



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 23 Meitheamh 2015

Tuesday, 23 June 2015

Chuaigh an Cathaoirleach i gceannas ar 12.30 p.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

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

The need for the Minister for Transport, Tourism and Sport to include provision for the Slane bypass in the Government's capital expenditure plans which are to be announced soon.

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

The need for the Minister for Health to state if he will consider introducing an information campaign on the contribution calcification testing could make to reducing the number of heart attacks in Ireland, whether research has been carried out by the HSE on the potential benefits for cardiac health and if there are plans to introduce free calcification screening.

I have also received notice from Senator Paul Bradford of the following matter:

The need for the Minister for Health to provide an update on the development of the promised universal health insurance scheme and if the timetable for its introduction has changed.

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

The need for the Tánaiste and Minister for Social Protection to outline how she intends to address the disparity in employment between supervisors on the rural social, Tús, community employment, Gateway and other job activation schemes within her Department.

I regard the matters raised by the Senators as suitable for discussion and they will be taken now. Senators Cáit Keane and Trevor Ó Clochartaigh have withdrawn the Commencement matters which I had selected for discussion.

Commencement Matters

Road Projects Status

An Cathaoirleach: I welcome the Minister of State, Deputy Áodhan Ó Ríordáin.

Senator Thomas Byrne: I also welcome the Minister of State. I am raising an important issue that I have raised many times previously. I want the Slane bypass project to be included in the Government's capital plan which I understand from media reports will be published sometime in July. This is really important, not just from the point of view of the North-South N2 connection but also for the safety and security of the residents of the village of Slane.

The previous Government put the project before An Bord Pleanála which, unfortunately, for a number of reasons over three years ago refused planning permission. A lot of slow and laborious work has since been done by Meath County Council and the NRA and the Minister has become involved at various times. Following that work, I understand the county council and the NRA have come to the conclusion that the only option from a traffic perspective is to build a bypass and make another planning application. They have looked at all of the alternatives which would make the situation much worse. Any of the other alternatives proposed such as diverting traffic through other areas or toll-free holidays on the roads will not solve the problem and, in many cases, would make it worse.

We are seeking a statement that the Government is committed to the project. Because it had taken it out of the capital plan - there was no list published by the Government - that sent a signal to An Bord Pleanála that it was okay to refuse planning permission. It is relatively unusual for An Bord Pleanála to refuse planning permission for road projects with which, all other things being equal, the Government wishes to proceed. Therefore, I appeal to the Government to include this project in the capital plan. There have been positive noises from Ministers and local Deputies. However, if the project was included in the Government's plan, we would have the money and it would also be a signal from Government to the planning authority that this was a strategically important national issue. The project is important to the people of Slane. It is also important in opening up the N2 and creating the North-South link that everyone wants. I look forward to the Minister of State's response.

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin): I am taking this Commencement matter on behalf of the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, who apologises for not being here as he is at a Cabinet meeting.

The Minister for Transport, Tourism and Sport has responsibility for overall policy and the funding of the national roads programme. The construction, improvement and maintenance of individual national roads are matters for the National Roads Authority under the Roads Acts, 1993 to 2007, in conjunction with the local authorities concerned. Within its capital budget, the assessment and prioritisation of individual national road projects are matters for the NRA in accordance with section 19 of the Roads Act. The NRA is responsible for deciding on the annual allocations to individual road authorities. Ireland has just under 100,000 km of road in its network and the maintenance and improvement of national, regional and local roads places a substantial financial burden on local authorities and on the Exchequer. Given the national

financial position, there have been very large reductions in roads expenditure in recent years. Funding in 2008 was €2.3 billion, while funding this year is approximately €730 million for the national, regional and local road network. The reality is that the available funds do not match the amount of work that could be undertaken. For that reason it is not possible to progress a range of worthwhile projects and the main focus must be on the maintenance and repair of roads together with a safety focused minor works programme. For now, only a small number of new national road projects are being progressed to construction stage.

I understand the planned road improvement scheme for Slane was originally progressed as a single carriageway scheme; however, the feasibility study for the N2 route recommended a dual carriageway for the Slane bypass. The proposed scheme which was approximately 3.5 km in length and would pass to the east of Slane village was submitted to An Bord Pleanála for approval. The grounds for the refusal of permission for the bypass in 2012 included the fact that An Bord Pleanála was not convinced that all possible traffic management alternatives had been fully explored.

Statutory responsibility for traffic management rests with the local authority and following An Bord Pleanála's decision, Meath County Council, in liaison with the NRA, began evaluating traffic management options. The most recent Slane traffic management review was undertaken by Halcrow Barry on behalf of the council and published in February this year. It is a matter for Meath County Council to liaise with the NRA in relation to how best to proceed at this point. The Roads Act 2015 provides for pre-planning consultation with An Bord Pleanála, and given An Bord Pleanála's previous decision to refuse permission it would seem to make sense for Meath County Council to initiate such discussions.

There is no escaping the reality of limited resources and the indications are that funding will remain tight for the coming years. While the Minister has, he hopes, stabilised the funding position, the scope for any new improvement projects depends on the availability of additional capital funding in the future. Once the new capital plan is published the Minister will assess what can be done to address particular bottlenecks taking into account development consent requirements.

Senator Thomas Byrne: I accept what the Minister of State said about the need for Meath County Council to engage in pre-planning consultation with An Bord Pleanála. That is welcome. However, the Minister and the NRA should take the lead to encourage Meath County Council to do it. If the project is included in the capital programme the council will have to do it and everything will have to be done to make sure the project comes to fruition. While there is a clear and important role for Meath County Council and the NRA in the matter, the Government's capital plan is crucial.

Deputy Aodhán Ó Ríordáin: I will relay those comments directly back to the Minister. I appreciate the Senator's contribution on the matter.

Universal Health Insurance

Senator Paul Bradford: I welcome the Minister for Health, Deputy Leo Varadkar, and thank him for attending to respond to the matter I have raised. It is a question rather than a motion or statement because my inquiry is simply to seek from the Minister an update on his current plans for either the roll-out of the universal health insurance scheme, as initially conceived,

or an alternative to it. We must all be mature enough to accept that it was a big ask and a big expectation not just within the term of the Government but in its second term or some alternative formation of it to roll out such a proposed scheme.

When the Minister took over the health portfolio last year, he appeared to bring some new thinking to the table in terms of what the previous Minister, Deputy James Reilly, had proposed. The latter proposed a scheme of universal health insurance with good intentions but perhaps the costing was not fully examined. My starting point is that at this stage we must start with a blank page in order to draw up a strategy for future health care delivery. We have examined many models, schemes and proposals which all sounded very plausible initially. We have looked at Dutch, Swedish, Australian and Canadian models, as well as a mixture of models, but we do not appear to have fixed on a particular plan to implement. I am reminded of the Chinese Premier, whose name, of course, I cannot pronounce. In the 1990s when he was trying to reform China, he made the famous statement that, as far as he was concerned, it did not matter whether the cat was black or white as long as it caught the mouse. That is something on which to reflect. Whether it be a private, public or combined scheme, what we need is a scheme which will deliver a top quality health care service to every citizen.

The concept of a universal health scheme sounded very attractive until suddenly it dawned on people that there would be a very hefty insurance fee to be paid by most taxpayers. It could never be a free scheme as somebody would have to pay for it. The Minister might update me on his current thinking on this point. I hope it is fluid, changing and open-minded because we are far from coming up with the perfect solution and a lot more work has to be put into it. As the Minister said when discussing the medical card issue, we have an almost universal education system which is not perfect, but it is reasonably good by international standards and every citizen has access to the prospect of receiving a good education. If we were to aspire to something similar in the health spectrum, it would need a lot of fresh thinking.

Minister for Health (Deputy Leo Varadkar): The Government is committed to a major reform programme for the health service, the aim of which is to deliver a single tier health service where access is based on need, not ability to pay. This is the most fundamental reform of the health service since the foundation of the State and it is imperative that we get it right. The White Paper on universal health insurance was published on 2 April 2014 and provides detailed information on the model of universal health care for Ireland. Under the White Paper model, everyone will be insured for a standard package of health services and have his or her choice of health insurer from a mix of private health insurers and a publicly owned health insurer.

A major costing exercise, involving my Department, the ESRI and others, is ongoing. The purpose of the exercise is to examine the cost implications of a change to a multi-payer, universal health insurance model as proposed in the White Paper. Draft results from the initial costing exercise were presented to me at the end of May and are now informing deliberations on the next steps, including the necessity for further research and cost modelling. Ultimately, this is a major project, with a number of phases. The next phases in the costing exercise are likely to include deeper analysis of the key issue of unmet need and a more detailed comparative analysis of the relative costs and benefits of alternative funding models using bottom-up costing techniques. The draft results from the initial phase, as well as the plans for the next phase of research, will now inform discussions with the Taoiseach and the Cabinet sub-committee on health on the best long-term approach to achieving universal health care and on the development of a roadmap for health care reform.

The Senator also asked about timeframes for the introduction of universal health care. When I became Minister for Health, I reviewed progress to date and concluded that it would not be possible to introduce a full UHI system by 2019, as envisaged in the White Paper. However, I remain steadfastly committed to implementing important reforms as set out in the programme for Government and I am pushing ahead with key building blocks for universal health care as quickly as possible, including the phased extension of GP care without fees; implementation of key financial reforms, including activity-based funding; the establishment of hospital groups on a statutory footing; and measures to make health insurance more affordable. Just this month we have seen significant progress with the extension of free GP care to children under six years of age. Starting on 1 July, over 400,000 children under six years will benefit from a new enhanced service under the new under-six GP contract. This will involve health checks focused on well being and the prevention of disease. The contract also covers an agreed cycle of care for children diagnosed with asthma.

In parallel, during August GP care without fees will be extended to all people aged 70 years and over. This service will benefit about 36,000 people and be provided under the existing GMS contract. Talks with GPs on the new contract to replace the existing core contract will begin shortly. The provision of universal GP access through greater public investment in primary care services is a critical reform in resolving inequities and rebalancing our services towards earlier prevention. The introduction of universal GP access for the youngest and oldest members of our community, those who need to see their GP most often, is an important step in the phased implementation of these reforms.

Senator Paul Bradford: I thank the Minister for his reply. I note he has not yet outlined any timetable. However, I know a lot of work remains to be undertaken.

A concept of health insurance is obviously at the core of the Minister's thinking. He has outlined that he has taken steps to make health insurance more affordable. That is debatable. One such step was the introduction of the new levy, as a result of which younger people have been almost forced to take out health insurance. How does this tie in with the concept of the universal health insurance philosophy? Are we now trying to bring about universal health insurance by forcing everybody, by way of financial penalty or levy, to take out private health insurance with the current set of providers? How does this tie in with the Minister's longer term philosophy of a more generic national scheme? I presume it is his expectation that, with the new levy system, the percentage being covered by current private health insurance providers will increase substantially in the next few years. Is he using this as a partial solution to provide overall universal health insurance?

Deputy Leo Varadkar: The initial measures in the health insurance area were designed more to make the current system sustainable rather than to create a new one. During the financial crisis huge numbers of younger people, in particular, pulled out of the health insurance system, thereby making the existing system unsustainable. For a community rated health insurance system to work we need young healthy people paying in so that we do not have to levy older, sicker people with higher premiums, which we do not do. For this reason a number of measures were introduced, including, as mentioned by the Senator, lifetime community rating, which imposes a levy on people over 35 years who have not taken out health insurance to date, although it remains the case that private health insurance is voluntary. Whether one considers people over 35 years to be young or not is a matter of debate.

At the other end, we introduced discounts for young people. For example, the student rate

has been replaced with a young rate for people aged up to 25 years, regardless of whether they were students. This has resulted in cheaper health insurance for younger people. The Pfizer index figures published today indicate that 46% of people in this country have health insurance. This is the first time in a long time that that percentage has increased. It would be much easier to get everybody into health insurance if that percentage increased to approximately 60% or 70% before the big leap to 100% was made. This would require a combination of factors, including subsidies to make it more affordable and penalties for those who do not take out health insurance before it becomes compulsory.

I would like to touch on two other points. The Senator mentioned the different models. One thing I am absolutely sure of is that there is no one model that can be imposed on Ireland. Whatever we do in Ireland has to be bespoke for Ireland. It is not possible to adopt the Israeli, Dutch or Australian models and shove them into Ireland because we are starting from a particular place. We are starting from a place where people have contracts that cannot be changed. There are 100,000 people working in the health service who have contracts that cannot be changed. They cannot be made private sector employees. That would not work. I do not think it would be viable. We also have a very strange hospital system in that we have State-owned statutory hospitals, owned and controlled by the HSE, voluntary hospitals, such as the Mater Hospital and St. Vincent's University Hospital, which are largely funded by the HSE but have their own autonomy, ownership structures and history and the private hospitals, which have no particular involvement with the State. Bringing all of those together into one system would be tricky. It is not something that other countries ever had to do.

On the question of funding, I think we have got really hung up in Ireland on the question of how money is collected, be that through tax, insurance or out-of-pocket, or a combination of all three. Getting the health service right requires one to answer three questions about funding. The first is how should it be collected; the second is how should it be spent, while the third is would it be enough. If it would not be enough, any system would be bad. There would be no point in putting in place a new system that would be unfunded and which would just result in waiting lists for everyone. If we do not spend money correctly, it does not matter how much we have because if it is not spent correctly, it will not deliver what we want. How it should be collected is the least important of the three questions. The aim of the work I want to have done is to find out what would be the cost of meeting the unmet demand, through whatever system was in place. The initial ESRI statistics suggest something like €650 million a year will be needed to meet unmet demand. I think the real figure must be much higher than this. There is then the issue of how the money should be spent. I am very committed to activity-based funding, whereby the money follows the patient, where hospitals are paid for the work they do such as the number of gerontology appointments and the number of gall bladders taken out, rather than receiving a block budget. I often hear Senator John Crown talking in favour of a multi-payer universal health insurance system on the basis that it would bring this about, but actually that is not true. Any system can provide for activity-based funding; it does not have to be a multi-payer or a single payer UHI or a tax funded system; it comes down to the way one spends the money. It is a case of needing to get these two things right and they are actually much more important than how the money is collected, whether it be through social insurance, health insurance, tax or out-of-pocket expenses. That is the position if that reply makes any sense.

Sitting suspended at 12.55 p.m. and resumed at 1.30 p.m.

Order of Business

Senator Maurice Cummins: It is proposed to take No. 1, address to Seanad Éireann by Mr. Phil Hogan, European Commissioner for Agriculture and Rural Development, to be taken in accordance with the arrangements set out in a motion passed by the House on 18 June; No. 2, Teaching Council (Amendment) Bill 2015 - Second Stage, to be taken at 5 p.m. and adjourned not later than 7 p.m., if not previously concluded, with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes; and No. 3, Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015 - Report Stage, to be taken at 7 p.m. and adjourned not later than 9 p.m., if not previously concluded.

Senator David Norris: Can the Leader give us an indication of the time when the Commissioner will be here?

Senator Maurice Cummins: At 3.30 p.m.

Senator Darragh O'Brien: It is a good day for the Seanad that Commissioner Hogan will address it. I welcome the opportunity for Senators to raise issues.

I call on the Leader to raise a matter with the Minister for Health, Deputy Leo Varadkar, regarding his non-attendance here last week. He said he was not advised on time about a Commencement debate. This was untrue because his Department was advised of the matter on Tuesday. I have written to him to seek clarification on the issue. He effectively blamed the Seanad for his not being here to take a debate on Beaumont Hospital. This is not true as the Department got nearly 48 hours notice for him to attend. I am going to pursue this. I am aware the Leader mentioned he would also pursue the matter and I ask him to keep it on his agenda. Keeping that in mind, it might be useful for the Minister to know when we are having a specific debate on health. We have had a number of such debates because the health system in Ireland is in crisis. I want to raise a specific issue now. Members may not be aware that we have no pancreatic transfer surgeon in this country. Beaumont Hospital has had a vacancy, which has remained unfilled, for a transplant surgeon specialising in pancreatic transplants-----

An Cathaoirleach: May we have silence to allow Senator Darragh O'Brien to continue?

Senator Darragh O'Brien: This is an important issue. We do not have a transplant surgeon who deals with pancreatic transplants. At least ten people are waiting for this surgery, but the waiting list has been suspended. Furthermore, none of these patients has access to transplant co-ordinators in Beaumont. They have been told that if they have an issue they must go to the accident and emergency unit. This is the last place they should go to, as consultants in the accident and emergency unit would say when told this. This is a serious issue and it has been raised by the Irish Kidney Association. The former pancreas transplant surgeon, Mr. David Hickey, was quite public on the issue a number of months ago. We are now being told the service will move to St. Vincent's University Hospital. If that is correct, that is fine, but the difficulty is that we have not been given a timeframe for the move and no surgeon has been appointed. A patient can transfer to St. Vincent's University Hospital, but if there is no surgeon appointed to do the work and carry out a transplant, we have a serious issue.

I have written to the Minister about this issue. It is one that cannot wait until September and I will probably submit it for discussion in a Commencement debate as it would be appropriate to raise it in that way. Will the Leader use his good offices to arrange a debate on some broad health matters before we leave for the summer? The Minister has other stuff to do. When he comes to the House and takes a Bill, as he did last week, it is inappropriate for me to raise issues like this one. The Cathaoirleach or the Leas-Chathaoirleach would rightly say to me it was not relevant to the Bill and that I could not raise it. The Seanad can do a job here. We did a job a couple of years ago in regard to organ transplants where the Seanad was recalled for a specific debate. In some parts we got ridiculed for sitting, but the debate raised the profile of the issue and brought about some changes. The Minister of State at the time was Deputy Alex White and he attended for the recall. Therefore, I ask the Leader to address the issue and to arrange a debate.

I propose an amendment to the Order of Business, that No. 17 be taken without debate before No. 1. Most Members across the House will agree, or should agree, that the proposed cut to the lone parent's payment is wrong. The cut is due to be made next week which will mean that the parents of children aged seven or older will no longer be entitled to the payment. I have listed, with my colleagues and others-----

Senator David Norris: I seek guidance. On my list No. 17 is the Corporate Manslaughter Bill.

Senator Darragh O'Brien: I meant to say No. 70, non-Government motion No. 17. I propose that No. 70, non-Government motion No. 17, be taken before No. 1.

An Cathaoirleach: The Senator is way over time.

Senator Darragh O'Brien: I know. I am not seeking a debate, rather that the motion be passed by the Seanad. As an independent House of the Oireachtas, we can send a very clear message that the Seanad does not support the targeting of single parent families and the level of cuts to be foisted upon them from next week. The move started way back in 2012 and everyone knows it is wrong. I ask colleagues to accept No. 70, non-Government motion No. 17, calling on the Government not to cut the lone parent's payments and not to single them out for the savage cuts that have been called for. I formally propose that measure by way of an amendment to the Order of Business and thank everyone for their time.

Senator Aileen Hayden: I note the burial today of Eoghan Culligan at the Church of the Annunciation in Rathfarnham and the burial of Eimear Walsh at the Church of Our Lady of Perpetual Succour in Foxrock. I know that the thoughts of all the Senators in the Labour Party and I am sure of all Members of this House are with their families today.

I also note that today is the 30th anniversary of the destruction of a flight with 329 passengers on board which went down more than 300 km off the coast of Ireland. It was one of the worst disasters and one of the worst terrorist attacks in the history of aviation. Our sympathy must lie with members of both communities, the Canadian and Indian communities, and all the communities that lost family members on that flight.

I welcome the news that white knights have appeared on the landscape to save the Beit collection, or at least individual works in the Beit collection. As we understand it, although we have no details, under section 1003 of the tax code, these works can be purchased by wealthy individuals and donated to a national institute such as the National Gallery of Ireland, with

significant tax reliefs available to the donors. It is a shame this avenue had not been followed before we encountered the threat to sell these very valuable items. I do not think these developments will change the situation for a number of country homes such as Russborough House in the long run. In terms of the schizophrenic attitude of Irish people, we need to make up our minds about the matter. Such schizophrenia dates back to 1918, the War of Independence and the Civil War, where a number of these great houses were destroyed. We still do not have a proper line of funding in place for what are, in fact, national heritage sites. I hope we have learned from what was nothing short of a disaster in terms of the arts heritage of this country and deal with the funding of these magnificent homes appropriately.

The UN Committee on Economic, Social and Cultural Rights has published a report. A lot of media attention has centred around its recommendation to go back to the people in terms of the eighth amendment to the Constitution and abortion. I also note that the UN committee made a number of other recommendations such as on direct provision. It made a number of far-reaching recommendations in terms of the availability of social and rental housing and mortgage arrears. I note that it asked that we consider the introduction of legislation on the private rental market and increasing the rent supplement budget.

The Cathaoirleach indulged my colleague significantly. The Oireachtas Joint Committee on European Affairs has published a report today on the implications for Ireland in the event that the United Kingdom exits from the European Union. I request a debate on the Brexit and the Grexit and some of the other pressing issues in the European Union.

Senator David Norris: I support Senator Aideen Hayden's remarks on the Beit collection. I was astonished to learn that a Russian oligarch was able to buy a major painting off the wall for €500,000 without the board consulting anybody. We did not know this at the time the debate took place in the Seanad. The fact that individuals and corporations have decided to stump up a fair amount of money shows what might have happened had they not been asked and if the sale had been conducted secretly.

I support my colleague, the leader of the Fianna Fáil group, who raised the issue of pancreatic cancer. I have had a transplant. Pancreatic cancer is almost universally fatal and it seems extraordinary that we are in a situation where there is such a gap. If the service is to be transferred to St. Vincent's University Hospital, that is splendid. I was a patient there and cannot speak highly enough about the treatment I received in both the private and public services. Where there is no service available, people are left in despair and, as Senator Darragh O'Brien, said, the worst possible place to go is the outpatients department.

I refer to the fact that all doors in the Houses of the Oireachtas are locked. One needs to have a key or a swipe card to open a door. They are becoming more like a prison. Working in the Houses of the Oireachtas is becoming less and less satisfactory. I used to come every single day and campaigned to have the building open even at weekends. The offices are now closed at the weekend because I was the only one who came in. I feel less inclined to come as, just as in a factory, one must sign in. It is undignified. We are elected by the people and should be treated with respect - at least by the political administration, if not by the public. There was no consultation that I recall about the proposal to put locks on doors. If one is caught without a swipe card and there is a fire, what will happen? It is a complete and utter bureaucratic nightmare and a mess. The same group is taking money off the poor unfortunate ushers. What is going on? We talk about democracy and this is a democratic House. Let us have some democratic input and let freedom of access between our offices and this Chamber be guaranteed.

Senator Imelda Henry: I welcome the report of the Joint Committee on Health and Children, of which I am a member, on the Public Health (Alcohol) Bill 2015. The committee received many submissions and heard evidence at many meetings. I am mainly concerned about the price and availability of alcohol. It is proposed to introduce minimum unit pricing in the legislation; however, the price has to be high enough for it to be effective and deal with our concerns about pricing. I have heard that it is proposed to bring the legislation before the House before Christmas. My party has been in government for four years and the introduction of such legislation has been discussed for many years. I want to ensure the Bill will be brought before this House before Christmas.

Senator Brian Ó Domhnaill: I second Senator Darragh O'Brien's amendment to the Order of Business on lone parents.

I call on the Leader to ask the Minister for the Environment, Community and Local Government to come before the House to discuss his Department's decision to undertake a review 12 months after his decision to abolish town councils. I understand a parliamentary reply to my colleague in the other House, Deputy Barry Cowen, revealed that the Department of the Environment, Community and Local Government was establishing a review group to examine the decision to abolish town councils. We argued against the proposal when the former Minister, Mr. Phil Hogan, brought forward the legislation to abolish local democracy at the level closest to the citizen by taking 80 town councils and their local councillors out of the democratic sphere. Mr. Hogan will be before the House later today in his new capacity as Ireland's European Commissioner, but he did not heed the call from this side of the House to carry out of a review before embarking on such a draconian measure. That legislation effectively removed two thirds of the bodies that represented citizens. By so doing, Mr. Hogan put a carving knife through local democracy. The change damaged rural and regional development because the 80 towns in question were the pivotal resource for regional development. They have been left without any democratic institution or democratic accountability. Will the Leader invite the Minister, Deputy Alan Kelly, to the House to outline his thinking on this matter, explain why a review group is being established and tell us whether he now accepts that such review should have taken place prior to the introduction of the legislation instead of having the taxpayer bear the brunt of poor public policy on the part of this Administration? In the wake of the Irish Water debacle, we are facing a town council debacle. It is an important issue, not just for councillors across the country but also for citizens who formerly were represented by town councils.

Senator Denis Landy: I welcome the resolution of the outstanding issues in the provision of medical cards for children aged six years and under.

I take the opportunity to pay tribute to a legend of hurling, Jimmy Doyle, who passed away suddenly yesterday in Thurles. He was a man who loved to talk about hurling, but he never wanted to talk about himself as a hurler. He was named on the team of the century and the team of the millennium. He won six all-Ireland finals with Tipperary, nine Munster finals and seven national league finals. He captained Tipperary on five occasions, including to victory in 1962 and 1965. He also was a legend in his club, winning ten county championships with his beloved Thurles Sarsfields, and spent all of his life involved in the club. He saw out his life as he lived it - energetic, full of life and the joys of hurling. Perhaps it was fitting that he should pass on the day after Tipperary hurling gained some recompense for the losses of the past two years by claiming victory over Limerick. When I met Jimmy at the Thurles Sarsfields clubhouse after last year's county final, all he wanted to talk about was the county's prospects, not about himself. We all knew he was a legend. I hope he has gone to his eternal reward.

Senator Sean D. Barrett: I am concerned by reports that local authorities are imposing extremely high levies on new house construction at a time when such construction is needed to meet housing demand and rents are rising to record levels. The report last Sunday from the National Asset Management Agency, NAMA, told us there was a €60,000 levy on each new house and a levy on construction of €351,774 per hectare for sites within 1 km of the Luas line. There have been complaints at the banking inquiry that we rely too much on once-off taxes such as development levies, property taxes, water charges and so on. Why is that still the case? The Government was supposed to change the financing base for local authorities, but these once-off charges are still being imposed and are a huge barrier in meeting urgent housing needs.

Several colleagues referred to a related issue, namely, the slow turnover of local authority properties, with waiting times of up to 40 weeks in some cases, and the slow acceptance of local authorities when they receive offers from NAMA in so-called ghost estates. If there is a homelessness problem, surely there should be a faster transfer of the ghost estate dwellings to people who need housing. We need a housing policy that is about something more than bricks and mortar. Let us use the existing stock and stop implementing policies that push up the price of housing for society as a whole. Let us get rid of the one-off levies because we have replaced those levies with the recurrent taxes.

I am concerned about postcodes having seen the “Prime Time” programme on them. This matter has been raised in the House several times. Seven-digit, non-sequential addresses are to be attached to every house in the country, where, already, 98% of the post is delivered the next day. I compliment the postman who do that; they know where places are. We are hearing arguments that we must introduce the postcodes because every other country in Europe is doing so. If the machinery in the post office knows where Portlaoise and County Offaly are, what is the point in adding seven digits? We could all think of better uses for the €27 million that the project is supposed to cost.

Senator Terry Brennan: I welcome the local voucher scheme introduced by Dundalk Chamber of Commerce recently. This initiative will encourage shoppers to shop locally, thus encouraging and boosting local businesses. More than 100 businesses in and around Dundalk have already signed up to the voucher scheme. Vouchers will be validated for a two-year period. The scheme is all about buying locally, supporting local businesses and sustaining local jobs. Dundalk Chamber of Commerce should be congratulated and applauded on introducing this initiative. It should be widely supported by townspeople and those living in the wider hinterland of Dundalk.

Cardiopulmonary resuscitation, CPR, and defibrillators have been mentioned in the House by Senators, particularly Senator Feargal Quinn. I recently saw somebody brought back to life by an individual who was able to complete CPR on him while awaiting a defibrillator. When the defibrillator arrived seven or eight minutes later, it brought the man back to life. He is alive and well. There is a need for an urgent debate on this. Everybody in this House should certainly be able to deliver CPR, if necessary, in an emergency. I cannot emphasise enough the importance of CPR to ensuring it will not be too late when a defibrillator arrives. Training in the use of defibrillators is required urgently for as many people as possible throughout the country.

Senator Trevor Ó Clochartaigh: Ba mhaith liom tagairt a dhéanamh don alt sa *The Irish Times* ar maidin ag Kitty Holland. The article refers to the cuts imposed during the financial crisis disproportionately hurting the disadvantaged and marginalised and it states that, according to the UN Committee on Economic, Social and Cultural Rights, they must be phased out.

As we know, there were hearings in the past couple of weeks by the committee, and the Minister of State at the Department of Foreign Affairs and Trade, Deputy Sean Sherlock, attended, as did the representatives of the Irish Human Rights and Equality Commission, which led a group of 12 NGOs and members of civil society. This was the first time representatives from Ireland appeared before the committee since 2002.

The report this morning outlines the findings or recommendations of the committee. The committee has said that notwithstanding the unprecedented economic crisis that faced Ireland, the response had been “disproportionately focused on instituting cuts to public expenditure in the areas of housing, social security, health care and education, without altering its tax regime”. It has also stated: “The austerity measures, which continue to be applied, have had significant adverse impact on the entire population, particularly on disadvantaged and marginalised individuals and groups, in enjoying their economic, social and cultural rights”. That echoes much of what we have been saying in opposition about the way the austerity policies have had an impact. The committee notes the impact on people living in consistent poverty or at risk of poverty, particularly children, single-parent families, older people, people with disabilities, Travelers and migrants. That really echoes many of the calls we have been making here for the past two or three years about the way budgets have been brought forward and the way Government policies have affected these groups.

2 o'clock

Perhaps the Minister of State at the Department of Foreign Affairs, Deputy Sean Sherlock, might attend the House for a debate on the findings of the UN committee. We should discuss how the Government intends to address the issue that has been raised and rectify the situation that citizens have been put in. It would be a worthwhile debate that could cover a number of the issues we regularly raise.

Senator Paul Coghlan: I welcome the postponement of the sale of extremely valuable artworks from the Russborough House collection. I also welcome the emergence of Irish donors who are prepared to purchase these works of art and have them made available in Irish cultural institutions, using the relevant section of the Finance Act which grants appropriate tax relief. I congratulate the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys, on her engagement in this matter. It is welcome that she is engaging with the Minister of State with responsibility for the OPW, Deputy Simon Harris, to better secure the future of all our historic houses. As a trustee of Muckross House, I know well that these places are in constant need of repair. Given their age and condition, there is always work to be done and sometimes it can cost hundreds of thousands of euro. I, therefore, welcome that engagement and, please God, given a bit of time because a committee is dealing with it and is about to report, it will better secure the future of such buildings. These houses are so important to this country culturally and historically, as well as being of great benefit to tourism. For all of these reasons, I welcome the recent developments.

Senator Labhrás Ó Murchú: Is mian liom aontú leis an méid atá ráite faoin sár-iománaí, Jimmy Doyle, atá imithe ar shlí na firinne. Mar is eol don Teach ar fad, sheas sé an fód go minic ar son Chontae Thiobraid Árann agus chothaigh sé bród ionainn mar dhaoine ó Thiobraid Árann freisin agus mar Ghael. Níl aon amhras faoi ná gur spreag sé ionspioráid ionainn go minic. Bhí tionchar faoi leith aige ar dhaoine óga. Ní gá ach bualadh le daoine atá óg go leor agus bíonn siad ag caint faoi dhaoine cosúil le Jimmy Doyle, Tony Reddin agus John Doyle agus na daoine sin ar fad. Bhí an t-ádh linn sa chontae go raibh duine cosúil le Jimmy Doyle

againn. Níl aon amhras faoi: ní bheidh a leithéid arís ann. Ar dheis Dé go raibh a anam uasal.

The comments by Senator Brian Ó Domhnaill about town councils are particularly timely. It is never too late to correct a mistake and I believe the abolition of town councils was an error. It definitely eroded local democracy and undermined the identity of local communities. It also totally ignored the history and tradition attached to many of those councils. My own town of Cashel obtained its charter from King William, which was not yesterday; which gives an indication of the history and tradition to which we are referring. I hope the review will be open, focused and guided. We should engage in particular with local communities and those who have sat on councils in the past. I sat on Cashel Town Council for 18 years and I could always see how close we were to the people. I can remember that on estimates night, one would come outside Cashel city hall and people would be there to meet councillors and discuss what rate had been struck. We have argued about this in other instances concerning the decentralisation of power and giving it back to the people. However, the opposite has happened in this case. While it cannot be laid at anyone's doorstep, one of the greatest mistakes was not to grant proper powers to councils when we had an opportunity to do so. I know one thing for certain. History will remember us kindly if we have the courage to undo what has been done and restore those town councils to their rightful place once again.

Senator Martin Conway: I agree with Senator Paul Coghlan regarding the engagement taking place between the Minister for Arts, Heritage and the Gaeltacht and the Minister of State at the Department of Finance, Deputy Simon Harris, concerning the traditional houses that have so much history attached to them and their rightful upkeep. I would like to see a strengthening of protocols and procedures to ensure valuable assets in the possession of the State that are entrusted to boards of directors and various organisations on behalf of the people are protected and that what happened is not repeated in any guise without prior ministerial approval. Things happen and we must learn from them. I sincerely hope this will not be repeated because it was unfortunate. I certainly welcome the development relating to donors.

I also welcome the review of town councils and believe it needs to look at municipal districts. Some municipal districts are just not workable. I am sure the situation in my area is similar to that in Senator Paul Coghlan's. There is one municipal district that covers almost 50% of the geography of County Clare. It goes from Ballyvaughan as far as Kilrush and almost into Ennis. It is not realistic for eight councillors to try to holistically and properly serve that size of geographical area. Any resource they are given will not help them.

Senator Darragh O'Brien: They have Deputy Timmy Dooley to help them.

Senator Martin Conway: Well Timmy would help the country in the way he operates. It is not just the county. It is something we need to look at. It may eventually result in increasing numbers of councillors in order to possibly divide an area like that, give them five each, divide it in two and go back to something that is workable because what is there is not workable. While some municipal districts may work well, there are many that do not. From the feedback I am getting from local councillors around the country, it appears that there is a lot of unease and councillors believe they are hamstrung in terms of being able to be effective representatives who understand all of their areas. It is fair to say that up until now, a councillor would have known what was going on in all of his or her electoral area but it is just not possible now.

Senator Gerard P. Craughwell: I also support the review of the town councils, but I want it to be in the open and transparent. It must look at the funding, supports and powers available

to councils.

Leaving that aside, I support Senator Darragh O'Brien's call for No. 70, non-Government motion No. 17, on the Order Paper to be taken today. It is too urgent to leave aside. I have never had calls from constituents because I do not see myself as a constituency politician, but I am getting calls now from people who are afraid of being left destitute. In respect of a sum of €36 for one child and €52 for two, the decision is wrong and must be reversed. I support Fianna Fáil in that regard.

On the Beit collection, I am delighted to see that some action has been taken which would not have taken place but for the Opposition in this House which stood its ground and forced a debate on it. I want to know a couple of things. I understand the people who are going to save these paintings will get tax breaks and that is all very well. There is nothing wrong with getting a tax break for doing something of a philanthropic nature. However, where will ownership of the paintings reside if these people put money into them? Another issue of deep concern to me is the question of whether the Minister for Arts, Heritage and the Gaeltacht misled this House when she was here last week because she told me straight out that there was no way to stop the sale, which has been paused. When I last raised this issue in the House, I asked the Minister to seek an injunction in the United Kingdom to prevent the sale and to allow the Irish courts decide on the validity of the licence which allowed those artefacts to be removed from the State. Either we can or cannot stop the sale. Clearly, the people in Russborough House came under such pressure that they decided they had to stop the sale themselves. It is terrible when the Government sits by and watches the assets of the State being ripped out to save a building. At the end of the day when there are no paintings left why not simply create a virtual tour of all the fine houses in the country and sell off the lot? It might be the right thing to do and we would make a few bob that way.

Senator Paul Coghlan: Never.

Senator Denis O'Donovan: I seek a debate on a particular issue. I am the Chairman of the Seanad Public Consultation Committee. Perhaps something the Leader might consider is the issue of support for votes for the diaspora - people who have gone abroad. This is a big issue. I see it as a precursor to any constitutional or legislative amendment to the workings of the House. It was one of the prime issues brought up recently. We must seriously look at this issue. I have grand-nephews in their teenage years who have Irish passports. I come from a family where eight of the 11 emigrated at one stage or another. Do we allow people who emigrated in the 1940s, 50s and 60s to have a vote in this country? What do we do with the 60,000 undocumented Irish in America? Logistically, how can they present themselves to vote? That is an ongoing festering sore I have spoken on many times.

How do we construct a register of the diaspora, whether they are in Australia, Europe, America or South America? We must look at this issue realistically. I raised it in the House on a previous occasion and somehow the media got the notion that I was kicking for touch. What are the cost implications in allowing the diaspora to vote? If someone is gone for 20 years and has set up home in Canada, New York, Sydney, Perth or Italy and has decided to stay there, who has the choice? How do we do this? This is a major issue. We all say it is great to give the diaspora a vote, but where do we draw the line? There is the question of the logistics and the costs involved. I believe it would be a worthwhile exercise by the Seanad Public Consultation Committee to look at all these issues and see where we are going. I am making this suggestion. It is something I would very much like to see happen. Some of my older sisters in America are

so immersed in their work - they are American citizens and they have children there - that they do not need or want to vote. How do we draw the line? Where do we draw the line?

When we come back in September this is something we could usefully have a look at until Christmas, if possible. It would be a worthwhile exercise for this House and for the diaspora. Perhaps it is something the members of the Seanad Public Consultation Committee could pin their hats on. I have serious views on it. My gut feeling is that we must reach out to the diaspora, particularly with a view to reform of the Seanad. The questions include how we do it logistically, the costs involved and where we draw the line. If a youngster or teenager in New York, whose grandmother or grandfather came from Ireland, has an Irish passport, do we allow such people to vote? These are serious questions. It is a major issue and it is certainly worth looking at from an investigative point of view, including the costs and logistics and so on.

Senator Rónán Mullen: I seek a debate on why the HSE seems to be making such a mess of the provision of mental health services in Galway and the west generally. In County Galway it seems we are in a parallel universe, where every rational policy gets turned on its head and common sense gets thrown out of the window. The HSE plans to centralise mental health treatment into a leaking and overcrowded mental health unit with 22 beds in University Hospital Galway in the city. That is fine but we have been promised a new 50-bed unit by the end of 2016. I will believe that when I see it. Meanwhile, instead of waiting for the Galway city unit to be completed, the HSE closed a state-of-the-art mental health facility in St. Brigid's Hospital, Ballinasloe, which cost over €3 million to renovate. Furthermore, last year it was announced that the Bon Secours Hospital in Tuam, called the Grove hospital locally, was to get a €3 million renovation to turn it into a mental health day hospital, but that plan has not left the drawing board. Thousands of euro are being spent on security in the place. In the light of all the other broken promises, one wonders when that one will see the light of day. While the farce of closing units before new facilities are ready appears to be HSE policy, we are still sending vulnerable patients abroad for urgent treatment.

The much vaunted plan for mental health services A Vision for Change recommended that care be given close to the communities in which patients live, but the opposite is now happening in Galway, with all mental health care being centralised in the city hospital, even though it is already overcrowded and in an appalling condition. A new unit in Ballinasloe was renovated at great cost, but it now houses record boxes. It must be the most expensive warehouse in the county. Another facility was promised in Tuam after the closure of the newly refurbished unit in Ballinasloe. Where is the planning or sense of purpose? Where is the vision for change? HSE policy in this area is beyond a sham. I have been in contact with families struggling to cope with loved ones who are suffering from mental illness. In some cases their only option is to seek treatment abroad, which puts enormous strain on the patients and their families. The HSE's policy for mental health requires an urgent reality check and an urgent debate in this House.

Senator Mark Daly: I support the proposed amendment to the Order of Business on the lone parent allowance. All of us have received representations on this important issue and I hope the Government will accept the amendment.

I commend the Taoiseach for his recent announcement in Killarney that he will release the files on the Kingsmill massacre in the North. He met the families involved and promised to release the files, but this was delayed for technical reasons. I ask the British Prime Minister to do the same in regard to the Dublin-Monaghan bombings and to honour his commitment under

an international agreement, the Weston Park Agreement, to hold an inquiry into the killing of Pat Finucane. The nature of the cover-up of past incidents which is the nicest way I can put it is revealed by the fact that the Birmingham Six files are under lock and key until 2069.

My colleague, Senator Darragh O'Brien, referred to the issue of organ donation and transplantation. Senators will be delighted to hear that we will not recall the Seanad this summer to debate that issue. One in ten people on organ transplant waiting lists die not because of a shortage of organs but because of systems which do not work. Our systems for pancreatic transplants have collapsed. The Government knew that Dr. Hickey was retiring but he has not been replaced. Thankfully, we now have 19 organ donor co-ordinators who were hired as a result of the recall of the Seanad. The head of the Spanish transplant authority stated that we had the worst system in Europe and that our system was killing people. The publication of those embarrassing comments on the front page of a Sunday newspaper one week before the Seanad was recalled forced the Government to act. It now needs to act on the issue of pancreatic transplants because the current situation is not good enough. The Minister for Health, Deputy Leo Varadkar, acts like a commentator, as if he has nothing to do with these issues and just happened to appear on the Marian Finucane show after reading a newspaper article, which is where he appears to get most of his information, as opposed to being briefed by his own Department. If he put a proper system in place instead of spending millions of euro on dialysis, the taxpayer would save €325 million per year. The sad reality is that 65 people will die on the organ transplant waiting list this year simply because the system does not work. As the person with responsibility for that system, I ask the Minister to come to the House to explain why he is allowing people to die under his watch.

Senator Maurice Cummins: The Minister for Health was in the House to take a Commencement matter prior to the Order of Business.

Senator Darragh O'Brien: He has learned his lesson.

Senator Maurice Cummins: It is not a question of the Minister avoiding Commencement debates.

Senator Darragh O'Brien: He picks and chooses the debates he will attend.

Senator Maurice Cummins: I will try to bring him here to discuss pancreas transplants and the fact that there is no surgeon at Beaumont Hospital. While everybody welcomes the fact that services are being transferred to St. Vincent's University Hospital, there is a need for consultants. It is a problem not only in the case of transplants. The lack of consultants is a major problem in the health service and will have to be tackled to attract consultants to work in the service. There are vacancies in practically every hospital in the country, which makes it a very serious matter.

Senator Darragh O'Brien has proposed an amendment to the Order of Business that No. 70, non-Government motion No. 17, be taken before No. 1. I do not propose to accept the amendment.

Senator Darragh O'Brien: That is a pity.

Senator Maurice Cummins: Senator Aideen Hayden referred to the funerals of the young people who had died tragically in Berkeley. Some of the funerals are taking place today and our thoughts are with the parents involved, as they are with those commemorating the 30th an-

niversary of the loss of the Air India flight in which more than 300 people lost their lives.

Senator Aideen Hayden also referred to the observations of the UN Committee on Economic, Social and Cultural Rights on housing and rent controls. We will try to have the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, or the Minister of State, Deputy Paudie Coffey, come to the House to debate the issue as a matter of urgency.

The Senator also called for a debate on EU affairs. Although the Minister of State at the Department of Foreign Affairs and Trade, Deputy Dara Murphy, was here approximately two months ago, he is willing to come again. I am sure the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, would be willing to come to the House to discuss these matters.

Senator David Norris raised matters of security and access in the Leinster House complex. A number of e-mails were sent on access to LH2000, in particular, and other areas. The Senator should take up the matter with the Superintendent if he is having problems. No one should have problems in accessing his or her offices and it is not acceptable, if that is the case.

Senator Imelda Henry referred to the proposed public health (alcohol) Bill on the minimum unit pricing of alcohol, stressing the importance of legislation and the desire that it be brought forward before the end of the year. I support her in that regard.

Senators Brian Ó Domhnaill, Labhrás Ó Murchú, Martin Conway and Gerard P. Craughwell referred to the review of local government, which most Members welcome. While I am not sure the request for the restoration of town councils in all their past glory will be acceded to, it is welcome that the Minister for the Environment, Community and Local Government is prepared to review the issue. As has been rightly stated, the councils were very important to the identities of the towns in question and there is a feeling there has been a loss as a result of the change.

Senators Denis Landy and Labhrás Ó Murchú spoke about the death of a legendary hurler, Mr. Jimmy Doyle, who was a gentleman to the core and one of the most skilful players ever. We express our sympathy to his family and county. We will all grieve his passing.

Senator Sean D. Barrett referred to the new levy on house construction which was pushing up prices and the fact that local authorities had not taken up offers from NAMA of ghost estates in some cases. The Minister for the Environment, Community and Local Government has said he will address the levies charged on construction in early course. Perhaps we might have the Minister of State, Deputy Paudie Coffey, come to the House to speak to us about the matter.

On numerous occasions Senator Sean D. Barrett has raised points about postal codes. We will discuss the relevant Bill on Thursday.

Senator Terry Brennan spoke about a scheme in Dundalk to encourage people to shop locally. He also stressed the importance of CPR, an issue which was addressed in the House last week.

Senator Trevor Ó Clochartaigh spoke about the report of the UN Committee on Economic, Social and Cultural Rights. Getting people back to work is the best means of eliminating poverty. Increased taxation into the Exchequer will be used to provide more and better services for those in need. The Government's main policy is to get people back to work and provide and increase the services necessary, rather than taxing people out of existence, which is what Sinn Féin would do if it was in power.

Senator Trevor Ó Clochartaigh: That is a load of rubbish.

Senator Maurice Cummins: I am glad that Sinn Féin has reviewed its position in Northern Ireland in that regard.

Senators Paul Coghlan and Martin Conway, among others, spoke about the future of historic houses. It is of paramount importance for tourism and our built heritage that proper boards are put in place. However, money is also required for the upkeep of these houses.

Senator Martin Conway spoke about municipal districts. I am sure they will be examined in the context of the review of local government. The Senator is right in saying many of the districts are too large and unwieldy, which is most unfair on councillors and the people they represent. I am sure the matter will be examined and, I hope, addressed in the review of local government.

Senator Gerard P. Craughwell spoke about the Beit collection. I do not think the Minister for Arts, Heritage and the Gaeltacht misled the House in any way. She said she had been informed by the board that stopping the sale would have required £1.4 million, the fees due to Christie's. Obviously, the chairperson and the board have a different viewpoint as a result of overtures made to the board. It is to be hoped that the paintings will be retained in the country, but I am not sure who will own them at that point. However, the idea is that they will be kept in Ireland. As was emphasised last week, they were not donated to the State. They are part of the Beit collection but not part of the paintings given to the State which are on display in the National Gallery of Ireland. They are held under trust by the board.

Senator Denis O'Donovan spoke about votes for the diaspora. He made very valid comments in asking where we drew the line. On that point, we are due to have another debate on Seanad reform. I gave an indication that we would have a further debate on the matter with the chairman of the group that had produced the report, Dr. Maurice Manning. We should have that debate before we discuss the Bill. I indicated that we would give Senators considerably more time than on the previous occasion when we had a preliminary discussion on the matter. We may give Senators eight to ten minutes to discuss the report before we proceed to take Second Stage of the Bill. I hope we will have that debate before the summer recess.

Senator Rónán Mullen spoke about HSE policy in Galway. I said he could mention it during a Commencement debate, but, unfortunately, he is not here for me to reply to him. As in all other areas of the country, politicians should have debates on policy with the HSE at the regional forum. The matter should, therefore, be taken up at the relevant forum.

Senator Mark Daly welcomed the fact that the Taoiseach had indicated that the files on the Kingsmill massacre would be released. That is a commitment the Taoiseach has given. The murder of Mr. Pat Finucane and the Dublin and Monaghan bombings were mentioned by many Members last week. Everyone in the House supports the view that there is a need for the British to release these documents.

An Cathaoirleach: Senator Darragh O'Brien has proposed an amendment to the Order of Business: "That No. 70, non-Government motion No. 17, be taken without debate before No. 1." Is the amendment being pressed?

Senator Darragh O'Brien: Yes.

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Amendment put:

The Seanad divided: Tá, 14; Níl, 21.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Byrne, Thomas.	Brennan, Terry.
Craughwell, Gerard P.	Coghlan, Eamonn.
Daly, Mark.	Coghlan, Paul.
Mooney, Paschal.	Comiskey, Michael.
Mullen, Rónán.	Conway, Martin.
Norris, David.	Cummins, Maurice.
Ó Clochartaigh, Trevor.	Gilroy, John.
Ó Domhnaill, Brian.	Hayden, Aideen.
Ó Murchú, Labhrás.	Henry, Imelda.
O'Brien, Darragh.	Keane, Cáit.
O'Donovan, Denis.	Kelly, John.
Power, Averil.	Landy, Denis.
Wilson, Diarmuid.	Mac Conghail, Fiach.
	Moloney, Marie.
	Mullins, Michael.
	Naughton, Hildegard.
	O'Brien, Mary Ann.
	O'Neill, Pat.
	Whelan, John.
	Zappone, Katherine.

Tellers: Tá, Senators Thomas Byrne and Diarmuid Wilson; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

An Cathaoirleach: Is the Order of Business agreed to?

Senator Darragh O'Brien: No.

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

The Seanad divided: Tá, 21; Níl, 15.	
Tá	Níl
Bacik, Ivana.	Barrett, Sean D.
Brennan, Terry.	Byrne, Thomas.

Seanad Éireann

Burke, Colm.	Craughwell, Gerard P.
Coghlan, Eamonn.	Daly, Mark.
Coghlan, Paul.	Mooney, Paschal.
Comiskey, Michael.	Mullen, Rónán.
Conway, Martin.	Ó Clochartaigh, Trevor.
Cummins, Maurice.	Ó Domhnaill, Brian.
Gilroy, John.	Ó Murchú, Labhrás.
Hayden, Aideen.	O'Brien, Darragh.
Henry, Imelda.	O'Donovan, Denis.
Keane, Cáit.	Power, Averil.
Kelly, John.	Quinn, Feargal.
Landy, Denis.	Wilson, Diarmuid.
Mac Conghail, Fiach.	Zappone, Katherine.
Moloney, Marie.	
Mullins, Michael.	
Naughton, Hildegard.	
Norris, David.	
O'Brien, Mary Ann.	
O'Neill, Pat.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Thomas Byrne and Diarmuid Wilson.

Question declared carried.

An Cathaoirleach: As Senator Martin Conway forgot to press his button, the vote result has been amended to include him. The sitting is being suspended until 3.30 p.m. at which time we will hear the address of the Commissioner, Mr. Phil Hogan.

Sitting suspended at 2.50 p.m. and resumed at 3.30 p.m.

Address to Seanad Éireann by Commissioner Phil Hogan

An Cathaoirleach: On behalf of Seanad Éireann, I welcome Mr. Phil Hogan, European Commissioner for Agriculture and Rural Development. Commissioner Hogan has been invited by the Seanad to address the House as a distinguished person. Before his appointment in 2014 as a member of the European Commission, he had a long and distinguished career in Irish politics. He served on Kilkenny County Council, becoming the country's youngest council chairman in 1985. He was elected to this House in 1987 and was first elected to the Dáil in 1989.

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He has served as Minister of State with responsibility for the Office of Public Works and as Minister for the Environment, Community and Local Government.

Commissioner Hogan took up his post in Brussels with EU experience already under his belt. He had chaired the European People's Party group of environment Ministers from 2012 to 2014 and presided over the Council of EU Environment Ministers during the Irish Presidency in 2013. In addition to his many years of political experience, he brings to the agriculture and rural development portfolio practical experience of agriculture, having managed his family's farm for a number of years in his early twenties.

Commissioner Hogan took office in Brussels after a very successful hearing before the European Parliament's agriculture committee. The first item in his in-tray was the need to deal with the fallout from the Russian ban on EU agricultural products. He extended aid to affected sectors while, at the same time, preventing cuts to farmers' direct payments by overturning the activation of the crisis reserve. This ensured farmers did not have to pay the price for an international political conflict that they had not caused. In order to access new markets for products affected by the ban, the Commissioner announced a big increase in the EU promotion budget from €60 million to €200 million.

Commissioner Hogan has placed simplification of the Common Agricultural Policy, CAP, at the top of his political agenda in his first year in office. He has already simplified the guidelines for direct payments and extended the deadline for applications by a month, to allow farmers and administrations more time to adjust to the new system. He intends to announce further simplification measures in the coming months. He has been active in brokering agreement in Council on the organics reform, a €22 billion sector which is growing rapidly at a rate of 9% per annum. He has also brought forward changes to the school schemes which will benefit some of the most deprived students.

It will come as no surprise to anyone familiar with Commissioner Hogan's interactive way of working that he has made it his business to seek out the views of stakeholders and parliamentarians on the ground in member states. Knowing the importance of keeping in touch with the constituencies, in just over seven months in the job, he has already visited 12 member states and ten national and regional parliaments to discuss with national politicians the issues affecting the agrifood sector in their areas. His visit to the Seanad and, later today, to the Oireachtas Joint Committee on Agriculture, Food and the Marine, is tangible evidence of his active engagement.

In addition to his immediate challenges in the agriculture and rural development portfolio, Commissioner Hogan has joined a Commission which has many other significant challenges to grapple with. The humanitarian crisis in the Mediterranean, youth unemployment, the difficult situation in Greece, and the Transatlantic Trade and Investment Partnership, TTIP, are just some of the issues which face him and his colleagues. I have no doubt that he has the insight, energy and commitment to play an important part in tackling all of the issues that face the Commission. On behalf of Seanad Éireann, I wish him well in his efforts. I am delighted to welcome him back to the House in which he made his maiden speech on the national stage. He follows a number of his illustrious predecessors who, as European Commissioners, also addressed the Seanad, among them Mrs. Máire Geoghegan-Quinn, Mr. David Byrne, Jacques Santer and Mr. Neil Kinnock. It is a privilege for me to invite him to address the House. I also welcome his staff, Mr. Tom Tynan, Mr. Dermot Ryan, Mr. Olof Gill - a Mayo man - and Ms Barbara Nolan who heads up the European office in Dublin.

Mr. Phil Hogan: I am delighted to be here among friends today. As a former Member of this House, it is always a pleasure to return here to engage with Senators, some of whom are, of course, former colleagues of mine. I cut my political teeth here as a young Senator between 1987 and 1989. I would like to think some of the skills I learned and the friendships I made in this esteemed House served me well in subsequent years. I pay tribute to the work of Senators as legislators and highlight the important role they play in scrutinising EU legislation.

As a politician, I believe the more the EU institutions engage with and listen to national parliaments, the healthier it is for the functioning of the European Union and the body politic generally. I am glad to say President Juncker has made this a priority for him and the new Commission. As a result, as stated by the Cathaoirleach, on my visits to national capitals I have visited nearly a dozen parliaments. Everywhere I go, I am glad to receive feedback and insights from the politicians who are on the ground dealing with the realities of agricultural politics. Of course, the issues are as rich and varied as Europe itself, from the vineyards and olive groves of southern Europe to the reindeer farms of the north, not to forget our own cattle marts.

Senator David Norris: I do not wish to be discourteous in any sense to the Commissioner, but in the light of the fact the media have been provided with copies of his speech, could Members of the House also be provided with one?

An Cathaoirleach: We do not have copies of the Commissioner's speech.

Senator David Norris: They are only for the media.

Mr. Phil Hogan: I believe both Houses of the Oireachtas can, and should, work even more closely with European institutions. The Danish system for EU scrutiny could serve as one example worthy of closer study. I know that Members of this Parliament have done so in the past.

Often, the much maligned EU red tape is produced in national capitals. This occurs at the implementation phase of law-making. Such red tape, which causes an unnecessary administrative burden for citizens and businesses, is often the main cause of scepticism and misunderstanding of what the European Union is about. There is a great deal of debate about the current role and function of the Seanad. I believe the Seanad could play a very strong role as a red tape clearing house. When a new EU law is being implemented in Ireland, Senators could scrutinise every provision and ensure that no more than what is necessary is included in the implementation phase. Ministers and senior civil servants should increasingly come to this House and account for any provisions which are not included in the original EU directive. I am aware the committee on EU scrutiny already plays such a role, but nevertheless I think that given the specialist skills, in a vocational sense, that are available in the Seanad, it could provide new leadership and focus on ensuring EU laws are fairly and proportionately implemented in Ireland. I would welcome Senators' feedback on this point.

As shown in a recent RED C poll, Irish citizens remain highly committed to the European Union. This is remarkable, given the trying political and economic climate of recent years. It is also indicative of what my Commission colleague, Pierre Moscovici, described on his visit to Dublin as the "atmosphere of hope and renewal that we all now sense here, after years of difficult but necessary reforms". Most members of the electorate acknowledge and appreciate the benefits from EU membership, recognising that the pros of membership strongly outweigh the cons. EU membership was the catalyst for large-scale infrastructural investment, comprehensive environmental protection, enhanced regional development, as well as a host of legal and

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policy improvements across the political and social spectrum.

Access to the EU Single Market and its 500 million consumers has been an immense boon to Ireland's export-oriented economy and the potential for further growth is immense. As an island, being part of a Union with free movement of goods, persons, services and capital, has transformed our horizons and opened up new opportunities for Irish people right across Europe in business in education and in many other spheres. Ireland also continues to benefit from a multitude of European investment programmes and supports. The EU budget for the next six years will continue to benefit Irish agriculture, regional and infrastructural investment, research, technology and innovation, entrepreneurship and support for SMEs, energy efficiency, education, training and labour activation measures.

This has not been all one-way traffic. Since going to Brussels I have become very conscious of the appreciation of the very meaningful contribution that this country has made, be it via our participation in peace-keeping missions, the pioneering work done by many Irish Commissioners, MEPs, officials and the widely recognised success of numerous Irish EU Presidencies. Joining the European family also brought us out of our shell as a nation, gradually injecting a new dynamism and confidence in our international outlook. Leveraging the European platform has also given us a stronger voice in the world. Through this interdependence, our own independence has been enhanced. Due in no small part to a strategic, sensible and intelligent engagement with Europe during a time of unprecedented economic difficulty, Ireland has begun a strong recovery and one that has been at the top of the European charts in terms of the economic growth rate, rising employment, and increasing foreign direct investment in the past two years. However, much work remains to be done in order to restore growth, job creation and social cohesion across the member states.

The current European Commission took office at a most challenging moment in European history. With youth unemployment in particular at catastrophic levels in many member states and investment flat-lining, the new Juncker Commission has had to hit the ground running. We resolved to do whatever we could to make a difference. The collective goal has been to act decisively and quickly, to provide hope for European citizens and to water the green shoots of recovery. We are now focusing our energies on cutting red tape and lightening the regulatory burden to enhance competitiveness. However, we are also being prudent and selective. We have delivered a radical €315 billion investment package to support investments in infrastructure including broadband, energy networks, and transport and renewable energy. We have an ambitious digital Single Market strategy designed to create the conditions for a vibrant digital economy and for a European energy union to underpin energy supply security and to further integrate national energy markets. I am particularly conscious of the need to ensure we retain a competitive tax structure for business and workers in Europe in order to make the European Union attractive for third country investors.

I take the opportunity to commend the outstanding service done by the captain and crew of *LE Eithne* as part of the European humanitarian operations. I echo the sentiments of the Taoiseach who put it so well when he said that Commander Pearse O'Donnell and his crew embody this country's "extraordinary humanitarian personality".

I believe the Commission's new work programme will make an immediate difference for jobs, growth and investment to the benefit of all of the European Union's citizens in 2015, with large-scale projects starting to come on stream by September. I am naturally delighted that the €70 million investment in 14 primary care centres was among the first tranche of projects under

the Juncker plan and Ireland was among the first four member states to draw down finance from the EIB under the plan. This investment will see top quality new health care facilities being built here in the immediate time ahead.

The introduction of a greater degree of flexibility in the Stability and Growth Pact will also help strengthen the link between structural reforms and investment in support of jobs and growth. I assure the House that the Commission's role is to support Ireland in making the on-going recovery as broad-based and durable as possible. By promoting co-ordination with and between member states, we can help to avoid the mistakes of the past, but this will only work with strong ownership by national governments and national parliaments. Debates and discussions in joint Oireachtas committees on important topics such as the European semester are very welcome. I encourage Members to continue to build on this engagement.

As for the social dimension of our work, I am delighted that my colleague, Commissioner Thyssen, has fast-tracked funding for the Youth Guarantee programme in order that young people who are out of work can get started quickly. Last week we announced a new fund providing finance for micro-entrepreneurs and for social enterprises. That is why we have moved quickly to build in more flexibility to the Stability and Growth Pact. We have moved to get the investment programme up and running as quickly as possible. We do not believe economic and social policies are separate domains; they must run hand in hand and reinforce one another. We must ensure economic growth is widely shared and that young people can find jobs and that when a person loses a job, he or she will be given all possible assistance in finding another job. The emphasis in all our policies at all levels is on getting more people of all ages into the workforce. To do this, we need to strike a balance between flexible and secure labour contracts, avoid the divide between insiders with high protections and wages and outsiders, shift taxes away from labour, deliver tailored supports to allow the unemployed to re-enter the labour market, improve educational opportunities and promote lifelong learning. Beyond the labour markets, it is important to ensure every citizen has access to an adequate education and that an effective social protection system is in place to protect the most vulnerable in society, including a social protection floor. Our populations are ageing rapidly and we still need major reforms to ensure that pension and health care systems can cope with this societal shift. These reforms will include aligning the age of retirement with current life expectancy, something which is already happening in Ireland.

Yesterday President Juncker outlined his vision to secure the long-term success of economic and monetary union. This includes a push for a stronger integration of national labour markets by facilitating mobility across both geographic and professional spectrums, including through better recognition of qualifications and better co-ordination of social security systems. Agriculture will also have a key role to play and, as Commissioner, I am visiting every EU member state in the initial part of my term to listen and learn from Europe's farming community but also to deliver the message that the European agrifood sector can be a vital driver of job creation and growth. It is important to convey this message, not just in the marts and the farmyards, but also to urban audiences. It is crucial that awareness of the role and importance of agriculture spreads from our rural areas to our towns and cities, from the farmyard to the school yard. I know that I am preaching to the converted in Ireland on the importance of the agrifood sector. This sector has arguably contributed more than any other to Irish economic recovery, with 61,000 new agriculture, forestry and fisheries jobs created in 2013 alone. With the CAP now reformed and more market oriented, the changing international context provides a wealth of opportunities for forward thinking farmers and agribusinesses. Global demand for high quality,

traceable food and drink will continue to increase, particularly in emerging markets. Every year until 2030, at least 150 million people will be entering the global middle class. This massive growth in disposable income will result in significant changes to dietary patterns. For example, global demand for dairy products is predicted to increase by an annual rate of 2% and the recent ending of milk quotas means that Irish farmers should be very well placed to capitalise on that opportunity.

I am aware of the fears surrounding short-term volatility in the milk sector. The year 2014, after all, was a year which saw record prices and production as good weather, combined with the ramping up of production ahead of the end of milk quotas, led to buoyant output. However, the medium to long-term trend is positive and the figures do not lie. The growing global middle class will continue to demand more dairy products and Ireland is ideally placed to feed that demand. With regard to the future, I want ambitious and entrepreneurial Europeans, particularly younger citizens, to view the agrifood sector as an attractive career prospect. The reformed CAP provides many incentives encouraging young and new farmers to enter the sector, while our committed pursuit of new markets will open new opportunities to be grasped. However, we cannot lose sight of the environmental imperatives underpinning these changes. That is why sustainable intensification will be driven by research, collaboration, innovation and investment. The sum of €3.6 billion is available at EU level between now and 2020 to fund synergies between agriculture and research via Horizon 2020 and the European Innovation Partnership, “Agricultural Productivity and Sustainability”. Co-operation projects will involve farmers and foresters, together with other food chain actors and researchers. As a recent Irish-led example, the Teagasc project LANDMARK was selected for funding following the first Horizon 2020 calls for proposal funding. It specialises in soil management and was selected by experts as the best proposal submitted in the soil function category. Concrete innovation projects can also be funded under the rural development programmes.

I am glad to note that Ireland has decided to take up the EIB approach in its rural development programme, co-financed under the new CAP. In order to support the significant on-farm investment required for farmers and agribusinesses to make these changes, I have been working with the European Investment Bank to tailor a fund offering cheap finance over a 12 to 15 year horizon to farmers wishing to upgrade and expand their production. This is a time of unprecedented challenges, as well as opportunities for the agrifood sector and I urge all Members of this House to provide every support for Irish farmers in the coming months in order to create more employment opportunities. I also pay tribute to the Seanad’s comprehensive report on farm safety which was published last month. I know that Senators will share my conviction that Irish farmers and agribusinesses, leveraging national and EU policy and investment instruments, can do great things in the coming years.

Many of our European neighbours have a more complex set of relationships with the European Union, a fact it behoves us to address in a thoughtful, proactive way. It is critical that this House, as a representative body of Irish democracy, deals with these questions comprehensively. In Greece, as Members are aware, too many citizens are still suffering the economic and social consequences of their difficult national situation. The Commission is playing its part, as one of the institutions, in attempting to resolve the impasse. The steadfast commitment among EU institutions is to find solutions for Greece within the European family and within our common European currency.

Meanwhile, there is also the question of a certain island not far from this one. The question of the United Kingdom’s relationship with the European Union has not gone away and with the

clock now ticking to an inevitable in-out referendum, decision makers in Brussels and Dublin must begin shaping their message. From the European point of view, President Juncker said earlier this month that he believes the British Prime Minister, Mr. David Cameron, “wants to dock his country permanently to Europe”. This is an attitude I believe all Irish citizens can and must endorse. However, as an avowedly pro-European nation on the one hand and as the United Kingdom’s closest trading partner and ally on the other, striking the right balance is imperative. We must find the correct tone and timbre for the appeal that we as a nation ultimately make to our neighbours.

This country has an extraordinary recent experience of how a positive campaign, which appeals to the better nature and fair play of citizens, can deliver positive results. This is the approach I expect will be employed at every level of Irish society. I congratulate the Members of this House who were involved in that campaign, on whatever side, for the dignified and respectful way in which the campaign was waged. There is no time to waste in terms of the matters that need to be addressed. The eyes of Europe are watching and the approach Ireland takes will be studied closely.

Ireland’s European journey has taken some unexpected turns and even some challenging off-road paths, but the direction has remained constant. I believe Irish citizens recognise that this small, dynamic and outward-looking nation still has much to gain from being a prominent member of a Europe continually striving for a more perfect union. The electoral choices made in Ireland are also studied keenly in Europe and the brave and inclusive decision to democratically endorse marriage equality last month was widely hailed. The positive and hopeful message of this popular vote reverberated around every European capital. That is why it would be remiss of me, while here, not to pay tribute to the work done by all who played a crucial role in the campaign, across all parties and none, for their particular dedication and hard work in this regard.

I am more confident than ever that our nation’s destiny will remain firmly intertwined with the destiny of the European Union. This House has a central role to play in shaping that destiny and I look forward to working with it as we rise to this challenge with purpose and pride.

Senator Maurice Cummins: I will share my time with Senator Michael Comiskey.

I welcome the Commissioner to Seanad Éireann, a House in which he served from 1987 to 1989 and in which, as a Minister, he had many a robust and lengthy debate over the years. I compliment and congratulate Mr. Hogan on his appointment as Commissioner for Agriculture and Rural Development and on his work since his appointment, which has been commented on favourably.

Agriculture and its development are of paramount importance to Ireland and having a friend in court, so to speak, cannot but increase the understanding of Irish positions on rural affairs and agriculture at Commission level. I welcome Mr. Hogan’s comments in regard to the proposed role of Seanad Éireann in European Union affairs and assure him it is our intention to play a more prominent role in these matters. The European Union’s agriculture budget amounts to €60 billion, making up approximately 40% of the overall budget. Agriculture is fundamental to our economy and is leading Ireland’s economic recovery. The appointment of Mr. Hogan as Commissioner is a great boost for our agriculture industry.

I also welcome the recent announcement by the Commissioner of a further 24 rural devel-

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opment programmes, aimed at improving the competitiveness of the EU farming sector, caring for the countryside and climate and strengthening the economic and social fabric of rural communities in the period until 2020. The programmes are expected to create over 40,000 jobs in rural areas and about 700,000 training places to foster innovation, knowledge transfer, more sustainable farming practices and stronger rural businesses. Funding worth €27 billion has been made available, with over €2.19 billion agreed for Ireland.

4 o'clock

The key priorities mentioned were the modernisation of farms, support for young farmers, sustainable land management, and an improvement of broadband infrastructures through various regional and national programmes.

I wish Mr. Hogan well in his post and shall now hand over to the Fine Gael spokesperson on agriculture, Senator Michael Comiskey.

Senator Michael Comiskey: I welcome the Commissioner. I thank him for coming to address us on his work as European Commissioner for Agriculture and Rural Development. I congratulate him on his appointment as Commissioner, a very vital and prestigious role. Irish agriculture has gained a lot from membership of the European Union. It is important that we acknowledge the importance of the Common Agricultural Policy in Ireland.

I welcome the recent approval of Ireland's Rural Development Programme 2014 to 2020 by the European Commission. The formal adoption of the RDP marks the next step in the roll-out of the reformed Common Agricultural Policy agreed under Ireland's Presidency of the European Union. The implementation of a number of key schemes contained in the RDP has been announced in the past few weeks. The continued roll-out of the RDP schemes and supports will help to underpin economic growth and development throughout rural Ireland.

The RDP contains approximately €4 billion worth of schemes and supports, including a new agri-environment and climate scheme, GLAS, which is the successor to previous REPS and AEOS schemes, and a range of other environmental schemes. The supports include support for areas of natural constraint, formerly known as disadvantaged areas; support for a range of on-farm capital investments; support for a range of knowledge transfer measures; and support for projects delivered via the Leader mechanism which is operated by the Department of the Environment, Community and Local Government. The schemes contained in the RDP also pay special attention to young farmers and older young farmers which are elements of our farming community that can sometimes be overlooked.

While there are many success stories contained in the RDP, the introduction of the beef data and genomics programme has proved tricky. The BDGP is a very beneficial scheme which will see €52 million invested every year and will provide €300 million in total to the suckler industry in Ireland. Undoubtedly, genomic testing will improve the quality of our herds from four-star to five-star cows, thus leading to better performance in the herd. The star ratings have been a cause of concern for some farmers who believe the criteria for the scheme should be lower, possibly as low as three star but rising to five star later.

An aspect of the scheme which has proved divisive is that the scheme will have a total span of six years. That may prove difficult for some farmers. Another issue is the set reference year. It means that farmers who do not have cows in the reference year of 2014 will be unable to enter the scheme thereafter. I am interested in hearing the Commissioner's view on these points.

I thank the Commissioner for addressing us and wish to let him know that I have looked forward to hearing his address.

Senator Darragh O'Brien: I am delighted that the Commissioner is here. On behalf of the Fianna Fáil group, I formally congratulate him on his appointment as European Commissioner for Agriculture and Rural Development. I know he will carry out the role with great distinction. We will watch very closely how our Commissioner performs. I know he is a European Commissioner, but I have used the term “our Commissioner” because he was appointed by Ireland. I wish him well in his new role.

I have only five minutes which restricts what I can say; therefore, I shall focus on a couple of areas. The Commissioner has highlighted, in the short time he has been in the role, the area of below-cost selling in agricultural and horticultural sectors. The issue crosses all borders and affects all member states. The issue of below-cost selling affects growers in Poland as much as it affects growers in Ireland. I am interested in hearing, from a European Commission perspective, what the Commissioner believes the Commission and the European Union can do to ensure we have sustainable and viable horticulture and agriculture sectors.

The Commissioner mentioned the potential for growth in the agrifood sector. That potential has been proven in recent years, with Ireland at the cutting edge in terms of research and bringing new products to market. We all know about our successes in the dairy sector in respect of powdered milk and so on. Will Mr. Hogan outline the efforts that are being made from a Commission perspective to ensure the European Union is to the forefront in accessing new markets, including those in China and South America?

When delegates from the Irish Farmers Association attended a meeting of the Joint Committee on Agriculture, Food and the Marine last April to discuss below-cost selling and its impact on producers throughout the country, what was very clear was that the strength of the multiple retailers, many of which operate across all European borders, is disproportionate in this market. The power they wield in terms of purchasing capacity is having a particularly detrimental effect on family-run farms and businesses in Ireland. I was reminded during those discussions that the Lisbon treaty, which was passed by the Irish people in a referendum, offers a commitment that farmers in the European Union are entitled to make a fair and sustainable living from the land. Ireland must step up its focus in this regard, perhaps by looking to what Britain and other member states are doing. There should be a pan-European approach to ensuring our agriculture and horticulture sectors are sustainable and that young farmers and growers see a future for themselves and their families. That is not currently the case, the reason being the scourge of below-cost selling.

I very much welcome the Commissioner’s efforts to highlight this issue in the seven or eight months he has been in office and I hope he will continue to do so. Will he outline how he sees the matter progressing in the coming months from a Commission perspective? The power exercised by the multiples is an issue that is of particular concern to me as a representative of north Dublin, but it also is of concern to farmers all over the country and all across Europe. I do not want to see a wholesale industrialisation of farming in this country. Some of the multiples are now involved in farming in Britain, which would be an unwelcome development here. I am interested to hear the Commissioner’s view on this issue.

I noted Mr. Hogan’s comments on the social aspects of the Commission’s works and the potential for a so-called Grexit and Brexit. We all hope it will not come to that. I would be

glad to hear Mr. Hogan's views on the upcoming referendum in Britain in the context of how important the EU market is for British farmers.

I thank the Commissioner for giving of his time and wish him well in his work in the coming years. It gives hope to a lowly Senator to see somebody who started out in this House achieving such high office. One never knows what heights one might reach.

Senator Denis Landy: I welcome the Commissioner to the Chamber and commend him for the work he has done so far. I am sure he has been to many far-flung places since he took up his role, but I am certain, too, that he is aware that the Kilkenny hurling team seems to have unearthed another Henry Shefflin at the weekend in the guise of Ger Aylward from Glenmore. I hope Mr. Hogan is keeping an eye on those things, as we are in Tipperary. Will he offer his support to the campaign that has been launched to achieve European heritage status for the game of hurling? It is our most ancient sport, going back to the 12th century, and has massive significance from an historical perspective. I am sure the Commissioner, as somebody who likes to think he will be attending a match in Croke Park every September, will assist that campaign in any way he can.

As I said, I commend Mr. Hogan for the work he has done thus far as Commissioner. When he took up the role, he was given quite a number of tasks: the implementation of the CAP; ensuring expenditure on rural development would result in jobs; paying particular attention to the principle of subsidiarity; the simplification of direct payments for greening and rural development; achieving energy efficiency and emissions reductions; and contributing to the 2016 review of the multiannual financial framework by identifying ways of further increasing the focus of the CAP on jobs, growth, investment and competitiveness. Since he has taken up his role, he has been extremely busy. He has approved and overseen the 24 rural development programmes, as already stated. I am glad to state that, at national level, we are progressing very well in this area. Most of the plans from the various boards have been approved at this stage. Only a few are outstanding, including that from my county. I hope this will be resolved very soon. The plans will see up to 40,000 jobs created in rural areas and provide training for over 700,000 people.

The Commissioner has approved 41 new programmes to promote agricultural products in the European Union, emphasising in particular third-country markets. He has commented that we must take on the challenge presented by the end of the milk quota system and see it as an opportunity for the Union. He has been involved in the establishment of the European Investment Bank. He also had a role in the work on the Youth Guarantee and the provision of social enterprise funds.

At national level, we have not been sitting on our hands. As the Commissioner is well aware, much progress has been made in recent years by the current Government on rural development, particularly recently by the Minister of State, Deputy Ann Phelan, who is from the Commissioner's county. Additional access to new markets has been gained in terms of meat production. I refer in particular to Lebanon, Vietnam and the Philippines. Supports for businesses in the food industry have been developed. We had a role in the ending of the milk quota and have played a big part in the new organic farm scheme.

I wish to devote my last two minutes to an issue of particular interest to me and, I am sure, the Commissioner because he is a Kilkenny man. I refer to the sugar beet industry. In 2011, for which year I have figures, 5 million ha of beet was grown globally. This culminated in the

production of 273 million tonnes. Some 60 million tonnes of this total was turned into sugar. Across the world, 80% of sugar is derived from sugarcane and 20% from beet. It is in the latter area that I have a particular interest. As a young boy growing up in Carrick-on-Suir, I saw the sugar beet train heading to Thurles daily. In fact, it sustained the rail industry across rural areas in the months when there was no tourism.

In its wisdom, the previous Administration decided to sell off the industry to Greencore, which closed the last plant, in Mallow, in 2006. Previously, the plants in Thurles, Carlow and Tuam were closed. This saw the end of a magnificent era in Irish agribusiness and agriculture. My father-in-law, who was a farmer, often told me the most profitable crop was beet. I ask the Commissioner to assist in re-establishing the market and product in Ireland. We are currently importing an unbelievable amount of sugar. Every bit of sugar in the country still has the Siúcra name but the brand is now in Germany. As far as I am concerned, Siúcra is being put on a brand that belongs to the people. I ask for the assistance of the Commissioner. Some work has been done, particularly in the Carlow area, to set up a new company. Some seed capital has been raised but a lot of work has yet to be done. It would be fantastic if Mr. Hogan could see the company established in his time as Commissioner. I thank him for attending today.

Senator Mary Ann O'Brien: I welcome the Commissioner and congratulate him. I thank him so much for attending. We will see him later this afternoon at the meeting of the Joint Committee on Agriculture, Food and the Marine. I do not have a speech prepared, but I have a few thoughts and questions I want to share with him. The upcoming TTIP trade agreement with the United States is in its early stages, but it looks to be completed by the end of the year. We had a good session earlier with the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, but I would like to hear from the Commissioner - from the horse's mouth, as it were. The agreement provides a few worries for Ireland and the European Union, but it also provides huge opportunities.

I also want to ask the Commissioner about GMOs and what is happening in his office about them. If that agreement goes forward and food is imported into Ireland from the United States, it should be noted that 80% of American foodstuffs contain GMOs. Do we want our youth and other citizens eating GMOs?

Senator David Norris: No.

Senator Mary Ann O'Brien: No, for certain, we do not. I am absolutely against GMOs. Standards are very different in the US compared to here; therefore, it is important that we protect our standards. I would be interested to hear the Commissioner's opinions and work on this matter. Does he have a timeline in mind as to when that agreement will be finalised?

Fluoride is one of my favourite subjects and I will never exhaust it. Ireland is the only country in Europe that allows fluoride in the public water supply. As far as I am aware, no study has ever been done of the effects of fluoride on our aquaculture, agriculture or eco-system. It is in our water and is going into our systems and farmlands. The Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, is doing a wonderful job. The Commissioner knows the economic effects of the great work he has done in agriculture, including the beef sector and the lifting of milk quotas. Would it not be awful if I was right about fluoride having a detrimental effect on our added-value products?

I welcome the simplification of the Common Agricultural Policy and all the work the Com-

missioner has brought forward. I have sat in on all the meetings of the Joint Committee on Agriculture, Food and the Marine. I hope the Commissioner will be home for a few days and as he drives around Ireland he will see grants coming in for young farmers and there is a lot happening with sucklers, beef and mixed quotas. The reality, however, is that if one drives around the country it can be a depressing and sometimes frightening experience because small towns are dying.

We talk a lot about the lack of rural development, which is the reality. I am glad that Commissioner Hogan is in the driving seat. I know that he is handling the agriculture portfolio for the whole of Europe but he should not forget about rural Ireland for one moment because we need a lot of help, direction and focus to get us there. Most Senators drive all over the country every week and they know that it is not a pretty picture on the ground. People are hurting greatly.

Senator David Norris: With the permission of the House, I would like to share time with Senator Sean D. Barrett.

An Cathaoirleach: Is that agreed? Agreed.

Senator David Norris: The Commissioner is very welcome. He and I were both elected to this House in 1987. I am glad that we have a tough Commissioner in Europe and he is that tough person. I have to say, however, it is fairly typical that the scripts were supplied to civil servants and the media, but not to Members of the House. That is indicative of an attitude in the European Union.

Can the Commissioner explain the policy of the European Union, and many of the constituent governments, in rescuing and protecting the financial institutions, while ignoring the welfare of citizens? This is endemic throughout Europe, which is an absolute disgrace. For example, Ireland was forbidden to burn the bondholders, while Cyprus was forced to do so. Ireland was compelled to take up the gambling debts of the French and German banks, which took a risk on the building boom here, yet they go around telling people that they rescued us. It is completely the other way around.

What about the ratings agencies, such as Standard & Poor's? They got absolutely everything wrong and were involved in the bungling in America that catapulted us into this financial mess. What has happened to restrain them? Goldman Sachs was criminally implicated in cooking the books for Greece, but what has happened to it? Has anything been done by the European Union to restrain these institutions? Can the Commissioner explain the shameful treatment of Greece and the non-disclosure of the various proposals to the Ministers who are supposed to discuss and decide upon them? It is nonsense. It is a democratic farce. We are told that the Greeks did nothing. An article by Mr. Yanis Varoufakis in *The Irish Times* stated "wages contracted by 37 per cent, pensions by up to 48 per cent, state employment by 30 per cent, consumer spending by 33 per cent and even the current account deficit by 16 per cent". Total income fell by 27%. One cannot squeeze blood out of a stone. What is happening to Greece is a reproach to democracy and a disgrace to this country. This country stuck the knife into Greece as hard as any other European country and I think it is utterly regrettable.

Senator Paul Coughlan: We did not.

Senator David Norris: You did.

Senator Sean D. Barrett: I welcome the Commissioner. We had many great debates here when he was Minister and I wish him well in his role in agriculture. Taking up Senator David Norris's point, there have been design faults in the way the euro ran and faults on both sides. It is a pity that there was not better co-ordination between the launch of the single currency in 1999 and the problems of 2008. We still need to get our act together in running the single currency. Like Senator David Norris, I do not blame the Greeks. There were design faults in the euro. It should not be a lobster pot that is far easier to get into than out of. It is easier to leave the European Union altogether than it is to leave the single currency. There is not enough fiscal federalism there. How is Greece supposed to operate a fixed exchange rate with Germany? It cannot improve its productivity and competitiveness in the fixed exchange rate regime. I hope to see a more analytical attitude and less patronising of Greece by the people in Frankfurt and Brussels who made a lot of mistakes in the design of the single currency.

I welcome the reports on Saturday that the competition policy people in Brussels are to look very closely at the British Airways takeover of Aer Lingus. It may take longer than the normal 90 days. This was a disgraceful, anti-competitive exercise - a profitable, cash-rich airline being taken over by a competitor with the object of reducing competition. The euphemism used is "consolidation". The Commissioner knows, Ireland knows and former Commissioner Sutherland knew that the more airlines we have, the better. The intervention by the British competition authorities in respect of the Ryanair shareholding in Aer Lingus was an outrage and should be opposed by everybody who is elected to the Irish Parliament. I hope that in respect of the anti-competitive elements, such as the Heathrow Airport slots being allocated to one company overwhelmingly, British Airways having acquired Aer Lingus, it cannot have a monopoly on the routes to Ireland. There must be competition on the north Atlantic routes, which we developed from Dublin Airport. People from Manchester are flying to Dublin with Aer Lingus. Now that Aer Lingus is part of British Airways-IAG, that competitive threat is removed. The consumer was completely neglected. There is a one-page document in the Library of these Houses on the policy regarding that takeover. It was anti-competitive and competitive access should be desired.

People in Ireland have to be somewhat cautious in respect of the referendum on the United Kingdom's membership of the European Union. The Commissioner is cautious in his speech. It is felt very strongly in the United Kingdom that too much sovereignty has been transferred to Brussels and is not always exercised in the British parliamentary tradition. I fear that too much interference by Irish people in the UK referendum could push it to a vote to leave. They are not likely to take advice from outside. It would be a tragedy if they left because as is the case with the single currency, the Franco-German alliance that runs the single currency would make the European Union less democratic. The British parliamentary tradition is the greatest asset it brings to the European Union and I hope it stays in it for that reason. Patronising the English in particular with our advice on how they should vote in a sovereign decision for their people could be counterproductive.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an gCoimisinéir. Ní fear é a raibh faitíos ná drogall ariamh air teacht ar ais go dtí an Seanad. Tá fáilte roimhe. I welcome the Commissioner and I am glad that he is with us. I am very interested in what he has to say about his new position and its relevance to Ireland. I congratulate him on his new position and wish him well.

We hope the Commissioner will be able to help the many Irish farmers who are struggling to maintain their farms and livelihoods in difficult circumstances. There is a prevailing wisdom,

mainly outside the agricultural sector, which suggests that Irish farmers have done well out of the European Union, but sometimes it is difficult not to look at what we have also lost due to EU regulation and control. It has not necessarily benefited Irish farming, either in its economic status or through the changes it has wrought in the social fabric of this country.

Every month seems to bring another major issue to the fore in Irish agriculture. The abolition of the milk quotas came about in May. There has been major investment by processors and producers in anticipation of new markets and the end of restrictions on production. Many farmers are already in trouble with the banks as milk prices fall and the effects of the imposition of the superlevy.

We are hoping the Commissioner could try to influence in favour of an arrangement whereby Irish farmers who are in the process of preparing for the end of milk quotas and enlarging their herds are not driven under by a combination of the lack of payment being received in May due to the superlevy being deducted and a drop in prices. A phased payment of the superlevy is one suggestion we are putting forward.

There is also an issue for farmers about land eligibility and the number of farmers who claimed payments in good faith based on the criteria for eligible land. New rules and technology mean that they are being obliged to pay back claims from as far back as 2009. We are calling for an amnesty for these farmers, who claimed in good faith and in circumstances of falling farm incomes, particularly among smaller farmers. They should not have to take another hit.

The Commissioner cannot be unaware of the disquiet among suckler farmers about the beef data genomics scheme. The scheme has such harsh and prolonged terms and conditions that the number of applications to participate fell below targets and some of those who have applied are already considering withdrawing. It is another scheme sanctioned by the European Union and implemented by the Department which seems to be ill-thought out, even if the overall objective of improving the quality of the national herd is laudable. There is such disquiet about it among farmers that it may not achieve its target. I saw the indications in Claremorris at a meeting of 1,400 farmers where these issues were aired.

Another area where the Commissioner could also be influential and beneficial to Ireland relates to the promotion of an all-Ireland food label. It seems ridiculous that on this small island a distinction must be made, due to EU regulations on country of origin labelling, on products whose origins are both sides of the Border. This could mean a lamb born in Jonesborough and slaughtered in Carlingford would now be regarded as a product of two member states. Farmers North and South know there is no point in competing against each other on the international market when there is scope for everyone to use our reputation for good clean Irish food, with no distinction being made according to which side of the Border it originates. I appeal to the Commissioner to look favourably on this issue if it crosses his desk, and, even if it does not, to use his influence to bring about an all-Ireland label. It can only benefit farmers on both sides of the Border.

Before I finish, I must mention the hen harrier. The scheme to compensate farmers whose land had a certain designation has been discontinued. There are more than 4,000 of them. These farmers are still waiting on some compensation for not being able to farm their land in the circumstances. It goes without saying that an injustice is being done to them and this should be rectified.

I share the concerns raised around the Transatlantic Trade and Investment Partnership and the impacts on Irish agriculture, particularly the beef and white meat sectors. The lack of transparency is also an issue. I wish to restate our opposition to the investor-state dispute settlement mechanism, which raises issues around fracking on this island. I hope the Commissioner will use his offices to try to ensure that never happens on the island of Ireland.

I cannot finish without saying I am very concerned about the changes that have taken place in the Leader and rural development areas. Unfortunately, the Commissioner had a hand in this himself when he was a Minister. We are going to have long-standing repercussions in these areas and as a result of the dismantling of the community development sector also.

I wish the Commissioner well. Táim buíoch de as teacht isteach inniu. Go raibh maith aige.

Mr. Phil Hogan: I thank Senators for their contributions and good wishes. I thank the Leader of the House, Senator Maurice Cummins. A number of Senators, including Senators Michael Comiskey and Trevor Ó Clochartaigh, mentioned the beef genomics scheme. The beef genomics scheme is an agri-environment measure. Under every agri-environment measure the term is five to seven years. This is the legal requirement under EU regulations and law. If a member state puts forward a proposal as an agri-environment measure, a farmer is obliged to comply with the rules and regulations surrounding an agri-environment measure, that is to say, five to seven years. That has been in place for the REPS and AEOS arrangements and so on. It should be no surprise to people. The farm organisations should tell their farmers that this is the position and that it is an agri-environment scheme. The six-year issue comes into play on the basis that it has to be designated as an agri-environment scheme and this means farmers have to stay in the scheme for between five and seven years. There is no way around that under EU legislation.

I agree with Senator Darragh O'Brien that the family farm model is the one we wish to support and sustain in the European Union. We will not promote the industrialisation of European agriculture. When American families talk about the family farm, they are talking about 2,500 ha. They have no notion of what the European family farm model is in the way we know it. In effect, we are on a different ranch in practice in terms of the definition of "family farm".

I fully agree with Senator Darragh O'Brien's point on the unfair trading practices that are a potential source of irritation to the producers, in particular in view of the fact that there has been a considerable decline in the share of both the output and the margin of profitability to the producer *vis-à-vis* other actors in the food chain in recent years. If one does not have a producer, one will not have a product, and if one does not have a product, one cannot have the employment opportunities upstream or downstream of it, whether it is chocolate in conjunction with the dairy sector or the beef processing sector. At all times it is important we ensure the necessary product is being produced in line with the traceability and food quality regimes we have put in place for producers.

There are opportunities for specialisation in the European agricultural scene. Irish agriculture has great advantages and opportunities in terms of where small farmers in particular can be supported in horticulture or specialising in plant breeding or young trees, for example, which have significant potential for export, as is the case in the Netherlands. We have models of best practice that could be utilised for smaller producers in this country that are already in place in other member states of the European Union and being supported by their national and European programmes.

The free trade agreements we are exploring are hugely important. We must find other markets to replace the market potential we had with the Russian Federation. We have been quite successful in getting some support for products such as pigmeat in the Philippines, and some additional support for our beef and dairy products in the Far East. A very important part of my work is to go to the marketplace to develop linkages for European farmers in terms of marketing our product. Expanding to more specialised markets is the only way we can deal with the increased level of milk production we will have in the future and the opportunities for jobs in that regard. We have an opportunity to increase exports due to the increasing level of demand, in particular in the Far East, where 150 million people per annum will go into a higher level of income bracket and, therefore, will have the disposable income to buy some of those products.

Senator Denis Landy should know he does not need to tell a Kilkenny man about heritage and hurling. We appreciate that to a considerable extent and I am pleased to be able to acknowledge and support it in every possible way. The European Investment Bank, EIB, loans provide an opportunity to advance some of the investment that is required in so many areas of agriculture. We launched a European programme today in the National Convention Centre in Dublin with the input of the European Investment Bank. Once the Government modifies its rural development programme it will be able to provide low-interest loans over a longer period which will help to establish more of a fixed cost in terms of the cost of money for investments it makes in capital or otherwise. That is a very exciting opportunity for agribusiness and Leader companies if they wish to participate. Low interest loans over a longer period are more beneficial than grants. We must remove ourselves from the grant mentality, as it is not the be-all and end-all but rather one option that is available.

I agree with Senator Denis Landy's assessment of the beet industry. It was a very profitable crop and it is most regrettable that the beet industry was allowed to decline with the consequent direct and indirect employment opportunities lost to rural Ireland. It will be difficult to restore the beet industry. We will no longer have sugar beet quotas after 2017 and when the assessments were carried out on the redevelopment of the industry in Carlow and Kildare, it was done on the basis that €40 a tonne could be paid to farmers for growing sugar beet with €700 a tonne for sugar on the marketplace. That market has now reduced to €420 a tonne. The viability of the project is very important from the point of view of private investors and farmers and they must assess the figures in terms of viability in a very hard-headed way. I am not in a position to fully understand what the private sector is going to do in this regard, but I am aware of some interest in the project in Carlow-Kildare. However, the figures may not add up and we have to face that fact if we want to restore the industry.

I assure Senator Darragh O'Brien that EU quality standards on food will be maintained in any international agreement, whether with the United States or anybody else. Farmers and producers in Ireland and in Europe have gone through the pain barrier in respect of the traceability they are now obliged to have from farm to fork and we will not sacrifice that to get any old deal. I have been in the United States on two occasions and have been involved in the negotiations on the agricultural side. I am not optimistic about an agreement between now and the end of this year. Elections will take over in the United States and positions will harden but that does not mean the European Union has to capitulate to do a deal. I expect we will have a difficult time trying to achieve a comprehensive agreement in that timeline. The talks cover all sectors including industrial goods, services procurement and many areas on which the authorities in the United States have refused to move in the past couple of months, despite the best efforts of the European Union trade negotiator, Commissioner Malmström.

The President of the European Commission, Mr. Juncker, stated quite explicitly that societal concerns, as well as science concerns, were applicable to the GMO regime. He is of a strong view on this and that is why the proposal generated in recent times threw the issue back to member states. If they want to have technology in the form of GM then they must opt in or opt out of a particular proposal, rather than hiding behind the Commission. It should be science based and that has been the case with the importing of soya bean from the United States for the animal feed sector. Some applications are rejected, more are approved and, recently, there have been 19 authorisations from the United States. They had been in train for a number of years but decisions have now been made and we can move forward to provide vital raw material for the animal feed sector in the European Union, otherwise we will not have a competitive sector. We cannot have it every way. We eat food which results from imported soya bean that may be GM-produced, but as we do not want to grow it ourselves, there is a bit of a problem. During the years we have generated that problem for ourselves by not being straight and having one policy or another. I hope we will be able to come to a more satisfactory outcome with our legislators between now and the end of the year. The committees on environment and agriculture are discussing this in the European Parliament in the next month.

Simplification of the CAP is very important to me but when 8,000 amendments are put down by the Agriculture and Fisheries Council in the European Parliament, as happened on the last occasion, it is very hard to be simple with this matter. I have now been tasked with unravelling some of the detail and complexity in the decisions of 2013. As a politician, I understand how these things happen but this has had an impact on the farmer, on food companies and on the member states who want to deliver it without the necessary bureaucracy and administrative burden that goes along with it.

I am anxious to make progress on it this year and to fine-tune some of the policies to bring coherence to the issue. We can then look at changing the legislation in the next two years to remove some of the administrative burden while at the same time protecting European taxpayers, who put in €56 million a year to provide support for policies that result in the good quality food on our tables which we often take for granted. We have to strike a balance and the simplification of our policy will hopefully achieve that. Ultimately we will then be able to streamline some of the systems.

I also draw Senators' attention to the rural investment we have announced today in the form of loans from the European Investment Bank. This gives the opportunity for young farmers starting off, for food companies that want to expand, for the dairy processing sector that wants to expand, post-milk quota, for forestry and green infrastructure and storage facilities. These can now be funded through the rural development programme and EIB loans. If we can offer long-term loans at low interests, it is a positive day for rural Ireland.

I agree with Senator David Norris that we ignored the welfare of citizens. The fiscal and economic adjustments that had to be made were very painful for Irish and European citizens, but we often ignored the welfare of citizens and of society. That is why the Commission has in recent weeks been discussing social policy objectives for the European Union. We should not be solely concerned with fiscal adjustment and economic policies. Our policies should also reflect social concerns, whether in respect of labour market mobility or high levels of unemployment, particularly among young people. In Spain, for example, 23% of the unemployed are young people. We are conscious of our social obligations under the Union and its treaties.

Senator David Norris: Perhaps the Commissioner might take that back to his colleagues.

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Mr. Phil Hogan: I can only speak for myself today. I do not agree with the Senator about fiscal and economic policies. The statistics are positive in regard to Ireland. We have the highest level of growth in the European Union.

Senator David Norris: We have the highest debts.

Mr. Phil Hogan: We reduced the unemployment rate from 15.5% to 9.5%. The economic indicators seem to be heading in the right direction. We have broadened the tax base to reduce the tax on work. The figures speak for themselves. I will not respond to the Senator's comments on Goldman Sachs. I do not get involved in the sort of highbrow finance in which he obviously has a deep interest.

Senator David Norris: He should get involved at European level.

Mr. Phil Hogan: Junior bondholders were burned, but not senior bondholders. When we borrow money from people, we are expected to pay it back because otherwise we might not be able to borrow again.

Senator David Norris: They took a punt.

Mr. Phil Hogan: Junior bondholders have been burnt.

Senator David Norris: They gambled and they should get a smack.

Mr. Phil Hogan: In regard to the situation in Greece, there was a huge disconnect between the Greek Prime Minister and the Greek Government in respect of what is required to be fulfilled as part of that country's obligations to the treaties of the European Union and the moneys it borrowed from the various institutions. As in Ireland, citizens have obligations to discharge that responsibility. When one borrows money, one must pay it back. Ireland, Portugal and Spain have been doing that. One does not expect the Greek Government and people will take a different view. The Greek Government has not always conveyed to its people the type of flexibility that the European Commission was showing in recent months to the Greek people. It has not always been honest with the Greek people.

Senator David Norris: The European Union has not been honest with Greece.

Mr. Phil Hogan: Greece has no administration, effectively. As Commissioner for Agriculture and Rural Development, I want to implement programmes for the benefit-----

Senator David Norris: Did the Commissioner just say that Greece has no administration?

An Cathaoirleach: Please, Senator.

Mr. Phil Hogan: I was about to tell the Senator that it effectively has no administration in agriculture.

Senator David Norris: I see - in agriculture.

Mr. Phil Hogan: When I am trying to give money and support to rural development programmes in Greece, I cannot get satisfaction from the Greek authorities or even get replies to letters sent since last Christmas. There is more to this matter than what meets the eye or appears in the newspapers.

Senator Sean D. Barrett referred to Aer Lingus. I will not get involved in any negotiations Irish authorities might be holding with the European Commission, especially in regard to competition matters. I am sure they are able to look after themselves without the help of anyone involved in agriculture and food.

I have a view on the Brexit. I hope the European Union will benefit from the continued membership of the United Kingdom. I had the privilege of addressing the National Farmers Union in the United Kingdom recently. Following a good debate on the pros and cons of membership, farmers in the union voted to pass a resolution on campaigning to stay in the European Union. The rural community in the United Kingdom is positively disposed towards the benefits of membership. I do not think there is a desire among the community to open negotiations on a free trade agreement between the European Union and the United Kingdom when there is already access to a population of 500 million and an internal market that works fairly well. However, I believe the United Kingdom is on to something with its argument that we need to change the way we operate to better reflect the role of national parliaments and subsidiarity in the implementation of policies.

That is why I responded to it in my opening remarks, and said national parliaments, including Seanad Éireann, should have a stronger role to play and Oireachtas committees should be stronger in scrutinising many of the draft laws before they are finalised. Stakeholders should be part of the engagement at an earlier stage in order to ensure the implementation aspect of the policies is not gold plated in many member states, as they are, to the detriment of the beneficiary. Much administration imposed by member states is unnecessary and we could head it off at an early stage by having greater engagement with stakeholders.

Senator Trevor Ó Clochartaigh mentioned that the super levy should be phased in. We are doing it. It will be phased in over a three year interest-free period, and the arrangements were finalised yesterday by the Department of Agriculture, Food and the Marine.

Senator Trevor Ó Clochartaigh: The Commissioner is taking on Sinn Féin policy.

Mr. Phil Hogan: I am sure Sinn Féin made a major contribution to it.

Senator Trevor Ó Clochartaigh: Absolutely.

Mr. Phil Hogan: However, I made the decision. Regarding beef genomics, one is either for or against the climate change and environment measures. If one opts for a climate change measure, one must implement it according to the rules, and that is what the beef genomics scheme is doing. Today, I spoke to the Sinn Féin party leader and spokesperson on agriculture about an all-island approach on food labelling and I asked him to enlist the support of the North-South Ministerial Council. Compensation for the hen harrier is a matter for the Irish authorities.

An Leas-Chathaoirleach: On behalf of the Seanad, I thank Commissioner Hogan for his address and very constructive engagement and plain talk in the House. It is very important the level of interaction between national parliaments and the EU institutions continues and deepens. Our committees have become progressively more engaged with EU legislation and do very useful work in this respect. Lisbon treaty arrangements providing for greater interaction between national parliaments and the European Parliament are also bedding down very well. That said, high profile encounters such as today's address, give a more public expression to the commitment on the part of Commissioner Hogan and President Jean-Claude Juncker to deepening the dialogue. As Chairman of the Seanad Public Consultation Committee, I thank the Com-

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missioner for his kind comments on the committee's report on farm safety, which we published recently following a very good interaction with a wide range of farming related organisations.

I suggest the Commissioner throw a glance at the plight of the Irish greyhound industry. I am sure he will remember a special sporting event during which an affable Kerryman and friend of both of us said we had to be careful when the bunny was running and place our bets. The bunny could be trapped regarding the Irish greyhound industry. As a nominee to the Seanad of the Irish Greyhound Owners and Breeders Federation, it would be remiss of me not to mention that important moment.

Mr. Phil Hogan: We will let the hare sit.

An Leas-Chathaoirleach: I wish the Commissioner well in making continued progress with his work programme. We do not underestimate the challenges that face him, but we know that he will rise to them. We assure him of the goodwill of the House. I have every confidence that when the Commissioner is in the European Union, he will wear the green jersey, in so far as he can, for the Irish people and farming industry.

As Leas-Chathaoirleach, I am grateful for the Commissioner's presence. I thank him for honouring the House and all of us by coming here. It enhances the status of Seanad Éireann which was protected by the people recently and the entire Parliament.

Sitting suspended at 4.50 p.m. and resumed at 5 p.m.

Teaching Council (Amendment) Bill 2015: Second Stage

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

Minister for Education and Skills (Deputy Jan O'Sullivan): I am pleased to have the opportunity to address the House on the Second Stage of the Teaching Council (Amendment) Bill 2015. Before I turn to a more detailed explanation of the provisions of the Bill, I will explain its background and purpose. It caters for two overarching aims: underpinning the central role of the Teaching Council in the forthcoming statutory vetting arrangements for registered teachers, and amending and strengthening the statutory provisions relating to the Teaching Council's fitness to teach function.

On the Garda vetting of teachers, we are all agreed on how important it is that teachers be vetted. The existing Garda vetting arrangements for the schools sector operate on a non-statutory basis and have been in place for new employees since 2006. Under these existing vetting arrangements, the Teaching Council is the registered organisation that liaises with the Garda Central Vetting Unit, GCVU, for the vetting of teachers and acts as a conduit for the approximately 3,500 individual recognised schools and education and training boards, ETBs, that employ registered teachers.

The Teaching Council plays a vital part in the State's overall child protection infrastructure for schools because it has the capacity to ensure any person it deems not suitable to teach will not be registered as a teacher. This Bill will underpin and strengthen this capacity and in doing so will ensure, in tandem with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 provisions, that the vetting of all registered teachers, on an ongoing basis, will be provided for and carried out on a statutory basis.

The Bill, which is intended to be aligned with the National Vetting Bureau (Children and Vulnerable Persons) Act, will make it more efficient for schools to meet the vetting requirements of that Act when it is commenced. The provisions in the Bill will help improve the workability of the vetting arrangements for schools and ETBs by enabling them to receive vetting disclosures in a streamlined, secure and timely manner through the Teaching Council's electronic register of teachers.

The number of teachers vetted under the non-statutory arrangements continues to increase steadily, with about 54,000 of the 90,000 teachers on the Teaching Council register now vetted. The remaining 36,000 who have not yet been vetted are typically permanent teachers who have been in the same school since the period prior to the introduction of vetting in 2006. I consider it very important that such teachers would be vetted under the forthcoming statutory vetting arrangements, for two reasons. First, the forthcoming statutory arrangements under the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 will include a check for both criminal offences and also any relevant "soft information", which is an important new element of the vetting procedures. Second, when this Bill is enacted, there will be a clear statutory basis for the Teaching Council to require such teachers to undergo vetting and for it to deal with any adverse vetting disclosure that might be received.

Removing a teacher from the Teaching Council register is the best way of achieving child protection across all recognised schools. Both the Teaching Council and I are mindful of the need to ensure all registered teachers are vetted, and I am aware that it is the council's intention to prioritise this work in the year after enactment of this legislation. What is important is that this Bill provides that renewal of a teacher's registration will be linked with compliance with the Bill's vetting requirements. The Bill also ensures there will be a robust statutory basis for the Teaching Council to consider, in the case of any teacher who is the subject of an adverse vetting disclosure, whether the teacher's registration should be renewed.

This Bill will prepare the ground for the commencement, for the first time, of fitness-to-practice procedures for the teaching profession. This is a key part of any professional regulatory system. The enhanced measures now being put in place will help to ensure high quality standards of teaching can be upheld by the council through the operation of fair, robust and effective fitness to teach processes. This Bill provides for a number of changes to the fitness to teach provisions of the Teaching Council Act before their commencement in order that the Teaching Council can undertake this important regulatory role in an effective manner and that the fitness to teach provisions are updated to take account of the new statutory vetting arrangements.

The purpose of the council's fitness to teach role is to uphold standards and protect children. Robust procedures, which are transparent and fair, will underpin the council's work. When these provisions are commenced, any person, including members of the public, employers, other teachers or the Teaching Council itself, will be able to make a complaint about a registered teacher. Issues of sufficient gravity will result in an inquiry. The council will have the capacity to remove a teacher from the register where it deems the person unfit to teach, including where this is for child protection reasons. This Bill will also improve the capacity of the Teaching Council to deal with complaints that indicate a risk of harm to a child or vulnerable adult by empowering it to seek a vetting disclosure in respect of the teacher concerned as part of a fitness to teach inquiry. It is important to bear in mind, however, that the fitness to teach function will also serve to identify areas where teachers can take action to address underperformance or conduct issues. It is also important to note that these processes will not displace the existing

disciplinary procedures available to employers at school level. Such procedures will normally be completed before the Teaching Council conducts an inquiry, and in many cases it would be expected that the matter would be resolved at school level.

Fitness to teach hearings should be held in public by default, mirroring recent legislation for other professional regulators, specifically the Nursing and Midwifery Board of Ireland and the Medical Council. Public fitness to teach hearings are also the practice internationally, including in England, Scotland, Wales, New Zealand and Ontario, some of which have similar education systems to our own. In reaching my decision on this aspect of the Bill, I was conscious that a balance must be struck between the rights of individuals, both teachers and other parties to complaints, and the requirement that transparent and fair arrangements be in place such that the wider public can have confidence in both these arrangements and their outcomes. The drafting of the fitness to teach provisions of the Bill has taken account of approaches taken by other regulators, both local and international, in addition to relevant case law. In this way, it is intended that a framework will be created that meets the public interest while also being fair to all.

I understand the concerns teachers may have about public fitness to teach hearings. My officials have been in dialogue with the teacher unions on this aspect of the Bill and I am grateful for the exchange of views in that context. I recognise that there may be circumstances where it is appropriate for hearings, or parts of hearings, to be held in private. Accordingly, I will be bringing forward an amendment to provide that the disciplinary committee, having considered the request of a teacher or a witness and where it considers there is “reasonable and sufficient cause”, may hold all or part of a hearing in private. It is important to be aware that no case will proceed to a hearing without going through several stages designed to exclude less serious complaints that would not merit a full disciplinary inquiry.

I will outline to the House the details of these stages. First, the Teaching Council’s director will screen complaints and reject those deemed to be vexatious, frivolous, made in bad faith or an abuse of process. If a complaint progresses, it will be considered by the investigating committee which must, following its inquiry, decide if there is a *prima facie* case to warrant further action being taken before the complaint is sent to the disciplinary committee. At that stage, the disciplinary committee may hold an inquiry. A panel consisting of three to five members of the disciplinary committee will be formed for the purposes of an inquiry and the majority of the panel must be teachers.

Under the current Act, there is provision for an inquiry to be held on the basis of an examination of documents, which might be appropriate in some cases, and it is intended that this provision will be retained. Given what I have said, only a small number of complaints will progress to a hearing, while a smaller number again will result in hearings being held in public.

The overall approach will have regard to long-standing principles of natural justice in respect of individuals’ rights, rights such as the safeguarding of minors or vulnerable adults, the protection of private lives and professional reputation, and privacy concerning medical issues. I am satisfied that this is the appropriate approach to take. I also plan to include express provision that the registered teacher who is the subject of the hearing is entitled to be represented at the hearing and will be furnished in advance with information on evidence in support of the complaint.

As well as the conduct of hearings in public, I will provide for the publication by the council of the outcome of disciplinary hearings where it is in the public interest to do so and the notifi-

cation of findings against a teacher to regulators outside the State, where appropriate. This and other provisions are in keeping with the arrangements applying to other professional regulators and the legal provisions will be similar to those already in place. I intend to commence the fitness to teach provisions as early as possible after enactment of the Bill.

The Bill, as passed by the Dáil, has 24 sections which I will outline in more detail. Sections 1 and 2 are concerned with definitions and interpretations relevant to the Bill.

Section 3 amends the functions of the Teaching Council to provide that in addition to the functions specified in the existing Act, it will be a function of the council to obtain or receive vetting disclosures for the purposes set out in the Bill for the purpose of its role as a relevant organisation, as defined in the National Vetting Bureau Act 2012, or for the purpose of its role as a relevant organisation in representing another relevant organisation under the National Vetting Bureau Act 2012. This provision makes it clear that the council may seek vetting disclosures for the purposes of the registration and fitness to teach provisions of the Bill and ensures its role as a conduit for schools and ETBs in the forthcoming statutory vetting arrangements is given statutory underpinning. The section also amends the functions to provide that the council shall in the performance of its functions under the Act have regard to the need to protect children and vulnerable adults.

Section 4 amends section 8 of the Act to update, reflecting recent institutional changes, the bodies providing primary and post-primary initial teacher education which nominate persons for appointment to the council.

Section 5 provides that the information to be entered in the register on a registered teacher, as prescribed by the Teaching Council, shall, in addition to existing information, include whether the registration is subject to conditions set at initial registration stage or at renewal of registration stage and the information disclosed by the most recent vetting disclosure in the possession of the council on the person. This amendment will enable the council to provide a streamlined electronic mechanism to enable a school employer to access the vetting disclosure electronically in respect of a teacher it intends to employ. This approach facilitates a centralised and accessible mechanism for school-ETB employers to receive disclosures on teachers via the register and in compliance with the National Vetting Bureau Act 2012. It is important to note that records held electronically by the council will not be accessible, other than to an employer for the purposes of obtaining a disclosure under the National Vetting Bureau Act and in such circumstances only with the consent and knowledge of the teacher in question and in compliance with data protection legislation. The section also clarifies that the existing provisions of the Act which relate to publishing the register, making it available for inspection and providing for a copy of an entry or extract to be made available on request are subject to any enactment or rule of law which would prohibit the disclosure of such information.

Section 6 updates section 30 of the 2001 Act. The existing section 30 provides that a person employed as a teacher in a recognised school shall not be remunerated out of moneys provided by the Oireachtas where he or she is not a registered teacher or where he or she is removed or suspended from the register. Section 6 substitutes the existing section 30 of the Act and updates the existing wording to cross-reference an amendment made to the Education Act 1998 under the Education (Amendment) Act 2012 that makes provision for the employment in certain exceptional and limited circumstances of persons who are not registered teachers and amendments being made under the Bill to sections 44 and 47 of the Act which I will outline.

Section 7 amends section 31 of the 2001 Act to make it mandatory for the Teaching Council to obtain and consider a vetting disclosure before initially putting a teacher on the register. This is already the practice of the council on an administrative basis since Garda vetting was introduced in September 2006. The Bill makes statutory provision for vetting disclosures from the bureau to be assessed for all new applicants for registration. It provides for the council to consider a vetting disclosure to determine if a person is a fit and proper person to be admitted to the register and that the council shall refuse registration where the person has not consented to vetting or where the council, in accordance with the section, is not satisfied that the person is a fit and proper person to be registered. It also provides for a revised text relating to the powers of the council to make regulations in respect of initial registration. The section also makes some technical amendments to the existing provisions which provide for the council to refuse to register a person where he or she stands removed or suspended from the register and for the council to register a person with conditions.

Section 8 makes provision for transitional arrangements to deal with applications for registration received prior to the coming into operation of section 7.

Section 9 places a requirement on a person to provide his or her consent to vetting at initial registration stage or where he or she is requested by the Teaching Council to do so for the purposes of renewal of his or her registration.

Section 10 provides that where a teacher's initial registration is subject to conditions that have been applied by the High Court following an appeal, the teacher shall be removed from the register where he or she fails to comply with any of these conditions.

Section 11 amends section 33 to provide for revised text relating to the powers of the Teaching Council to make regulations for the purpose of renewal of registration which shall, *inter alia*, provide for the form and manner of an application for renewal of registration and the documentary and other evidence that the Teaching Council may seek to enable it to be satisfied that a person is a fit and proper person to have his or her registration renewed.

The section also makes provision for retrospective vetting and re-vetting arrangements for registered teachers in the context of renewal of their registration. It is aimed at ensuring all registered teachers who have never been vetted will be vetted and provision is made for periodic re-vetting of registered teachers on an ongoing basis. It is not intended that all 90,000 registered teachers will be vetted on each annual renewal of registration. The section allows the council to plan and undertake such vetting in a structured and phased manner and sets out what it will have regard to when considering whether to seek a vetting disclosure in respect of a teacher for renewal of his or her registration. In that regard, the section will enable the council to prioritise the vetting of those teachers who were never vetted under the non-statutory arrangements and to subsequently address those who have been vetted under the existing non-statutory arrangements but who have not been vetted under the new statutory vetting arrangements and to provide thereafter for periodic re-vetting of all registered teachers to be undertaken on an ongoing basis.

The section also contains provisions relating to the Teaching Council giving written notice to a teacher where it intends to seek a vetting disclosure as part of renewal of registration. The section outlines when the council shall refuse to renew a teacher's registration such as where a teacher has failed to comply with a vetting request within the required timeframe and it has not been in a position to determine if he or she is a fit and proper person to have his or her

registration renewed. The section also provides that a teacher may within 21 days apply to the High Court for an annulment of a decision by the council to refuse to renew his or her registration or to renew it subject to conditions. This amendment will bring the renewal stage of the registration process into line with other stages of the registration process where such an appeal mechanism is already in place such as at initial registration stage or in the case of removal from the register following an inquiry under the fitness to teach procedures.

Section 12 inserts a new section 33A in the principal Act and provides that, where a teacher's registration is renewed subject to conditions, the teacher can apply to the council for an extension to the period within which the conditions must be complied with, and that the council has discretion on whether to agree to such an extension. It also provides that where conditions set by the council, or the High Court where relevant, are not complied with the teacher will be removed from the register. These provisions for renewal stage mirror the arrangements already in place in section 32 for initial registration stage, to deal with an extension of the period within which to comply with conditions or removal from the register if conditions are not met.

Section 13 is by way of a technical amendment to provide that where, prior to section 11 of the Bill coming into operation, the period for compliance with a condition imposed at initial registration exceeded the period of that initial registration and that person's registration is subsequently renewed, that renewed registration will be subject to the original condition for any remaining outstanding period for compliance. Section 14 amends section 34 of the 2001 Act. Section 34 of the 2001 Act allows for a notice period of one month following the expiry of a teacher's registration to be provided to a teacher who fails to apply for renewal and for that teacher to be removed from the register at the end of that month, unless he or she has applied for renewal and paid the relevant renewal fee to the council within that one-month period.

Section 14 amends section 34 of the 2001 Act to provide that in the case of a teacher who is required to comply with a vetting requirement at renewal of registration, this notice period provision will apply only where he or she has complied with those vetting requirements. The existing section 34 also requires that where an application has been made for inquiry under Part 5 of the Act, dealing with fitness to teach, and that person fails to apply for renewal of registration, the person shall not be removed from the register until such time as that inquiry is completed. This provision, along with a number of others, is also being amended to be consistent with changes being made to the wording of Part 5, for example changing the wording from "application" to "complaint" and "applicant" to "complainant" etc., and to make specific reference to the various provisions of Part 5 under which a fitness to teach process can reach conclusion. Similarly, section 15 simply amends the wording of section 35 to be consistent with other changes being made to wording and to make specific reference to the various provisions of Part 5 under which a fitness to teach process can reach conclusion.

Section 16 amends Section 42 of the 2001 Act. That section sets out the procedures for complaints against teachers and the role and processes to be followed by the director and the investigating committee in respect of such complaints. Section 16 is necessarily detailed so as to set out clearly the powers and procedures applicable at the preliminary stages in the fitness to teach process, including in relation to the treatment of vetting disclosures. It amends section 42 of the 2001 Act to outline a range of matters which may be the subject of a complaint against a teacher, such as contravention of education legislation, professional misconduct, poor professional performance, conduct contrary to the code of professional conduct for teachers, erroneous or fraudulent registration, medical unfitness, or convictions for an offence triable on indictment.

Under this section, the council may make a complaint in relation to a registered teacher on the ground that the information disclosed in a vetting disclosure, which has been received by the council in its conduit role for schools and ETBs, is of such a nature as to reasonably give rise to a bona fide concern that the teacher may harm or attempt to harm any child or vulnerable person, cause any child or vulnerable person to be harmed or put any child or vulnerable person at risk of harm. The director will have a role in screening complaints received by the council. Where the director refuses to refer a complaint to the investigating committee, the director's decision can be appealed directly to the investigating committee by the complainant.

This section of the Bill also provides, where the investigating committee decides to hold an inquiry and the nature of the complaint raises a bona fide concern of harm, that the committee shall request the council to apply to the National Vetting Bureau for a vetting disclosure in respect of the teacher for the purposes of considering the conduct alleged in the complaint. Where the investigating committee receives a vetting disclosure the teacher concerned shall be provided with a copy of the disclosure and invited to make submissions.

Provision is also made for the employer, where the employer is known to the council, to be informed as soon as possible where on foot of a complaint there is a bona fide concern that the teacher may harm or attempt to harm any child or vulnerable person, cause any child or vulnerable person to be harmed, put any child or vulnerable person at risk of harm or incite another person to harm any child or vulnerable person. This section outlines the areas for complaint which can be considered following the coming into operation of this part of the Act, notwithstanding that the conduct in question occurred prior to its coming into operation. It also makes clear what information and documents the investigating committee may require or request from relevant parties including the complainant, the teacher, the school or schools where the teacher is or was employed, or other parties.

The section introduces a threshold to be reached before the investigating committee will refer a case to the next stage of the process. That threshold is that the investigating committee must be of the opinion that there is a *prima facie* case to warrant further action. This will ensure that only cases that merit a disciplinary inquiry and hearing will be progressed to that stage. This section also includes a definition of "document" to ensure that digital documents or photographs, for example, can be sought by the investigating committee.

Section 17 amends section 43 of the 2001 Act. Section 43 deals with inquiries of the disciplinary committee, following referral of a complaint by the investigating committee. Section 17 amends section 43 to outline the steps to be taken by the disciplinary committee and its panels, including the matters to be specified in inquiry reports, which are: the nature of the complaint; the evidence laid before the panel; the panel's findings; the relevance of the findings to fitness to teach where the complaint related to a conviction; and any other matter the panel considers appropriate.

Where the inquiry was conducted in relation to a complaint made by the council on foot of information in a vetting disclosure it received in its conduit role for a school or ETB employer and the panel, having regard to the protection of children and vulnerable persons, is satisfied that there is a risk that the person may harm or attempt to harm any child or vulnerable person, cause any child or vulnerable person to be harmed, put any child or vulnerable person at risk of harm or incite another person to harm any child or vulnerable person, the panel's report must specify the nature of the information disclosed in the vetting disclosure, the evidence laid before the panel and its assessment of and conclusion in respect of the risk. The Bill also makes

provision for the panel to dismiss the complaint where it makes no finding against the teacher.

Section 18 amends section 44 of the 2001 Act to add a new sanction “to advise, admonish, or censure the registered teacher in writing” to the range of sanctions already provided for, which include, for example, removal or suspension from the register or retention subject to conditions. It outlines that an adverse decision of the disciplinary committee, other than a decision to advise, admonish, or censure in writing, may be appealed to the High Court. It also provides for references to the Supreme Court to be replaced with references to the Court of Appeal and that, where following an appeal to the High Court, a teacher is suspended or removed from the register and leave is granted to appeal to the Court of Appeal, the relevant court shall, where the teacher is employed as a teacher in a recognised school, make a direction as to whether the teacher shall continue to be paid pursuant to his or her contract of employment out of moneys provided by the Oireachtas.

Section 19 amends section 45 to provide that where a registered teacher fails to comply with a condition imposed by the High Court on appeal, he or she shall be removed from the register. Section 20 amends section 47 to provide that the High Court, where it is has ordered that a teacher’s registration be suspended, shall also, where the teacher is employed in a recognised school, make a direction on whether the teacher shall continue to be paid pursuant to his or her contract of employment, out of moneys provided by the Oireachtas.

Section 21 amends schedule 3 of the 2001 Act to ensure consistency with the wording of section 42 and for the same definition of “document” to be included. It also makes provision to ensure there is a lawful basis for a vetting disclosure obtained by the investigating committee to be provided to and considered by the disciplinary panel appointed to deal with the complaint in question and to allow the panel to request a vetting disclosure where one has not previously been obtained and where the panel considers that the complaint gives rise to a bona fide harm concern.

Section 22 provides for section 24(7)(b) of the Education Act 1998, as amended by section 6 of the Education (Amendment) Act 2012, to be amended to clarify the type of information relating to the registration status of teachers that the Teaching Council is required, under section 24 of the 1998 Act, to provide to the Minister or an education and training board, such as where a teacher has been removed from the register following a fitness to teach process.

Section 23 provides for the repeal of section 41 of the Act, reflecting some restructuring of the fitness to teach provisions to bring them more in line with more recent statutes.

Section 24 provides for the Short Title of the Bill, for the collective citation of the Teaching Council Acts and the Education Acts and for standard provisions relating to commencement of the Bill.

I inform the House that during the passage of the Bill I intend to introduce an amendment to provide for fitness to teach hearings to be held in public as the default position, while providing for exceptions where necessary to protect the rights of individuals. My officials will consult the Teaching Council on the factors that could be considered in such cases. This will ensure the new fitness to teach framework will mirror best practice as regards disciplinary hearings for other professional bodies. The changes being brought forward will make a very significant contribution to safeguarding children in schools and upholding the high standards of teaching that students and society expect and deserve. I commend the Bill to the House.

23 June 2015

Senator Jim Walsh: Cuirim fáilte roimh an Aire go dtí an Teach inniu chun an Bille um Chomhairle Mhúinteoireachta (Leasú) 2015 a phlé. Is fada an lá ó bhí mise ar scoil ach déanfadh mé mo dhícheall labhairt faoin mBille agus faoin ábhar tábhachtach seo.

I did not get much notice about speaking on the Bill, but I listened with care to what the Minister said. She dealt with the technicalities of the Bill, which is comprehensive. Fianna Fáil has been consistent in calling on the Minister to address inadequate Garda vetting of new and existing teachers in schools for a long time. In that regard, we welcome the mandatory vetting procedures provided for in this legislation. We call on her to follow through, by ensuring Garda vetting for new and existing teachers is treated as a priority, is expedited and properly resourced.

The Bill underpins the role of the Teaching Council in the forthcoming statutory vetting arrangements but also amends the Teaching Council Act 2001 and the Education Act by strengthening the statutory provisions relating to the Teaching Council's fitness to teach function, or as the Minister put it more succinctly - the purpose of the council's fitness to teach role is to uphold standards and protect children. That is something to which we would all subscribe.

The Teaching Council is made up of two thirds teachers and their union representatives. That seems to be quite a high proportion of teachers. How much representation is there for parents on the Teaching Council? In addition, how much representation is allowed for independent people such as former judges or people with experience of the Labour Court, for example? I refer to people who would have had an adjudicative role during their lifetime and would have had considerable experience in that regard. To what extent are such people involved in the Teaching Council? It is important to have as many independent voices as possible in such areas to ensure a robust process is employed in the vetting procedures.

Under this legislation the council will have the capacity to remove a teacher from the register where it deems the person is unfit to teach, including as the Minister rightly said, where child protection issues are involved. The council will also be charged with investigating underperformance or conduct issues on foot of complaints from students, parents and teachers, among others. In general, it is fair to say that teachers are held in high regard in the community. There was concern following the demise of religious teachers who gave freely of their time, in particular those who played a significant role in extra-curricular activities such as sport, but many teachers are now doing that, which is to be welcomed. They go beyond the normal duty of care and responsibility of the job and provide in many other ways for their students. That is appreciated by parents. In a recent survey 87% of parents expressed satisfaction with teachers. What criteria will be applied by the Teaching Council to determine the fitness or capacity of a teacher to be effective? Will comparative results be used? What sanctions will be employed other than being removed from the register? I will return to the matter later in the debate.

When my children were going through school and subsequently college, we were blessed with excellent teachers. However, in one instance all the students who were getting honours in other classes did consistently badly in one subject over a period of years. The view was that the teacher was not up to the job, despite the best will in the world. Such a situation is unfair to students who depend on a good education for success in their future career and in life. Could the Minister please clarify the position when she replies to the debate?

Fianna Fáil welcomes the mandatory part of the registration process for Garda vetting. That is essential and is long overdue. It will also give the council the power to retrospectively re-

quire the vetting of registered teachers and to have periodic re-vetting of registered teachers. This means registered teachers who have never been vetted by the Garda, as well as those who have not been vetted in a long time, will be subject to the Teaching Council's vetting process in the future.

The figures reveal that approximately 40% of the 90,000 registered teachers have yet to be Garda vetted. The vetting arrangements will, in addition to the existing check for criminal offences, also include a check for any relevant soft information. This is referred to as specified information that leads to a bona fide belief that a person poses a threat to children or vulnerable persons. Will the Minister clarify how the system will operate in practice? It strikes me as an area where it would be very difficult to discern the potential risk, unless a person has previously offended and it is common for people who offend to be cunning. Will records be maintained of the vetting process and will the information be reviewed in the event of a teacher subsequently offending? Will there be accountability for the performance of the Teaching Council in terms of rechecking the information?

Teachers may within 21 days apply to the High Court. That is a very costly process and not very many people can afford to go to court, unless they are very wealthy. That is due to the failure of the Government and previous Governments to tackle exorbitant legal fees, despite the prompting of the troika and various other bodies over many years. Could we not have a more effective system in place which would not involve such a prohibitive cost for teachers?

Complainants must be willing to engage with an investigation. Would that pose difficulties for parents, for example, who may have concerns about subsequent repercussions for their child in a school, in particular with an individual teacher, by virtue of signalling unhappiness with a teacher?

The Minister pointed out in the context of section 6 that a person employed as a teacher in a recognised school should not be remunerated out of moneys provided by the Oireachtas where a person is not a registered teacher, or where a person is removed or suspended from the register. That would seem to imply that non-registered teachers may be working in the system who are perhaps financed from some other source. Could the Minister clarify the position in that regard? If my interpretation is correct it would mean teachers who are not vetted are in the system, which would be unacceptable.

Senator Michael Mullins: In the absence of my colleague, Senator Jim D'Arcy who is on Council of Europe business today, I welcome the Minister and the Bill before us. As has been said, the Bill caters for two main overarching aims, namely, underpinning the central role of the Teaching Council in the forthcoming statutory vetting arrangements for registered teachers and amending and strengthening the statutory provisions relating to the Teaching Council's fitness to teach function.

The Bill provides a clear statutory basis for the role of the Teaching Council in the arrangements for vetting registered teachers and improving the workability of those vetting arrangements. That is to be welcomed because we had a ludicrous situation where temporary teachers who were possibly in different schools in different years had to go through a new vetting procedure every time. It was both cumbersome and unworkable, as well as being a waste of Garda resources.

The Bill also provides a straightforward approach to vetting teachers who have never been

vetted previously. It came as a surprise to me that only 60% of the 90,000 teachers on the Teaching Council's register have been vetted. Some 30,000 have not yet been vetted, but I can appreciate that typically they would be permanent teachers who were in the same school prior to the introduction of vetting in 2006. I welcome the Minister's commitment to ensure the bulk of those teachers will be vetted within the first year following the commencement of the new legislation. It is also welcome that the statutory arrangements will include a check both for criminal offences and the soft information, to which Senator Jim Walsh referred. I would like the Minister to provide some examples of how that will work.

When the Bill is enacted, there will be a clear basis for the Teaching Council to require teachers to undergo vetting to deal with any adverse vetting disclosures that may be received. As the Minister said, removing a teacher from the Teaching Council is the best way of achieving child protection across all recognised schools. We can only look back and wonder what might have been if vetting had been in schools many decades ago, and the amount of trauma that could have been prevented for many vulnerable people.

While discussing fitness to teach arrangements, I acknowledge the teacher's role in society. Teachers have a major influence in shaping young people's lives. We can all clearly recall the positive impact a particular teacher may have had on our own lives as we went through school. We recall that good teachers had an ability to communicate well, were always well respected and discipline was never an issue in their classes. They had a love of learning and motivated children by engaging them and challenging them. Above all, they had empathy for the weaker student and were alert to issues that such a student may have had to cope with outside the classroom.

As we all know, the kindness of a teacher at a difficult time is never forgotten. The job of a teacher is so important for the future of society that we must ensure teachers are motivated, well trained and receive continuous career development. In that way they will have a long and fulfilling career in education and their students will receive a quality education.

Issues, including temporary contracts and hours, are on the Minister's desk to be addressed. I hope, as the economy improves, we will see many more permanent contracts in order that teachers will have security of tenure.

The majority of teachers give outstanding service and they work above and beyond the call of duty. Many give generously of their time and talents to extra-curricular activities which are often not appreciated. Senator Jim Walsh mentioned the amount of time that many teachers put into sport, plays, concerts, debates and other school activities. As in any profession, however, there will be poor performers, professional misconduct or medical unfitness. Teaching is a very demanding job and poor performers and absenteeism can place severe pressure on teaching colleagues. These issues have to be addressed as it is critical that all children are taught in a safe and professional environment where every child has an equal opportunity to receive the best possible education.

The Teaching Council is the professional standards body for teaching in Ireland. It promotes and regulates the teaching profession. Fitness to teach must be understood in the context of this particular remit. It is one part of the significant work of the council in pursuing, maintaining and enhancing the quality of teaching in our schools. This means that fitness to teach is fundamentally about improving teaching and should not be seen as being about punishing teachers.

The experience of other teaching councils shows that where teachers engage fully and openly with the process, better outcomes for all are achieved. I can appreciate the concerns that have been raised about hearings being held in public. I note that the Minister has decided that hearings will be held in public by default and that she will be seeking the council's views on how this will be implemented in practice. That is to be welcomed.

I also note the recent Supreme Court decision which means that bodies such as the Teaching Council should only deal with serious issues. This safeguard comes in addition to the provision of the Teaching Council Act which provides that the director can refuse a complaint that is frivolous or vexatious. That is a real possibility and a real problem. The council's investigating committee also reviews complaints to see if they should be referred to the disciplinary committee.

In the course of her contribution the Minister outlined how the process would work and the welcome safeguards for teachers. We want to ensure teachers are treated fairly, issues are dealt with objectively and that people's civil rights are protected. Issues must be dealt with properly and appropriately. The current disciplinary procedure is inadequate. Boards of management are not equipped to deal with disciplinary issues such as teacher performance or misconduct where dismissal might be warranted. The Teaching Council is the appropriate body to deal with these issues.

I welcome the Bill which, as the Minister said, is about safeguarding children and ensuring all children are educated to the highest standards in a safe and appropriate environment. I commend the Minister for the work she has done. I thank her for the assurances she has given to the teacher unions which had some concerns about certain issues.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire. Tá mé thar a bheith sásta go bhfuilimid ag plé an Bille um Chomhairle Mhúinteoireachta (Leasú) 2015 inniu. Is Bille é seo a bhfuilimid a bheag nó a mhór ag tacú leis.

Sinn Féin welcomes the opportunity to discuss the Teaching Council (Amendment) Bill, of which we are broadly supportive. We await the Minister's tabling of further amendments and seek clarification as to why such amendments, if intended, have not yet been tabled.

We agree that there must be a statutory basis for the Teaching Council in vetting registered teachers. The council will then act as a conduit for schools that need to obtain vetting disclosures for teachers they employ. The current system is unwieldy and there appear to be differing figures on how many of the 90,000 teachers currently employed in the Twenty-six Counties are actually vetted. It could be anything up to 40,000 and, as we have heard, it is certainly over 30,000 due to the fact that only newly qualified teachers and post-career break teachers must be vetted. It is agreed that that situation is unacceptable because everyone in the school system should be vetted.

Special needs assistants are not teachers and will not come under this legislation. It will, therefore, still be the responsibility of the school to attend to that administrative matter. My colleague, Deputy Jonathan O'Brien, has raised this issue previously. He has pointed to the fact that the Department of Education and Skills does not hold information on how many SNAs are vetted.

I understand it may not be feasible to require vetting for the likes of an electrical contractor or other workers who come into a school on a temporary basis to fix lighting systems or alarms,

or whatever other jobs they may be asked to do over a couple of days. However, SNAs work in close proximity to students. This is something that must be looked at and I am not aware that the Minister has addressed the matter since that contribution was made. Deputy Jonathan O'Brien also raised the matter of offences that were triable on indictment affecting the ability to teach of those convicted of conflict related offences. The Minister replied that the provision within the Bill was concerned only with offences that were related to a person's fitness to teach. The Minister may be confident that this alone is sufficient, but I remain unconvinced and would like to see it explicitly outlined within the Bill that conflict related convictions are not included. There are many former political prisoners who will feel the same way and there are certainly those within the political establishment who are anti-peace process and would be quite likely to argue that an indictable offence is an indictable offence regardless of context. I urge the Minister to clarify this.

We have some concerns, which were raised by various Deputies, around the terminology of "fit and proper" in the context of the Bill. These are vague terms and are open to broad interpretation. We currently have a situation where teachers can be sacked for being gay if they are in the wrong school and it is perfectly legal. We do not want inadvertently to create a situation where a teacher cannot be registered because their political activity is not to the liking of the Teaching Council and speaking out about decimated education budgets is not deemed to be proper activity fit for a teacher. The Minister may dismiss this out of hand, but the legislation allows for this vista. It does not do anything to address precariousness in the workplace for teachers, and although we were told that the Ward report would be implemented in September, it has not happened yet.

Ar cheist atá gar do mo chrói féin, múineadh na Gaeilge, sílim go bhfuil gá an caighdeán fágála seachas an caighdeán iontrála atá ag múinteoir le Gaeilge a dheimhniú. Ba chomhair go mbeadh dualgas ar An Chomhairle Mhúinteoireachta deimhniú go bhfuil an múinteoir "fit for purpose" ó thaobh mhúineadh na Gaeilge chomh maith. Bhí tuairisc againn le déanaí ón bpríomh chigire a léirigh go raibh 25% de mhúinteoirí bunscoile agus 33% de mhúinteoirí Gaeilge iarbunscoile le cumas lag sa Ghaeilge. B'fhiú breathnú ar sin i gcomhthéacs an Bhille seo.

Tá ceist mhór ann ó thaobh cáilíochtaí múinteoirí le Gaeilge. An féidir linn breathnú ar rud éigin a chur isteach sa Bhille seo gur gá go bhfuil an duine cáilithe le múineadh i scoil Bhéarla, i scoil Ghaeilge nó Ghaeltachta nó insan dá cheann, mar tá difríocht sa chaighdeán ó thaobh na múinteoirí atá ag múineadh Gaeilge amháin i scoileanna lán Bhéarla, trí mheán na Gaeilge i nGaelscoil nó trí mheán na Gaeilge sa Ghaeltacht. Sílim go bhfuil ról ag An Chomhairle Mhúinteoireachta anseo.

We are concerned that the Bill does not address the issues pertaining to bullying of teachers in the workplace. We acknowledge that it can be difficult for a school to get rid of an underperforming teacher who is terrible at their job, but the vast majority of teachers do not fall into that category. Where a teacher is subject to bullying in the workplace, it is more often than not the case that the board of management and principals are a law unto themselves. We would like to see the Bill being tightened up, but I understand there needs to be some element of flexibility. It was for this reason that Sinn Féin tabled an amendment calling for a review of the Bill two years after its enactment. It would be good practice to do this.

We have more concerns which we will address on Committee Stage. In saying this, we are broadly supportive of the Bill because of our overarching belief in the need to prioritise child

protection concerns and standardised vetting, but we hope the Minister will take on board the concerns we have raised.

Senator Ivana Bacik: I welcome the Minister and the Teaching Council (Amendment) Bill 2015. I am standing in for my colleague, our education spokesperson, Senator Mary Moran, who is a teacher.

It is important to note that the Bill to amend the 2001 Teaching Council Act is achieving cross-party support. Its overarching aims are to strengthen the statutory provisions relating to the Teaching Council's fitness to teach function and to underpin the central role of the Teaching Council in the forthcoming statutory vetting arrangements for registered teachers. Both of these are extremely important from the point of view of children and teachers because they enhance child protection measures while also leading to further professionalisation of the teaching profession to ensure it becomes a fully regulated profession in line with other regulated professions. Other colleagues have spoken of the high regard in which teachers are held, which is true. They are hugely respected as professionals, but it is important the legislation reflects the respect and esteem in which they are held.

We recently debated the Legal Services Regulation Bill concerning the regulation of my own profession and some of the key attributes of that Bill, most notably around transparency and accountability, which are reforms I fully support, pertain to all regulated professions. The fitness to teach provisions in this Bill are part of them. I note the Minister's comments that while there are already provisions in the parent Act of 2001, it was required to make a number of changes to the fitness to teach provisions before their commencement and before they are fully effective.

Vetting is an issue into which we on the Committee on Justice, Defence and Equality have had a significant input. We took hearings on the vetting legislation before it was enacted in 2012 and we heard from a range of different groups and bodies, including the teaching profession, about just how important the Bill was. It is a source of great concern that it has not yet been commenced and I have taken up this matter with the Minister for Justice and Equality. The Garda vetting bureau is doing immensely important and extensive work and I note that the Minister said over 60% of the approximately 90,000 teachers on the Teaching Council register are now vetted and that it is intended that all teachers who have not been vetted, in particular those permanent teachers who have been *in situ* in the same school since prior to the introduction of vetting, will be vetted under the new statutory vetting arrangements as soon as possible after this legislation is enacted. Nevertheless, there is a real concern about the vetting legislation. I accept that this is not in the remit of the Minister for Education and Science but is proper to the Minister for Justice and Equality.

The 2014 UK Supreme Court decision in *R (T) v. the Greater Manchester chief constable*, in which a blanket disclosure provision whereby very minor convictions were disclosed in respect of each individual was held to be in breach of Article 8 of the European Convention on Human Rights, has necessitated a review not only of the vetting Act but of the spent convictions legislation. We are awaiting amendments in this regard.

The Minister said there would be an electronic mechanism for the Teaching Council when the vetting procedures were in place. I welcome this. It is also welcome that the Bill will enable the council to put in place an electronic mechanism to help streamline vetting arrangements for both registered teachers and schools to ensure registered teachers who need to provide employ-

ers with vetting information for employment purposes will be able to do so in a straightforward and streamlined manner. One of the key issues we addressed in the Joint Committee on Justice, Defence and Equality when we were looking at the vetting legislation was logistics and how one could achieve a simplified process which is sufficiently protective of children. The other welcome and very practical point made by the Minister was on the rolling arrangements for vetting in order that it will not necessarily be the case that each teacher will be vetted each year.

I will conclude by stepping outside the remit of the Bill to note that in my own area of third level education there have been some developments in recent days around issues concerning the investments of third level institutions. In the Trócaire conference about climate justice in NUI Maynooth, the president of the university said there would be no investment in fossil fuels by his university. Mary Robinson, chancellor of my own university, Trinity College Dublin, has said she will look at whether Trinity College Dublin makes any investment in fossil fuels. There has been a large movement towards divestment and a moving away from investments in fossil fuels across the education sector generally and internationally in cases such as Oxford University and Georgetown University. Other non-education institutions such as the Church of England have also made commitments to move away from such investments. I realise it is completely outside the issue of the Teaching Council, but I thought it might be worth raising since this is being spoken about in Maynooth as we debate this Bill and it is clearly a hugely important issue. Many institutions in the education system and outside will be asking themselves if they can divest and have more ethical investments as a result.

I commend the great work the Minister and her officials have done on the Bill. It is hugely important to make amendments to the existing parent legislation on the Teaching Council as it has become clear since the Teaching Council was established in 2006 that certain amendments were needed. I note that colleagues across the House have welcomed the Bill. I also commend the Minister for the work she has done with the teacher unions to ensure the Bill will have a smooth passage.

6 o'clock

Senator Gerard P. Craughwell: The Minister is welcome. I should begin by saying that when the Teaching Council first entered into my profession, it was probably one of the most hated institutions ever formed in the State. It is my hope that over time, teachers will embrace the Teaching Council and see it for what it is, the professionalisation of teachers. I, for one, am happy to be a member of the Teaching Council and will happily pay my fee, although I have had some questions during the years at the amount of money I have to pay to be registered with the Teaching Council. I understand the council has a war chest now of some €13 million which I hope is not going to be used purely to discipline teachers.

A reference was made to the construct of the Teaching Council and the number of teachers represented on it. I reject any suggestion that this is in some way wrong. I recently visited Finland and one of the aspects which impressed me highly was how the profession regulated itself and how being a teacher and being held in high esteem in the community was something teachers welcomed and they themselves sought for the highest of standards.

I am concerned about the issue of the registration fee. In the good old days when the Teaching Council started, we used to have deduction at source whereby one could pay the registration fee by deduction from salary over the year. This disappeared for some reason and this was a regressive decision. I had been able to sign my deduction at source form at the commencement

of my registration and I could then forget about it. We need to re-examine this method of payment because it would ensure that no teacher falls foul of the system for not having paid the fee.

While I support the Bill, I intend to table some amendments. The Minister has rejected amendments in the other House but we will try again. Some of the language used in the Bill is weak or vague. My colleagues, Deputies Richard Boyd Barrett and Ruth Coppinger, tried to influence the Minister's thinking on some of the language and I will have another go when the time comes on Committee Stage.

There has been a lot of talk about poor performance by teachers. My colleague, Senator Jim Walsh, referred to the system whereby one teacher has an honours class and another teacher has a very poorly performing pass class. In some cases schools cream and stream by putting the better students into one particular group and the poorer performing students into another group. I am not so sure it is such a bad idea. There are arguments that contend there should be cross-pollination within the class and mixed ability. There are arguments for and against both approaches. However, I would never blame the teacher because a class performed badly. It may be the fault of the teacher but it is not necessarily the case and it is not the default position. It is my belief that most teachers set out every day to do the best job they can. Every now and then we have a bad year and if we have a bad year maybe we do not perform as well as we should and in that case the system has to have a way of supporting a teacher who, for one reason or another, dropped below par.

I sincerely hope we are not hoping to develop in the country a sort of Stepford Wives solution to education where we have all the teachers programmed to deliver their programmes in exactly the same way at the same time. I hope that is not what we are aiming for. In the case of poor performance there has to be some form of exit strategy to help those who are underperforming or who are not suited to teaching. I have come across a number of those in my life where after a period of difficulty they have come to the conclusion that they should never have entered the profession in the first place. It is a very tough profession in which one is constantly on show, constantly under the scrutiny of the students and as the students get older they do not suffer fools gladly. We need to look at some form of exit strategy that would allow somebody who may find it is not suitable for him or her, to exit the profession.

I refer to the inspectorate. I have great respect for all the inspectors I have met and for the chief inspector who is very supportive of teaching. However, I note that in Finland they do not have inspectors and teachers seem to do very well and are held in very high esteem.

My colleague, Senator Trevor Ó Clochartaigh, referred to bullying in the workplace. There is no doubt that over my period of seven years at national level in my union and for 15 or 20 years before that at local level, we have encountered cases of bullying in the workplace. It is not always a case of bullying because sometimes it is robust management. I have heard teachers complain they are being bullied when they were told they were late for class three times in a week. That is not bullying. However, there is a problem and the power equation in the school sometimes is abused. I have seen principal teachers go outside their remit and introduce things that the Department never thought of in the form of practices that would not necessarily be endorsed by the Department. That is an area we need to examine.

Overall, I welcome the Bill. There are some issues regarding the areas of appeal with the lower sanctions. The teacher is normally teaching in a small village or town where once his or her name is damaged it is damaged for all time. We must look at the appeals process. The

Minister is aware of the amendments that the various teaching unions want and which I will table on Committee Stage.

Senator Cáit Keane: I welcome the Minister. This is an important Bill which is very welcome. I attended the presentation by the Teaching Council on the Bill. I will ask the Minister about her proposed Committee Stage amendments. The strengthening of the role of the Teaching Council is very welcome and its job is a very necessary one. Senator Ivana Bacik outlined the provisions and aim of the Bill. One aspect of the Bill is to do with the conduct of the disciplinary hearings in public and the question of the balance of rights. I ask the Minister to comment about the balance of rights between teacher and student. The Minister intends to bring forward amendments on Committee Stage. I ask her if the wording of those amendments could be made available to us in plenty of time rather than on the day before in order that we can digest and examine them. We need to cross the t's. Speaking of crossing the t's, we have the TUI, ASTI and the INTO all making representations to us. As a former teacher, I know that one must choose good role models for oneself. I would not be choosing Deputy Richard Boyd Barrett or Deputy Ruth Coppinger. I am sure Senator Gerard P. Craughwell, as a teacher, always chose his role models well. I advise him to do the same on this one-----

Senator Gerard P. Craughwell: We might ask you to make that statement stand up before the day is out.

Acting Chairman (Senator Jillian van Turnhout): Senator Cáit Keane to continue, without interruption. I ask Senator Gerard P. Craughwell to direct his comments to the Minister.

Senator Cáit Keane: I refer to the issue of the seriousness threshold in cases of professional misconduct. The definition of words is very important but the primary Act does not contain a definition. The interpretation of language is important when reading a Bill and interpretations can differ. Most teachers are good teachers, but the exit strategy issue will need to be considered. The implications for non-registration were raised with me, but this penalty was also contained in the original Act and has always been there or for as long as I can remember. There must be a penalty for non-registration because otherwise why would one bother paying the registration fee. Deduction at source would be a good idea.

Other speakers have dealt with the vetting issue which is the most important procedure. There is no right to appeal in this regard. The Attorney General has stated such a right is not necessary. I do not quite understand why it is not necessary and ask the Minister to explain it for me in more detail. Recent legal cases have touched on the issue of a right to appeal. The wording in this Bill is the same as pertains in other regulations on the right to appeal. Perhaps there is nothing which is different in this legislation, but if somebody believes he or she has been wronged or that something has not been interpreted correctly, he or she should have some rights. Why has the Attorney General not seen fit to include such a provision?

I attended the climate change conference in Maynooth yesterday. The former President, Mrs. Mary Robinson, was present and the issue of Trinity College Dublin arose. It should be an issue not only for the Department of Education and Skills but for all Departments, including the Department of the Environment, Community and Local Government. I am my party's spokesperson on the environment and I will keep saying this. I compliment Senator Ivana Bacik on raising the issue while the Minister was here today because we must lead the way on climate change. We may not be able to do everything we want to do, but if we start in our own buildings, others might follow. The Teaching Council might not be the best loved organisation,

but it is necessary to have it.

Minister for Education and Skills (Deputy Jan O’Sullivan) (Deputy Jan O’Sullivan): I thank all Senators for their contributions. Senator Cáit Keane said she wanted to receive a copy of proposed amendments on time. I will note that point, as I am sure my officials will to ensure the Senator will have time to consider them. Obviously, amendments will also be brought forward by Members of the Seanad, which is welcome.

I agree with what has been said by a number of contributors, beginning with Senator Jim Walsh, about the high regard in which teachers are held in Ireland. That is the basis on which we are beginning the debate. Senator Gerard P. Craughwell was right when he said this kind of legislation enhanced the reputation of teachers because it made it clear that there were mechanisms for vetting teachers to ensure children were safe and for dealing with the tiny number of cases in which there are complaints. The Teaching Council will have the power to ensure teachers on the register are fit and proper. This will provide for transparency and a level of confidence for the public in the quality of teachers, but I do not think anybody is questioning that teaching is of a very high quality.

On the number of teachers who are vetted - 54,000 out of 90,000 - it is on the basis of non-statutory vetting. Senator Ivana Bacik has referred to a rolling system whereby we want to address first those not currently vetted and then reach teachers who have been vetted on a non-statutory basis such that eventually over a period of time everybody will be vetted under the statutory system with which we are dealing. We will gradually vet all teachers, but we want to concentrate first on those who have not been vetted. Most of these teachers have been teaching in the same school for a period of time.

The issue of soft information was raised by Senator Jim Walsh and others. Soft information is defined in the National Vetting Bureau Act which was referred to by Senator Ivana Bacik who spoke about the importance of commencing that legislation. This is felt in the Government generally and will be addressed. The Bill complements that Act under the auspices of the Department of Justice and Equality. Soft information is referred to in the National Vetting Bureau Act as information other than on criminal convictions held by An Garda Síochána that leads to a bona fide belief a person presents a threat to children or vulnerable persons.

A number of Senators spoke about the membership of the Teaching Council. Different views were expressed on whether it should be composed mainly of teachers. It comprises 11 registered teachers at primary level, 11 registered teachers at post-primary level, two persons nominated by the colleges of teacher education, two persons nominated jointly by universities or higher education institutions, four persons nominated by management organisations, two persons nominated by the National Parents Council and five persons appointed by the Minister, of whom one is nominated by the Irish Congress of Trade Unions and one by IBEC. The reason for the predominance of teachers is to ensure the profession is directly involved in regulating itself. Other regulatory bodies have been set up in this way.

Senator Jim Walsh raised the issue of teachers not being paid. A teacher must be registered with the Teaching Council to teach, but the provision that he or she cannot be paid from moneys provided by the Houses of Oireachtas is to ensure teachers are registered. I am not sure if I have been very clear on that point, but I can clarify it on Committee Stage.

The issue of the system being more efficient was raised by Senators Michael Mullins and

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Ivana Bacik. This will definitely be a more efficient system because the Teaching Council will hold the vetting declaration such that if a teacher moves from one school to another, he or she will not have to be re-vetted. This is a very practical measure and the electronic method will make it even more efficient.

A few Senators referred to the issue of security of tenure. I am implementing the report produced this year by Mr. Peter Ward which will give teachers more security of tenure.

Senators Trevor Ó Clochartaigh and Cáit Keane raised the issue of further amendments. The main amendment will provide for the holding of hearings in public but which will allow them to be held in private if there are good reasons for so doing.

Senator Trevor Ó Clochartaigh also raised the issue of SNAs. The Teaching Council regulates teachers. The vetting of SNAs is a very important issue, but it is not related to this legislation.

It is not intended that political activity will prevent a person from being registered in accordance with this legislation.

A fit-for-purpose provision in respect of teaching in Irish in either English or Irish language schools would be more relevant to a person's subject qualifications at post-primary level or teaching qualifications at primary level, but we are examining this issue as it affects the Gaeltacht. Consultation is occurring on schools trí lán-Ghaeilge in which I am sure the Senator is participating.

Senator Ivana Bacik referred to the commencement of the National Vetting Bureau Act.

I can check with the Teaching Council the issue of deductions at source. I do not know why the position has changed. People receive reminders if they do not re-register. The question of whether we need to be even more kind to those who have not registered arose in the debate in the Dáil. I do not know why the making of deductions has been ended, but we will check the matter with the Teaching Council.

While we are not looking for automatons or conformity, we want to ensure people are fit to be teachers. It is not about everybody being the same. Senator Cáit Keane spoke about the balance of right on the issue of public versus private hearings. We want to get the balance right. If we say the default position is that we will hold them in private, we will immediately raise questions. However, if they are held in public, one can make a case to hold them in private. This strikes the right balance. We will debate the issue on Committee Stage when I will bring forward an amendment.

I am not sure I am competent to talk about climate change because I am not the Minister responsible. The Green Flag movement is alive and well in schools. Certainly students are very aware of the importance of handing on the planet to the next generation as they have received it. I am very impressed with the work being done in schools in that regard.

I am not sure whether I have covered everything that has been raised, but I will revisit a number of these issues on Committee and Report Stages.

Senator Gerard P. Craughwell: Before we conclude, I bring to the Minister's attention the fact that there might be an opportunity to include a provision in the Bill to address the problem in further education where some teachers cannot be registered with the Teaching Council

but are required to keep the colleges going.

Acting Chairman (Senator Jillian van Turnhout): We will have plenty of time on Committee Stage to go through all the issues in detail.

Question put and agreed to.

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

Senator Ivana Bacik: Next Tuesday.

Committee Stage ordered for Tuesday, 30 June 2015.

Sitting suspended at 6.20 p.m. and resumed at 7 p.m.

Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015: Report and Final Stages

An Cathaoirleach: I welcome the Minister of State at the Department of Justice and Equality, Deputy Aodhán Ó Ríordáin. I remind Senators that a Senator may speak only once on Report Stage, except for the proposer of an amendment who may reply to the discussion on that amendment. On Report Stage, each amendment must be seconded. Amendments Nos. 1 and 2 are related and may be discussed together.

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

In page 7, line 15, to delete “the Minister” and substitute “a member of the judiciary, as delegated by the Chief Justice”.

Cuirim fáilte roimh an Aire Stáit. Phlémar an Bille seo ag Céim an Choiste agus dúramar go rabhamar ag iarraidh leasaithe a thabhairt chun cinn. On amendments Nos. 1 and 2, we believe that in the interests of independence and to avoid a conflict of interest, the Minister should not have the final say as to what constitute security services and policing services. As one of the parties with control over one of the two services, the Minister, having the power to decide and the final say on the difference between security and policing, would face a conflict of interest. Therefore, we believe the legislation should be amended to allow for an independent member of the Judiciary, appointed by the Chief Justice, to decide on what constitutes security and policing.

Senator David Cullinane: I second the amendment.

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin): As the Deputy will be aware, the role of the policing authority will be to oversee the performance by An Garda Síochána of its functions relating to policing services. An Garda Síochána is also the security service for the State and the Garda Commissioner will continue to be accountable to the Government in respect of national security. This is, I understand, generally in line with a broad consensus within this House that security matters should not be within the remit of the authority. The Bill provides that, in the event of a disagreement between the authority and the Garda Commissioner, the Minister will decide whether a matter is a policing matter or a security matter. The Minister has considered the amendments carefully and she is

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of the view that, given that the security of the State is a priority function of the Government, the task of deciding whether an item relates to policing or security matters should be undertaken by the Minister for Justice and Equality in her or his capacity as a member of the Government.

Overall, it is important to bear in mind that the Bill contains a definition of what constitutes security services in order that the scope of the authority's remit can be properly delineated. Under proposed section 44, the authority will, in performing its functions, have regard to the importance of the functions of An Garda Síochána concerning security services. In the circumstances, the Minister believes the scope for disagreements between the authority and the Garda Commissioner as to whether a particular item is a security matter or a policing matter will be quite limited. In addition, discussions to resolve any difficulty will undoubtedly take place between the authority and the Garda Commissioner before any issue is referred to the Minister. Moreover, the Minister has asked me to emphasise that, before making any decision as to whether a policing matter or security matter is involved, a Minister will be required to act impartially. As Senators will be aware, a number of important security related matters are already dealt with by the Minister, including authorising the interception of communications.

I also understand the approach adopted in the Bill is in line with similar arrangements that have been made in Northern Ireland and Scotland regarding security matters. In the circumstances, the Minister considers that the measures for dealing with the relevant concerns in the Bill are appropriate. Accordingly, I ask the Senator not to press the amendments.

Senator Trevor Ó Clochartaigh: It is quite clear that we are not at one on this amendment. We will be pressing it.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 2:

In page 7, line 16, to delete "Minister" and substitute "member of the judiciary".

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

An Cathaoirleach: Amendments Nos. 3 and 87 are related and may be discussed together.

Government amendment No. 3:

In page 7, line 35, to delete "enactment specified in the *Schedule* is repealed" and substitute "enactments specified in the Schedule are repealed".

Deputy Aodhán Ó Ríordáin: The purpose of the amendments is to provide for the repeal of existing legislative provisions relating to An Garda Síochána that are now spent. This is a tidying-up exercise that has been undertaken in conjunction with the Office of the Parliamentary Counsel.

Amendment agreed to.

An Cathaoirleach: Amendments Nos. 4 to 56, inclusive, and Nos. 70, 72 and 73 are related and may be discussed together.

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

In page 8, lines 7 and 8, to delete “shall, upon the nomination of the Authority, be made by the Government” and substitute “shall be made by the Authority”.

Amendments Nos. 4 to 45, inclusive, are in line with the need for the authority to be truly independent. The Minister should not be permitted to appoint the Garda Commissioner or the deputy Garda commissioner. The role of the authority under this Bill in recommending the appointment is not strong enough. Sinn Féin would amend the legislation in this regard to allow for the authority to appoint the Garda Commissioner and the deputy Garda commissioner directly. If the Garda Commissioner is to be accountable to the authority, the authority needs to have effective powers and mechanisms to oversee the appointment and removal of the Garda Commissioner. The same must be true for the removal of senior rank officers. There is a need for the authority to have the power to appoint directly and remove ranks from superintendent up. Sinn Féin is seeking to amend the Bill to provide for this.

In the Bill it is specifically stated the Minister is responsible for security matters. If so, there is no reason for the Minister also to have the power to initiate and oversee inquiries into policing matters. This is a role for the authority alone and we seek to amend the Bill to give this power to it.

Senator David Cullinane: I second the amendment.

Deputy Aodhán Ó Ríordáin: Senator Trevor Ó Clochartaigh has already outlined the purpose and scope of his amendments and I do not propose to cover the same ground in detail. The effect of the amendments would be, in particular, to remove from the Government, the Minister for Justice and Equality in particular, any role in the appointment or dismissal of members of An Garda Síochána. Obviously, the main area of attention with regard to the Senator’s amendments must be his proposals in respect of the most senior Garda ranks, and my response will focus primarily on those ranks.

Before discussing the proposals on the appointment and dismissal of senior Garda personnel, however, it is crucial to bear in mind that there are a number of very significant contextual matters that must be fully taken into account. The first and most important of these matters is that, in this jurisdiction, all our legislation must be fully compatible with the Constitution. The last thing any Member of this House would wish is a serious constitutional question mark hanging over any legislation. In that connection, I draw the attention of Senators to Article 28.2 of the Constitution which specifically provides for the Executive power of the State to be exercised by or on the authority of the Government.

In the course of the drafting of the Bill senior counsel provided legal advice for the Office of the Attorney General on the applicability of Article 28.2 with regard to legislative proposals which were being considered for inclusion in the Bill. This was a process in which written legal advices were supplied and in them senior counsel indicated clearly that, as a matter of custom, practice and proper constitutional interpretation, the function of An Garda Síochána in the exercise of the policing power of the State has been interpreted by the courts as a function that is exercised as part of the Executive power of the State. In that regard, while the senior counsel acknowledged that an Executive power of the Government under Article 28.2 could be delegated, he also stated it would not be constitutionally permissible for such a delegation to amount to an abdication of the Government’s Executive power. Within this framework senior counsel specifically referred to the appointment and dismissal of the Garda Commissioner and his conclusion was that any legislative proposal related to the establishment of a policing au-

thority should preserve, ultimately, the power of the Government to appoint or dismiss the Garda Commissioner. As Senators will appreciate, to address the relevant constitutional concerns, the advice of senior counsel is reflected in the provisions of the Bill. Given the importance of their functions, a similar approach has been adopted in the case of deputy commissioners.

When considering the Senators' amendments, it is also necessary to take account of the fact that An Garda Síochána is a security service for the State. Senators will be aware that under the Bill the Garda Commissioner will continue to be accountable to the Government in respect of national security. This is an approach that has a wide measure of support within the Oireachtas. It goes without saying that national security is a key function of the Government. The Minister's view, leaving aside the very clear constitutional dimension involved, is that the appointment of the head of the national security service should be undertaken by a body other than the Government. To put the matter at its simplest, in view of the functions involved, the final appointing decision must rest with the Government. For similar reasons, the Minister is satisfied that the Government must continue to have the capacity to remove senior Garda members on security grounds.

While there are other issues I might raise regarding the Senators' amendments, at this juncture I should concentrate on the functions being conferred on the policing authority by the Bill in the appointment and removal of Garda personnel. Under the Bill, the authority will have a leading role in determining a large body of Garda appointments. This will operate, in particular, at the very highest levels of the Garda organisation and the authority will also have general functions in Garda appointments and promotions. With regard to the Garda Commissioner or a deputy commissioner, all future appointments to these posts will be made solely on the basis of a nomination made by the policing authority, following a selection process undertaken by the Public Appointments Service. In exceptional circumstances, where the Government is unable for significant reasons to accept a nomination made by the authority, it will have to state its reasons. Where this occurs the Government will be obliged to ask the authority to nominate another person for the position.

From an international perspective, it is very much the general practice that governments either make or must approve top level police appointments. For example, while the Chief Constable is appointed by the Northern Ireland Policing Board, the appointment must be approved by the Northern Ireland Minister for Justice. Similar arrangements are in place in Scotland where a police authority has recently been established. In the case of Garda personnel, between the ranks of superintendent and assistant commissioner, the Bill provides that all appointments will be made directly by the policing authority. Additionally, the authority will appoint persons to positions within the Garda civilian staff which are equivalent to or above the rank of chief superintendent.

Regarding dismissals and in line with the constitutional and security principles I have outlined, the Garda Commissioner or a deputy commissioner will be removed by the Government. At the same time, the policing authority will have the power to recommend to the Government that a Garda Commissioner or a deputy commissioner be removed for policing reasons. While the Government will not be obliged to adopt such a recommendation, it is very difficult to envisage circumstances in which it would not do so. Dismissals of persons between the ranks of superintendent and assistant commissioner for policing reasons will be undertaken by the authority. It will also be able to suspend a person from duty in advance of a removal decision.

While the Senators' amendments would go beyond the appointment and dismissal of Garda

personnel, the Minister wishes to make it clear that the overall approach adopted to the Bill by the Government is that relevant functions should be transferred from the Government and the Minister to the policing authority where this is permissible and appropriate. However, the transfer process has its limitations and has to be undertaken against the general constitutional and policy backgrounds I have highlighted. Within these frameworks the Minister could not accept a situation, as proposed in the amendments, where the Minister for Justice and Equality, for substantial legal and policy reasons, and the Minister for Public Expenditure and Reform, for budgetary reasons, would not be involved in determining the numbers of persons to be appointed to senior Garda ranks.

Overall, the Minister appreciates that the approach of the Senators in the amendments is to remove what they perceive to be a system in which key elements could be the subject of political considerations. However, as I have indicated, the Minister believes the significant reforms and measures provided for in the Bill are fully adequate to address concerns they might reasonably have. In particular, substantial powers are being conferred on the new policing authority which will be independent in the exercise of its functions.

Before I conclude on these amendments, I reiterate the earlier statement made by the Minister in the House that the proposals made in the Bill for the establishment of the independent policing authority will play a vital role in ensuring public confidence is maintained in An Garda Síochána and the essential services it provides. Moreover, as I have indicated, they have been developed to address very important constitutional and policy requirements that arise within both the policing and security areas. Unfortunately, for the reasons I have given, the amendments do not meet these requirements and as such the Minister is not in a position to accept them. Accordingly, I ask the Senators not to press them.

Senator Trevor Ó Clochartaigh: The amendments were brought forward to ensure the absolute independence of the policing authority in the exercise of its functions. They seek to remove ministerial interference from the functions of the authority in each place they are provided for. There should be no need for the authority to seek the consent or approval of the Minister at every turn. Such limitations only restrict the effectiveness of the oversight of the authority. Without our amendments the Bill only creates a middle-man structure, in which the authority will function at the behest of the Minister of the day. This is not true reform but the creation of a puppet body that will have little impact on the oversight of An Garda Síochána. We cannot have a situation where the Minister will control every move made by the authority. We have had ministerial control over gardaí before and all know how that turned out. What we need is true independence. The authority must be a separate arm of the system and not subject to ministerial order. It should not be accountable to the Minister. That is what the amendments aim to achieve.

In line with the need for the policing authority to be truly independent, the Minister should not be permitted to appoint the Garda Commissioner or deputy commissioners. The role of the authority under the Bill, in recommending people for appointment, is not strong enough. Sinn Féin wants to amend this provision to allow the authority to directly appoint the Garda Commissioner and deputy commissioners. If the Garda Commissioner is to be accountable to the authority, the authority needs to have effective power mechanisms to oversee the appointment and removal of the Garda Commissioner. The same must be true in the removal of officers of senior rank. That is why we are seeking to amend the Bill and will press the amendments.

Amendment put and declared lost.

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Senator Trevor Ó Clochartaigh: I move amendment No. 5:

In page 8, line 9, to delete “nominate” and substitute “appoint”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 6:

In page 8, line 10, to delete “, with the prior approval in writing of the Government,”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 7:

In page 8, line 13, to delete “, with the approval of the Minister,”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Government amendment No. 8:

In page 8, line 14, to delete “selection criteria and process that are to apply to the” and substitute the following:

“requirements relating to knowledge, ability and suitability for appointment as the Garda Commissioner for the purposes of a”.

Amendment agreed to.

Senator Trevor Ó Clochartaigh: I move amendment No. 9:

In page 8, line 16, to delete “nominated” and substitute “appointed”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost

Senator Trevor Ó Clochartaigh: I move amendment No. 10:

In page 8, line 24, to delete “nomination” and substitute “appointment”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 11:

In page 8, lines 24 and 25, to delete “for appointment”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 12:

In page 8, to delete lines 26 to 40.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 13:

In page 9, line 2, to delete “Minister” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 14:

In page 9, line 3, to delete “Minister” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 15:

In page 9, line 4, to delete “Minister” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 16:

In page 9, line 6, to delete “The Government shall, as soon as may be, inform the Authority” and substitute “The Authority shall, as soon as may be, inform the Government”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 17:

In page 9, line 15, to delete “Government” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 18:

In page 9, lines 17 and 18, to delete “, upon the nomination of the Authority, be made by the Government” and substitute “be made by the Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

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Senator Trevor Ó Clochartaigh: I move amendment No. 19:

In page 9, line 19, to delete “nominate” and substitute “appoint”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 20:

In page 9, line 20, to delete “, with the prior approval in writing of the Government,”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 21:

In page 9, line 23, to delete “, with the approval of the Minister,”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Government amendment No. 22:

In page 9, line 24, to delete “selection criteria and process that are to apply to the” and substitute the following:

“requirements relating to knowledge, ability and suitability for appointment to the rank of Deputy Garda Commissioner for the purposes of a”.

Amendment agreed to.

Senator Trevor Ó Clochartaigh: I move amendment No. 23:

In page 9, line 26, to delete “nominated” and substitute “appointed”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 24:

In page 9, lines 34 and 35, to delete “nomination by the Authority under subsection (1) for appointment” and substitute “appointment”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 25:

In page 9, to delete lines 36 to 42, and in page 10, to delete lines 1 to 8.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 26:

In page 10, line 10, to delete “Minister” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 27:

In page 10, line 11, to delete “Minister” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 28:

In page 10, line 12, to delete “Minister” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 29:

In page 10, line 14, to delete “The Government shall, as soon as may be, inform the Authority” and substitute “The Authority shall, as soon as may be, inform the Government”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 30:

In page 10, line 25, to delete “or Deputy Garda Commissioner” and substitute “, Deputy Garda Commissioner, Assistant Garda Commissioner, chief superintendent or superintendent”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 31:

In page 10, line 26, to delete “Government” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 32:

In page 10, line 36, to delete “Government” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 33:

In page 10, to delete lines 37 to 41, and in page 11, to delete lines 1 to 23.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 34:

In page 11, line 24, to delete “or 13A(1)(a)”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 35:

In page 11, lines 27 and 28, to delete “Government or the Authority, as the case may be,” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 36:

In page 11, line 29, to delete “Government or the Authority, as the case may be,” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 37:

In page 11, line 31, to delete “subsection (5)” and substitute “subsection (2)”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 38:

In page 11, line 32, to delete “Government or the Authority, as the case may be,” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 39:

In page 11, line 34, to delete “or 13A”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 40:

In page 11, lines 36 and 37, to delete “Subject to subsection (8), the Government shall, as soon as may be, inform the Authority” and substitute “The Authority shall, as soon as may be, inform the Minister”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 41:

In page 11, lines 38 and 39, to delete “subsection (1) or (4) and any related suspension from duty under subsection (5)” and substitute “subsection (1) and any related suspension from duty under subsection (2)”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 42:

In page 11, to delete lines 40 to 43, and in page 12, to delete lines 1 to 5.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 43:

In page 12, line 7, after “of” to insert “Garda Commissioner, Deputy Garda Commissioner,”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 44:

In page 12, lines 13 and 14, to delete “and 13A (inserted by section 13)”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 45:

In page 12, line 16, after “of” to insert “Garda Commissioner, Deputy Garda Commissioner,”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 46:

In page 12, line 23, to delete “or (4) of section 11, the Government” and substitute “of section 11, the Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 47:

In page 12, line 24, to delete “Government” and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 48:

In page 12, to delete lines 29 to 40 and substitute the following:

“(b) by substituting the following for subsection (2):

“(2) The Authority may, if they consider it necessary or appropriate to do so, appoint a person to—

(a) hold an inquiry into any matter giving rise to a notification under subsection (1), and

(b) report to the Authority on the findings of the inquiry.””.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 49:

In page 12, between lines 40 and 41, to insert the following:

“(c) by substituting the following for subsection (6):

“(6) If an inquiry is held, the Authority shall—

(a) consider the report on the findings of the inquiry,

(b) inform the Minister of the findings of the inquiry,

(c) make a copy of the report available to the person whose removal from office is the subject of the report, and

(d) give that person an opportunity to make representations relating to the report.””.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 50:

In page 13, to delete lines 6 and 7.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 51:

In page 13, line 12, to delete “Minister” where it firstly occurs and substitute “Authority”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 52:

In page 13, line 24, to delete “subsections (3) to (9) of”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 53:

In page 13, to delete lines 28 to 40, to delete page 14, and in page 15, to delete lines 1 to 17.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 54:

In page 15, between lines 18 and 19, to insert the following:

“(1) Section 14(1) of the Principal Act is amended by the substitution of the following subsection for subsection (1) as follows:

“(1) The Garda Commissioner may appoint, subject to and in accordance with the regulations, and subject to oversight by the Authority, such numbers of persons as he or she sees fit to the ranks of garda, sergeant and inspector in the Garda Síochána.”.”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 55:

In page 17, lines 7 and 8, to delete “with the consent of the Minister”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 56:

In page 17, line 10, to delete “with the consent of the Minister”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

An Cathaoirleach: Amendments Nos. 57 to 62, inclusive, are related and may be discussed together.

Senator Trevor Ó Clochartaigh: I move amendment No. 57:

In page 17, lines 21 and 22, to delete “and with the approval of the Minister”.

These amendments are proposed in order that the Minister’s approval for setting the priorities of An Garda Síochána is not required. We believe the authority should be independent in its functions and responsible for this oversight. This amendment and amendments Nos. 58 to 62, inclusive, would remove the requirement for the Minister’s consent.

Senator David Cullinane: I second the amendment.

Deputy Aodhán Ó Ríordáin: Under the Bill, the policing authority will oversee the exercise of An Garda Síochána’s policing functions. As I have outlined to the House under earlier amendments, the drafting of the Bill has proceeded in conjunction with ongoing legal advice provided by senior counsel to the Office of the Attorney General. This was done to ensure the functions of the authority would be fully consistent with the exercise by the Government of the executive power of the State under Article 28.2 of the Constitution.

As I have indicated, in practical terms, there are constitutional limitations on the extent to which it is open to the Oireachtas, by way of legislation, to delegate the Government’s ultimate power over policing to another body. A key element of the approach the Government has been advised and legally compelled to adopt is to avoid any suggestion the ultimate capacity of the Government to intervene in the policing sphere might be unconstitutionally restricted.

The three areas covered by the Senator’s amendments are the setting of priorities for policing within the State, the approval of the three-yearly strategy statement for the Garda organisation and the adoption of the annual Garda policing plan. For the purpose of addressing the amendments, I do not propose to enter into a detailed discussion of what is involved in each of these areas. However, it is clear, on any analysis, that we are talking about a set of very significant functions. The setting of priorities for An Garda Síochána is a matter of the highest importance in determining how gardaí operate in carrying out their functions throughout the country. These priorities, in turn, feed into Garda strategy statements and annual policing plans which play a vital role in directing gardaí. Furthermore, they are pivotal in terms of the allocation of financial and other resources throughout the Garda organisation.

In view of the importance of the functions involved and on the basis of legal advice provided by senior counsel, the Minister is satisfied that it would not be appropriate for final decisions to be taken by the policing authority in the matters covered by the Senator’s amendments. For that

reason, the Bill provides that the areas in question will be subject to a co-decision procedure with the authority, which will involve approval being given by the Minister. In the circumstances, the Minister considers the approach adopted in the Bill to be the correct one. Moreover, it is my understanding that similar arrangements apply in other jurisdictions, including Northern Ireland and Scotland. Accordingly, the Minister is not in a position to accept the amendments.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 58:

In page 17, to delete lines 32 to 34.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 59:

In page 19, line 24, to delete “, with the consent of the Minister,”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 60:

In page 19, lines 27 and 28, to delete “with the consent of the Minister”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 61:

In page 20, line 14, to delete “, with the consent of the Minister,”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 62:

In page 20, lines 17 and 18, to delete “with the consent of the Minister”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 63:

In page 21, to delete lines 2 to 25 and substitute the following:

“**23.** The Principal Act is amended by the substitution of the following section for section 25:

“**25.** (1) The Authority may issue to the Garda Commissioner written directives

concerning any matter relating to the Garda Síochána.

(2) The Garda Commissioner shall, in performing the functions of that office, comply with any directive issued under this section.

(3) As soon as practicable after issuing a directive under this section, the Authority shall provide a copy of the Directive to the Minister who shall cause a copy of the directive to be laid before each House of the Oireachtas, but if compliance with this requirement might prejudice the security of the State or might impede the prevention, investigation or prosecution of an offence, it is sufficient if a written statement indicating that a directive has been issued is laid before each House.

(4) The Authority's power under subsection (1) may not be exercised to limit the independence of a member of the Garda Síochána in performing functions relating to the investigation of a specific offence or the prosecution of an offence.

(5) The Garda Commissioner shall inform the Authority of the measures taken by the Commissioner to comply with a directive issued under this section and supply the information within the time specified by the Authority.”.”.

The purpose of the amendment is to allow for the Garda authority, not the Minister, to issue written directives to the Garda Commissioner. Sinn Féin's view is that the Commissioner should be accountable to the authority and that both should be independent of the Minister's control. Under the original heads of Bill, the Garda Commissioner was to be fully accountable to the authority. In the published version, however, this has been watered down such that the Minister is to retain oversight and the Commissioner will merely report to the authority. We are proposing that the authority be independent and not merely fed small bones of delegated power from the Government. For the authority to have real teeth, the Garda Commissioner must be accountable to it. The amendment would ensure that was the case.

Senator David Cullinane: I second the amendment.

Senator Gerard P. Craughwell: I share some of Senator Trevor Ó Clochartaigh's concern about the level of control we are leaving in the Minister's hands under the provisions of the Bill. I understand the Garda Representative Association wrote to the Joint Committee on Justice, Defence and Equality stressing the need for independence for the Garda authority. I worry when I hear the Attorney General's advice was A, B, C or D. The Office of the Attorney General consists of several individuals and we frequently have seen the office's advice overturned in the courts. I support Sinn Féin's amendment.

Senator Marie Moloney: I, too, read the 37 page submission from the GRA. As Senator Gerard P. Craughwell noted, that body wrote to the Oireachtas committee seeking an appearance before it to expand on its submission. Its request was not facilitated, which is a great shame. The GRA represents rank and file members of An Garda Síochána and I am surprised it was not given the opportunity to address the justice committee. Although it is probably a matter for the Chairman of the committee, perhaps the Minister of State might explain why that invitation was not issued.

Senator Martin Conway: It is a pity, as Senator Marie Moloney said, that the GRA did not have an opportunity to make an oral submission to the Oireachtas committee. That said, the body has given an overall welcome to the Bill. We are not all entirely happy with every

aspect of the legislation, but it is a very significant step in the right direction in instilling the type of accountability the people want to see within An Garda Síochána. I was part of a delegation of the Joint Committee on Justice, Defence and Equality which travelled to Portugal some weeks ago and spent several hours at police headquarters in Lisbon. The absolute confidence the Portuguese people have in their police force is breathtaking. I hope we can re-instil the respect and confidence the people had in the past in An Garda Síochána. That confidence was perhaps eroded in recent times as a result of various issues, particularly the penalty points debacle. The Oireachtas has a responsibility to ensure the Garda is restored to that high level of regard in the Irish psyche. In the past 12 months, since the Minister, Deputy Frances Fitzgerald, and the Minister of State, Deputy Aodhán Ó Ríordáin, have taken up their roles, we have seen that confidence restored incrementally under the leadership of the Commissioner, Ms Nóirín O'Sullivan.

Senator Denis O'Donovan: There is still a long way to go.

Senator Martin Conway: The Senator is absolutely right. However, nobody here has any major issue with the principle of the Bill. There certainly are amendments we would like to see made, but the legislation represents a first step forward. If this House can send a message that we support the Bill, irrespective of party allegiances and our concerns about certain elements of it, it will be a vote of confidence in the new authority. All legislation that comes through this House can be amended in the future if it is deemed necessary to do so. We would all ultimately like to see the Minister having less power in this matter, but it must be a step-by-step process. I appeal to my good friends and colleagues on the other side of the House not to press their amendment on this occasion.

Deputy Aodhán Ó Ríordáin: I cannot comment on why the GRA did not speak before the Joint Committee on Justice, Defence and Equality. The current arrangements for the issuing of directives to the Garda Commissioner by the Minister are to be found in section 25 of the principal Act. In particular, Government approval is required before any directive can be issued. Where a directive is issued, it must, except in certain cases relating to sensitive matters, be laid before both Houses of the Oireachtas. Section 23 of the Bill amends the current provision in the principal Act to enable the policing authority to recommend to the Minister that a directive on a specific matter relating to policing services be issued to the Garda Commissioner. This provision recognises there may be circumstances in which the authority considers Government or ministerial intervention is appropriate in a particular instance.

As I outlined to the House on other amendments proposed by the Senator, there are constitutional limitations on the extent to which it is open to the Oireachtas, by way of legislation, to delegate the Government's ultimate control over policing to another body. Having considered the relevant legal advice provided by senior counsel on the application of Article 28.2 of the Constitution, the Minister believes there would be constitutional difficulties in seeking to enable the authority solely to direct the Garda Commissioner on policing matters. The effect of the Senator's amendment would be to give the authority capacity to issue a directive "concerning any matter relating to the Garda Síochána" without prior Government approval. Under the amendment, the authority would be in a position to issue a directive to the Garda Commissioner on a security matter, for instance, even though such matter would not fall within the remit of its functions.

Furthermore, the amendment would remove the capacity of the Government to authorise the Minister to issue a directive to the Garda Commissioner in respect of any matter. In this

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regard the Minister considers that what the Senator has proposed would be incompatible with the requirements of Article 28.2 of the Constitution. In the circumstances, the Minister cannot accept the amendment and I invite the Senator to consider withdrawing it.

Amendment put and declared lost.

Acting Chairman (Senator Diarmuid Wilson): Amendments Nos. 64 and 65 are related and may be discussed together.

Senator Trevor Ó Clochartaigh: I move amendment No. 64:

In page 24, lines 33 and 34, to delete “, made with the approval of the Government”.

The reasoning for this amendment is similar to the previous one. We believe the Bill should allow for the authority and not the Minister to issue written directives to the Garda Commissioner. We have heard the arguments *per se*. Clearly, there are two rather differing opinions on the matter. The Government stance is to try to retain as much control as possible over what will be an independent policing authority. We believe the authority should be far more independent. On that basis we are going to press the amendment.

Senator David Cullinane: I second the amendment.

Deputy Aodhán Ó Ríordáin: Section 38 of the principal Act makes provision for the Garda Commissioner to authorise the installation and operation of closed circuit television schemes in public places for the sole or primary purpose of securing public order and safety in public places, by facilitating the deterrence, prevention, detection and prosecution of offences.

In the development of the principal Act, section 38 was given particular consideration in close consultation with the Office of the Attorney General. In the course of advice provided by that office, it was indicated that the operation of CCTV schemes under the principal Act would fall directly within the executive function of the State within Article 28.2 of the Constitution. Accordingly, for the constitutional reasons I have explained in connection with previous amendments, specific roles were provided by the Government and the Minister in section 38. In part, these roles were intended to ensure that CCTV schemes would operate with due respect and safeguards for the constitutional right to privacy.

Section 31 enables the authority to perform the functions currently exercised by the Minister relating to community CCTV schemes. In particular, the authority will, by order made with the approval of the Government, establish applicable criteria for the purposes of community CCTV schemes. Moreover, it may, with the consent of the Minister, issue guidelines to the Garda Commissioner relating to the supervision and control by the Commissioner of the monitoring of CCTV by authorised persons.

The effect of the Senator’s amendment would be to remove any role for the Government and the Minister under the section. Acceptance of the amendments, therefore, would prevent the Government and the Minister from exercising their constitutional functions.

In all the circumstances, the Minister is satisfied that the provisions enable the authority to exercise an appropriate level of oversight in respect of CCTV schemes while not impinging on the constitutional functions of the Minister and the Government. In the circumstances, it is regretted that the amendments cannot be accepted and I call on the Senator to withdraw them.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 65:

In page 24, lines 37 and 38, to delete “, with the consent of the Minister”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 66:

In page 27, lines 32 and 33, to delete “with the consent of the Minister”.

This amendment relates to the membership of the authority. We are suggesting the authority should comprise 21 members, 12 of whom should be ordinary members appointed by the Government subject to section 62D, and nine of whom should be political members appointed in accordance with the relevant subsection. The nine political members elected to the authority should be appointed through the use of the d’Hondt method of election at a date not later than 30 days after the date of enactment of the Bill. The 12 ordinary members appointed to the authority by the Government should be appointed at a date not later than 30 days after the enactment of the Bill. Following this appointment, the members should, by casting a secret ballot, elect one of the ordinary members to be chairperson of the authority. If a person stands elected under subsection (3), the person should, on that day, stand elected as the first chairperson of the authority.

In appointing the 12 ordinary members of the authority, the Government should have regard to the objective of there being no fewer than six members who are women and no fewer than six members who are men. Except for the first-appointed members of the authority and subject to section 62E(5), a person should not be appointed as a member of the authority unless a resolution has been passed by each House of the Oireachtas recommending his or her appointment. Except for the first appointed ordinary members of the authority and subject to section 62E, the Government should appoint ordinary members of the authority from among such persons as are recommended by the service in accordance with section 62D for appointment as such ordinary members.

The proposed amendment would serve to address the issues we see around the membership of the authority as put forward by the Government. We are advocating for a 21-member authority, with nine political representatives to be elected based on the d’Hondt method and 12 ordinary members who are representative of civil society and who have expertise in the field. The 12 ordinary members should elect a chairperson from among themselves. We also believe there should be a role for advisory groups in the process.

Senator David Cullinane: I second the amendment.

Deputy Aodhán Ó Ríordáin: The wording sought to be deleted by the amendment is concerned with the terms and conditions of the members of the Garda audit committee. They are standard provisions found in many statutes. The fixing of such terms and conditions is an administrative rather than a core oversight function. It is the standard practice that the terms and conditions of State appointees such as the members of an audit committee would be agreed with the relevant Minister and the Minister for Public Expenditure and Reform. In the circumstances, the Minister is calling on the Senator to consider withdrawing the amendment.

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Amendment put and declared lost.

Acting Chairman (Senator Diarmuid Wilson): Amendment No. 67 has been ruled out of order because it involves a potential charge on the Exchequer.

Amendment No. 67 not moved.

Acting Chairman (Senator Diarmuid Wilson): Amendments Nos. 68 and 69 are related and may be discussed together.

Senator Trevor Ó Clochartaigh: I move amendment No. 68:

In page 33, to delete lines 24 to 27.

This amendment also relates to the make-up of the authority. We are proposing a 21-member authority with nine political representatives to be elected based on the d'Hondt method and 12 ordinary members who are representative of civil society and have expertise in the field. We propose that the 12 ordinary members should elect a chairperson from among themselves and that there should also be a role for advisory groups in the process, as I have outlined.

Senator David Cullinane: I second the amendment.

Deputy Aodhán Ó Ríordáin: A key aim of the Government in establishing the authority is to provide a system of oversight of An Garda Síochána that is effective and fully independent. In this context, the Government is of the clear view that the membership of the authority should not include serving politicians, and the Bill provides that they will be ineligible to be members.

I recognise that the Senator's amendments are related to a further proposed amendment that will not be discussed. However, the Minister would have serious concerns with any proposal to remove the ineligibility provisions which prevent politicians from serving on the authority. As I have indicated, this would run counter to the firm policy of the Government.

The approach of the Government to this matter is to remove the operation of the authority from the political arena. At the same time it is important to bear in mind that it will be open to committees of the Oireachtas to raise relevant matters directly with members of the authority.

I understand the Senator's overall approach is based to some extent on the system applicable to the Northern Ireland Policing Board which has 19 members, comprising ten political members and nine independent members appointed by the Minister with responsibility for justice. However, the Minister believes the composition of the Northern Ireland Policing Board must be viewed in the context of the specific requirements in the North for cross-party and cross-community support for the policing arrangements in that jurisdiction.

It is relevant to note that in its report published in October 2014 the joint Oireachtas committee recommended that the Scottish model would be appropriate for our jurisdiction. The legislation for the Scottish authority specifically prohibits serving politicians from membership. In the circumstances, the Minister is inviting the Senator to withdraw the amendments.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 69:

In page 34, to delete lines 8 to 17.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 70:

In page 35, line 28, to delete “nominating” and substitute “appointing”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 71:

In page 37, between lines 14 and 15, to insert the following:

“(i) monitor and address human rights and equality compliance by An Garda Síochána at every level of its operation and ensure issues identified by the Garda Síochána Ombudsman Commission are dealt with in an effective manner.”.

This amendment refers to the authority’s role on human rights. This provision was in the original heads of the Bill but was removed. There is a vital need for the authority to have a role in monitoring and addressing human rights compliance by An Garda Síochána. We would argue that the Bill must be amended to re-insert this function and will be pressing this amendment.

Senator David Cullinane: I second the amendment.

Deputy Aodhán Ó Ríordáin: I am aware that the general scheme of the Bill provided that the authority would monitor and address human rights compliance by An Garda Síochána in policing matters. However, this element was subsequently removed from the Bill prior to publication so as to avoid duplication of the functions of the Irish Human Rights and Equality Commission, IHREC. Senators will be aware that the IHREC is the primary State body which oversees and monitors Garda human rights and equality compliance. It is also important to make it clear that the authority will, in accordance with its general supervisory powers, have the ability to pursue human rights policing matters directly with An Garda Síochána. This could be done in different ways and, for example, such issues could be raised in the public meetings it will hold with the Garda Commissioner.

In addition, under a new section which is being inserted by section 44 of the Bill, the authority will be in a position to liaise closely with the IHREC. Within this framework the Minister has no doubt that there will be close co-operation between the two bodies and that they will work together very effectively. I might also mention that human rights is a key organisational priority for An Garda Síochána. For example, section 16 of the 2005 Act provides a revised form of declaration for persons joining the force which specifically directs each new member to have regard for human rights in carrying out their policing duties; a Garda declaration of professional values and ethical standards, which underpins all Garda practice, policy and procedure, has been published and distributed to each member; all operational Garda directives make reference to the human rights principles applicable to the relevant instruction so as to remind all members of their human rights obligations; the new trainee programme for Garda recruits - BA in applied policing programme - and ongoing professional development measures for members incorporates specific human rights training; and the Garda Commissioner receives advice from

the strategic human rights advisory committee on the ongoing development of human rights policies within An Garda Síochána. As well as policing expertise, the committee includes representatives from the Irish Human Rights and Equality Commission, Amnesty International and the Irish Council for Civil Liberties. In the circumstances, the Minister considers that fully adequate provision has been made in order to ensure human rights compliance by and within An Garda Síochána. I ask the Senator to not to press the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 72:

In page 37, to delete lines 19 to 23 and substitute the following:

“(4) Any function of the Authority may be performed through or by the Chief Executive or other member of its staff duly authorised in that behalf by the Authority.”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 73:

In page 37, to delete lines 28 to 32 and substitute the following:

“(6) The Authority may provide for the performance of one or more of its functions by a committee, under the general direction of the Authority.”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 74:

In page 39, lines 18 and 19, to delete “with the consent of the Minister and the Minister for Public Expenditure and Reform,”.

This amendment is similar to previous amendments tabled and would remove the need for the authority to get ministerial consent in the exercise of its functions. We consider that the level of independence that the authority should be given is made greater by this amendment and ask the Minister of State to consider accepting it.

Senator David Cullinane: I second the amendment.

Deputy Aodhán Ó Ríordáin: The effect of this amendment would be to remove the requirement for the consent of the Minister for Justice and Equality and the Minister for Public Expenditure and Reform where the authority is seeking to enter into contracts with persons or appoint consultants. The requirement for ministerial consent is a standard requirement in such circumstances and it is an important aspect of good governance. As the relevant arrangements that have been made in the Bill are in line with the established procedures for State bodies, the Minister is not in a position to accept the amendment. In the circumstances, I ask the Senator to withdraw the amendment.

Amendment put and declared lost.

Acting Chairman (Senator Diarmuid Wilson): Amendments Nos. 75 to 84, inclusive, are related and may be discussed together.

Government amendment No. 75:

In page 43, line 17, to delete “who shall be” and substitute “who, subject to subsections (2) and (3), shall be”.

Deputy Aodhán Ó Ríordáin: The purpose of these amendments is to make provision for a chief executive designate of the authority and they have been introduced in consultation with the chairperson designate. They are also in line with the statutory procedures that have been adopted for other State agencies.

Senators will be aware that I am making arrangements for the authority to operate in shadow format pending the enactment and commencement of the legislation. This is a process that is specifically provided for in the Bill. Arrangements are being made with the Public Appointments Service for the selection of the ordinary members designate. It is also proposed that the chief executive will be in place as quickly as possible following a selection process to be undertaken by the Public Appointments Service. It is important that in the event that the selection of the chief executive by the Public Appointments Service is completed before the commencement of the legislation, the person selected will be in a position to operate as a chief executive designate. This will significantly facilitate the preparations for the establishment of the authority.

The authority will formally appoint a chief executive designate as the chief executive, following the establishment day. Amendments Nos 75 and 76 make this possible. Amendments Nos. 77 to 84 are technical and consequential on amendments 75 and 76. They operate to re-number subsections (2) to (9).

Amendment agreed to.

Government amendment No. 76:

In page 43, between lines 20 and 21, to insert the following:

“(2) The Minister may, before the establishment day of the Authority, designate a person to be the first chief executive officer of the Authority.

(3) If, immediately before the establishment day of the Authority, a person stands designated by the Minister under subsection (2), the Authority shall appoint that person to be the first Chief Executive.”.

Amendment agreed to.

Government amendment No. 77:

In page 43, to delete line 21 and substitute the following:

“(4) The Chief Executive shall—”.

Amendment agreed to.

Government amendment No. 78:

In page 43, to delete line 29 and substitute the following:

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“(5) The Chief Executive shall—”.

Amendment agreed to.

Government amendment No. 79:

In page 43, to delete line 33 and substitute the following:

“(6) The Chief Executive shall—”.

Amendment agreed to.

Government amendment No. 80:

In page 43, line 39, to delete “ (5) The Chief Executive may” and substitute the following:

“(7) The Chief Executive may”.

Amendment agreed to.

Government amendment No. 81:

In page 44, line 1, to delete “(6) The Chief Executive shall not” and substitute the following:

“(8) The Chief Executive shall not”.

Amendment agreed to.

Government amendment No. 82:

In page 44, line 6, to delete “ (7) The Chief Executive shall” and substitute the following:

“(9) The Chief Executive shall”.

Amendment agreed to.

Government amendment No. 83:

In page 44, line 9, to delete “ (8) The Chief Executive shall not” and substitute the following:

“(10) The Chief Executive shall not”.

Amendment agreed to.

Government amendment No. 84:

In page 44, to delete line 12 and substitute the following:

“(11) If the Chief Executive—”.

Amendment agreed to.

Acting Chairman (Senator Diarmuid Wilson): Amendments Nos. 85 and 86 are related

and may be discussed together.

Senator Trevor Ó Clochartaigh: I move amendment No. 85:

In page 47, line 25, to delete “and subject to the consent of the Minister”.

This amendment is similar to many others we have tabled and aims to give the authority the independence it deserves. In order to do this, we propose deleting the phrase “and subject to the consent of the Minister” for reasons put forward earlier.

Senator David Cullinane: I second the amendment.

Deputy Aodhán Ó Ríordáin: Senators will recall that among the provisions of the Garda Síochána (Amendment) Act 2015 was a provision inserting a new section 102B into the principal Act which brought the Garda Commissioner within the scope of GSOC investigations for the first time. This was a significant development and one to which the Government attaches a high degree of importance. The issue of Ministerial consent to GSOC carrying out an investigation into the conduct of the Garda Commissioner was debated during the passage of the 2015 Act through the Houses. Under the provisions of the Act the consent of the Minister is required before a complaint against the Commissioner is investigated by GSOC. In this regard, it must be borne in mind that in addition to carrying out her general policing functions, the Garda Commissioner is the head of the national security service. In the latter role the Commissioner fulfils a vital role which is very closely linked to the obligations of the Government to preserve the security of the State. After careful consideration the Government was satisfied that taking account of the key position of the Commissioner in security matters, the Minister should consent to any proposed investigation by GSOC into any concerns that the Garda Commissioner may have committed an offence or behaved in a manner that would constitute serious misconduct.

8 o'clock

However, the Minister would emphasise that, as proposed in the Bill, the requirement for ministerial consent does not simply permit the Minister to refuse to give consent - there must be reasons for doing so. This is spelled out in proposed subsection (3)(a) which states the Minister must provide reasons to the authority where he or she refuses to consent to the authority making a request to GSOC. In these circumstances, there is no doubt that it would only be in exceptional cases that the Minister would not consent to a proposed investigation. Accordingly, the Minister considers that it is almost impossible to envisage any circumstances under which, on foot of a demonstrable concern that the Garda Commissioner may have committed an offence or behaved in a manner that would constitute serious misconduct, ministerial consent would be withheld. While the Minister appreciates the concerns that have prompted the Senator's proposed amendment, she does not believe they are necessary for the reasons I have indicated. In the circumstances, the Minister asks the Senator to consider withdrawing the amendments.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 86:

In page 47, to delete lines 33 to 37.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

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Government amendment No. 87:

In page 54, between lines 5 and 6, to insert the following:

“

No. 31 of 1924	Dublin Police Act 1924	The whole Act
No. 7 of 1925	Police Forces Amalgamation Act 1925	Section 16
No. 10 of 1926	Police Forces Amalgamation (Amendment) Act 1926	The whole Act
No. 14 of 1958	Garda Síochána Act 1958	The whole Act

“

Amendment agreed to.

Question put: “That the Bill, as amended, be received for final consideration.”

The Seanad divided: Tá, 25; Níl, 2.	
Tá	Níl
Bacik, Ivana.	Cullinane, David.
Barrett, Sean D.	Ó Clochartaigh, Trevor.
Brennan, Terry.	
Burke, Colm.	
Coghlan, Eamonn.	
Coghlan, Paul.	
Comiskey, Michael.	
Conway, Martin.	
Craughwell, Gerard P.	
Cummins, Maurice.	
Gilroy, John.	
Henry, Imelda.	
Higgins, Lorraine.	
Keane, Cáit.	
Landy, Denis.	
Moloney, Marie.	
Mooney, Paschal.	
Mulcahy, Tony.	
Mullins, Michael.	
Naughton, Hildegard.	
O'Donovan, Denis.	
O'Neill, Pat.	
van Turnhout, Jillian.	
Whelan, John.	
Wilson, Diarmuid.	

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

Question declared carried.

Question, “That Fifth Stage be taken now,” put and declared carried.

Question, “That the Bill do now pass,” put and declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Maurice Cummins: At 10.30 a.m. tomorrow.

The Seanad adjourned at 8.15 p.m. until 10.30 a.m. on Wednesday, 24 June 2015.