of the report on penal reform by the Joint Committee on Justice, Defence and Equality - Senator Bacik was very active in regard to that report - and the strategic review of penal policy report. I look forward to hearing the Minister of State's reflections on both of those reports.

I refer to some of the statistics Senator Bacik outlined. It was striking that on 3 November 2014, there were 3,760 prisoners in custody in this country, but one of the most striking statistics from my perspective was that the number of female committals had risen from 1,459 in 2009 to 2,326 in 2013, of which 1,894, almost 84%, were for non-payment of court ordered fines. That is a very important point we should keep at the forefront of this debate because there is no doubt in my mind, having dealt with the issue over a number of years in other quasi-judicial areas, that prison sentences for non-payment of fines smacks of the 19th century Dickensian style of approach and is wholly inappropriate in the 21st century.

In regard to penal reform generally, there is no doubt we need a coherent penal policy. There is a great benefit to be obtained from focusing on the root of the problem rather than just treating its symptoms and there is a benefit to the rule of law and society in general by providing certainty in regard to penal policy. It has always been my view, as someone who comes from a social policy background, that when we talk about penal policy, we underestimate the importance of background, in particular economic background and economic deprivation. I think it is acknowledged by all the reports on the issue that it is hopelessly inadequate to treat economic deprivation with prison sentences.

I think it was noted in the strategic review of penal policy that our current system was put together without any guiding principles or ends in mind and that, as far as penal policy is concerned, we have tended to react to events as they have occurred. We saw an increase in punitive sentences following the rise of gangland crime in the 1980s and 1990s, in particular following the murder of Veronica Guerin and the increase in drug use in Ireland. As someone who worked very much at the forefront of housing in Dublin, in particular during the 1980s, and who saw very much at first-hand the rise of drug crime in Dublin, there is no doubt in my mind that the rise in drug crime in Dublin was linked specifically to economic deprivation. There is no getting away from the link between penal policy and economic deprivation.

Imprisonment does not have an effect in reducing recidivism and, as has been pointed out, the evidence is there from other countries, such as Scotland, Australia, Canada and the US. If anything, the evidence shows the opposite. Putting people in prison increases their likelihood of re-offending. That is particularly true in the context of some of the communities that have been riddled by drugs and affected by recession in our society.

We need to avoid thinking of prison as a solution and focus on longer-term mechanisms for the reduction of crime. That is incredibly important in helping society as a whole as well as the offenders. I am conscious we are reviewing the whole process of the partnerships. As we know, many of the partnerships are based in areas where there is very significant deprivation. I am thinking of the northside partnership, the Ballymun partnership and the southside partnership, which are all based in areas where the issues of economic deprivation and social inclusion are very important. I take this opportunity to say to the Minister of State that we need to be very careful when we attempt to dismantle some of the initiatives put in place to try to deal with some of these very fundamental issues around economic deprivation and social inclusion.

When we send someone to prison, we do not ask often enough about his or her background. The reality is that many of those we find in our prisons left school at 16 years of age or younger. They have trouble reading and writing and they are more likely to be on drugs, to be homeless, to have a history of being in care and to have been impoverished. We must reduce the factors that lead to imprisonment rather than simply looking at imprisonment as an end in itself.

The Irish Penal Reform Trust has been very active on the issue of prisoners leaving prison and ensuring that when they leave prison, they do not end up in a situation of homelessness which we know leads to the revolving door syndrome of people re-entering a prison environment.

I echo what my colleague, Senator Bacik, said. However, I really believe we do not place enough emphasis on people who have a history of care and of homelessness. We know that two thirds of children who leave the care of the State experience homelessness and that there is a link between that and experience of prison. This is something we must deal with and resolve. Our emphasis has been too much on penal policy and imprisonment as a solution and not enough time has been spent looking at the causes of crime.

Senator Denis O'Donovan: I welcome the Minister of State, Deputy Dara Murphy. As a fellow Corkman, I wish him every success and as much happiness he can glean out of his new brief.

Deputy Dara Murphy: A lengthy term in office.

Senator Denis O'Donovan: Yes, indeed. None of us likes sudden elections. I was a bit worried this morning when the vote went against the Government or part of it.

Leaving that aside, I wish to say my party, Fianna Fáil, fully supports the motion. I compliment Senator Bacik on her work on the justice committee and acknowledge that she has done a lot of work on this report. Sometimes the Senators and Deputies who do a lot of the background work for committees are never credited for their time and effort.

I am also glad to hear the amendment suggested by Sinn Féin is being agreed to. Therefore, the Minister of State will have a fairly peaceful evening here and I am sure he is glad of that.

It is important we do everything possible to support the Government in overhauling a very expensive, ineffective and outdated penal system which reflects the late 1960s and 1970s rather than a modern Ireland or what we should espouse to. The system struggles to cope with the thousands of summonses and bench warrants which remain outstanding, Garda numbers are down by over 1,600, and over 16% of our prison population are on temporary release at any given time due to capacity issues. Crime, particularly in Dublin, has become a real concern and has made international headlines. I also acknowledge the tremendous work that has been done in the city of Limerick in outlawing certain criminal gangs and restoring relative peace to its streets.

A report conducted by the Irish Prison Service and the Central Statistics Office in 2013 showed that criminals in Ireland have a recidivism rate of 62.3% within three years. That is an alarming and frightening statistic. Another finding was that over 80% of those who re-offended did so within 12 months of release. Not only is our justice system ineffective in reforming offenders' actions, it is also very costly because in 2012 the average cost of imprisonment per prisoner was €65,404. Therefore, new ideas and a new approach are needed in order to reform the penal system. I reiterate that the proposals put forward in the recent report by the Oireachtas Joint Committee on Justice, Defence and Equality, of which I am a member, should be implemented and a plan should be set out to do so.

It is frightening to look at the statistic for prisoners on temporary release since September 2014 which states: Castlerea Prison - 33; Cork Prison - 140, which is in the Minister of State's constituency; Mountjoy Prison - 138 in the male prison and 46 in the female prison; Shelton Abbey Prison - 5; Wheatfield Prison - 54; and the total figure is 642 prisoners. The number of prisoners on temporary release for serious offences are as follows: homicide - 3; sexual offences - 1; and attempts-threat to murder - 59. These are very serious issues.

It is important to note that the penal system was inherited by the Government. The problem of sending people to prison for a week or 14 days for minor issues has existed for as long as I have been alive, and longer. I shall now relate a simple story about a man who lived in a very remote part of Munster and I will not say anything further so as not to identify him. He drove his car to Navan or a town like it in order to buy a part for his tractor but on arrival he discovered the parking meter beside where he parked had a sign which read "out of order". He got the part and went somewhere for a cup of tea which only took him three quarters of an hour. Lo and behold he got a summons for parking illegally which surprised him. He rang the local authority and did everything possible to sort the matter out. Eventually the case went to court, he has no defence counsel to represent him and at huge cost was brought from a remote part of Munster, probably a five hour drive to Dublin, and was accompanied by a local garda just to spend three hours in Mountjoy Prison.

He said in court that he was an honourable man who was 67 years of age at the time and had never been in court in his life. His wife rang me that morning balling her head off and said to me "Poor old John has been taken away, isn't it an awful disgrace." A great damage was done to the family. The same situation happens on a regular basis. People are being brought from either my home town of Bantry or whatever to Cork Prison. They are then released and have to be brought back which involves Garda time. All involved have to be transported. The case I mentioned is not a one-off incident and I felt for the family. Thankfully, the local garda waited until the man was released and accompanied him home on the train. That act of kindness gave the 67-year old man peace of mind but many gardaí would not bother turning around. We must try to eliminate such court cases.

The report contains a proposal that sentences of less than six months be commuted. I concur because we should not send people to prison for perhaps owing their credit union a few hundred euro or whatever and being unable to pay. We must rethink the strategy as it is absolutely ridiculous.

The re-offending rate of two thirds is so worrying that it is serious. I am very interested in the Finnish model of open prisons outlined by Senator Bacik and was very pleased to visit Finland to see an example. It was located on an island and some of its inhabitants went back to college. In one instance a prisoner who committed a serious crime was allowed travel hundreds of miles to bury someone who belonged to him. He was tagged and thus was able to return. That model of open prison is appealing. Inhabitants were treated very well and given a certain amount of freedom thus trust could be built up. If there is no trust then the situation is very serious.

Overcrowding in Irish prisons is appalling. I agree with Senator Bacik's comments that, by and large, we would love to see fewer prisons and prison spaces. Changing the system would be like turning around the *Titanic*. The system must be changed gradually. We must adopt a new view of what we want prison life to be like for the next 50 years. We must try to eliminate and get away from the past on which, regrettably, prison systems are based.

The committee's report is good. The principle thing to convey to the Government and to the senior Minister is to act on this report sooner rather than later.

Acting Chairman (Senator Michael Mullins): I call Senator Martin Conway and he has six minutes.

Senator Martin Conway: Go raibh maith agat. I welcome my good friend and Minister of State to the House. It is great to have him here and he is very welcome. I hope this is the first of many visits by him to Seanad Éireann. He will find that the level of debate here is probably a little more collegial than in the other House. Although the events of this morning would make him think otherwise.

As always, Senator Bacik has come forward with a very thought-provoking Private Members' motion which has resulted from enormous dedication by her to the issue in the first place. Before I ever got to know her I was aware of her work on penal reform. Of course, that is only one of many strings to her bow but, in particular, penal reform is an issue on which she has been very strong.

I wish to put on the record of this House my disappointment that only two people from the entire Houses of the Oireachtas attended today's launch of Ruhama's report into the abuse of women involved in prostitution in this country. Irish Water is a big issue and other issues are big issues. What about the human rights of vulnerable citizens in this country and vulnerable people who visit this country but end up doing so against their will because they are trafficked here? In my view their human rights are a much more fundamental issue than the human right to water. We are missing a briefing in the AV room on Irish Water but we are probably better off being here discussing Senator Bacik's Private Members' motion than listening to Irish Water.

The work done by the Oireachtas justice committee's sub-committee on penal reform is provocative, groundbreaking and will make a difference if implemented. It is timely for us to discuss its recommendations and the whole issue of penal reform in this House. The sub-committee's work was detailed and forensic. The various stakeholders were brought into the

committee where they made their submissions. There was a very healthy and useful exchange of views and the report is groundbreaking.

During my period on the committee we have visited Mountjoy Prison and Cork Prison. Some of the developments are very welcome, particularly the elimination and progressive elimination of slopping out. The fact that a new prison will be built in Cork is very welcome. The living standards in the prison were and will remain inhumane until such time as the new prison is up and running. We are a First World country. We have responsibilities, in terms of human rights, in how we treat prisoners. Rehabilitation, education and preparing prisoners for release is critical in the area of penal reform. If somebody is given a five-year sentence for a crime, it is no use unless he or she is rehabilitated going out into the world. Within the prison system, we need to take a serious look at education, counselling and therapy, in particular, in the area of restorative justice.

When I tabled a motion here on restorative justice two years ago, I was amazed at the number of Members who approached me beforehand to know what was restorative justice. I must admit I only became aware of the principle of restorative justice a number of months prior to that. Restorative justice is working well in various parts of the world. Interestingly, it is working well in Northern Ireland.

More interestingly, it is working well where it is being piloted in this country. It is being piloted in north Tipperary as a result of the ground-breaking views of Judge Reilly, who believed in the principle and practice of restorative justice. It is also working well in south Dublin. Where those who have been involved in crime enter programmes of restorative justice with their victims, it has proven to be an extremely positive experience with re-offending rates dropping by 60% to 70%. Where, for instance, a perpetrator hears the testimony from the victim of the effect of snatching a handbag, which, to the perpetrator, might be a laugh and might not be considered a serious crime, but which can have a devastating effect and put the fear of God into a person, perhaps a lady going about her daily work, and the perpetrator realises this through proper restorative justice programmes, it is through an inherent human nature in the vast majority that such crime can be reduced.

The motion that was passed unanimously in this House called on the Government to extend the pilot programme on a national basis. That is something that I would like to see happen in the lifetime of this Government. It probably will not. Even if there was a commitment that it would happen incrementally, perhaps province by province over a number of years, it would be a welcome development.

I welcome the fact that the Minister committed to establishing a community court in Dublin city. It, too, is a motion that I, in my capacity as Fine Gael spokesperson on justice and equality, tabled here. It also received unanimous support in this House because it makes absolute sense. Community courts have worked incredibly well in New York city. They have dramatically reduced crime levels. A community court is where one brings the various stakeholders, whether it is probation, addiction counselling or social work, together under one roof and proper early interventions can be made. Cases can be adjourned until such time as these interventions have taken place and effective reporting is undertaken. The Minister is brave to have committed to setting that up, between Store Street and Pearse Street Garda stations. It will be interesting to see the results of the pilot community court in Dublin. If it works, it could be extended to some of the other cities, such as Galway, Cork and Limerick.

We need to look at alternative ways of dealing with matters of justice because prison is rarely the answer. If we can identify alternative ways, not only does it reduce the numbers going to prison but it is much more cost effective. Furthermore, it protects the sense of purpose and well-being of the offenders, many of whose offences are minor and many of whom, if they are got in time, will not re-offend.

Senator Jillian van Turnhout: I also welcome the Minister of State, Deputy Dara Murphy, to the Chamber and thank him for the calming effect he has obviously had on this House. It allows us to have a constructive important debate on penal reform.

I commend and thank Senator Bacik and her colleagues in Labour on giving us this opportunity to have a debate on penal reform. I also join in the welcome by Senator Bacik to the visitors in the Gallery. I thank them for all the work that they do. It is greatly appreciated by us.

I understand the Minister of State stood in at short notice. If he is not in a position to answer, I would appreciate a follow-up in writing to them because some are quite specific.

I commend the hard work, dedication and expertise that went into both projects and I welcome the positive contribution they make to achieving a fairer and more robust penal policy in Ireland. The strategic review of penal policy states “the overarching purpose of criminal and penal policy should be to make Ireland a safer and fairer place”. They go on to state that “any penal system which does not aspire to a reduction in offending behaviour as a key goal is failing in its purpose”. Everybody can agree with that.

However, we only need to look at the higher recidivism rates, recorded by the CSO, by those who received a custodial sentence versus those who received a community based sanction, and the fact that prison fundamentally harms and damages already harmed and damaged individuals, to know that prison should only be used as a measure of last resort. Rhetoric suggests that we have accepted this principle, but our rates of committal to prison under sentence and the increasing number of committals for periods of less than three and six months means that Ireland has one of the most punitive criminal justice systems in Europe. There is far greater scope, both in policy and legislation, to extend the principle of detention as a last resort, an already well established principle in international and domestic law for children, to the adult justice system.

Speaking of children in detention, although not named in the recommendations of either report, I understand it was a feature of the discussions for both and I raise the following matter. The number of children detained on remand in Ireland, particularly the significant percentage of whom who do not go on to receive a custodial sentence, raises serious concerns about Ireland’s compliance with the detention as a last resource principle for children which also incorporates a presumption against detention for children accused of criminal offences, that is, remand. I ask the Minister’s opinion on the practice in the Children Court of remanding children for assessment despite section 88(13) of the Children Act clearly stipulating that the court should not remand a child in detention solely on the basis of care or protection concerns. Second, I ask how the absence of a formal system of bail supports and services in Ireland impacts on a child’s ability to meet his or her bail conditions, and the consequence risk of he or she receiving a custodial remand for failure to comply.

Like practically everyone in this House, I warmly welcome the concerted efforts of the Government to end the practice of detaining children in prison which is in breach of international human rights standards. However, according to the daily prison numbers, on Friday, 31 Octo-

ber, there were eight 17 year old boys detained on remand in St. Patrick's Institution and I must ask when this practice will finally end. In the interests of transparency and to better monitor progress, will the Minister direct the Irish Prison Service to identify the number of 17 year old boys detained in Wheatfield Prison in its daily prisoner population breakdown so that we all are clear and, hopefully, can celebrate soon when children are no longer in prison?

Senator Bacik raised the issue of those aged 18 to 21 years and I ask a specific question of the Minister. Considering the extensive evidence supporting the need for differential treatment of those aged 18 to 21 years in the criminal justice system, does the Minister intend to act on recommendation 4 of the strategic review group report and extend programmes, including, for example, the youth diversion programme, to this age cohort? This would be a welcome measure.

Finally, I was interested by a comment made recently by Fr. Peter McVerry at the 12th Annual Human Rights Conference, at which the Minister for Justice and Equality, Deputy Frances Fitzgerald, also spoke. He queried why, 37 years after the introduction of the Misuse of Drugs Act 1977 which allows the courts to detain a person convicted of possession in a designated custodial treatment centre as an alternative to a custodial sentence, no such custodial treatment centre exists. Some 37 years later, we do not have the centre. Fr. Peter McVerry was commenting on the revolving door reality of prison with drug users going in and coming out of prison because of their addiction. They continue to use drugs while incarcerated and immediately seek out drugs on their release. He spoke of how many on remand were reluctant to take up bail until a scantily available place has been secured in a treatment facility. The drug epidemic in Ireland continues to blight lives, families and communities and fuels criminality. We should consider the option of an alternative to prison and put it in place.

I thank Senator Bacik and her colleagues in the Labour Party for affording us this opportunity to debate it and I hope this will lead to the continuation of discussions on penal reform. I hope that we will see that the reports will progress and come to life.

Acting Chairman (Senator Michael Mullins): I now call Senator Susan O'Keeffe, who has six minutes.

Senator Susan O'Keeffe: I thank my colleagues Senators Bacik and Hayden for proposing and seconding this motion. It is yet again an opportunity for the Seanad to show that penal reform is not a political football but that we have an interest in improving the system at heart. There has been no disagreement, or at least there will be no disagreement on the motion today.

The difficulty facing any Minister, and the Minister of State, Deputy Dara Murphy is very welcome, in trying to set up or improve the penal system is whether one views the purpose of the process as a method of punishing the offender or by reforming it, encourage the offender to lead a better life. When one takes the approach of trying to reform the system, one encounters the "flog them and hang them" brigade. Some people believe those who go to prison should be in prison and they need to be punished for what they have done. The heart of the debate about the penal system is what underpins it. By and large the people have never held extreme viewpoints on what should be done with offenders. We have been fuddling along in the middle. As time passes it appears that we are more in favour of punishment than in reforming the system. I would not like to see that continue.

No system can be repaired overnight. People are still slopping out in the 21st century and I

would like to believe that could be repaired overnight. The greater issues about how to improve the system for prisoners has to be done with thought and care. Much of the work has been done and I would hate to see us embarking on another phase of research, when an enormous body of research that has been conducted worldwide and in Ireland is available on approaches we might consider.

The issue is whether the Government agrees the purpose of the penal system is to punish or to reform offenders. Everything will be built on that premise. As long as we are torn in the middle of that debate we will never be able to make progress. Sometimes the Government finds it hard to say that it wants to improve standards so that when people come out of prison they will have a better life, and are members of society. It is acknowledged that they have offended and have done wrong things, and seriously wrong things, but that we accept that society is comprised of people who make mistakes as well as those who never end up behind bars.

I have been in several prisons and in several institutions for young offenders, both here and in the UK. What I will never forget is the terrible sense of oppression and of being closed in, as well as the extraordinary smell that comes from being inside a building where one really cannot get out. In a way, those who have never been in prison and talk about punishing people and sending them to prison do not understand at all what the removal of freedom means to people. Ultimately the punishment is that one is in a place where one cannot leave of one's own free will. Surely the punishment starts there and we should be looking to create systems to restore some humanity and look for a more humane system. We should look for the implementation of many of the recommendations in these reports.

This is not an easy task and the subject will not be solved overnight, albeit some of the specifically outrageous things that go on can be dealt with quickly. Senator O'Donovan's example of a man driving for a tractor part and ending up in prison is ridiculous and makes a nonsense of the whole system. It is a tiny part of a wider picture. I for one take the view that we are all human. We all make mistakes, some of them very serious but as a mark of the maturity of our society we want to show we understand that people who go to prison are nonetheless still people and need to be treated with dignity and respect. It is up to us as public representatives and as a government to try to find a way to reflect that in our penal system.

Acting Chairman (Senator Michael Mullins): I now call on Senator Trevor Ó Clochar-taigh to move his amendment and he has six minutes.

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

“To add after the words ‘two reports’ the following paragraph:

‘; and

- calls on the Minister for Justice and Equality to implement the five recommendations set out by the Joint Committee on Justice, Defence and Equality in its Report on Penal Reform.’”

Cuirim fáilte roimh an Aire arís. Ba mhaith liom an leasú atá cuirthe chun cinn ag Sinn Féin a mholadh ag an bpointe seo. Tá mo chomhghleacaí le bheith anseo chun cuidiú leis sin. Cuirim fáilte roimh na cuairteoirí sa ghailearaí chomh maith céanna.

This motion during Private Members' business is the culmination of how the Houses of the

Oireachtas can work at times. We often seem quite dysfunctional but now one sees the marriage of the parliamentarians working in committee, engaging with NGOs who have the grassroots knowledge of what happens on the ground, bringing that information to bear in a committee, and then bringing it to this House for discussion.

Having our amendment accepted is a rare treat for us on this side of the House and we welcome it. We were joking about it outside the Chamber, I had not realised it would be accepted. What our amendment tries to do is support the work of the committee. As outlined, the committee recommendations were agreed unanimously. We felt the amendments were good and we wanted to see them implemented. The final piece in this jigsaw will be the implementation, which will be up to the Minister of State and the senior line Minister.

What the committee has done and also the strategic review is to highlight that the penal policy in this country is not working, that it is outdated and ineffective. Our prison system is costly, outdated and inadequate. It is not fit for purpose. Our prisons are overcrowded and dysfunctional. They are costly places where we warehouse the poor, the mentally ill and the vulnerable. As a result Ireland's prisons have come in for much criticism from various directions. The European Committee for the Prevention of Torture and the United Nations Human Rights Committee has a number of concerns, particularly regarding the ongoing lack of sanitary facilities. As has been said previously, the practice of slopping out must end immediately. It is degrading and inhumane. There is no place for it in Irish Society in 2014. The European committee also raised issues around the non-segregation of remand prisoners, the detention of emigrants in prisons, over-crowding and the consequent rising levels of inter-prisoner violence.

Sentencing and penal policy in Ireland have led to a situation where we have witnessed an almost 50% increase in the prison population in the past 15 to 20 years. We need to tackle this head on. Last year the Oireachtas Justice, Defence and Equality Committee published a report on penal reform. Our amendment is around the area of these specific recommendations which were first, to reduce prison numbers; second, to commute prison sentences of less than six months; third, to increase standard remission from one quarter to one third and introduce an incentivised remission scheme of up to one half; fourth, to introduce legislation providing for structured release, temporary release, parole and community return; and fifth, to address prison conditions and overcrowding and increase the use of open prisons. We tend to be combative at time but I would like to commend Senator Bacik for the work she did on that report. It is exemplary. I wish also to commend all of the members of that committee for the work they did.

The Sinn Féin Party and I fully endorse these recommendations and I am asking the Minister to implement them immediately. Sinn Féin welcomed the report of the Penal Policy Review Group in September of this year. In particular we welcome the engagement with the stakeholders across this area and many of them are present in the Visitors Gallery. We in Sinn Féin understand and recognise those with the expertise in the area.

4 o'clock

These are the experts in the area, not us as politicians and legislators, and we must listen to them and take their counsel on these matters. We were glad to see the report recognised the futility of putting so many people in prison and said the unnecessary use of imprisonment must be severely reduced. The Government has still not fully implemented all aspects of the long-promised legislation whereby people would have to pay their fines instead of going to jail. We have been pushing for this for years now. We are heartened also to see in the report the recom-

mendation that courts will not be able to make attachment orders to social welfare payments. The report also identified the link between crime and the failures of social policy, manifested in addiction and homelessness, something we have been bringing to the Government's attention for as long as we have been represented in these institutions.

However, our one criticism of the report is the failure to allow for a sentencing council. This is something we in Sinn Féin feel very strongly about. We would like to see a sentencing council based on the system in England and Wales, with clear sentencing guidelines given to the judiciary there, as it has engagement with the public about what are appropriate sentences for particular categories of criminal offences. On the basis of what is agreed, guidelines are passed to the judiciary. It is quite a flexible framework and judges still have a degree of discretion according to the circumstances of the individual case, although judges are expected to record the reasons for the decisions regarding the sentencing for an offence. I hope a similar system will be implemented here in Ireland. We are calling on the Minister of State to liaise with the senior Minister in the Department to implement fully the recommendations of the Oireachtas justice committee and to outline her plans for penal reform. We are putting our proposals forward.

I also concur with Senator Hayden on the issue around the realignment process that is happening in the community voluntary sector, particularly around the cohesion that happened with the partnership companies and the move towards the local community development committees, LCDs, and the issues around social inclusion. We have raised our concerns about the democratic involvement of local communities on the boards of those companies. We still have those concerns. It is not too late for the Minister, Deputy Kelly, to reassess some of the issues around those companies and how they are doing their work.

Le focal scoir, táimid ag cur an leasú chun cinn mar mholadh ar an obair a rinne an comhchoiste. Sílimid go ndearna siad obair den scoth. Tá na moltaí ciallmhar. Tá sé thar am na leasuithe seo a dhéanamh. Aithníonn siad freisin an páirt riachtanach a ghlacann na comhlachtaí agus na daoine atá ag obair ar an talamh go moch agus go mall ach caithfidh freisin é a chur sa gcomhthéacs níos leithne ó thaobh na deacrachtaí sóisialta agus dul i ngleic leo sin chomh maith. Agus le sin, cuirim an leasú chun cinn.

Acting Chairman (Senator Martin Conway): Go raibh maith agat, a Sheanadóir. Is Senator Reilly seconding the amendment?

Senator Kathryn Reilly: I second the amendment.

Acting Chairman (Senator Martin Conway): You do not wish to speak. Therefore, I call Senator Mullins.

Senator Michael Mullins: I had not planned on speaking either but having sat in and chaired the early part of this debate, I felt it incumbent on me to say a few words and particularly to compliment the Labour Party in bringing forward this motion today and to pay tribute to Senator Bacik and all the members of the Oireachtas Joint Committee on Justice, Defence and Equality for this fine report. What we all want to see now is action on the very many fine recommendations that have been made in that report.

We all want to see a justice system that protects our citizens and that when citizens break the law and step out of line, we have a system that is appropriate and imposes sanctions that are appropriate and that we have a system that will rehabilitate offenders in an appropriate setting.

Senator O'Donovan highlighted a ludicrous situation which I see happening in my own town as well. People who are committed to prison for fairly menial offences are back in town within a few hours having cost the State an enormous amount of money. In this day and age that is ludicrous and is something we could tackle very easily and very quickly.

I am convinced that a lot of the crime in this country is committed as a result of the abuse of alcohol and drugs. We have to think very much of the abusers of alcohol and drugs. We also have to keep in mind the victims of the crimes committed. The appropriate system for rehabilitating drug abusers is certainly not prison. I agree totally with Senator van Turnhout in that we need to enhance our rehabilitation facilities for both alcohol and drug abusers. In my own town of Ballinasloe, we had a fine alcohol rehabilitation centre some years ago. In its wisdom, the HSE decided to close it. In my view, there are insufficient rehabilitation beds within the system that the HSE runs now. I would like to see, as part of this overall review of the prison facilities, an examination of the whole area of rehabilitation.

I want to compliment the fine work done by many people who work within the youth diversion projects. The youth diversion project in my own town works very effectively. Many young people who have come through that system and who have been helped through the youth diversion project continue to lead meaningful lives, get employment and, in most cases, do not re-offend.

It is true to say - I think Senator Hayden referred to it - that we need to reduce the factors and the economic deprivation which many young people suffer and are causes of people offending. The area of drug addiction would come into that category.

I support the concept of restorative justice. Senator Conway is a very strong advocate of that approach. Judge O'Reilly, who presided in my own area of the country at one time, is a very progressive justice. I hope the pilot project that is being undertaken in Tipperary will be extended to other parts of the country as a matter of urgency.

I understand the Irish Prison Service has set up a group to look at the possibility of having an open prison for women. That is something that should happen. I hope the Minister will strongly support that and that we will see the possibility of an open prison for women in the fairly near future.

I welcome the opportunity today to have this debate. I hope the Minister of State, when he addresses us, will have some very interesting and positive things to say and that the good work of the Oireachtas joint committee and the many actions and many progressive ideas it has come forward with, will be actioned and we will see them implemented in the not too distant future.

Senator Paschal Mooney: I welcome the Minister of State to the House and say, as my colleague has already indicated, that Fianna Fáil is supporting this Private Members' motion. However, we have severe criticisms of the manner in which the Government has been addressing the various deficiencies in the criminal justice system.

One of the issues that has attracted media attention in recent days is the continuing haemorrhaging of senior police officers at a time when the Garda is under severe scrutiny. A newspaper has suggested today that Assistant Commissioner Tony Quilter, a senior officer of many years' standing, a man of tremendous integrity and great expertise, is indicating that he is taking retirement from the force to take up an alternative police security job. That was essentially the only reference I had to it. I would be grateful if the Minister would address this issue. I understand

the process involved in the appointment of a new Commissioner and I have to say the Acting Commissioner is doing an excellent job. She has restored a lot of morale to the Garda force. It is a matter of great concern that people in senior positions are being lost. It is not just the individuals themselves, but their expertise that is being lost. In his contribution on the Order of Business yesterday, Senator Whelan of the Labour Party group referred to the bail system in this country. In effect, he was talking about the revolving door issue. After the Order of Business I indicated to him that there was a referendum in 1996 that was supposed to end the revolving door system. The Leader, Senator Cummins, referred to it also. It was during the time of the rainbow coalition when the former Deputy, Nora Owen, was Minister for Justice. I remember there was a great deal of controversy surrounding what seemed to be a very flexible system where people were going out on bail and were committing crimes. One has only to look at the papers every day to find the number of people who are recidivists, as they are called, and the percentage is very high at around 63%. It is an issue the Minister of State might like to address. After all, the constitutional referendum was supposed to end the system of revolving door bailing. Is there some deficiency within the criminal justice system that is allowing this to continue?

I understand and appreciate that, constitutionally, judges have the ultimate right to pass sentence. I am very aware of the separation of powers in this country and I do not in any way wish to infringe on the right of the Judiciary to make its decisions in this regard. It is, none the less, a matter of grave public concern. One might refer to the tragic circumstances that resulted in the death of an innocent person on the motorway near Kildare a few weeks ago. There were five robbers in a car that was being pursued by the Garda. Almost all were in their late teens, with the eldest of them 20 or 21, and again it seems the person who was driving the car had numerous previous convictions. I am not sure whether he was out on bail for one of them at the time.

I understand fully and appreciate the difficulties facing justice departments in all jurisdictions. I know the Garda is doing the very best it can in the circumstances. There is ongoing criticism, however, of what seems to have been a drift away from policing on the ground over the past decade or two. I would include previous Administrations in that culture. It was thought that putting gardaí into cars would be more efficient. They were taken off the beat and it was not required that they actually live in the areas they police.

As a child, I remember distinctly, in a small town, Drumshanbo in County Leitrim, we had a sergeant and four gardaí. Two of them religiously patrolled the town of Drumshanbo morning and evening, and when they were not patrolling they would stand in a pivotal place in the town where there were a lot of people and cars travelling by. I am convinced that contributed to the low crime rate in our country during that period. What I am applying to Drumshanbo can equally apply to every other town and village in the country.

I do not know whether it has gone too far to change that, but any Government would be doing a great service to the public if it could roll back the culture of reducing garda numbers, closing rural stations and putting gardaí into cars which operate out of a Garda station 10, 15 or 20 miles away. I do not believe we will ever grapple with the crime issue in this country, which results in an overloading of the jail system, if we do not go back to some form of community policing. Any Government that would go down that road would generate a very positive response from the public. I am not alone in this and I know it is not an original thought, but I believe this report is an opportunity to highlight the issue.

I commend the justice committee on the report it has published. I commend Senator Bacik

on highlighting this important issue of crime, which is not discussed often enough in these Houses, even though it is a daily diet in the red tops in particular. Crime stories sometimes engender fear in the public, and while the story itself may be well-founded, the suggestion that there is wholesale crime in certain categories may not be. This suggestion is putting the fear of God into elderly people in particular who are living alone. There is an ongoing responsibility on Government to ensure the priority is the protection of citizens, and anything that goes towards improving a somewhat ramshackle criminal justice and jail system, as outlined in this report, is to be welcomed.

Minister of State at the Department of the Taoiseach (Deputy Dara Murphy): I very much welcome the opportunity to be here for this debate. I am glad that Senator van Turnhout said I had a calming effect on this Chamber. I hope that will remain the case after I complete my speech. After the two amendments we had to earlier debate on legislation, perhaps it will be a case of third time lucky.

On behalf of the Minister for Justice and Equality, Deputy Frances Fitzgerald, who cannot be here but has been very engaged with this matter, I thank Senator Bacik and her colleagues. The Minister personally asked me to do that. I welcome the observers and stakeholders and thank them for attending and for their interest and input to date. This motion offers a welcome opportunity to address the very important issue of penal reform, and in particular to discuss the reports of the penal policy review group and the Oireachtas Joint Committee on Justice, Defence and Equality chaired by Deputy David Stanton.

As Minister for Justice and Equality, my colleague, Deputy Frances Fitzgerald, is committed to a programme of comprehensive reform in the administration of criminal justice in Ireland, including in particular reform in prison and penal policy. She believes this reform will contribute to a safer, more efficient and more equitable criminal justice system in our country.

We welcome the penal policy review group report and thank the chairman, Mr. Michael Whelan, and the members of the group for putting it together. As Members will be aware, the review group was established in September 2012 and tasked with carrying out a strategic review of penal policy, taking into account the relevant work carried out in this jurisdiction and elsewhere. The rights of those convicted of crimes, the perspective of those who are victims of crime and the interests of our society in general were also to be considered. The group was asked to make recommendations on how a principled and sustainable penal system might be further enhanced, taking into account resource implications, constitutional imperatives and international obligations, some of which we discussed earlier. It is clear the group adopted a progressive but pragmatic approach and its recommendations will make a positive contribution to a more progressive penal policy in Ireland. The report sets out a roadmap for the strategic development of penal reform into the future, which will help modernise and shape how we as a society deal with some of the most complex issues involved in criminal justice and penal reform policy.

The Minister for Justice believes our future penal policy must be focused on two key goals: punishment and prevention. The societal need for punishment to be served must be met, but the proven potential to reduce crime through reducing re-offending must also be grasped. The review group provides its own statements on these two goals. First, it states that while imprisonment should be regarded as a sanction of last resort, none the less, in line with the principle of proportionality, there are offences for which imprisonment may be the only appropriate sentence. Second, it states that the overarching purpose of criminal and penal policy should be

to make Ireland a safer and fairer place. It further states that any penal system which does not aspire to a reduction in offending is failing in its purpose.

The review group goes on to identify rehabilitation and reintegration as a core principle and significant factor in reducing crime and considers that such aims are best achieved in a non-custodial environment in so far as is possible. What this also means is that while prisons will remain part of the answer, prison will not be the only answer. The Minister, Deputy Fitzgerald, believes strongly that we need to move on from the Victorian penal approach to punishing prisoners with a set prison sentence. Similarly, we need to move away from what has been seen as a revolving door of prisoners going in and out of prison. Revolving door policies do not work and simply locking up offenders does not work either. They do not work for the persons involved or for our society. Let me be clear, the Minister, Deputy Fitzgerald, is determined that serious offenders and serial offenders must continue to be imprisoned. Public safety is of paramount importance and she is absolute about this. Society expects and demands nothing less. She is also clear in her view that prison is not the only solution when it comes to those convicted of lesser, non-violent offences. Why should we send such persons to prison, at a high cost to the taxpayer as Senator O'Donovan and others mentioned, into a prison environment where despite all the improvements in recent years, for some, their underlying offending behaviour, not to mention any addictions or mental health problems, may be exacerbated rather than eliminated? Alternatively, we can tackle re-offending head-on by imposing a supervised community sanction with appropriate supports which could see punishment being served but which would also lead not only to rehabilitation but to a reduced risk of re-offending.

Recidivism studies by the CSO have shown that offenders who received either a probation order or a community service order in 2007 and 2008 had a re-offending rate of nearly 50% lower than those who had received a custodial sentence - 41% versus 62%. This shows clearly that supervised community sanctions can help to reduce re-offending, thereby also reducing crime.

The review group was also asked to consider the recommendations contained in the March 2013 report of the Oireachtas Joint Committee on Justice, Defence and Equality to which I will return. The report of the penal policy review group contains 43 recommendations and I will not go through them all now. It proposes the adoption of a penal policy with the dual purposes of punishment and rehabilitation both in the imposition and management of criminal sanctions.

This House will appreciate that while some of the report's recommendations can be implemented in the short to medium term, others will require a more long-term approach. As an initial important step, the Minister for Justice and Equality obtained the agreement of Government in principle yesterday to proceed immediately with the implementation of the following key recommendations. The first is to place the parole board on a statutory basis. The Minister, Deputy Fitzgerald, intends to develop and bring forward legislative proposals to Government providing for a statutory parole board, setting out its functions powers and structure, including how it will fit into the overall criminal justice system. The objective will be for a more effective and streamlined parole process which will be of benefit to the prisoner and the community to which he or she may in time return, but with public safety remaining paramount. A second key recommendation by the group stated that the role of the victim in the criminal justice system should be fully acknowledged and the Minister fully agrees with this. She is absolutely committed to strengthening support for the victims of crime and intends to explore the issue of victim representation on the parole board in this context. She intends to strengthen support for the victims of crime by implementing the EU directive on victims' rights in 2015.

In response to the review group's recommendations on mandatory or presumptive sentences, the Minister has asked her officials to prepare options for consideration by her and Government on a reform of sentencing policy, including a review of the threshold at which presumptive minimum sentences in drugs and other offences apply. The recommendations contained in the Law Reform Commission report on mandatory sentences published in June 2013 will also be considered in that context.

The group recommends that when imposing a custodial sentence a court should set out its reasons, preferably in writing. Department of Justice and Equality officials have now been asked to consider, in consultation with the Courts Service, how best this recommendation can be taken forward.

The group also recommends that there should be a consistent and transparent application of provisions, based on fair procedures, permitting offenders to earn remission of up to one third of the sentence imposed if such discretionary remission is to be retained. The Minister for Justice and Equality recently signed new prison rules which provide a much clearer and more comprehensive basis for the current enhanced remission rate of one third of the sentence.

A question was asked about an open prison for female offenders. The group recommends that such a facility be introduced. I can advise the House that the Irish Prison Service has established a sub-group to examine the possible location of a new open centre for women prisoners. Once the sub-group has reported, it is the intention of the Minister to ask the Irish Prison Service to bring forward proposals on developing such an open centre for female offenders.

Senator van Turnhout asked three questions. With respect to the number of children on remand, as she may be aware the facility in Oberstown is due to open later this year. Responsibility for this rests with the Department of Children and Youth Affairs. It is intended that when this facility opens the practice of children being held on remand will come to an end. We hope very much that will be the case. Recommendation 4 of the strategic review proposes, as the Senator suggested, an extension of the youth diversion programme from the age of 18 to 21. However, I will have to revert to the Senator on the specific legal question she asked about formal bail.

Senator Jillian van Turnhout: I would appreciate that.

Deputy Dara Murphy: Senator Mullins asked about the misuse and abuse of alcohol. The Minister has recently committed that a review of alcohol and drug prevention and treatment services for offenders be undertaken as quickly as possible.

I wholeheartedly support Senator Mooney's point about the community nature of policing. I had the honour of being the first chairman of a joint policing committee on a pilot scheme under the then Minister for Justice, the late Brian Lenihan, and I came to Dublin. It has proven to be remarkably successful and remains probably one of the most successful new changes to how policing in the country has developed.

On the question of the drain of senior gardaí, it is welcome that we have finally arrived once again at a point where we are retraining new young gardaí. In the spirit of the debate we must accept the catastrophic nature of the recession, and policies that were taken in the past meant that in many areas of Irish life we lost some very good people. As the economy recovers we are once again in a position to replace staff and encourage people to come into not only our police force but to other public services. On the implementation of recommendations, the report

envisages that progress on the implementation of the recommendations be published every six months, and the Minister intends to establish an implementation group with an independent chairperson to oversee implementation of these recommendations and report back on a regular basis. The Minister, Deputy Fitzgerald, is considering such an appointment and hopes to make an announcement in the near future. She will also refer the penal policy review group report to the Oireachtas Joint Committee on Justice, Equality and Defence, following its consideration by Government at its meeting yesterday. I welcome comments made by Senators on how well the committee operates and functions. It is known throughout the Houses that the committee operates in a very collegiate manner.

I note the amendment to the motion seeking the implementation of the five recommendations of the joint committee's report. The report is a very valuable contribution to the debate on penal reform, and contains analysis and recommendations which considerably advance the debate on how best to protect society through effective offender management. Senator Bacik will deal with the amendment. It is a tribute to the joint committee that, under the capable chairmanship of Deputy David Stanton, there was cross-party support for a range of measures designed to further the development of an effective and progressive penal system.

In many ways the report of the joint committee complements the more recent report of the strategic review of penal policy, which took the joint committee's report into account. Naturally, the two reports have some variations in approach, and these can be examined as part of the ongoing process of implementation. These differences in detail underscore the variety of ways in which the agreed objective of penal reform can be advanced, and the Minister for Justice and Equality looks forward to working with Senators, members of the joint committee and others in achieving this goal.

On the recommendation to reduce prison numbers, the joint committee was right to be concerned about what up to then had been the significant increase in the number of prisoners, but thankfully these numbers have since been steadily reducing, and this has provided space, both literally and metaphorically, for reforming measures to be considered and introduced. I add a note of caution on setting a specific target, such as reducing the prison population by one third, as many factors must be taken into account, including the rate of crime and, of course, the independence of courts in making sentencing decisions. Sanctions must be appropriate to each offender, and not be constrained by a policy which simply seeks to reduce prison numbers.

The recommendation that all sentences of imprisonment for less than six months for non-violent offences should be commuted and replaced with community service orders draws on the success of a policy in Finland, which the committee visited, where a court may commute a sentence of less than eight months imprisonment to community work. In some ways our law, as set out in the Criminal Justice (Community Service) (Amendment) Act 2011, now goes further in that it not only makes community service available as an alternative, but positively obliges consideration of community service in any case where there might be a sentence of up to one year, rather than just six months. This was an important development in sentencing policy and the Minister is certainly open to considering whether any further steps could be taken.

The joint committee also recommended that the rate of standard remission of sentence should be increased from one quarter to one third for all sentences over one month in length, and that enhanced remission of up to one half should be available. This recommendation was considered by the penal policy review group. Underlining how there is room for legitimate variations of view on how to achieve a common goal, some members of the review group

favoured the joint committee's recommendation, but overall the review group came down in favour of retention of the current system of remission, which has a standard rate of one quarter.

The joint committee also recommended that a single piece of legislation should provide for various forms of structured release, such as temporary release, including the community return scheme, and the recommended changes to the rates of remission. In principle, the Minister for Justice and Equality will certainly look for any opportunity, on sentencing matters or other criminal justice issues, for legislative consolidation. Whether consolidated or separate, what matters most is the substance of our law on the release of prisoners, and how it can aid rehabilitation, re-integration into the community, and ultimately reduced rates of re-offending. This is why the Minister, Deputy Fitzgerald, is very pleased with the success of the community return scheme, and great credit is due to the Irish Prison Service and the Probation Service for how it has operated so effectively.

The fifth and final recommendation in the report of the joint committee is to improve prison conditions, especially to deal with overcrowding, and to increase the proportion of open prison places. This recommendation is very much welcome, and I know the entire House will recognise and support the significant improvements in prison conditions we now see. Mountjoy Prison has been renovated and transformed, almost beyond recognition. A new Cork prison is being built in my constituency. Other significant improvement projects are also under way, including taking steps to provide an open centre for women.

The report of the joint committee, and the subsequent report of the strategic review of penal policy, which had the advantage of being able to consider the recommendations of the joint committee, are very important contributions to the debate on penal reform. They will be an invaluable source of advice to the Government and everyone interested in making progressive and effective changes to penal policy. In some respects the reports reflect entirely legitimate variations in views, but always with the same objective: to make our penal system such that offenders can be dealt with where appropriate with non-custodial sanctions, and that where offenders are sent to prison, when required, they are given every opportunity to rehabilitate and re-integrate safely into society, for the ultimate protection of all.

Senator Ivana Bacik: I thank the Minister of State for his very comprehensive reply. I thank all of my colleagues who spoke, namely, Senators Hayden, O'Donovan, Conway, van Turnhout, O'Keeffe, Ó Clochartaigh, Mullins and Mooney. They made some very important points during the course of the debate, and in particular I thank Senator Hayden for seconding the motion and referring to issues on overcrowding and conditions in the women's prison and people still being imprisoned for the non-payment of fines. She also spoke about the critical issue of economic deprivation, or poverty, which is the real social and economic context in which we are examining penal reform.

I thank Senator van Turnhout in particular for raising the issue of children in prison. I also thank Senator Conway for his ongoing commitment to increasing the use of restorative justice, and Senators O'Donovan and Mooney for their support for the motion and their supportive comments on the joint committee's report, which had cross-party support and was unanimously adopted.

I thank the Minister of State in particular for setting out very practical ways in which the progressive recommendations in both reports are being advanced. I am very glad to hear that the Minister now has permission and approval from the Government to place the parole board

on a statutory basis. This has been a long-standing issue for many of us. It is also very welcome to hear the Minister is in the process of establishing an implementation group in line with the recommendation of the strategic review group report. As I stated in my proposing speech, the implementation of the recommendations remains the critical issue. It is good to see the commonality of approach in both reports. There are some variations, and I was slightly disappointed that the strategic review group did not support our recommendation on increasing standard remission, but nonetheless the strategic review group report makes very progressive recommendations on remission. Both reports clearly seek to address the issues on prison conditions and overcrowding and explicitly want to make prison a sanction of last resort. This is the key goal lying across both reports.

Implementation is the key issue and I hope we will see in early course the establishment of the implementation group, which the Minister of State said the Minister is planning to establish. He stated she is considering the appointment of the independent chairperson. I am also very glad to hear she will refer the strategic review group report to the Oireachtas Joint Committee on Justice, Equality and Defence for further consideration. We on the Committee on Justice, Defence and Equality have a very good record, and I thank the Minister of State for acknowledging that, of achieving cross-party and consensual approaches to penal reform. We all want to acknowledge and record the significant progress that has been made on penal reform, and it is worth saying, as the Minister of State has pointed out, that the strategic review group reported 18 months after our own report was published in March 2013. In that period, both crime rates and rates of imprisonment had dropped. During that period also, we had seen enhanced co-operation and very structured co-operation between the Irish Prison Service and the Probation Service. That was a significant factor in the changes in Finland that we looked at. The progressive penal policy that has been adopted there is based on stronger, co-operative links between the prison service and the probation service. That is very welcome.

I know the Minister for Justice and Equality, Deputy Fitzgerald, when she was launching the strategic review group report, said she did not want this to be another Whitaker, so-called, and that it would not simply be an excellent report which was never implemented. We do not want to see our report, the justice committee report, being another Whitaker, which is why we will continue to call on the Minister to implement its recommendations along with the 43 recommendations in the strategic review group report. Both we in this House and the non-governmental organisations, NGOs, represented here and those in NGOs watching this debate remotely will continue to press the Minister on implementation of the recommendations, a timeline for implementation and specific actions that will be identified.

I very much thank the Minister of State for beginning that process with us and setting out, on the record, various ways in which implementation will be progressed. I see this as an ongoing debate and I will be pressing the Minister of State and the Minister for Justice and Equality again on it. I thank again our colleagues from the NGOs, particularly the Irish Penal Reform Trust which is represented here. I thank other colleagues and the Minister of State for his very full response. I thank the Minister for Justice and Equality, Deputy Fitzgerald, in her absence.

Amendment agreed to.

Motion, as amended, agreed to.

Acting Chairman (Senator Michael Mullins): When it is proposed to sit again?

Senator Ivana Bacik: Tomorrow at 10.30 a.m.

Adjournment Matters

Technological Universities

Senator David Cullinane: I welcome the Minister to the House to take this Adjournment matter and thank her for taking it because I am sure she knows it is a very important issue for the people of Waterford and the entire south east.

I am an enthusiastic supporter of a multi-campus technological university for the south east. I want to say that at the outset. I have always fully supported the process. I fully supported the benchmarking and the very strict criteria which have been set for both institutes. If we are to get a university in the south east, and we need one as quickly as possible, it has to be one that reaches the very highest standards, acts as a proper university and takes its place as one of the top performing universities on the island. Therefore, I fully support the benchmarking which has been set. I am also conscious that from the very start of this process there have been people - described within the south east as dark forces - within the Department, within the Higher Education Authority, HEA, within the academic world and possibly even within both institutes who have never wanted this to happen, who are precious about the existing universities and who do not want a new university in the south east. Perhaps that is partly responsible for the mess we are now in, given what happened over recent weeks with the withdrawal from the process of Waterford Institute of Technology, WIT and, a couple of days ago, the resignation of the chairperson of the board. There is no doubt that academic politics are part of what is happening here. The simple reality is this messing has to stop.

We must have a process that works and delivers, and we cannot continue with the educational apartheid we have on this island and in this State, where the south east is without a university. The Government must intervene and ensure this process stays on track, that the ship is steadied, that we stay the course and that we deliver for each and every one of the students of the south east. This is far too serious an issue for anyone to play political games. I am fully behind the process and the multi-campus technological university, but I am not behind the games that are being played. I am not behind what I see in some parts of the process as a flaw. There seem to be mixed messages from both institutes on whether they can meet the criteria. There are genuine concerns that the process is being held back because of that. That must be dealt with. We have to be open and honest with people in terms of where the process is at. I am told by a person in Waterford Institute of Technology that the process could take five years, ten years or even 20 years if it is not varied or if we do not see a change of the phasing or of the legislation to enable the multi-campus university to come about much sooner.

I have a number of questions for the Minister. Why are we so obsessed with a process that clearly is not working? I accept most of the process and the very high benchmarks. It is clear, however, that the process has not worked up to now. Perhaps the Minister will be able to tell us why that is the case. Why are we not prepared to change it? Why is full university status not being looked at for Waterford and the south east? That question is being asked of me as a

public representative and I am sure of all the public representatives. I also have a very direct, blunt question to the Minister about the resignation of the chairperson. Did the Minister ask the chairperson to resign or did he resign voluntarily? That is an important question because there are a lot of rumours going around Waterford and the south east. The Minister is best placed to answer that and to set the record straight. It is a very honest, direct question to the Minister on why that chairperson resigned and if there was any political interference in his decision-making on that. Will the Minister answer those questions directly and will she set out what she, as Minister, is doing to ensure this process stays on track? What is the likely timeframe? That is probably the critical question people will be asking themselves. When will this be delivered? We have jumped through so many hoops and over so many hurdles. People have an entitlement to know the answer to that question as well.

Minister for Education and Skills (Deputy Jan O’Sullivan): I thank Senator Cullinane for raising this issue. It is a high priority for the Government. We are implementing a higher education reform programme that will significantly enhance the quality of higher education for our country and our region. I welcome Senator Cullinane’s support for the process. There are no dark forces at work or games being played on this issue within the Department and the chairperson decided himself to resign. I acknowledge fully the work he has done over the years but he felt it was appropriate that someone else would carry the baton, as it were, from this point on.

There is not some kind of status difference between a technological university and the universities currently in existence. They are all equally universities. It is full university status that is being worked towards. An important element of the programme of reform is the consolidation of the technological sector, helping to create new multi-campus technological universities of significant scale and strength, where merging groups of institutes reach a high performance bar before attaining this new status. Three consortiums are currently engaged in that process. Two of them, in Dublin and Munster, are significantly advanced and submitted detailed merger plans to the HEA earlier this summer. This Government is committed to the creation of a multi-campus technological university for the south east as outlined in the programme for Government. The process and criteria to attain this new status were published in early 2012. It appeared that, until recently, both institutions were committed to delivering a business plan for their joint future by the end of this year.

As the Senator is aware, in recent weeks Waterford IT unilaterally announced that it was suspending moves towards a merger with IT Carlow, which could lead to the creation of a technological university in the south east. This development is regrettable and I am taking immediate steps to ensure that momentum is re-established and that the south east region can benefit from the economic and social dividend which I believe the technological university model can deliver.

I announced yesterday a new process to reinvigorate the project of a technological university for the south east. I have appointed Mr. Michael Kelly to lead a process of consultation with the governing bodies, staff and students in Waterford Institute of Technology and Carlow Institute of Technology in order to develop a shared vision for a technological university in the south east. As a former chairman of the Higher Education Authority, Mr. Kelly is very well known within the sector. He has also played a leading role chairing the consortium which is seeking to establish a technological university in the Dublin region and has an in-depth knowledge of what is needed to create such an institution. Mr. Kelly will also be asked to report on the best structure to implement the project and the potential timescale. He will report to me in early January.

I have also requested that Mr. Kelly broaden the consultation to ensure that the voice of other social and economic partners in the south east feed into the process. That would include Senator Cullinane, as a representative for the area. We firmly believe that multi-campus technological universities will make a positive contribution to third level education in Ireland and to the regions.

The Senator asked me about the timeframe. I am expecting Mr. Kelly will be able to give me a potential timescale in early January, but this process has to get back on track. Mr. Kelly has a relatively short timeframe in which he has to report and then we will move forward with the process. One of the reasons it has taken so long is because there have been problems between the two institutions. We have to get them together, working on the same track. There is no reason that Waterford and the south east cannot have a university in a relatively short space of time. I cannot give Senator Cullinane an exact timescale at this stage.

Senator David Cullinane: I have a number of brief supplementary questions. Why is there a need for a new consultation process? We have had consultation after consultation on this issue for decades. We have an institute of technology in Waterford which is operating almost as a university and that has been recognised. The reason for a new consultation process is because the process has developed into a mess. It is unfair and simplistic to characterise the problem as differences within both institutes. There are dark forces within the Higher Education Authority and in the academic world, which were against it from the outset. If anybody does not believe that, their heads are in the sand. It is part of the problem but not the only problem.

I asked about the resignation of the chairman of WIT, and this is a very important question, and I put it to the Minister again, whether she had a conversation with the outgoing chairman before he resigned. Did she have a conversation with him about his stance on this issue and did that conversation influence his decision to resign as the chairman of the board? I think the people of Waterford will be less interested in those issues and more interested in the timeframe. I appreciate that the Minister states that she cannot give me that information today, but the people of the south east need to be given confidence that not only is the process back on track but it will be delivered and we will end the education apartheid in the south east.

This is about the students. It is not about the Minister or me, but the young people of the south east who deserve to have educational opportunities as anybody else has. The Minister is best placed to make that a reality. Of course, the institutes have to play their part as does the Higher Education Authority, the Department of Education and Skills and the senior officials involved. I appeal to the Minister to make it happen by doing everything possible to make this happen.

Deputy Jan O'Sullivan: The reason I have appointed Mr. Kelly is because the project had gone off the rails and Waterford pulled out of the process. What I want Mr. Kelly to do is not just to consult but to come up with a plan as to how we move forward and to come up with it quickly.

I want him to get the two institutions focusing on what this technological university will be like, what services it will deliver to the people of the south east rather than focus on the problems with a merger between two institutions, on which unfortunately a lot of time has been spent. They must see the bigger picture in terms of what they are creating together. That is what the other two regions have been doing. The south east needs a technological university even more so than the other two regions. We need the south east to be focusing on what it is

achieving. Mr. Kelly has been able to do this with DIT, Blanchardstown and Tallaght, three different institutions. He has been doing very good work with them and I want him to do the same work in the south east.

I did have a meeting with both the chairman and the president of Waterford Institute of Technology and Carlow Institute of Technology on the same day. I had previously met with the Waterford president but not with Dr. Ormonde, as it was the deputy chairman who was there at that time. I do not know whether my conversation with him influenced his decision but I did have a conversation and that is in the public arena. I met with the president and chairman of the boards of Waterford and Carlow ITs. My understanding is that he felt that he had brought the process to a certain point and he had put in a great deal of work over the years and it was time for somebody else to lead in that regard.

I am very committed to this project. I want Mr. Kelly to deliver a viable plan to me and I want to see people in the region getting what Senator Cullinane has said, is the prize. It is for the people of the region, not either of the two institutions, to have a university. The people have campaigned for a long period for it and they deserve it.

Acting Chairman (Senator Paschal Mooney): Is the Minister, Deputy O'Sullivan, taking the next matter?

Deputy Jan O'Sullivan: No. The Minister of State at the Department of Health is taking it

Acting Chairman (Senator Paschal Mooney): Cuirim fáilte roimh an Aire Stait

Hospital Closure

Senator Cáit Keane: I wish to raise the proposed closure of Crooksling hospital in Brittas. This is a high dependency unit that cares for the elderly from the surround areas. The majority of residents need a high level of care as some are non-verbal and unable to feed or clothe themselves and require round the clock care. The staff provide very good care.

I have visited this unit on occasions and experienced the homely atmosphere and could see the happiness oozing out of the residents. The way the staff treat the patients and the services they provide to them is second to none. This unit has reached the standards set by HIQA.

It is paramount that this unit is supported by the Department of Health, the HSE to ensure this older building reaches the standard it would like to reach. I would say that the building could do with a major upgrade. The hospital is located in a beautiful sylvan setting in the woods of Brittas on a large site and the residents can look out on the animals. This is an ideal location for the nursing home, which has been there for years. I hope the HSE will be able to invest in it from its capital plan. I would like the Minister to comment on that.

There is sufficient acreage to extend the nursing home and make it much larger. It would serve a much wider catchment area. I ask the Minister of State to comment on that as well. It caters for the most vulnerable people in our society. It caters for people who have done the State a huge service by working for many years and now they find that they need care. It is up to us to ensure that the older people in my community are looked after and that the staff are facilitated by having modern facilities. This home provides good care but I would very much like to see an injection of capital so that it is upgraded and expanded.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I thank Senator Keane for raising this issue. The overarching policy of the Government is to support older people to live in dignity and independence in their own homes and communities for as long as possible and to support access to quality long-term residential care where this is appropriate.

5 o'clock

When it becomes necessary for an older person to move to a nursing home, their safety and well-being is paramount. We have to ensure the highest standards of care are provided to all residents in a safe and secure environment, and that we meet, in the best possible way, the needs of those who require our services. The HSE is responsible for the delivery of health and personal social services, including those at St Brigid's Hospital, Crooksling. As the Senator is aware, St. Brigid's provides residential services for 66 people and day care services to about 15 people from Tallaght, Clondalkin, Blessington, Saggart and Rathcoole. These services will continue into the foreseeable future. Notwithstanding better economic news recently, resource availability remains tight for the HSE across all its services. In the case of community nursing units, there are challenges regarding staffing, funding and the age and structure of the unit, as the Senator has pointed out, but the Department and the HSE are working on an ongoing basis to address these issues. I assure the Senator that no decision has been taken to close St. Brigid's. The hospital registered with HIQA in June 2012 for a period of three years and the HSE has confirmed to me it will apply to re-register the hospital with HIQA. Residents and their families can be assured that management and staff will continue to work to provide the highest possible standards at St. Brigid's.

I take the point made by Senator Keane that we have an ageing infrastructure which requires significant investment. That is something we are working on, even as we speak.

Senator Cáit Keane: It is an ideal location for a nursing home, but it could do with an upgrade. Will the Minister of State return when she is in a position to provide an injection of capital funding for that nursing home? As I have said, the services are second to none. Community care and the outreach programme are very important, but this home also takes people that other nursing homes decline to take because of their high dependency, and the staff are well able to care for their needs round the clock. This is an ideal location for a further capital injection to ensure it is enhanced and expanded. I would appreciate it if the Minister of State could come back to me in the not too distant future.

Deputy Kathleen Lynch: I will.

Care of the Elderly Provision

Senator John Whelan: I welcome the Minister of State at the Department of Health, Deputy Kathleen Lynch, to the House because I know she shares an interest in, a concern and a genuine regard for the issues we are discussing, namely, elderly care and the respect we must always show for our senior citizens.

Nothing defines us more as a society than how we care for young children and senior citizens in the autumn of their years. My colleague, Senator Cáit Keane, has raised this issue in respect of her area. We in County Laois have three community nursing homes, one in Shaen, Portlaoise, one in Abbeyleix, and St. Vincent's community nursing home in Mountmellick. I

wish to address the situation in Mountmellick.

I had the opportunity and privilege of attending the annual general meeting of the friends and supporters of St. Vincent's community hospital. These are all decent local people who reflect the high standing and regard and respect in the community, not just in Mountmellick but in the greater Laois area, for St. Vincent's, Mountmellick. Its reputation goes before it as a hospital that provides genuine, tender loving care, regard and respect for senior citizens and a place where their families can rest assured they are being cared for properly and professionally. I accept there is constant pressure on resources and that the Minister of State is fighting her corner in this area. As has been indicated, the buildings in which our community nursing homes are located are very often historic and ageing buildings. That is no reason for failing to invest in them, uphold them and commit to them. We also have, as the Minister of State knows, an ageing demographic. While I clearly accept that the private nursing home sector has a role to play, it cannot do so without the State taking its responsibility by providing public community nursing home care for many of our senior citizens in the autumn of their years. There is concern that hospitals can come under pressure from these infamous HIQA standards. I am all for high and proper standards, but I am not always sure that the textbook and the theory matches the test of reality on the ground, such as the idea that every single person should be in a single room on his or her own. That is an Americanisation of elderly care, where everyone has his or her own television and a magazine. That is rather a lonely space to be. We have to work with different models of care, where people can socialise and fraternise with their companions, friends and visitors. I am not altogether sure that the HIQA standards are the bible we should adhere to at all times.

Will the Minister of State confirm to me that the HSE and the Department of Health are fully committed to the future of St. Vincent's Community Nursing Unit in Mountmellick in particular because I am told it requires in the region of €13 million in investment over a period of years? I accept it has to be done on a phased basis. It cannot all be done overnight but people will rest assured and be happy if they know that commitment exists and that it can be brought up over a period of years to match and meet any standard that is required.

It would be remiss of me, as we have discussed it many times, not to mention Shaen hospital in Portlaoise where there has been some movement this week in terms of a ward closure and redeployment of staff. A long-term answer is still eagerly awaited three years on by the people in Abbeylisk in respect of their community nursing home. My wish is that it would be possible for the Minister of State to give us clarity on that, too. I thank the Minister of State.

Deputy Kathleen Lynch: I am not certain that I can give the Senator the answers to his two later questions but I will get the information for him. I am very conscious of his concerns as he has made them very clear to me over a long number of years. I think it has been his persistence that has ensured that negative decisions have not been made in relation to those areas. I will inquire further.

It is important that HIQA is centrally involved in terms of the care of the elderly and vulnerable adults of all descriptions and now in terms of facilities for children with disabilities. It is about choices, even when one is at an advanced stage, whether that choice for a single private room or that one would share a room. In the event of a couple in a long-standing relationship, they should be accommodated as well. I think that is the type of future we should be seeking to present for ourselves more than anyone else.

As Senator Whelan is aware, Government policy is to support older people to live in dignity and independence in their own homes and communities for as long as possible. Where this is not feasible, the health service supports access to appropriate quality long-term residential care, including the provision of financial assistance under the nursing homes support scheme. In 2014, with a budget of almost €939 million, financial support will be provided to more than 22,000 people in nursing homes. I think that number has increased slightly in the past month or two. It is nearer 23,000 now. Providing public residential care for older persons forms a significant and crucial part of the services provided and our overall objective is to protect the viability of as many units as possible, within the funding and staffing resources available. This is to provide choice. The Health Service Executive is responsible for the delivery of health and personal social services, including those at facilities such as St. Vincent's hospital, which is located on the outskirts of Mountmellick town. St. Vincent's was registered by HIQA in April 2012 for a period of three years. The registration renewal process is under way. The current capacity is 100 beds, 89 of which are occupied at present. The numbers in community nursing units always fluctuate.

As the Senator will be aware, all developments must be addressed in light of the resources available and everyone accepts that fact in the current circumstances. Given that demand for capital investment for the community nursing unit programme far exceeds the funding available, investment must be allocated as objectively as possible based on the HSE's assessment of priorities. The same principle applies in the context of the previous Adjournment matter. Currently the funding for the community nursing unit programme focuses on the upgrade and refurbishment of existing facilities to achieve HIQA compliance. There have been ongoing capital works within the hospital to enhance the quality of the service. Earlier this year the HSE allocated €400,000 to address HIQA-compliance works at St Vincent's and some minor capital works are due to commence shortly on the infrastructure. This confirms, more than anything else, that there is a future for this unit.

Work is underway on the next multi-annual capital plan for the period 2015 to 2019. Needs and priorities across the community nursing unit programme will be considered again in this context. However, funding for new projects will unfortunately be limited and projects will be selected based on clear and objective prioritisation. I am sure that Senator Whelan would have it no other way. The Department is continuing to work with the HSE in addressing the ongoing need to meet service and safety standards. Every effort will be made within available resources to ensure that the highest standards of care will continue to be provided to all residents in a safe and secure environment and that we meet the needs of those who need our services in the best way possible.

Senator John Whelan: I thank the Minister of State for her comprehensive reply. I am heartened to hear that a substantial and significant fund of €400,000 has been allocated for ongoing works at St. Vincent's Community Hospital. By any prioritisation standards or reasonable criteria, St. Vincent's in Mountmellick would be top of the list because it is at the heart of elderly care in the midlands. I am sure with the Minister of State's commitment and the support of this House, the hospital will be included in the next round of capital funding to ensure that the necessary investment takes place to upgrade the facilities and ensure that St. Vincent's has a bright and long future in caring for our senior citizens. I am grateful to the Minister of State for her response.

Deputy Kathleen Lynch: Looking at community nursing units in the round and taking into account recent developments with the fair deal scheme as well as our ageing population, we can

ill-afford to lose any bed. It is in that context that we must move forward. Clearly, there will be areas where safe environmental standards cannot be maintained, perhaps due to structural issues or a lack of resources such as staffing and expertise and that cannot be allowed to continue. In the round, however, as far as I am concerned, we can ill-afford to lose any bed in the context of our ageing population.

The Seanad adjourned at 5.15 p.m. until 10.30 a.m. on Thursday, 6 November 2014.