



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 1 Iúil 2015

Wednesday, 1 July 2015

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

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

The need for the Minister for Health and the HSE to launch a public health campaign to increase awareness of the potential benefits of folic acid and its ability to prevent neural tube defects.

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

The need for the Minister for Finance to outline the efforts being made by Ireland and its eurozone partners to ensure Greece will remain a member of the eurozone.

I regard the matters raised by the Senators as suitable for discussion and they will be taken now.

Commencement Matters

Public Health Policy

An Cathaoirleach: I welcome the Minister of State, Deputy Simon Harris.

Senator Colm Burke: I also welcome the Minister of State. I raise this matter following a recent presentation by Professor Michael Turner, UCD professor of obstetrics and gynaecology. He explained how the incidence of neural tube defects, NTDs, varies from 0.05 per 1,000 in some parts of the country to six per 1,000 in others and that there are huge regional and population specific variations.

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What is of concern to me is recent studies have shown that in the past four to five years there has been an increase in NTDs from 0.92 per 1,000 to 1.17 per 1,000. An analysis of 236 cases over three years found 45% had anencephaly, 49% spina bifida and 6% another medical condition which I cannot pronounce. Of the 94 babies born with spina bifida 90.4% survived the neonatal period. We have an increase in the number of NTDs compared to other countries. A UCD study found that of 564 women booking for antenatal care at the Coombe hospital, only one in four took folic acid for longer than 12 weeks before pregnancy, as is ideal. Women who planned their pregnancy or who were having their first baby were more likely to take pre-pregnancy folic acid.

It is extremely important to take folic acid pre-pregnancy and during pregnancy. Professor Turner highlighted the need for a new media campaign on this matter. He also made the point that with social media it should be possible to target the campaign at specific groups of people and it does not need to be the usual massive campaign. We could do a very good campaign on this issue as there is a need to highlight it.

Another issue raised during Professor Turner's presentation was the fortification of food. The point was made that because food is imported from all parts of the world fortification of food may not necessarily work. I spoke to another medical colleague who said the one place it could be used is milk. One company, Avonmore, produces milk with added folic acid, but we need to plan for this. The number of cases over three years was 236, which is quite a high number. It also involves a huge cost and huge trauma for families and is something at which we need to look. It is in that context I raise the issue.

Minister of State at the Department of Finance (Deputy Simon Harris): I thank the Senator for raising this issue for discussion. I am taking this matter on behalf of my colleague, the Minister for Health, Deputy Leo Varadkar, who is unable to be here owing to Government business.

Neural tube defects, NTDs, include a range of serious congenital malformations as a result of incomplete closure of the neural tube within a month of conception. They include anencephaly, which is not compatible with life, to the more common forms of spina bifida and other forms which can be symptom free. Approximately 80% of infants with spina bifida survive. However, the condition is associated with varying degrees of disability. These include a poor ability to walk, problems with bladder or bowel control and hydrocephalus.

The level of neural tube defects varies from 0.05 to six per 1,000 births. However, this can change from year to year and there are regional and country variations. Neural tube defects are believed to be due to a combination of genetic and environmental factors. If one child or a parent has the condition, there is an increased chance that the next child may also be affected. It is now considered that not having enough folate in pregnancy also plays a significant role. There is evidence that many cases of NTD are preventable if the mother increases her consumption of folic acid before and during the early days of pregnancy. There are a number of sources of folate. Folate is found naturally in green vegetables, fruit, dairy products, eggs, seafood and grains. This is recognised in the Department of Health's healthy eating guidelines which have been widely disseminated and are available on the Department's website. The guidelines are due to be reviewed again this year.

Folate is also available as folic acid supplements. It is recommended that the optimal dose for supplementary folic acid relating to pregnancy is 400 mg orally a day. The supplement is

readily available in pharmacies throughout the country. However, clinicians also recognise that women at increased risk of NTDs should take a higher dose per day which requires a prescription. The third source of folate is food fortification. At present fortification is voluntary in Ireland and includes a range of food products.

While the level of NTDs has fallen considerably in recent years, there has been an increase in 2009 to 2011 where the level is now 1.17 per 1,000 births. This trend is under active review and may relate to better case detection, a reduction in food fortification levels or a reducing trend in folic acid supplementation among women booking for antenatal care. In recognition of this, *safefood* Ireland has recently awarded a research grant to conduct an all-Ireland study to measure red cell folate levels in women booking for antenatal care in Dublin, Cork and Belfast. In addition, the Food Safety Authority of Ireland is preparing a report for the Minister of Health on food fortification with folic acid.

The HSE has developed a guide called Healthy Eating For Pregnancy which includes the importance of taking folate to prevent spina bifida. There is further advice on the HSE's website. The Department of Health is reviewing its national guidance on folate for women of childbearing age.

In July *safefood* will launch a campaign entitled Babies: Know the Facts about Folic Acid. The campaign will be targeted at younger women who may be sexually active but not considering pregnancy, women who are considering pregnancy and women who already have a child but may have become complacent about taking folic acid. The key message of the campaign is to stress the importance of getting into the routine of taking folic acid every day irrespective of whether a pregnancy is being planned. As the Senator has suggested, it is mainly a digital campaign that uses social media. However, traditional communication channels will also be employed. Key partners include the Department of Health and the HSE in the Republic and the Public Health Agency and the Department of Health, Social Services and Public Safety in Northern Ireland, pharmacists, GPs and public health practitioners, as well as the support group for Spina Bifida Hydrocephalus Ireland.

Senator Colm Burke: I thank the Minister of State for his comprehensive reply. I note the manner in which the issue is being dealt with by the Minister and the Department. It is welcome that a campaign will start in July. It is important to involve GPs in the campaign because they are the first point of contact when people are concerned about medical issues. I ask that a real effort is made to engage with general practitioners as part of the campaign. I also ask that information is shared between maternity units and GPs.

Deputy Simon Harris: I thank the Senator for his comments. I am pleased to note that the HSE and the Department of Health have informed me that GPs are key partners in this campaign which is due to be rolled out this month. I shall pass his comments on to the Minister for Health. I also thank him for the timely opportunity to remind people of the importance of this issue in advance of the new advertising campaign.

Eurozone Crisis

Senator Paul Bradford: I thank the Cathaoirleach for allowing me to raise the matter of the ongoing crisis in Greece and the impact and knock-on effect it has on all eurozone countries and the entire political consequences for the European Union and beyond.

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A few days after the Greek election last January I tabled a Commencement matter to the Minister of State on the aftermath of the election in Greece. At the time we were at one in pointing out that much of what had been promised and offered by way of a political manifesto by the incoming Greek Government would be difficult to fulfil and that there were no easy answers to the Greek problems. If there were easy answers then the matter would have been solved a long time ago. We agreed that it was a developing situation and it was one that could become very dangerous from an economic and political perspective. Sadly, that has all come to pass.

As I said in the House last week, it is fair to say that for the vast majority of politicians and political parties, in this House and in the other House, Mr. Tsipras and Syriza would not be our chosen political cup of tea. However, we must respect the fact that he and his party have been elected to govern by the people of Greece and that they have a mandate in that regard. In politics we must accept that political factors always impact on decision-making. From a Spanish perspective, the Podemos party offers a variation of Syriza. From an Irish factor, the Sinn Féin Party has presented the Syriza election as some sort of new dawn. Therefore, we must be cautious in our dealings with the new Greek Government. We should not cave into the thinking and ideology that has been put forward by Syriza. That is the politics of the short term. I urge Members to look beyond the short term to the medium term and beyond. We must see the impact of what is happening in Greece, not just from the politics and economics of today, but from a long-term European perspective.

As of now the failure of Greece to make its IMF repayment has marked it down as the first developed country, in almost 70 years, to fail in that regard. There is a crisis on the streets of Greece, people are unable to obtain cash, pensioners have found it difficult to access money and a huge level of human misery has been created. I would be the first to acknowledge that much of the crisis in which Greece now finds itself stems, not just from decisions made by the current Greek Government, but from a lot decisions that were taken and not taken in the past 20 years in Greece. These problems will not be solved overnight.

Speaking of the medium and long term, it is only 70 years since there was a civil war in Greece. At that time it was communists versus colonels and the military. A referendum may be held next Sunday and a similar ideological divide appears to be gearing for battle with a rather simplistic left versus right. Any further division of Greek society at present is very unhelpful. I believe eurozone Finance Ministers will participate in a conference call this afternoon which was postponed this morning. I hope that means some degree of talking is going on in the background and that some solution, even at this late stage, can be found.

Ireland is geographically removed from Greece, but we must accept that, as a member of the European Union and the eurozone, we are equal partners on the field of play. If Greece leaves or is forced out of the eurozone then such a development will come with very significant negatives. It will clearly show that the eurozone is not a fixed project. It will clearly show that countries can either opt out or be forced out. It would also be a major blow to the concept of a strong and united European and financial union. If it happened then it would come months ahead of a referendum in the United Kingdom on its relationship with the European Union. If Greece left the eurozone, it would pose serious fundamental questions about what the European Union is and what it wishes to be and to become.

The European Union is a great political project that united a divided continent and was built from the blood of millions of people. This fantastic project will be at risk if problems such as Greece continue to be unresolved. Obviously, the first and longest mile must be walked by the

Greek Government but Ireland must try to walk with it in a spirit of co-operation and unity. In the next crucial few days our political priority must be to ensure that a fair and balanced solution is reached. Even if Ireland must swallow a little political pride, I ask the Minister of State to convey to the Government that we should look at the bigger and longer picture, and at the great vision of what the European Union is and what it can become.

Deputy Simon Harris: I am pleased to have an opportunity to outline to the House the efforts being undertaken by the Irish Government and our euro area colleagues during Greece's current difficult economic times. I thank the Senator for providing me with the opportunity to do so. I agree with much of what he said. It is important that solidarity is shown in Europe and people walk together. It is difficult to do so, however, when the partner one is walking with leaves the table and runs home, which is what happened at a very late hour on Friday night last. Not only did this take Greece's eurozone colleagues by surprise, it also took some people in the Greek Government by surprise and certainly took many ordinary citizens in Greece by surprise.

Greece remains a full member of the euro area and it is in all our interests that this remains the case. However, each member of the euro area has responsibilities and obligations and this applies as much to Greece as to other members of the eurozone.

I accept the Senator's point about democracy. We will defend to the death the right of Greek people to elect whomever they wish to government. However, all the others around the table also have a democratic mandate. There is no monopoly on democratic mandates when European Finance Ministers sit down around the table. The very essence of democracy is working one's way through problems to arrive at a solution.

The International Monetary Fund has confirmed that the €1.5 billion due to be paid by Greece yesterday has not been received and Greece is now in arrears to the fund. This is the first time a developed country has gone into arrears with the IMF in a long time. In terms of the practical implications of this development, Greece can only receive financing from the IMF once the arrears have been cleared.

As of midnight last night, the second economic adjustment programme for Greece expired, with associated disbursements. Nevertheless, there remains time for a deal to be agreed and the door is still open. Greece must, however, put reasonable proposals on the table. It is in everyone's interest that agreement be reached.

Senators will be aware of the decision by the Greek authorities to impose temporary restrictions on capital flows. This measure appears to be appropriate in view of the current unique and exceptional circumstances faced by the Greek financial sector. It is, however, causing significant difficulty for Greek citizens. The European Commission confirmed on Monday that the introduction of capital controls by the Greek authorities is justified under the Treaty on the Functioning of the European Union in light of the current circumstances in Greece and with a view to maintain financial stability.

Senators will be aware that the Greek Parliament approved the call for the referendum on the policy conditionality proposals submitted by the institutions. The referendum is expected to take place on Sunday, 5 July 2015, which is after the expiration of the current programme period.

The Government and Irish citizens have great sympathy for Greek people, a view expressed by the Minister for Finance on several occasions. The Minister has also been helpful to the

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Greek authorities in moving to the position whereby realistic negotiations were taking place. Unfortunately, following months of negotiations between the Greek authorities and the institutions, a substantial easing in the onerous fiscal targets agreed by the previous government and a series of meetings at political level, talks concluded without a successful agreement following the unilateral decision of the Greek authorities to withdraw from negotiations.

Euro area Finance Ministers met five times in ten days to discuss the position in Greece. While there were still divergences, there was enough commonality to bridge the gap and agree a single document to which all parties could sign up. This would have been a very favourable offer to Greece as it would have addressed future financing needs and the sustainability of Greek debt. It also included support for a Commission-led package for a new start for jobs and growth that would boost the recovery of investment in the real economy. Any solution must provide Greece with an opportunity to grow the economy again. Greek people need a solution and I believed we could have found one last Saturday.

Ireland, with the other member states, understands and empathises with the difficult circumstances faced by Greek people. These have been exacerbated in recent weeks by uncertainty surrounding the programme negotiations. For this reason, there has been a willingness to negotiate a way forward which takes account of the realities of the circumstances in Greece and the political priorities of its new government, while also respecting existing commitments. The same process occurred when a new Government was elected here and we managed to reach an agreement.

The Eurogroup is closely monitoring the economic and financial position in Greece. As stated last Saturday, it stands ready to reconvene to take appropriate decisions, where needed, in the interest of Greece as a euro area member. Euro area Finance Ministers intend to make full use of all the instruments available to preserve the integrity and stability of the euro area. I note that a conference call is scheduled to take place between euro area Finance Ministers this afternoon. I hope progress can be made in this matter. Again, I thank the Senator for providing me with an opportunity to provide the Seanad with an update on the position.

Sitting suspended at 10.55 a.m. and resumed at 11.30 a.m.

Order of Business

An Cathaoirleach: Before calling the Leader to announce the Order of Business, I welcome Deputy Noel Grealish who is in the Visitors Gallery.

Senator Maurice Cummins: The Order of Business is No. 1, statements on growing tourism to 2025, to be taken at 1 p.m. and conclude not later than 3 p.m., with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes and a Minister or a Minister of State to be called on to reply to the debate not later than 2.50 p.m.; No. 2, Communications Regulation (Postal Services) (Amendment) Bill 2015 - Committee and Remaining Stages, to be taken at 3 p.m. and adjourned not later than 5 p.m., if not previously concluded; No. 2a, motion for earlier signature of the Communications Regulation (Postal Services) (Amendment) Bill 2015, to be taken without debate at the conclusion of No. 2; No. 3, Petroleum (Exploration and Extraction) Safety Bill 2015 - Committee and Remaining Stages, to be taken at 5 p.m. and adjourned not later than 7 p.m., if not previously concluded; No. 4, Private Members' business, Harmful and Malicious Electronic Communica-

tions Bill 2015 - Second Stage, to be taken at 7 p.m. and conclude not later than 9 p.m.; and No. 5, Statute Law Revision Bill 2015 - Report and Final Stages, to be taken at 9 p.m. and adjourned not later than 11 p.m., if not previously concluded.

Senator Darragh O'Brien: Unfortunately, for the second day in a row I must, on behalf of the Fianna Fáil group, extend my deepest sympathy, this time with regard to the tragedy that occurred yesterday in Baltimore, with the loss of three lives. Our thoughts and prayers are with the Ryan and O'Connor families.

Last week I raised with the Leader and brought to the attention of colleagues the situation in regard to pancreas transplants in Ireland, which is extremely grave. I do not know if anybody read the interview with the retired surgeon, Dr. David Hickey, who has performed all 118 pancreas transplants completed to date. He effectively said Beaumont Hospital and the HSE could face corporate manslaughter charges over the closure of the pancreatic transplant programme. I am dealing with some families whose relatives are on the waiting list for pancreas transplants and they have no access to the transplant teams. They have been told that if there is a problem, they must go to an accident and emergency department. This is in the case for both pre-transplant and post-transplant patients. People who have received pancreas and kidney transplants are being told that if they have a problem, they should go to the accident and emergency department. That is the worst place a person in such a position should go because of the fear of infection, to which he or she would be much more prone.

I wrote to the Minister for Health nearly two weeks ago about this matter but he has not yet responded. I know that he has responded to Fine Gael colleagues who raised the issue with him. He has indicated that the service is moving from Beaumont Hospital to St. Vincent's University Hospital. That may be the case, but the problem is that we have not appointed a surgeon to carry out the duties. I will not name those mentioned in the article in *The Irish Times* who outlined their cases. They have been left in limbo. Neither the Minister nor anyone in the Department of Health or the HSE is giving any guidance as to when this situation will be rectified. The operation in question is a lifesaving and life-changing one; therefore, time is of the essence. Dr. Hickey's retirement was well flagged in advance and that position is still vacant. For the HSE and the Minister to say to the service is being moved to St. Vincent's University Hospital means nothing because the position has not been filled and there is no one to carry out these operations. I am meeting families who have been affected by this issue at 5.30 p.m. It is not acceptable that the Minister has not answered me at this stage. It is also not acceptable that neither the HSE nor the Minister has arranged for the appointment of a replacement for Dr. Hickey to carry out these operations. Furthermore, it is unacceptable that citizens who are dependent on the health service to save their lives are being told to go to an accident and emergency department as there are no services available. It is wrong. I would like the Minister to come to the House today to explain what is happening and outline his plans for the carrying out of pancreatic transplant surgeries. When will the service be reinstated? If the service is to be moved to St. Vincent's University Hospital, when will a surgeon be in place to carry out these surgeries. With that in mind, I propose an amendment to the Order of Business that the Minister come to the House today to explain his plans for the filling of the vacancy in the pancreatic transplant programme in Ireland, as no such surgery is currently available here. It will be an opportunity for him to outline his plans.

Senator Ivana Bacik: As the leader of my group, I express my sympathy to those families who were bereaved so tragically yesterday as a result of the drownings in Baltimore. Most tragically, every summer, and particularly in the summer, drowning tragedies occur, and it is

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appalling. It reminds us all of the need for extreme care and caution around water, beaches, lakes and rivers.

I raised the issue of the commemoration of the Srebrenica massacre on the Order of Business yesterday and I am glad to report that, at my instigation, members of the Bosnian community have met officials from the Department of Foreign Affairs and Trade concerning the holding of an official commemorative event. I also want to inform colleagues that members of the Bosnian community in Ireland are organising a commemoration of the 20th anniversary of the genocide in Srebrenica, which will take place outside Leinster House on Kildare Street at 1 p.m. on Tuesday, 7 July. Anyone who is interested may attend and all are invited. I want to recall the appalling atrocity of the Srebrenica genocide, the worst atrocity on European soil since the Second World War, which occurred on 11 July 1995. This year marks the 20th anniversary of that atrocity. A range of events are being held across the water and in Belfast and we will have the event here next Tuesday.

I welcome the publication of the report on direct provision yesterday, which went to the Minister for Justice and Equality, Deputy Frances Fitzgerald, and the Minister of State, Deputy Aodhán Ó Ríordáin. There was a good deal of publicity around the recommendations made in it. I ask the Leader if a debate on that report can be arranged in early course. As the Minister of State said, we need to examine how best to implement the important recommendations contained within it, which would greatly improve the lives of those currently in direct provision accommodation. It is an issue on which we have had cross-party agreement in this House, namely, the need to ensure greater protections for those in direct provision and greater adherence to human rights, particularly for children who are in direct provision along with their families. I would like us to have a debate on the issue. I very much welcome the findings made in the report and welcome the recommendations made in it.

We might also have a general debate in due course on industrial relations with regard to business closures and having respect for workers. The Minister of State, Deputy Gerald Nash, was in the House yesterday dealing with the Industrial Relations (Amendment) Bill. With many colleagues, I met some of the former Clery's employees outside Leinster House yesterday. Those employees were treated with immense disrespect by the new owners of Clery's. With many colleagues, I signed a petition in support of the former employees who are seeking a meeting with Natrium, the new company with ownership of Clery's, and asking that it treat them with greater respect. We must ensure there is greater respect for both the employees and the concession holders who were also so badly treated in the very sudden closure of Clery's which was carried out without notice. I believe we can achieve cross-party consensus on the need to reform industrial relations in that area.

Senator David Norris: I second the amendment to the Order of Business proposed by Senator Darragh O'Brien. I am rather a fan of Mr. David Hickey. I remember him as a very useful Dublin footballer. He was extremely courageous in support of Cuba and he was a very fine surgeon. I do not see how that case for corporate manslaughter could be sustained in court - I just do not see it running - but that is a legal matter. I am happy to support the proposed amendment. The closure of the pancreatic transplant unit is a very serious business. It means that people are put in peril of their lives. Pancreatic cancer is almost universally fatal. We have the heroic example of the late Brian Lenihan to bear witness to this.

I would like to ask the Leader and the Deputy Leader about the Civil Registration (Marriage Equality) Bill 2013, which is on the Order Paper. I understand all moves in this area are being

delayed because of legal action by two gentlemen. I wonder why this Bill is entirely in the names of those in the Labour Party. Does that suggest any disagreement?

Senator Ivana Bacik: On a point of order, that is a different Bill. That is a Private Members' Bill that I introduced, if it is the Bill to which the Senator is referring. It is not the Government Bill to give effect to the outcome of the referendum.

Senator David Norris: I see. I thank the Senator for that clarification.

With regard to direct provision, the House is more or less united on the issue, even though it voted down my legislation on a series of completely spurious grounds and we were promised that there would be movement on direct provision almost immediately, but we are still waiting for it. As we now have the report, for goodness' sake, let us act on it. I am happy to make available the Bill I prepared if the Government wants a model to work on and this time I hope it will be supported throughout the House.

Senator Hildegard Naughton: I raise again the issue of the proposed greenway between Galway and Dublin, particularly the proposals concerning the route from Loughrea, Craughwell, Clarinbridge and Oranmore into Galway city. Following discussions between the Minister for Transport, Tourism and Sport, a number of other Oireachtas Members and me, he instructed his Department to engage in further consultation on the matter, and it has now done this. The local authorities wrote to those landowners who are directly affected last week. While the authorities have said that they are flexible in the route chosen, I sincerely hope that proves to be the case. We are told that they have no interest in bisecting people's fields and that they are willing to look at going around areas that are going to cause farmers difficulty, which is very much to be welcomed. However, there are towns where the proposed greenway has to dock and these areas would require particular sensitivity. I urge all landowners in the area to engage with the local authorities and the National Roads Authority which will shortly begin the consultation process. This greenway would have very significant benefits for the areas concerned in terms of tourism, but it must be planned in a sensitive manner.

Senator Terry Leyden: I join the Leader of the Opposition in expressing sympathy to the Ryan family on the tragedy that occurred in Baltimore as a result of a freak wave. What happened there was extremely tragic and we are aware of all the other tragic incidents.

I did not have an opportunity yesterday to join in the expressions of sympathy extended to the bereaved families of the 38 people who were slaughtered in the massacre in Tunisia. They were defenceless holidaymakers. Those who perpetuated the atrocity set out to destroy the economy of that region, and this will destroy it. Larry and Martina Hayes of Westlodge, Athlone, County Westmeath, died, with Lorna Carty who was holidaying with her husband, Declan, from Robinstown, County Meath. Martina Hayes, née Kelly, was from Kiltoom, County Roscommon, and was a member of a large and well respected family. I know her brother Billy and his wife, Carol, and the couple who died had one daughter, Sinead. It is a terrible tragedy.

Tunisia, Morocco and the other countries in that region are in a state of crisis. When referring to the Egyptian coastal resort of Sharm el-Sheik on the Sinai Peninsula, I note that the website of the Department of Foreign Affairs and Trade advises Irish citizens to exercise caution, arrive and depart by air and avoid travelling outside the resort. They almost become prisoners in the resort they choose. It would be advisable at this time for people not to travel to these countries when they are in such a state of chaos. There is not a great deal of security in opera-

tion on the part of the Tunisians. Also, I hope they release the bodies shortly. People should be advised also not to wear any emblem that would identify them as being Christians because they might become targets for assassination in these areas. The situation is very serious and, unfortunately, it all goes back to the disruption of that region caused by President Bush and Mr. Blair. Anyone who reads history will know what happened. It is no excuse but the entire region has been destabilised and in the circumstances the Department should advise Irish citizens not to holiday in those countries when security is so lax. There was no security on the beach in Tunisia when one person, or more, was able to bomb, shoot and kill so many people in such a short period. It is a warning to everyone. It is also a wake-up call for the Department of Foreign Affairs and Trade which might consider advising people on its website that they should not travel unless it is necessary for business purposes, which is different. I am reluctant to travel to Morocco or countries in the area when there is so much instability stemming from Libya, Syria, Iraq and elsewhere in the region.

Senator Colm Burke: I, too, convey my sympathy to the families of those who lost their lives yesterday in Baltimore. These incidents occur during the summer months, in particular, when all of us need to be careful. Incidents occur which we do not expect and this was one of those tragedies. We should encourage people to be mindful in these circumstances. We cannot control everything that happens to us, but this was one of those incidents in which a tragedy occurred.

I agree with Senator Darragh O'Brien's comments about the lack of long-term planning in the health service. Last October I sought details of all the consultant vacancies in the Health Service Executive, HSE, and was told that information could not be provided for me. At the time I suggested it might give me the name of a porter in each hospital whom I could ring for the information. It took a further six months before I received the information that 325 consultant posts were either vacant or occupied by locums.

Another issue that I raised at the time I received that information was the number who will retire in the next 12 months in order that we can start doing long-term planning. There seems to be a policy within the HSE to wait for the vacancy to arise before it advertises for the post to be filled. Ten or 15 years ago there was a far more effective system in place in that long-term planning was done. Up to two years before a consultant retired the vacancy was advertised. If an appointment is confirmed today, it takes anything up to 12 months before a person is able to take up the appointment because he or she cannot walk out of their job. Whether they are in Canada, Australia or the United Kingdom, they have to give notice to their current employers but that does not seem to have been taken on board by the HSE. I agree with Senator Darragh O'Brien about the lack of planning in this area. It is an issue I have highlighted in the health committee and it appears to be going unnoticed. It is an issue that needs to be brought to the attention of the Minister who should take it up with the HSE because it is crucial. There are 300 positions vacant. At least another 100 will become vacant in the next 12 months and no long-term planning is being done. That is a major issue that must be tackled immediately.

Senator David Cullinane: Will the Leader tell us when the civil debt Bill will be brought before the Seanad? It has worked its way through the Dáil this week. This is the fourth item of legislation this Government has brought forward regarding water charges. Essentially, that is what the civil debt Bill is about. The Minister is dressing it up as a Bill which allows all utility companies to recover debts but it is being brought forward to penalise people who either cannot or will not pay the Government's water charges. We have debated three previous water services Bills and this is a water services Bill mark 4. In the discussion we had on the first one we were

told by Ministers that there would not be any dipping into people's pockets, that this was not a tax and that Irish Water would not be given the power to take money from people's bank accounts, wages or welfare. We now have a Bill that allows it to do that through the back door and with the permission of the courts, which is essentially what the Bill will allow the courts and Irish Water to do. It does not offer protections, as the Government's propaganda states, for those not in a position to pay their water charges because they cannot afford to pay them. This is a punitive Bill brought forward by a Government which is desperate to get people to sign up to a charge many have already taken a decision not to pay because either they cannot or will not pay. Is the Leader in a position to inform us when the Bill will be brought into the Seanad in order that we can have that debate again? Unfortunately, we were misled when the previous water services Bills were brought forward. When those of us who opposed those Bills said this would happen, we were told "No", and shouted down at the time by Ministers who were in the House, including, on the last occasion, the Minister of State, Deputy Paudie Coffey, who said that would not happen. Here we are again with the Government having to backtrack and bring forward a Bill I believe is punitive. I look forward to the Bill coming before the House quickly to allow us have that debate.

Senator Catherine Noone: I will be brief. I refer to the long awaited public health (alcohol) Bill 2015, aspects of which we have discussed on numerous occasions in the House, including below-cost selling of alcohol, health labelling etc. I was expecting it to come before the Houses of the Oireachtas in advance of them going into recess in July, but I am interested to know if the Leader has any idea when we will see the Bill which is urgent and long anticipated.

Senator Denis O'Donovan: I concur with the remarks of other Senators and offer my deep sympathy and condolences to those who lost dear ones in my home territory off Baltimore yesterday evening. It is very difficult to understand the plight of those who are suffering the loss of three family members and I note the search for the missing body. I have been involved in two such rescues, one of which resulted in a body not being recovered from a tragedy that occurred in Bantry Bay. In another incident, when the body of somebody very close to me was recovered, the divers handed me the body to bring it back into the boat. When one goes through that experience one feels the deep emotion, tragedy and loss, and no words of mine will be sufficiently adequate to console those suffering, particularly the teenage girl who lost her brother, her brother's girlfriend and her father. She saw it unfold and I wish the Lord will calm her and give her some consolation in this desperate situation. It is important to say it was a freak incident. We hear talk of safety at sea, the need to wear life jackets and all sorts of gadgets whereby if one falls overboard, a signal will be sent to the lifeguard station and so on. That does not apply in this situation. It was a rogue wave. People were walking along the shoreline on a lovely afternoon, something many other people and I would do. When somebody is washed out to sea, the normal reaction is for the father, son, girlfriend or boyfriend, as the case may be, to jump in to rescue that person. That is what happened. I hope the community as a whole will bear that suffering and that they will bond together. Unfortunately, tragedies of this nature, whether they are fishing or drowning tragedies, are commonplace in west Cork or off the coast.

I hope the other body will be recovered because the recovery of a body is a huge consolation and brings some sort of closure.

I ask the Leader to ascertain from the Minister with responsibility for the marine and fisheries, Deputy Simon Coveney, the reason he has not met a group of 60 razor fishermen from the east coast who have implored and beseeched him to meet them on certain issues they wish to

raise. This request is reasonable and I urge the Leader to convey my annoyance and displeasure at the Minister's refusal to meet this group. They can meet him in Dublin in Leinster House or anywhere that is convenient to him. It is a very basic request on issues they have and it is a very democratic request. I urge the Leader that the Minister should attend to this issue as soon as possible. If not, I will table amendments to the Order of Business next week to compel the Minister to come to the House to explain his reasons for not meeting these fishermen.

Senator Michael Mullins: I join colleagues in expressing our deepest sympathy to the families who have lost loved ones in one of the most beautiful parts of the world, Baltimore, County Cork. Senator Denis O'Donovan explained matters very movingly. It is difficult to comprehend that something like this should happen; such a freak accident. It is a message we need to get out from here today to all our citizens that as the fine weather sets in and people are tempted to take to the waters at beaches and rivers, they must exercise extreme caution at all times.

I join Senator Ivana Bacik in encouraging all colleagues to stand with the Bosnian community next Tuesday at Leinster House to mark the 20th anniversary of the appalling genocide at Srebrenica. We must never lose sight of what happened there and keep our eyes on the ball to ensure we never see a repeat of that, albeit there is evidence that atrocities almost as grave are happening in other parts of the world.

I ask the Leader to organise a debate in the House with the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, at the start of the next term on the Action Plan for Jobs. It is very welcome that figures published yesterday show the unemployment rate at its lowest since 2009. According to the CSO, the unemployment rate now stands at 9.7% down from 11.4% at the same time last year. There are now 335,900 more people at work than in June 2014. The percentage of male unemployed is still very high at 10.8% while the percentage of unemployed females is at 8.3%. There was a very significant development during the week when the first of the regional plans under the Action Plan for Jobs was launched. The plan is for the midlands and it is the first of a series of eight regional plans, which is the element we really need to discuss with the Minister. We want to see how each of the regions can build on their strengths and determine how we can have seamless collaboration between all agencies, local authorities and the private sector to secure quality jobs right around the country. What was announced in the midlands during the week included the establishment of a midlands manufacturing technology campus. It will have a major spin off. I want to ensure that when the western regional plan is launched, towns such as Ballinasloe which have been particularly badly hit in the last decade will start to see some worthwhile jobs being created. I would like a debate with the Minister on the very successful Action Plan for Jobs to discuss how we can give it a little bit more momentum to reduce the unemployment figure which is still too high at 9%.

Senator Gerard P. Craughwell: I once again ask the Leader to amend the Order of Business to take No. 71, motion No. 17 dealing with lone parents, before No. 1 on the Order Paper today. I cannot understand for the life of me why the penny has not dropped with the Minister that the policy she is bringing in will wreak havoc on at least one third of lone parents. Time and again, I have asked that we bring the Minister to the House to let her set it out for me because she has failed steadfastly to set out for anybody how this will benefit parents. There is no Scandinavian child care system in this country. There is no way one can force people into changing their lifestyles by cutting their money and bringing them to starvation levels. This morning, the Minister spoke with Sean O'Rourke. If she has time to go to him, surely she has time to come to the House.

Senator Darragh O'Brien: Probably not.

Senator Gerard P. Craughwell: She should explain the policy to the House which is the democratic forum to explain her position. She should set out the numbers for us. Let us take a number of examples, set them out here and debate them in the House. She has not convinced the lone parents of the country and she has not convinced the social commentators. Let her try to convince us and perhaps we can then assist her in convincing others.

The one thing that has come across today is that the Government is hell-bent on forcing through things that are fundamentally wrong. My colleague, Senator David Cullinane, adverted to the water services Bill and the fact that we are going to have legislation to allow what is for all intents and purposes a private utility company to stick its hand in my pocket, take my wallet out and take a payment from me. This is a retrograde step for Ireland. I was delighted to be able to advert to the fact of social media and the Minister's presence on Sean O'Rourke because if the Bill that is before the House tonight passes, we will no longer be able to go on social media. I ask for an amendment to the Order of Business to discuss that issue.

Senator John Kelly: Like others, I offer my sincere sympathy to all the families who lost loved ones in the Tunisian massacre and in particular to the families of Lorna Carty in County Meath and Larry and Martina Hayes in Athlone. Martina hailed from Kiltoom in County Roscommon and was a namesake of my own having the maiden name of Kelly. I cannot imagine what the families are going through.

On a separate note, I raise the issue that people are always very critical of politicians. Sometimes they say politics does not work, yet when they have a problem, it is to politicians they come. Sometimes, we are in a position to solve problems and sometimes we are not. We had a serious issue in my county in the past few months where the HSE was proposing to close a psychiatric unit that was home to 23 psychiatric patients. I took a particular stance on that issue and said I would not stand for it or allow it to happen. Many of my Oireachtas colleagues felt similarly about the issue. Following a meeting with the Minister of State at the Department of Health, Deputy Kathleen Lynch, last night, I confirm that the unit will not close. The patients will be left there for the rest of their lives. I was encouraged at the meeting when the HSE put its hands up and said the way it tried to do its business in this case by clinically assessing patients without family involvement was something for which it apologised. For many years, I have had an issue with the way the word "consultation" is built into everything we do in this country. We have consultation when it comes to windfarm developments, but unfortunately consultation appears merely to be a matter of saying "We are just telling you what we are doing and not listening to one word of what you are saying". It is the same with pylons. The consultation involves a statement to the effect that "This is where we are putting them. We are listening to you, but not acting on what you are saying". We had consultation when it came to the patients of the Rosalie unit in Castlerea where every one of them was consulted. Every one of them told the HSE that they did not want to leave, but the HSE still planned to move them out. All I can say is that thanks in particular to my own stance on this issue, it proves that politics can work. I am pleased about this.

Senator Diarmuid Wilson: I second Senator Gerard P. Craughwell's proposal to amend the Order of Business.

I join Senator Terry Leyden in extending sympathy to the families of Larry and Martina Hayes from Athlone and Lorna Carty from County Meath who were so tragically killed in

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Tunisia. I echo his call for anybody intending on going on holidays to these regions to think again. It is very volatile and the Department of Foreign Affairs and Trade should increase the risk analysis for these areas.

I join colleagues in extending my sympathy to the three people who so tragically lost their lives in west Cork. Senator Denis O'Donovan brought home to us the reality of such a situation and the trauma it causes to those involved, as well as to the communities involved.

Senator Cáit Keane: Like the other speakers, I extend my sympathy to the Ryan and O'Connor families which have lost their loved ones.

I welcome the report on direct provision published yesterday and the certainty the Minister for Justice and Equality has now brought to the very uncertain and unsavoury situation in which many residents find themselves. Implementation of the report is a necessity.

Senator Darragh O'Brien raised the issue of pancreatic cancer. There are eight people on the list. Every year for the past number of years eight pancreatic operations were carried out in Ireland. I agree with Senator Colm Burke who said that planning for consultants is necessary. In this situation, however, the post was advertised quite a number of times but they failed to fill the vacancy on the national kidney and pancreatic transplant programme. It was said that no one with the required skills has been found. As an interim measure, a surgeon from the North of Ireland is working one in four days, which is not enough. It is a very complex and quite costly operation but could patients be transferred to hospitals in the European Union until such time as a surgeon with the skills is found? There are surgeons with skills but oversight is required. The State saves €700,000 per operation as people do not have to receive dialysis over a 15 year period. Given the cost of dialysis versus the cost of transfer to another EU country, could that be looked at? I am asking the question because I do not know the answer. It may solve a problem in the short to medium term. It is not for the want of trying in that the HSE has advertised the post. I am reading the report on it.

I also welcome the announcement that all children diagnosed with cancer will have the medical card today. We might as well get in a little of the good news with the bad news. That is very welcome. In August, everybody over 70 years of age will get the medical card. We are looking after the most vulnerable - the children and the elderly - and I hope the people in the middle in time. We cannot do it all in a day.

Senator Darragh O'Brien: How about four years?

An Cathaoirleach: Senator Cáit is Keane way over time.

Senator Cáit Keane: When will the water Bill be brought before the House?

Senator Darragh O'Brien: The Senator should sit down.

Senator Cáit Keane: People have to pay for services and have to make choices.

Senator Darragh O'Brien: The Senator should tell that to the people outside.

Senator Brian Ó Domhnaill: Cuirim le focail mo chomhghleacaithe i dtaca leis na daoine a chaill a saolta tráthnóna inné i dtimpiste ar an uisce in iarthar Chorcaí - another tragedy at sea. Unfortunately, this time of year brings an increase in the number of such occurrences and it is extremely sad, particularly for those involved and their extended families. It is most

unfortunate that west Cork has again been hit with this sort of tragedy. Our sympathy goes to those families today.

I wish to address the Greek issue and the question of the founding principles of the European Union and where they are today. The founding principles go back to the Treaty of Rome and involve issues of integration and solidarity with other member states and citizens. Those principles are being quickly eroded. Solidarity means assisting other people. When we see the pictures of people trying to get food and scraps from rubbish bins in Greece, particularly elderly pensioners, and hear stories of schoolchildren fainting in the classroom because they have no food, it is apparent that the founding principles of solidarity are being challenged. An international protectionist system is being used, through democratic institutions of government, where international financial speculators and the capital markets are being protected by democracies. That is wrong.

Senator David Norris: Well said.

Senator Brian Ó Domhnaill: We must have a debate about this issue because the central pillar of the European Union in its founding form, together with the euro, is under threat. At what cost do we protect the euro? Is it at the cost of lives or of children dying? How dare the German Finance Minister ask or instruct the ECB not to intervene?

Senator David Norris: Exactly.

Senator Brian Ó Domhnaill: The ECB was supposed to be independent but the Germans seem to think they control it. How dare the Taoiseach stand up to protect capitalism in a world where hunger is allowing people to die. If we believe in the Europe that was founded by the Treaty of Rome, there should be solidarity and integration at Europe's core. That is not happening and, as democrats, we need to stand up for it.

Senator Fidelma Healy Eames: Our Greek colleagues are in desperate shape. I am very friendly with a Member of Parliament there who wrote to me on Monday saying she could not believe this was happening so quickly and that she might not be a European by the weekend. Of course, she will still be a European, but this is the result of reckless leadership by the Greeks themselves----

Senator David Norris: By the European Union, the European banks and the German and French banks that presented the Greeks and Cypriots with their gambling debts.

Senator Fidelma Healy Eames: The Senator is so right, but I am talking about today. Since the new Greek Government was elected, a high-wire strategy is being played which is risking everything for all of us. We paid the price for the entire European banking system. We never got it back, but that is another day's work. What I am talking about right now is the need to re-stabilise things.

I want to check with the Leader if the Minister for Foreign Affairs and Trade has arranged for the repatriation of Irish tourists and families in Tunisia. I listened to many of them yesterday. They are literally trapped in their hotels. A mother with four children plus a baby cannot leave the hotel. Given what has happened there, how could they risk going out? I understand the United Kingdom has repatriated its citizens using the RAF. These are times when people need their country, the Department of Foreign Affairs and Trade and quick action. Some of this was known before these people left Dublin Airport last Friday and they were not stopped from

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going. I understand the travel companies are not playing ball quick enough and are forcing these people to stay out their term. That is not a holiday.

Senator Feargal Quinn: I would like to bring up the question of Seanad reform. It is a long time since we had the referendum, after which the Taoiseach came back almost immediately and talked about having had a wallop and that we would have to do something about it. Eventually, last October, I think, he set up a committee consider it. It reported, to the best of my knowledge, in April and we were given a guarantee that action would take place. It is now 1 July and I fear that all these promises of Seanad reform are going to die. Will the Leader ask the Taoiseach when something can be done about this issue?

Senator Maurice Cummins: Senator Darragh O'Brien and many other Senators expressed their deepest sympathy to the Ryan and O'Connor families following the dreadful tragedy which occurred in Baltimore yesterday. As Senator Denis O'Donovan, a resident of the area, said, it was a freak accident caused by a freak wave, for which no one could legislate. Our hearts go out to the families concerned and we all pray that God will console them in their grief in the days ahead.

Senator Darragh O'Brien and a number of other Senators referred to people who required pancreatic transplants and others who had experienced problems following such transplants. Senator Cáit Keane pointed out that a consultant post had been advertised on several occasions in the past year and that a suitable candidate had not been found to fill it. The health service is not attracting a sufficient number of consultants. Senator Colm Burke said information he had received recently indicated that there were 300 consultant posts vacant. Some of these positions are currently covered by locums. The Minister for Health will have to address the serious problem of the continued failure to attract consultants to the health service. It is not possible to pluck surgeons out of the air.

Senator Darragh O'Brien: I am aware of that, but they are not being given priority.

Senator Maurice Cummins: I am surprised that the Senator has not sought to raise the issue in a Commencement debate, as I am aware that he has written to the Minister about it. I suggest he seek to raise it in a Commencement to ensure all relevant information is provided by the Minister.

Senator Darragh O'Brien: I will receive the same answer. I want action.

Senator Maurice Cummins: Senator Ivana Bacik, among other Senators, referred to the commemoration event proposed by members of the Bosnian community. I believe all Senators would want to support that event.

The Senator also called for a debate on the recently published report on direct provision. I will try to arrange such a debate before the recess.

The Senator also referred to the Industrial Relations (Amendment) Bill which was before the House yesterday and will be brought before us again. I imagine amendments on any of the issues to which she referred would be most welcome and I am sure the Minister for Jobs, Enterprise and Innovation would consider them on Committee and Report Stages.

The Senator also clarified the position on the Bill mentioned by Senator David Norris, the Government's civil marriage equality Bill, which has been held up.

Senator Hildegard Naughton referred to the greenway project in east County Galway, a matter Senator Rónán Mullen discussed at length yesterday. Engagement and consultation are the only solutions in dealing with these issues. I hope consultation will continue and that an amicable agreement will be reached.

Senator Terry Leyden referred to a number of matters that were raised yesterday and offered some advice to the Department of Foreign Affairs and Trade. Officials in the Department have done a terrific job in recent weeks in response to a number of tragedies. It deserves our praise and would I am sure welcome suggestions people might have to make.

Senator David Cullinane asked me a question about the civil debt Bill, but he is not present to hear the answer. While dates have not been confirmed, the legislation will more than likely be brought before the House before the recess.

The Senator also spoke about speakers being shouted down. Nobody is shouted down in this House, although there appears to be a great deal of shouting and bullying in Sinn Féin in east Cork. I will not refer further to that matter.

Senator Darragh O'Brien: It is not only in east Cork that it is happening.

Senator Maurice Cummins: I will try to find out for Senator Catherine Noone when the public health (alcohol) Bill will be brought before the House.

Senator Denis O'Donovan referred to a group of razor clam fishermen who wish to meet the Minister for Agriculture, Food and the Marine. I am sure they have written to the Minister to express their concerns. If not, I suggest they do so, but I will also raise the matter with the Minister.

Senator Michael Mullins called for the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, to come to the House to debate the review of the Action Plan for Jobs. He also noted that the unemployment rate had declined to 9.7%, which marks a significant improvement in recent years, although the figure remains high. The Senator also welcomed IDA Ireland's focus on regional policy. While I will try to ensure the Minister will come to the House again, we have had a number of debates on the Action Plan for Jobs.

Senator Gerard P. Craughwell has proposed an amendment to the Order of Business, that No. 71, non-Government motion No. 17, be taken before No. 1. I do not propose to accept the amendment. The measure has been flagged for more than two years and was discussed in the House on several occasions when social welfare legislation was being debated.

Senator John Kelly confirmed that a unit for elderly people in County Roscommon would not close, which is a welcome decision. An all-party motion on the position in this regard was accepted.

Senator Diarmuid Wilson expressed sympathy to the families of the victims of events in Tunisia and Baltimore.

As I stated, Senator Cáit Keane responded to Senators who had raised issues related to pancreatic transplants. From today, children under 18 years with cancer will automatically receive a medical card. This measure will be welcomed by all right-thinking individuals. While it should have been in place many years ago, Senators will agree that it is a major step in the right direction. It is also welcome that medical cards for persons aged over 70 years will be in place

by August. These are good news stories, especially for older people.

Senator Brian Ó Domhnaill referred to the situation in Greece, a matter on which I made a comprehensive statement yesterday. The Government is continuing to urge the Greek Prime Minister to return to negotiations in order that an amicable settlement that suits all parties can be reached.

Senator Fidelma Healy Eames referred to the repatriation of Irish families from Tunisia. As she indicated, the relevant travel company has responsibilities in this regard. The ambassador to Tunisia, Mr. David Cooney, is on site and has met the families affected who will probably return home on Friday.

Senator Fidelma Healy Eames: That is not repatriation.

Senator Maurice Cummins: Senator Feargal Quinn raised the issue of Seanad reform, on which we had a short debate recently. At the time I indicated that I would arrange a further debate on the matter and provide for every Senator who wished to contribute to have ten minutes speaking time. I hope to arrange this debate before the recess to allow everyone to comment on the proposals made. I am not aware of the Government's stance on the draft Bill. I will, however, try to arrange the debate in the next couple of weeks. I am sure the authors of the report will welcome the comments of Senators on it as we have had sufficient time to digest its contents. Those Senators who disagree with its contents will be able to voice their reservations in the debate.

An Cathaoirleach: Senator Darragh O'Brien has proposed an amendment to the Order of Business, "That a debate to allow the Minister for Health to outline his plans to fill the vacancy for a pancreatic transplant surgeon in Ireland be taken today." Is the amendment being pressed?

Senator Darragh O'Brien: Yes.

Amendment put:

The Seanad divided: Tá, 17; Níl, 22.	
Tá	Níl
Byrne, Thomas.	Bacik, Ivana.
Craughwell, Gerard P.	Brennan, Terry.
Cullinane, David.	Burke, Colm.
Daly, Mark.	Coghlan, Eamonn.
Healy Eames, Fidelma.	Coghlan, Paul.
Heffernan, James.	Comiskey, Michael.
Leyden, Terry.	Cummins, Maurice.
Mooney, Paschal.	D'Arcy, Jim.
Norris, David.	Henry, Imelda.
Ó Domhnaill, Brian.	Higgins, Lorraine.
O'Brien, Darragh.	Keane, Cáit.
O'Brien, Mary Ann.	Kelly, John.
O'Donovan, Denis.	Landy, Denis.
Power, Averil.	Moloney, Marie.

Quinn, Feargal.	Moran, Mary.
Reilly, Kathryn.	Mulcahy, Tony.
Wilson, Diarmuid.	Mullins, Michael.
	Naughton, Hildegard.
	Noone, Catherine.
	O'Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.

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

Amendment declared lost.

An Cathaoirleach: Senator Gerard P. Craughwell has proposed an amendment to the Order of Business, “That No. 71, non-Government motion No. 17, be taken before No. 1.” Is the amendment being pressed?

Senator Gerard P. Craughwell: Yes.

Amendment put.

The Seanad divided by electronic means.

Senator Gerard P. Craughwell: Under Standing Order 62(3)(b), I request that the division be taken again other than by electronic means. I would like Senators to remember what they are voting on.

An Cathaoirleach: The Senator is on record.

Amendment put:

The Seanad divided: Tá, 18; Níl, 21.	
Tá	Níl
Byrne, Thomas.	Bacik, Ivana.
Craughwell, Gerard P.	Brennan, Terry.
Crown, John.	Burke, Colm.
Cullinane, David.	Coghlan, Eamonn.
Daly, Mark.	Coghlan, Paul.
Healy Eames, Fidelma.	Comiskey, Michael.
Leyden, Terry.	Cummins, Maurice.
Mooney, Paschal.	D'Arcy, Jim.
Norris, David.	Henry, Imelda.
Ó Domhnaill, Brian.	Higgins, Lorraine.
Ó Murchú, Labhrás.	Keane, Cáit.
O'Brien, Darragh.	Kelly, John.
O'Donovan, Denis.	Moloney, Marie.
Power, Averil.	Moran, Mary.

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Quinn, Feargal.	Mulcahy, Tony.
Reilly, Kathryn.	Mullins, Michael.
van Turnhout, Jillian.	Naughton, Hildegard.
Wilson, Diarmuid.	Noone, Catherine.
	O'Brien, Mary Ann.
	O'Neill, Pat.
	Sheahan, Tom.

Tellers: Tá, Senators Gerard P. Craughwell and Diarmuid Wilson; Níl, Senators Ivana Bacik and Paul Coghlan.

Amendment declared lost.

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

The Seanad divided: Tá, 24; Níl, 14.	
Tá	Níl
Bacik, Ivana.	Byrne, Thomas.
Brennan, Terry.	Craughwell, Gerard P.
Burke, Colm.	Crown, John.
Coghlan, Eamonn.	Daly, Mark.
Coghlan, Paul.	Leyden, Terry.
Comiskey, Michael.	Mooney, Paschal.
Cummins, Maurice.	Norris, David.
D'Arcy, Jim.	Ó Domhnaill, Brian.
Healy Eames, Fidelma.	Ó Murchú, Labhrás.
Heffernan, James.	O'Brien, Darragh.
Henry, Imelda.	O'Donovan, Denis.
Higgins, Lorraine.	Power, Averil.
Keane, Cáit.	Quinn, Feargal.
Kelly, John.	Wilson, Diarmuid.
Moloney, Marie.	
Moran, Mary.	
Mulcahy, Tony.	
Mullins, Michael.	
Naughton, Hildegard.	
Noone, Catherine.	
O'Brien, Mary Ann.	
O'Neill, Pat.	
Sheahan, Tom.	
van Turnhout, Jillian.	

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

Question declared carried.

Growing Tourism to 2025: Statements

Acting Chairman (Senator Brian Ó Domhnaill): I welcome the Minister.

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): I thank Members of the House for giving me the opportunity to speak about tourism, in particular, the Government's policies to support the continued growth in tourism up to 2025.

When the Government took office in 2011, it identified tourism and hospitality as a key sector in Ireland's overall economic recovery and committed itself to various actions to support the sector, rebuild competitiveness, grow business and increase employment. Reducing VAT on tourism services has enhanced the competitiveness of the sector. This measure has been complemented by a radical change in our approach to visitors from developing markets through, for example, the visa waiver programme, as well as other positive developments in the broader visa regime. The Gathering in 2013 was a highly successful initiative, backed, crucially, not just by the Government but also by communities the length and breadth of Ireland and it delivered a significant increase in overseas visit numbers and revenue. The zero rating of the air travel tax, announced in budget 2014, has also had a welcome impact in terms of additional capacity on many existing routes, as well as the introduction of over 20 new services. In the 2013 budget, we extended the employment and investment incentive scheme to allow the participation of tourism accommodation and also confirmed that hotels and tourism accommodation could be held as rental investment assets as part of real estate investment trusts, REITs. This was extended for another three years in budget 2015.

1 o'clock

In order to place the Government's longer term plans in context, I will summarise briefly the current strong performance of tourism and its significant contribution to Ireland's overall economic performance. From a position, in 2010, where the number of overseas visitors had fallen by 16% in two years, we have seen overseas visitor numbers increase every year since 2011. In 2014 we attracted 7.6 million overseas visitors to Ireland and these visitors contributed an estimated €3.5 billion to the economy.

I am pleased to report that the picture for 2015 is very positive. CSO figures released last week show there were just over 3 million visits in the first five months of 2015, an increase of 12.1% compared to the same period in 2014. This represents an additional 329,800 visitors from around the world. This strong performance is all the more impressive as it is distributed over the full range of our source markets.

Visits from mainland Europe grew by 14% for January to May 2015, to almost 1.1 million visits. There were 453,000 visits from North America, an increase of 13.6%, and visits from Great Britain were up by 10.1% to 1.3 million. Visits from the rest of the world, mostly long-haul and developing markets, totalled almost 174,000 for the first five months of 2015, representing an increase of 13% on the same period in 2014. The resurgence in tourism in the past four years does not mean that the Government can divert its attention away from the sector. In fact, it necessitates very close attention by the Government to ensure Ireland's tourism sector can continue to grow in a way that is sustainable from an economic, social and environmental perspective.

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I will now turn to the policy framework that has been put in place to ensure tourism remains a central part of Ireland's economic recovery. Last March the Taoiseach and I launched the Government's new tourism policy statement, *People, Place and Policy - Growing Tourism to 2025*. It provides a framework for the tourism industry to thrive in a changing global tourism marketplace. The three headline targets of the new statement are: revenue from overseas tourism to rise from €3.5 billion in 2014 to €5 billion per year by 2025, net of inflation; 250,000 people to be employed in tourism by 2025, compared with approximately 200,000 at the current time; and ten million overseas visits to Ireland by 2025, compared to 7.6 million in 2014. The increase in overseas visits and, more importantly, the increase in overseas visitor revenue will have a direct impact on tourism employment numbers. Our goal is to create an additional 50,000 jobs in the sector. These are additional jobs that will support families and communities in every part of Ireland.

We have examined Irish tourism through the lens of people and place, and have devised a policy that builds on our innate strengths as a tourism destination while preparing ourselves for the challenges that the future will bring. I would like to bring the Seanad through a few important aspects of the new tourism policy statement. I will first address the people strand of our framework. We are focusing on those who work in the tourism sector and the means by which the quality of the visitor experience can be maximised through interaction with communities generally.

The people who work in tourism are a particularly important asset to Ireland. A chapter of our statement looks closely at the area of skills in the tourism sector. My Department and Fáilte Ireland are working closely with the Department of Education and Skills, SOLAS, and the expert group on future skills needs to ensure the training and skills development measures are in place in order that the tourism industry can effectively meet the needs of visitors into the future. The policy also acknowledges the key role played by a wide range of events in encouraging tourism into Ireland and in enhancing the experience of visitors during their stay.

A new policy objective in this area is that support for events will be weighted towards those that offset the seasonal nature of tourism. The Government will also examine closely the possibility of a repeat of The Gathering and the scope for other themed events and this will be pursued further when drawing up the tourism action plan which will follow the statement. However, we recognise that the many commemorations of critical events in our history in the coming years are not primarily focused on tourism; rather, they are occasions to remember, but on which we will also look to the future with confidence.

The place strand of our framework contains a range of objectives designed to ensure Ireland remains a place that people from other countries aspire to visit and one which provides the highest quality of visitor experience. Creating a desire to experience Ireland as a place and thus inspiring people to visit is at the core of our overseas tourism marketing. The tourism policy endorses, as a policy principle, the brand architecture and consumer segmentation model which has been developed by the tourism agencies and the tourism industry to identify and focus resources on the most promising consumer segments in each of our priority markets. The importance of maintaining and enhancing, through the protection of natural and cultural assets, the quality of place that visitors experience during their stay is clearly set out. Within the wider context of sustainable development, we will seek to balance that with appropriate development to adapt to changing visitor needs. There is a target of supporting capital investment in tourism for the purpose of improving the visitor experience where such investment is necessary but not feasible on a purely commercial basis. The key difference in the new policy is that supports will

be weighted towards investment that is complementary to brand propositions such as the Wild Atlantic Way and Ireland's Ancient East.

The Wild Atlantic Way has exceeded our expectations in terms of how quickly it has caught the imagination of people in our overseas markets, as well as communities along the route. The main objective of the Wild Atlantic Way project is to motivate more overseas visitors to visit the west, give them reasons to linger longer in terms of tourism experiences and encourage them to engage with the landscape and communities along the route.

Building on the lessons learned during the development of the Wild Atlantic Way, Ireland's Ancient East is a compelling tourism offering which will give visitors the opportunity to experience 5,000 years of European history in a small, compact area. It has the potential to attract significant additional visitors to these areas and, in so doing, will generate revenue and jobs in many rural communities. Last week, in Waterford, I met representatives of tourism businesses who were excited by the project, gave me feedback on it and are eager for it to get off the ground. I also want to acknowledge the role that counties such as Kilkenny have played in terms of moving forward with initiatives. I recognise the wonderful work Kilkenny has done in embracing the role of festivals and activities in delivering better events and a more authentic experience for domestic consumers and international tourists. I refer to the success of the Kilkenny Roots Festival and the great plans in place for another Kilkenny Arts Festival this summer, which I hope to visit. The manner in which Kilkenny and other counties have embraced such initiatives as Ireland's Ancient East gives me confidence that they will play a greater role in the future in delivering more tourists to the south and east.

Dublin is also the subject of a major brand experience project. The new Grow Dublin Tourism Alliance is, for the first time ever, focusing on a unified branding and marketing proposition for Dublin and is bringing together key stakeholders such as the local authorities, tourism agencies and industry representatives, as well as experts in key sectors such as marketing and communications. The alliance will also be responsible for putting in place a sustainable funding model to support the project. I acknowledge the role and work of Michael Carey and the many other people who voluntarily gave up a large amount of time to be involved in this project. In this sector those who are busy doing lots of other things such as keeping hotels, businesses or services open in recent years are now trying to find ways to make them grow even more quickly. I have frequently asked someone in the sector to give up his or her free time for next to no compensation to help our national pie get bigger and help us to market the country even better. Every time I have gone to people to ask them to do this work they have agreed. It is to the enormous credit of everybody involved in the sector that they want us to do even better in the future. While everybody involved in the sector competes ferociously against each other, as I expect them to do, they also collaborate in a way which is to their credit.

Having outlined various strands of people and place, I will focus on what brings them all together, which is policy. These are the three Ps: policy, place and people. When we bring place and people together through policy we come up with a proposition which is authentic and with which other countries struggle to compete. There is no point in looking at what other countries do and looking to do the same. There is no point looking at what we did in the past and saying if we keep doing it, we will be successful in future. This does not apply to tourism. It does not apply to many other parts of the economy, but it certainly does not apply to a sector which is so mobile and competitive. By bringing people and place together through the framework of policy we can build on the insights which have motored events such as The Gathering, supported initiatives such as the Wild Atlantic Way and festivals the length and breadth of the

country and come up with ways of doing things better in a more effective way.

I recognise the role of local authorities and communities in making it happen. We are well beyond the days of saying the Department knows best how to market something on the west coast or in the south and east of the country. What the Department knows best is how to create a framework in which other people can collaborate effectively. Agencies such as Fáilte Ireland and Tourism Ireland have world class expertise but it is local authorities and communities which know how the engagement works and happens.

Last August I attended the Fleadh Cheoil in Sligo with Senator Labhrás Ó Murchú. It was a great success. The expertise that went into making it happen is rooted in the local authority and community of the area. We can bring together the tools and, where needed, the funding to make such a collaboration far greater than the sum of its parts. I saw how that worked when I walked through the city of Sligo and saw how vibrant and animated all the streets and lanes were with music and visitors.

The final aspect of this concerns the direct role of Government policies in supporting this initiative. This is why the 9% VAT rate is so important. It is also why it is conditional on moderating pricing behaviour in the sector. I take this opportunity to reaffirm the message and the deal on this tax rate. I understand the need of the sector to make a living, price up and fund investment in new hotels or in upgrading existing bedrooms and hotels but this must be done in such a way that the sector does not become uncompetitive again. If people act in a way which reflects this, it will be recognised by the Government with regard to the VAT rate in place. Let us recognise our history in this area. Five years ago, two fifths of visitors who made the effort to come to Ireland and spend their money felt it was either poor or very poor value for money. Where are we now? Only 6% of tourists who came to Ireland in 2014 felt it was poor or very poor value for money. We have fought a long hard battle in this regard and it has been very tough for many people involved in the sector. Our policy framework recognises this is something on which we cannot loosen up or slacken our effort.

I recognise the role of cross-Border co-operation for a particular type of tourist who travels a great distance to come to Ireland. It is not of interest to him or her where the Border is or even if there is a Border. They want to experience all Ireland has to offer. We are doing great work in this area. Look at the work done by Tourism Ireland to support the Titanic Quarter in Belfast, all of the fantastic golf facilities in the North of Ireland and all of the other great things this part of the country has to offer. Perhaps the area in which we have demonstrated this the best is working together on events such as the Giro d'Italia. Every time I go to Armagh I still see the Giro d'Italia office. Look at the great work being done by the Government and the Northern Ireland Executive on the joint bid for the Rugby World Cup in 2023, an initiative enthusiastically supported by the Administrations of both jurisdictions.

I have gone into a fair bit of detail in many areas. I hope the House feels it has been worthwhile. The sector really matters to the economy and the Government has given it the recognition it deserves. We went through such dark days in the country in recent years but those days would have been even darker and we would still be in them if it had not been for the contribution made by sectors such as tourism. I look forward to announcing very soon the action plan that will come out of the strategy. I am not interested in having objectives or a strategy gathering dust somewhere. We will turn it into an action plan with dates for the measures we want to take soon and for those we believe will take a little longer. The Minister of State, Deputy Michael Ring, and I will chair the group. I look forward to returning to the Seanad to update it

on progress, to hear the views of House on the policy I have outlined and to get input on how we can do things even better.

Senator Labhrás Ó Murchú: Tá fáilte roimh an Aire agus gabhaim mo bhuíochas leis as ucht an méid a dúirt sé anseo inniu agus as ucht an clár don todhchaí a chur sé os ár gcomhair. I welcome the Minister and thank him for the concept and policy he has put before us on tourism in Ireland. We have had a number of debates over the years on tourism and it was always evident each speaker had a particular passion because they all brought with them experience from their own region and community. This fits in with what the Minister said about local authorities and communities leading the way. This is possibly one of the best things that can happen.

When I look back on the past debates, I remember issues being raised about how tourism was changing. We have had a fluctuating history when it comes to tourism. In the early decades of the State we were very much dependent on Irish-Americans coming to Ireland and it was exceptionally good, needless to say. It was bound to become diluted. Subsequently, we were seen as a destination which was different and which people wanted to experience. On top of this, for a small country we have punched above our weight in many areas such as sport, music, art or literature. This is interesting because we are in a way a small population.

The Minister was quite right to refer to the 5,000 years of antiquity and history. This makes us stand out. When it comes to discerning tourists and people who have money to spend, this carries something particular for them. I recall some years ago a survey carried out among tourists to Ireland on what was important to them. Number one at the time was national monuments, which is what we are speaking about in the new concept of Ireland's Ancient East because it is about our heritage which makes us different.

I recall that years ago Ireland had its own entry at a particular World Expo. I may not have the exact figures, but I believe we spent approximately €130,000 recreating a particular piece of heritage from Ireland. Other countries had huge entries costing millions of euro, but Ireland won the gold medal that year for the replica of Newgrange. We can see immediately why that was the case, because there would have been an explanation of Newgrange. People marvel that our civilisation was capable of designing Newgrange in such a way that when the sun rose on the shortest day of the year, it hit that exact spot. I asked a number of architects recently if they could calculate that today. I am not too sure whether it could be done, but it underlined our ancient civilisation as a progressive people. All of our stories are not sad. There was a great deal to celebrate there also.

What I like about this is that I can identify many of the points that arose here. I always felt that tourism was an industry that distributed the product, and also the profits, throughout the country. One could be living in an area that was not overly accessible and that might not have had a big hotel, but there might be something in the area that was a huge attraction. When I spoke about the fluctuating history of tourism and the changes that have occurred, I thought that was being somewhat sidelined. We saw people come to the cities and to places such as Killarney, and more power to them, but there had been a change over about 15 years whereby we did not see the same numbers travelling through the country as we had previously. Ireland's Ancient East is helping in that regard, similarly to the Wild Atlantic Way, which this year is to be seen at the Irish pavilion at Expo 2015 in Milan. That gives us an idea of its importance. We all know how successful it has been. It was always there, but it took somebody to point out what was available in a particular area.

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I will go a step further regarding Ireland's Ancient East. I understand that some people who believe they are somewhat outside the loop are anxious to come in. That is progress in itself. Many of the things we want to do not require money. What is required are marketing skills on the part of communities and others. I come from Cashel, a small town of 3,000 people in Tipperary, which might never have been heard of - although we had a few good hurlers in our day - if it were not for the Rock of Cashel. The Rock of Cashel is priceless. It is one of the foremost monuments in Europe, but I believe there is a need to do more to provide infrastructure. We have no hotel that can take a busload of tourists. That tells us something about the infrastructure.

Deputy Paschal Donohoe: No hotel.

Senator Labhrás Ó Murchú: We have no hotel that can cater for a busload of people. A quarter of a million people come to the Rock of Cashel every year, yet there is no hotel in the town that can cater for a busload. The point I would make - I am not suggesting it is not inherent in the plan - is that infrastructure must be part of what we are working on.

Another item in the six points listed in the famous survey that was done is high-class evening entertainment of a high quality. That can be provided regardless of how small an area one is in, even if it is only in a local pub or a community hall. Not every town will have a big theatre, but it is the ambience, friendship and all of that which makes the impact. There is a small pub in Doolin, in County Clare, which people throughout the world seem to know. I remember an uilleann piper coming in from New York on one occasion who said he was going to Doolin - he had heard about Doolin. My point is that we have to provide entertainment and other attractions, even in the smaller areas.

I make a special plea for bed and breakfast premises, because they are vital in areas where there are no hotels. They were exceptionally good in the past but, unfortunately, they are being over-challenged now. The overheads, red tape and so on for bed and breakfast premises must be revisited, because when a person stays in bed and breakfast accommodation in a rural area, they get a feel for the area. I believe they are a dying breed and I ask that we find some way of encouraging bed and breakfast owners to stay in the business.

Senator Terry Brennan: Ar dtús ba mhaith liom fáilte a chur roimh an Aire. Tourism is a key driver of social and economic development at both national and regional level. It is an industry largely populated by smaller enterprises and is deeply rooted in the fabric of economic life in both urban and rural areas. As well as being our largest standing source of services export earnings, it also supports employment across the country for a range of skill levels, often in areas where the scope to develop other industry is constrained. Based on 2014 surveys and research, Fáilte Ireland estimates that overall employment in the tourism and hospitality sector is over 210,000 people.

Tourism is central to the Government's economic recovery programme. It was a great initiative on the part of the Minister to take that on. The programme for Government includes a series of specific actions relating to tourism. Furthermore, a new tourism policy statement, which the Minister mentioned, People, Place and Policy - Growing Tourism to 2025, was launched in Kilkenny by the Taoiseach and the Minister on 23 March. I was happy to be present for that launch in fabulous castle surroundings in the medieval city of Kilkenny, which was a beautiful location. It sets out the Department's roles and priorities in supporting tourism into the future.

Mindful of the operational independence of the tourism agency, a final statement of tourism policy provides appropriate policy direction and support to the tourism agencies. In particular, it will enable them to focus supports based on changing needs, emerging trends, overall tourism prospects and development opportunities.

The Minister quoted some of the figures on visitor numbers. The number of visitors to Ireland last year was up 8.9% compared to the previous year, with 7.6 million overseas visits to Ireland last year. The number of visitors from mainland Europe was up 7.1% compared to the previous year. The number of visitors from Great Britain was up by 8% compared to 2013, when there were 3.163 million visitors. The number of visits from North America was up 14.7% compared to the previous year, and for other long-haul markets there was an 8.7% increase in visitor numbers last year compared to the previous year. There was an 8.8% increase in revenue from overseas visitors compared to 2013. In actual terms, expenditure from overseas visitors for the year was €3.548 billion, excluding air and sea carrier receipts. Trips to Ireland for the five-month period from January this year are up 12.1%. We thought we would never succeed in topping the figure for the year of The Gathering, but it is up 12.1% compared to the corresponding period in 2014. The number of visits from mainland Europe is up 14% compared to the same five months in 2014 and the number of visits from Great Britain in those five months is up 10.1%. The number of visits from North America is up by 13.6% and we have had a total of 453,000 visitors from North America in the first five months of this year. Therefore, we must applaud everyone concerned.

In other long-haul markets which were mentioned by the Minister there was a 16.3% increase in visitor numbers in the first five months of this year. For the first three months of 2015, the total expenditure by overseas visitors in Ireland, excluding fares, was €590 million which is an increase of 10.5% on the first three months of last year.

Fáilte Ireland's business sentiment index is positive, with seven out of ten tourism operators surveyed at the end of 2014 anticipating increased business this year. They have exceeded the figures already this year.

Fáilte Ireland has estimated that employment in tourism could increase by another 8,000 jobs during this year. Measures such as the retention of a lower rate of VAT, as mentioned by the Minister, the reduction of the air travel tax down to zero, as well as increased air access to Ireland and a greater focus on newer markets such as China and India through the introduction of the British-Irish visa scheme - the latter was a wonderful idea - should ensure Irish tourism will continue to grow.

The approved tourism business plan for 2015 targets growth in visitor numbers to Ireland of 6%. We achieved that target in the first five months of this year. Tourism Ireland is working hard to maintain momentum and hopes 2015 will be the best year ever for Irish tourism.

Tourism Ireland which is working closely with Fáilte Ireland has placed a major focus on highlighting the Wild Atlantic Way this year. I acknowledge the Wild Atlantic Way initiative by the Minister and the Minister of State, Deputy Michael Ring, who hails from the wild west. Both men have played their part in this wonderful achievement.

In the coming years Tourism Ireland will work closely with colleagues in Fáilte Ireland and the tourism industry to promote the new tourism proposition of Ireland's Ancient East, as mentioned by my colleague, Senator Labhrás Ó Murchú, in all of the priority markets overseas.

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I have a copy of the brochure and it shows that the region concerned extends from medieval Waterford to the Battle of the Boyne site. The Minister should consider including the small county of Louth in the project. I advocate that the project be joined with the Newry and Mourne region and extended up the east coast of Ireland. Senator Labhrás Ó Murchú mentioned discerning visitors. I can assure everyone that County Louth has history and folklore and numerous places connected to St. Patrick. The region also includes a medieval town, a Viking village in Annagasson, Ferdia's ford in Ardee and places associated with Cúchulainn. County Louth is known as the land of legends. All of these places must be featured on the brochure for the Ancient East initiative.

I acknowledge the voluntary contribution made to tourism throughout the country. It has been made by local authorities, particularly by people participating in the Tidy Towns competition. Visitors like to see towns looking well. I acknowledge the part played by volunteers the length and breadth of Ireland to bring tourists to their little towns or villages. People have done such work on a yearly basis in the past 50 or 60 years.

Senator Fidelma Healy Eames: I welcome the Minister and I am glad I was present to hear his speech because he said a number of things with which I agree. Looking at tourism through the lens of policy, people and place is wise. He also spoke about frameworks that his Department and the Government agencies were good at. I want to talk to him about the subject because there are areas that can be improved on. That is the broad outline of where I wish to go.

The policy of 9% VAT was very wise. I supported it when I was on the Government side of the House and I still support it. I will slightly deviate by saying the policy of 9% VAT has helped tourism and has increased the potential of distributing wealth around the country through tourism but it should now be extended to businesses in rural areas. I refer to businesses located on a high street which pay rent and rates compared with online businesses which do not. These businesses give life to rural areas. I am talking about independent retailers which badly need oxygen. I have often thought that we should do something similar for independent retailers. A reduction in VAT would really help them.

I wish to touch on the following topics: the greenway, Thoor Ballylee, Cashel House Hotel and rates. This morning the Minister and I spoke about the greenway. I appreciate he has opened up the consultation process to include farmers from Athlone to Ballinasloe to Galway city. A greenway is a great distributor of wealth for tourism but putting it through productive farmland will not work. There is a way to achieve a greenway for Galway and to meet farmers' needs and that is to use the old N6 route, to make it safe and to use the coastline, all of which are all in public ownership; therefore, the Minister will have no argument in that regard. I know he has reached the same understanding, namely, that we have to make the initiative work. I also know he wants the optimal use made of the money the Government invests in the greenway. I ask him, therefore, to consider seriously using the old N6 route for the greenway.

I am the chair of the Yeats Thoor Ballylee Society. Thoor Ballylee was Yeats's former home in south Galway and located near Gort. We opened the home to mark the anniversary of his birth on 13 June and between 700 and 800 people attended. The Minister may not know that the venue has been closed by Fáilte Ireland since 2009 due to flooding. Fáilte Ireland does not want the property anymore. The Minister of State, Deputy Ring, gave me a licence for Thoor Ballylee last September in order that we could fund-raise and it was brilliant.

Deputy Paschal Donohoe: What is the name of the project?

Senator Fidelma Healy Eames: It is Thoor Ballylee and refers to Yeats's tower. The long and the short of it is that the project represents our built and literary heritages. The project has been a draw for people. Since we opened the project three weeks ago - it is run by a voluntary committee without help from the State - we have taken revenue of between €1,500 and €2,000 a week in visitor fees. We have done incredible PR around the world on the project and we have capitalised on the Yeats 2015 initiative. The voluntary committee is working to make the project sustainable for the OPW to take it over in time. Thoor Ballylee must be declared a national monument and Senator Labhrás Ó Murchú referred to Cashel. Unfortunately, there has not been a willingness in this regard from the Minister responsible for heritage, which is a shame because Thoor Ballylee is a jewel in the crown. Earlier the Minister spoke about place. I can assure him that Thoor Ballylee is a gem, particularly when one looks at the number of visitors from at home and abroad who visit because anything to do with Yeats is such a draw.

I refer to the Cashel House Hotel, which is an historic house located in Connemara. It is the only employer in the area with about 30 staff. De Gaulle visited the house in 1967 and now the hotel has the De Gaulle gardens, seat and bedroom. French tourists visiting the region do not know where the house is because the signage, the finger sign, has been taken by the NRA and Galway County Council. I got a special dispensation for it but these are frameworks with which the Minister should work. He should work with the NRA and the councils to ensure tourism is not hurt by rules like those that apply to signage. Imagine removing the signage and leaving people not knowing where to go.

Rates are another issue I wish to raise. The rates for this historic house are in the region of €30,000 a year. The woman who owns it is a widow and, I would guess, in her early 70s. She told me she has to take in €160,000 in turnover before she makes one cent. In fact, she has invested her pension into keeping the house open. What is particularly frustrating is that she is the only employer in the area.

There is a multiplicity of benefits to examining what can be done to support rural tourism. Rates, as I said, must be addressed, particularly how they are applied in rural areas. The Wild Atlantic Way was a brilliant idea and has proven a great draw for tourists. However, we have a situation where Irish Water made a decision to lay new pipes in Oranmore during the summer season. We have had several weeks of negotiations to prevent the village from being ripped up at the busiest time of the year. There is a lack of joined-up thinking on the part of local authorities, Irish Water and rates departments when it comes to tourism. These frameworks must be reviewed.

The Minister is only too aware of the potential. We have a fantastic country which people love to visit. The Minister touched on something very important when he referred to value for money. We can continue to offer tourists value for money if the employers and businesspeople who effectively run the tourism business are not cut off at the knees by silly decisions such as the one to which I referred in respect of signage. The issues with rates are, as I have outlined, a significant inhibiting factor. I thank the Minister for listening and hope he will take on board some of what I have said.

Senator John Kelly: I welcome the Minister. Since the dip in tourism figures in 2010, we have seen the huge success of The Gathering which continues to have a ripple effect. For example, an event along the same lines is taking place in my own village this weekend, with 50 family members, 25 of them from America, coming together. Overseas visitor numbers are up 10.3% compared with the first six months of 2013. The number of trips to Ireland increased

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by 12.3% in quarter two, April to June, last year compared with the previous year. This is all excellent news for everybody involved in the tourism sector and reflects the great work being done by the Government. The figures for North American tourists are increasing year on year, as are those for mainland Europe and Britain. I am confident we will see those trends continue in 2015.

We have a great deal to offer in this country from a tourism perspective. If we had good weather, it would be the best place in the world in which to holiday. It is the only thing we cannot guarantee, so it would be great if the Minister could do something about the weather. Other speakers referred to the various aspects of our tourism product, including the hugely successful Wild Atlantic Way initiative and the similarly successful greenway route from Westport to Achill. We have fantastic lakes and rivers, cycle routes and walkways, as well as wonderful attractions such as the Cliffs of Moher, Croagh Patrick and Achill Island, the latter being a beautiful place with lovely people and one of my own favourite places in the world. It is a vital part of our tourism package that we have the friendliest people in the world, as reflected in the feedback from visitors. Tourists like to encounter friendly staff in pubs, clubs, hotels and restaurants.

The Government's new tourism policy, People, Place and Policy, seeks to grow tourism in the next ten years with a view to generating an annual revenue of €5 billion from 10 million visitors in 2025. This expansion would see employment in the sector rising to 250,000, an increase of 50,000 over the current level. The Government has given an undertaking to retain the VAT rate at 9%, something which has proven very successful, so long as we remain competitive. Staying competitive is crucial to the further success of our tourism industry.

Anybody working or living in Dublin city can see it is full of tourists all year round. The same is true of Galway city. All across the country, small towns and villages are hosting events to attract tourists, which involves a great effort on the part of large numbers of volunteers. I take the opportunity to compliment Jim O'Sullivan who is trying to develop a Beara-Breifne greenway based on an old Famine walk from the Beara Peninsula up to Leitrim village. He is working with a colleague and friend of mine, Jimmy Coogan, on that project, but they have, unfortunately, encountered some problems. Farmers are largely co-operating but where they do not, the initiative is running into problems. Perhaps the Minister might consider offering some type of incentive to farmers who do not want people crossing their land.

My own county of Roscommon has a great deal to offer but is one of those counties that tends to be forgotten. Marketing of the region by Fáilte Ireland focuses mainly on places like Westport and Galway, with counties such as Roscommon losing out despite the attractions it has to offer. We have Lough Key Forest Park, for instance, and many beautiful lakes and rivers. We have the heritage capital of Ireland, as far I am concerned, in Rathcroghan Visitor Centre, with all its ring forts. We also have Clonalis House and the Irish National Famine Museum at Strokestown Park. The list of attractions is endless. In common with other counties, we also have traditional song and dance to offer. Unfortunately, Senator Labhrás Ó Murchú, who is a great champion of Irish music, is not in the Chamber. Tourists love to hear the Irish singing and to see Irish dancing. Simple things like that mean a great deal to visitors.

In the village in which I grew up, Ballintubber, there is an old castle which was never developed in any way. This coming weekend, however, 50 American student archaeologists are arriving to stay in the village for six months or more while they investigate what is hidden under the ground at the castle site. That is a fantastic opportunity for a village with two pubs, one

church and a post office. Greater investment in heritage might well yield a huge benefit for the Government by way of an increase in tourism revenues.

Senator Feargal Quinn: I am delighted to welcome the Minister back to the Seanad. He was always an energetic and competent speaker as a Member of this House. It is a pity he was demoted to the Lower House; we would have preferred to keep him here.

Senator Diarmuid Wilson: Perhaps the Minister might come back to us some day.

Senator Catherine Noone: Senator Feargal Quinn has said a terrible thing.

Senator Feargal Quinn: The Minister is giving us an opportunity today to influence the Government's new tourism action plan. The policy document has been immensely interesting to read, especially for somebody like me who grew up in the tourist business. My father opened Red Island Holiday Camp in Skerries in 1947, just after the war. My family was in the business at a time when tourism was not a big thing and there was, in particular, no enthusiasm for the types of holidaymakers we were accommodating. The tourist board at the time
2 o'clock was focused on promoting hunting, fishing and golfing, and encouraging the types of tourists who came to us was not really supported. My father decided to operate on the boomerang principle, which was based on getting the customer to come back. That principle offers an amazingly powerful tool. We should focus on encouraging everybody in the tourism business in Ireland to remember that their main job is not to get as much money as they can out of tourists but to give those tourists the type of experience that will see them returning on a regular basis. In fairness, that is already happening to a large extent.

I welcome the Government report which contains a number of very good measures to grow the industry. The maintenance of the 9% VAT rate will depend on the sector ensuring it remains cost-competitive. I really hope that crucial measure is maintained. It would be much more useful if the Government would give a commitment to retaining the rate until at least a certain date, say the end of 2016, to provide more stability for businesses.

I hope the Member will take on board the suggestions offered by Senators today for growing the tourism industry. I will now outline the proposals I have for meeting that objective.

I note that there is only one mention of the Schengen regime in the report, while there are only three mentions of China in it. The report states:

Given that the UK is likely to remain outside the Schengen area, it is unrealistic to consider that Ireland would become a member of Schengen as that would require the re-introduction of border controls between [here and Northern Ireland]. Therefore, the goal is to continue to work to maximise the efficiencies that can be gained in the processing of visas for visitors for whom a visa is required to enter Ireland and the UK.

That is the elephant in the room. We all know that Chinese visitors are the fastest growing market - we heard it mentioned today - and this will continue to be the case for the foreseeable future. There is a fascinating estimate that more than 100 million Chinese tourists will spend nearly \$200 billion this year around the world - far more than Americans and Germans. We are suffering massively because of the Schengen agreement: the United Kingdom gets only one ninth of the number of Chinese tourists that France gets. We need to have a debate on the Schengen agreement. We are missing out on hundreds of millions of euros and thousands of jobs in the tourist sector because of the Schengen agreement. We can do something in this area.

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I am not quite sure where one would start, but it is necessary to do so.

We should also be considering what the Italians have done in the past few years. The Italian foreign ministry opened up several mobile offices in China which were able to issue visas. Therefore, visas were issued not only at the Italian embassy in Beijing and its consulate in Shanghai but throughout China. Thanks to this strategy, the number of tourists from China to Italy grew by 100% in the summer of 2011. Can we follow this example and enable such tourists to come here? I would like to see if the Department of Foreign Affairs and Trade could open up mobile visa offices in select locations in China. For a small investment, the reward from countries such as China could be significant. We should examine the idea.

Another great idea is from the United States which interviews Chinese visa applicants online and allows them to pick up their visas at any of 900 bank branches rather than at a US embassy. That is a great idea to make it easier for tourists to visit which we should consider implementing. Thanks to that scheme, the United States saw a 22% increase in Chinese visitors last year. Perhaps such a provision should have been included in section 5.2 of the report. I would like to see the Government examine the potential for such a scheme to be implemented here.

I note that section 1 of the report is the only part that makes reference to support for the Irish language and the Gaeltacht. There is a lot more to be done here. In particular, the Irish language means that towns and cities here can be different from towns in the United Kingdom or America. If we can encourage use of the Irish language, it will enable us to differentiate our towns in order that visitors coming here do not feel they are coming to the United Kingdom.

Rural tourism is another area. I had the opportunity, when I was 19 years of age, to be involved in an organisation called Comhar Taisteal. Comhar Taisteal was a travel co-operative. At the time, it made a deal with CIE that families could travel to west Cork and stay on farms. We made all those arrangements. I went down to west Cork and arranged a lot of that. The idea was that for a small sum they could travel there and be looked after by the farmers. City dwellers had a chance to stay on farms and experience part of the rural tradition. There is an opportunity to do something similar. This idea is also from Italy, where the concept is known as *agriturismo* and has worked very well. It is the basic idea of a small farm offering accommodation and a unique experience to a tourist. It could be a small cheese-making farm with a few beds, and tourists are willing to pay a premium for the experience. What they have found in Italy is that this sort of rural tourism it is extremely lucrative. Such tourists are willing to pay three to four times more for this sort of unique and authentic experience. Imagine the potential for rural areas in Ireland. I note that Senator Healy Eames spoke about what could be done in rural areas. These *agriturismo* farms get support at both national and EU levels. We should be examining this model here, and perhaps the *agriturismo* idea from Italy might fit in well. There are so many farms here that could offer the authentic Irish farm experience and a bed where tourists can experience something different, and even help out on the farm. We all did so, certainly in my day. We did not go away to hotels on holidays; instead, we went to our cousins down the country, and it was a real experience. We could almost do the same again. If it is done successfully in one part of the country, it could provide a national model. We do not have anything similar to the Italian *agriturismo* here, and the Government should look closely at it, as it attracts exactly the sort of high-margin tourists that the Minister wants to attract. On another similar note, the *agriturismo* model in Italy has been found to fuel exports of high-margin agrifood products. I look forward to hearing the Minister's views on this idea and some of the others.

I note that Doolin was mentioned by Senator Labhrás Ó Murchú. In Doolin there are two competing ferries going out to the Aran Islands. One of the companies involved has now come to Dún Laoghaire and Howth and runs one of its Doolin boats from Dún Laoghaire to Howth twice a day. The idea is wonderful. I note the number of people coming to Howth to do this. One goes out to Howth and gets on the boat to Dún Laoghaire and included in the fare, at a cost of €1, is the return trip by DART, in order that if one has come to Howth one can end up back in Howth and the fare is reasonable. This is the sort of initiative that is taking place. That one came from Doolin, but the model is now capable of being transferred right around the country.

I am delighted that the Minister has come to the House today and given us an opportunity to debate and influence policy in the future.

Senator Mary Ann O'Brien: I thank the Minister for coming to the House to discuss his policy and allow us to share our ideas and debate our vision for tourism in this country up to 2025. It is important, as this is a huge area, that we all are here today and that we listen and give it our all, because it is our children and grandchildren who will profit, with the nation.

It is a huge area, as I have said. I will focus on heritage, which I understand is not the Minister's area, although it should be. Since I came to the Seanad, I have wondered whether the Minister gets frustrated sometimes that we operate here in individual silos. I would like if all of the areas that touch on tourism were under one strong ministry. For example, we have, in the brilliant young Minister of State at the Department of Finance, Deputy Simon Harris; the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys, and the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, three excellent human beings, but I would like to see the OPW, arts, heritage, tourism and any matters to do with the environment that would affect forestry or tourism all under one portfolio such as that of Deputy Paschal Donohoe who could work on the whole area. If we are to reach these goals, such a development would be powerful in Government policy and around the Cabinet table in the future.

Today, we are at 9.6 million visitors and we want to get to 10 million. I would even like to get beyond that. We are at a turnover of €1.4 billion and we want to get to €5 billion. I would like to get beyond that, because I am the greatest raving fan of Ireland in the world. We have one of the greatest brands in the world. I know for certain that we have some great competition. For example, there is England, across the water, with its National Trust. In driving around England, one sees that they look after their pubs, villages and old buildings. As the Minister will hear from my little speech, I do not believe we are there.

Senator Feargal Quinn has a brilliant idea about China and I saw the Minister writing it down. It is similar to the pre-clearance facility which allows Irish people to clear immigration control when travelling to the United States. I now see so many Europeans coming in through Dublin. I note that one must get a special visa and when one visits Paris, it is overrun by the Chinese. London and England are only getting a tiny number. The Chinese have money to spend. Let us act and get them. Let us put the equivalent of IDA Ireland offices into China to make it easy for the Chinese to visit this country and spend their much needed money.

The areas that make this country an attractive destination include our natural scenery, walled towns, culture, heritage, folklore, landscapes, ocean, islands, rivers, canals, lakes, food, archaeology, architecture and the outcome of our same-sex marriage referendum. Three gay friends of mine, one from New Zealand and two from the United States, are coming here next year to get married. I am thinking that perhaps I should start a business. I am being a little light-hearted,

but this is an opportunity.

Deputy Paschal Donohoe: It is.

Senator Mary Ann O'Brien: This is a beautiful country to visit. My friends from New Zealand want to get married on the River Nore in Kilkenny.

To touch on some of the negatives, one is the overarching Government policy. We need co-operation among Departments, a realigning of ministries and to pull it all together in order that we can be powerful when it comes to this area. I also mention the EPA and note that Senator Denis Landy is present. The EPA upsets me greatly with respect to tourism. There is a blanket immunity around the EPA and I cannot get into that issue now, but the Minister and I know that factories and businesses which affect our environment have been allowed into the country. Tourists would not come to this country if they knew about the likes of Aughinish in Limerick or what is going on in Portlaoise. We must lift the blanket immunity around the EPA and recognise that with respect to every decision of IDA Ireland on foreign direct investment, the granting of licences by the EPA affects our future in terms of attracting visitors and our tourism.

I heard the Minister mention a great man, Michael Carey. The Minister said, "The key difference in the new policy is that its supports will be weighted towards investment that is complementary to the brand proposition such as the Wild Atlantic way." I welcome that vision. I am mindful of Michael Carey who gives so freely of his time and he has done an amazing job with Bord Bia. One of Bord Bia's initiatives was Food Works, where Teagasc, Enterprise Ireland and Bord Bia, on foot of co-operation among Departments, came together and went all over Ireland advertising our products. Those involved found brilliant young entrepreneurs and some fantastic businesses have come together as a result and will realise valuable exports. Will the Minister talk to Michael Carey and the other brilliant entrepreneurs he mentioned to examine if we could develop a tourism works initiative and get tourism entrepreneurs to come together with either marketing or tourism initiatives whereby we could achieve in the tourism area what Bord Bia has done in its Food Works initiative? It would involve attracting young people with ideas and fast-tracking and upscaling their ideas to make them a reality.

I will move on to the heritage sector and want the Minister to convey my comments to the Government as I appreciate this sector does not come within his remit. On 5 June in Kilkenny, the chief executive officer of the Heritage Council of Ireland launched the 20-year celebration of the Heritage Council. Our heritage attracts 90% of tourists. The chief executive officer stated, "Levels of public interest in, and engagement with, natural and built heritage have increased significantly over the past 15 years". He also stated, "the fact that the council has a fund of just €547,000 to disburse [nationally means] ... that only a third of the 612 applications, from community groups all over the country, could receive any [investment]...". We used to give €20 million to Heritage Council and now we give it only €7 million. We all know for certain that heritage is one of the main reasons people visit this country. England is our next door neighbour and we know what a fantastic job the National Trust does. The Minister, together with his Cabinet colleagues must, as a matter of urgency, put together a meaningful budget and by that I mean adding two zeros to the current allocation of €7 million. We all talk about The Gathering and what a great success it was. Why could 2016 not be the start of a five-year period in Ireland called the "restoration period" and why could a meaningful budget not be put in place to restore our heritage sites? Many of us went to the briefing in Buswells and some super young people are working in the heritage sector. One young man has been working in Kilkenny and Youghal, but there are many other towns. What about Athy and Carrick-on-Suir? To take the example

of Athy, the Shackleton Museum is a project we are trying to get up and running there. The museum exhibitions span the Gordon Bennett route, the First World War and the Shackleton heritage. Shackleton is a world brand. That museum has managed to get Ulf Bakke in Norway to agree to sell, at a nominal price, Shackleton's cabin that he slept in on his ship. Its budget from the Heritage Council is €42,000. The museum curator, Margaret Walsh, works tirelessly; it is now June and she works for nothing for the rest of the year. We could all tell the Minister stories. We need co-operation; we need to get everybody together and to provide a meaningful budget for this sector.

With respect to Fáilte Ireland's website, one would wonder if there are cities in Ireland other than Dublin. We have the Wild Atlantic Way, the Ancient East heritage which is wonderful and Dublin, but what about Waterford, Galway, Cork, Limerick and, as this is one island, Belfast? We need to get all their names up there. We need to set up the portals and promote festivals and sports events. I could go on because I have many ideas to put to the Minister about adventure tourism, business tourism and educational tourism, touching on what Senator Feargal Quinn said, and agritourism and we can steal ideas in these areas from around the world. We have one of the greatest brands in Ireland but rather than I boring the Minister saying we need to gather ourselves together, what we need is to get one strong pillar in the Government to get our act together and ensure the area is properly funded as opposed to the joke in terms of current funding. I was the first person to bring up Russborough House and the Beit Foundation paintings.

Acting Chairman (Senator Imelda Henry): The Senator is two minutes over her allotted time and many other Senators wish to contribute.

Senator Mary Ann O'Brien: When I was in America I read an article in *The New York Times* stating we were selling the paintings. We must not let our heritage escape this country. I thank the Acting Chairman for her latitude and apologise as I went on for far too long.

Senator Catherine Noone: I welcome the Minister and congratulate him on his continuing success in his portfolio. For decades tourism has been a crucial element in our economic and social development, both nationally and regionally, and above any other industry it has very far-reaching effects on society, as it benefits so many who are involved in it. Therefore, it must be a top priority for the Government at all times.

Like many other visitor destinations, the tourism industry suffered a severe blow during the global recession. The past few years, however, have seen the industry vigorously bounce back with figures continuing to grow exponentially year on year. Undoubtedly, as alluded to by other Senators, The Gathering initiative in 2013 was the ideal catalyst to stimulate the revival of the industry. However, credit must be given to further Government initiatives, as other Senators mentioned, such as retaining the 9% VAT rate, for which I strongly campaigned, and the Wild Atlantic Way and other initiatives which Senators mentioned. These have greatly helped to build on this success to help further grow visitor figures by 8.9% in 2014. New initiatives such as Ancient East should be commended, as should the Tourism Policy Statement, People, Place and Policy - Growing Tourism to 2025.

Taking all this into account, however, I believe more could be done to further grow the tourism industry. We should make it our priority to capitalise on our recent success and aim to be a destination of the first choice for high quality, value for money and memorable visitor experience. Global level tourism is changing and, as such, we must strive to stay ahead of the game. Destinations are reinventing themselves, moving upmarket and offering memorable

holiday experiences. Consumers are moving from having one holiday to several shorter city breaks and many are sourced over the Internet. There is increased demand for breaks linked to health, meaning there is more demand for activity or adventure breaks, as Senator Mary Ann O'Brien mentioned, and spa breaks. There is also far more demand for environmental, historical and cultural experiences within a unique and authentic experience. According to research conducted recently in Scotland, for many visitors, especially from North America, the authentic experience matters more than the destination. Senator Feargal Quinn mentioned the *agriturismo* product in Italy. We have so many things that could be promoted in this way and they are hugely authentic and add to people's experience. People already want to come to Ireland as a destination. That we can back-up the authentic experience in this country is something on which we should capitalise. Senator Mary Ann O'Brien mentioned heritage and I agree wholeheartedly with her comments on that matter.

As such, we must strive to increase the cultural experience. We should be shouting from the rooftops that Newgrange is older than both the pyramids and Stonehenge, for example. Meanwhile, lest we forget, our natural larder is one of Ireland's distinctive assets, providing a range of high quality products such as whiskey, salmon and other seafood, all of which can add to our visitor offerings. Our eating out experience needs to meet visitor expectations, whether it is fine dining, family meals at visitor attractions or food on the go for mountain bikers. We need to do much more to consistently reflect the quality and authenticity of our food and drink experience within tourism.

On the subject of sports tourism, I am aware that Fáilte Ireland has an overall strategy to attract sports enthusiasts and this includes events such as the Giro d'Italia, American football games and the bid for the Rugby World Cup. A separate national golf tourism strategy similar to that of Scotland would be a good idea to attract even higher figures from this lucrative and high spending global market. Scotland currently markets itself as the home of golf and has launched a national golf tourism strategy. It is fair to say, with the unprecedented success of Rory McIlroy and others, that we could equally claim to be the home of golf, and we should look to capitalise on this success. This strategy could work along the lines of a proposition drawing the full golf experience together under a single global brand aimed at capitalising on the existing and potential demand for golf in Ireland. Moreover, we need to boost our marketing capabilities in adventure tourism, particularly in international markets, alongside further investments in product development, skills and training.

Marine tourism is another area in which more could be done. Steps could be taken to help this sector grow through enhanced leadership and collaboration, with a focus on product development and active targeting of the valuable European market. We should also review the burden of potential Government legislation with regard to the tourism industry. Reviewing legislative or regulatory burdens on tourism businesses would assist more entrepreneurial activity in the area, and consultation with the industry on proposed legislation is vital in this respect. One example of European legislation that will come into effect - an agreement has been reached this week - relates to roaming charges for mobile phones. That will have a major effect on business but a massively positive effect on tourism. It shows how legislation can lead to an increase in tourism.

We also need to increase our attractiveness to long-haul visitors such as those from China. Senator Feargal Quinn has already spoken about this and I agree with his comments on visas and the Schengen issue. I note that a campaign by VisitBritain to promote its tourism potential in China has proved extremely successful. In China, it is popular to give names to favourite

celebrities, places and foods that describe what people think of them. As part of its Great Names for Great Britain campaign, carried out on social media last year, 101 of Britain's most loved attractions, as well as a range of lesser-known places, were renamed in Mandarin. People made suggestions through a micro-site on social media with the aim of getting others to travel to Britain. Examples of the names included the Highland games being renamed as "strong-man skirt party". The Mandarin names have promoted engagement between the British and Chinese populations and encouraged much more tourism. Our different boards are very good at trying to come up with novel ideas, but we can learn from other countries too.

Senator Kathryn Reilly: I welcome the Minister. The tourism sector has been one of the successful elements of the Government's term in office.

Senator Catherine Noone: Shock, horror.

Senator Kathryn Reilly: I know it is a shock that I have said something positive.

Senator Paul Bradford: The Senator might be expelled next.

Senator Kathryn Reilly: Tourism supports local economies and businesses and I will give credit where it is due. With initiatives such as The Gathering and the Wild Atlantic Way and a series of effective and imaginative ad campaigns, tourism numbers have seen a steady increase in the past few years. I will not go into the figures as they have been gone over already. That should be welcomed and I recognise that progress.

Increased numbers of people visiting Ireland will lead to sustained improvements year on year and that will improve the hospitality industry and local economies, while improving our standing right across the world as a country that is rich in culture and heritage. I will refer to the development by local authorities of comprehensive tourism strategies, as well as their maintenance of attractions and amenities. In the document *People, Place and Policy: Growing Tourism to 2025*, the role of local authorities is referenced quite heavily in respect of tourism promotion and that is correct. Included in section 4 are four recommendations about the role of local authorities and I am particularly interested in recommendations 4.1.1 and 4.1.2, which provide that local authorities will be encouraged to support communities in tourism development and co-operate with neighbouring authorities as appropriate to maximise tourism opportunities for regions as a whole. The Department of Transport, Tourism and Sport and Fáilte Ireland will encourage the sharing of expertise between communities that have been successful in building the tourism capacity of localities and those at an earlier stage of development. How will local authorities be encouraged to do this? Is there a forum where this can happen and will it be facilitated? Will it be left to the initiative of local authorities? How will the sharing of expertise in the Department and Fáilte Ireland come about?

The report also mentions that the Department is participating in the interdepartmental group tasked with implementing the recommendations of the report of the Commission for the Economic Development of Rural Areas, *Energising Ireland's Rural Economy*. Will the Minister update us on that in his summary? As other Senators have mentioned, the role of tourism in the rejuvenation of rural Ireland is important, particularly in the Border area, where I am from. In the past couple of months, for example, my colleague on Cavan County Council, Mr. Noel Connell, had a motion passed on the need to develop and enhance the tourist potential of Lough Sheelin in County Cavan. Part of that proposal was a need for a roadmap to provide a framework to which all stakeholders could commit for both marketing and development of the area.

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Any proposal or plan along these lines should be developed by a broad-based strategy group, including a number of stakeholders such as Fáilte Ireland and a broad range of local authorities, taking in Cavan, Meath, Westmeath and other counties, as well as Waterways Ireland, the Leader programme, Inland Fisheries Ireland and representatives from the local tourism trade. It was argued that the plan should involve marketing and capital elements in order to develop the tourism infrastructure of Lough Sheelin, including walking, cycling, heritage, culture and other offerings. It is also important that there be extensive stakeholder consultation at community and business levels. Like my colleagues on Cavan County Council who passed the motion, I believe the development of such a plan would help to develop the destination, brand and experience of Lough Sheelin, building on great natural assets in a similar manner to other investments and key attractions such as Lough Derg and the Wild Atlantic Way, while supporting a sustainable regional tourism economy.

With issues such as these in particular, the work is bigger than one or two individuals or even the local authority. When such potential exists for a new holistic development plan for tourism - benefiting east Cavan in this case - what is the best way to get started? How can the people, communities, representatives, authorities, businesses and tourism bodies come together to make that vision a reality? How can the Department help in that regard? I hope some signposts will be included in the tourism action plan.

I was struck by something when Senator Feargal Quinn mentioned the Schengen issue and the Minister referenced cross-Border co-operation in his speech. What, if any, consideration has been given by the Department, and Tourism Ireland in particular, to the British referendum that may happen in 2017? If Britain leaves the European Union, it will have serious repercussions for the Border, as there may be passport and border controls, as well as restrictions on free movement. This will undoubtedly have an impact on tourism in the Border region, in particular. Will any consideration be given to this? Will there be any reference to it in the three-year tourism action plan?

Senator Marie Moloney: I welcome the Minister. Many of the issues I wished to mention have already been dealt with by several Senators and I will not go over them again. It is welcome that the tourism sector is growing steadily. In County Kerry, particularly in Killarney, last year was the best tourist season in a decade; that has been said quite openly. That was down to a number of factors, particularly the introduction and retention of the 9% VAT rate. It has definitely been a major advantage. Some people fear this saving is not being passed on to consumers, but it is. My daughter is getting married in August and when she went to a hotel nearly a year and a half ago, she was given a price for the reception. The price they gave her was based on a 9% VAT rate; if the rate went up, the price would increase. She is now benefiting from the lower rate; therefore, it is being passed on to the consumer, which is very important. However, it must also be passed on to the workers in the sector; they must benefit from this as well. We do not want anyone getting rich on the backs of workers - that is the last thing we want. The lower rate has been a fantastic saving grace for the tourism industry and I hope it will be kept in place.

Another issue is the public service obligation, PSO, for the regional airports. I thank the Minister for keeping this because it is vital, not just for the connection between Dublin and Kerry but for transfers, as someone flying into Dublin may transfer down to the regions or to Kerry if the flight is available. Had it not been for the PSO, it is highly unlikely this could have been retained as it would not be affordable for people. I am very grateful to the Minister for keeping it and hope it will continue, although that is another day's argument.

It seems as though we are having a competition in the House today about the best place in Ireland to go for holidays. We are all promoting our own areas. It would be remiss of me not to mention Killarney as I come from there. Killarney has a fantastic reputation and everybody seems to want to go there or live there, which is why the price of housing and rental accommodation is so high. That did not just happen; we did not all wake up one morning and say “let us all go to Killarney”. It happened by hard work and local initiatives to always keep something in place to entice people to come to the town.

Next Saturday morning we have the Ring of Kerry charity cycle when 12,000 people will get on their bikes and cycle the Ring of Kerry. It is massive. We are selling a huge number of bed nights, not only for the cyclists but also for those who come with them. Huge crowds will be coming to Kerry and particularly to Killarney next weekend. These things are put in place by people with initiative and a bit of forward thinking.

I congratulate the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, on the money for the greenways. Cycling has become a huge thing in County Kerry, which is probably a knock-on effect from the Ring of Kerry cycle. It is huge all over Ireland; it is the new golf. The greenways are fantastic and I cannot wait to have our's up and running. There have been cycling lanes put in all through the towns. They are vital because cycling is so dangerous on some of the roads. The bike lanes are a huge draw for people who want to do a cycling holiday.

I applaud the Wild Atlantic Way. It is fantastic, as was The Gathering, which was really successful. That is still going on because people are still gathering and coming for different things like school, family and work reunions. It is all bed nights incoming to the area. People are having food and drinks and it is great.

Most Senators will know that Killarney National Park was named by *The Irish Times* as the best day out in Ireland. Of course it is the best day out. It is natural and wonderful. Although it costs money to keep everything looking so good, we have the lakes and mountains which are natural and there for us, thanks be to God. In Killarney we are very short on industrial jobs. We rely on tourism and have enhanced and developed it. So much can be done, including sailing, boating, fishing, hiking, kayaking and horse riding and it is being done. The people are working.

I pay tribute to Tourism Ireland and Fáilte Ireland and the local development partnerships and councils, particularly Killarney town council, although it is gone now. They put huge work into promoting Killarney and its surrounding areas. The tidy towns committee volunteers work so hard. Every day and night they are cleaning up the streets and keeping Killarney looking good. People can take things into their own hands and promote their own areas. It encourages visitors to come once a place gets a reputation.

People think it is all about drinking in Ireland, but it is not. Last weekend my daughter who is getting married had her hen party in a place called Terryglass in----

Senator Terry Leyden: On the River Shannon.

Senator Marie Moloney: It was an absolutely tiny little place but, my God, it was rocking.

Senator Denis Landy: That is in County Tipperary.

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Acting Chairman (Senator Imelda Henry): Senator Marie Moloney is over time.

Senator Marie Moloney: There were two little pubs in it. We had a fantastic time. We never went near a bar the first night. The second day we went out on Lough Derg sailing. We came back and had a meal in Terryglass. The place was buzzing and it is only a tiny area. People can do a lot for themselves and use their initiative and the natural resources that are available to them. Tourism is something we could speak about forever because there is so much that can be done. I thank the Minister and hope he keeps up the good work.

Senator Jillian van Turnhout: I welcome the Minister. I am delighted to speak on how we can grow tourism and will focus on one particular area which builds on what Senator Mary Ann O'Brien has said about heritage. Related to heritage is our genealogical trail and how people access genealogical records.

In the late 1990s in Ireland, there were about 5,000 active genealogy enthusiasts. We reckon there are at least 100,000 today - it is an area of growth. People in the United States and the United Kingdom, in particular, are tracing their family histories. It is an important area for tourism because people tend to trace their family histories where they live at first, and then want to go and visit the sites where their ancestors were. They want to stand on the land and be there. I cannot explain why. Two years ago, I went to a small town in Wisconsin and got to meet all the locals because three generations of my family left from a rural farm in County Clare and arrived at a remote place in Watertown, Wisconsin. I wanted to find out why they would go there and experience that sense of belonging.

When the 1901 and 1911 censuses went online - they are available on open access through the Irish National Archives, which is amazing - the genealogy service, *ancestry.com*, saw a 47% increase in interest in Irish records. Approximately 39% of that company's base is in the United States, with 48% in the United Kingdom. It has an amazing 2.7 million subscribers. Other similar services include *Findmypast*, and *Eneclann*, which sites provide access to the different records.

We need to make sure we have the records available so we can bring people to Ireland. It was in the programme for Government to make the 1927 census available online. I believe the Central Statistics Office is blocking that, to put it bluntly, which is a shame as many people cannot access their records without that starting point, for example if their parents have died and they did not grow up with a lot of family history.

We also have an opportunity to create a genealogical hub in Dublin. Although we are competing against Scotland, Germany and Poland, Dublin is well placed for such a hub. *Ancestry.com* has set up its international headquarters here, as have *Findmypast* and *Eneclann*. The main players are based here in Dublin but they will move if we are not seen to take an interest. They have tried to engage with the Government but are finding it difficult. I have tried to set up meetings on their behalf, which often get cancelled at the last minute.

When we are considering how to grow tourism, I appeal to the Minister to tap into this growing market. People want it; about five magazines come out every month on the topic. People have stories about going to visit their ancestors in Ireland and how much it meant to them. That tourism driving factor should not be underestimated. It is more than just keen amateurs. There are genealogical societies all over the USA. When I went to Wisconsin they knew nothing about The Gathering because we never thought to send that type of information

to genealogical societies whose members might come back here for a reunion. Why not have a year of restoration or reunion where people could come back to be part of that ancestry and their family? I am happy to share with the Minister of State the work I have done in the area to determine what more can be done.

There are also exciting developments in the area of DNA which ensure that those who claim Irish heritage can turn that into a reality. We have to realise that there are 34.5 million Americans, some 11% of the population, who claim Irish heritage and we would have direct access to them if we tapped into genealogical roots. Such an approach would spread tourists across Ireland because people came from the west coast of Ireland during different periods. I found out through genealogy that many women left the west coast of Ireland in pre-Famine times because they would only have a future by going to America. We often think people starting leaving during the Famine. I want to make a plea to the Minister that we exploit the potential of genealogy and ensure we get access to records.

Senator Cáit Keane: Cuirim fíor fáilte roimh an Aire go dtí an Teach. Tá sé ag obair go dian agus tá obair iontach á déanamh aige.

As someone who is originally from Connemara, the beautiful thing about being in the Seanad is that I do not have a constituency. Dublin has many visitors. In the Fáilte Ireland survey it was stated that a lack of capacity remains in Dublin city centre, resulting in large groups being turned away, something of which planners in Dublin city must take account. In previous years, I witnessed hotel closures in Tallaght. We should strive to drive more of the tourism out of the city and into urban and suburban areas such as south west Dublin and Tallaght where there is beautiful scenery such as the Dublin mountains.

Walkways are not used enough. Tourism Ireland is now playing a blinder in trying to get people to use the Dublin walking way and visit the Dublin mountains. Many tourists come to Dublin and go on bus tours. There is a lovely bus tour around the Dublin mountains and the south west. I am from the most scenic part of Ireland, but those from Kerry might disagree.

I pay particular attention to sustainable tourism and responsible planning which we have to take into account in terms of our beautiful scenic areas. We only have one sustainable environment and we must protect it and make optimal use of our environmental resources. Sustainable Tourism Ireland has a brief, in terms of helping to conserve our natural heritage and biodiversity. Hotels should be encouraged to reduce, reuse and recycle, install solar panels, recycle water and use energy efficiently because we are at a crisis point. We have to ensure our energy consumption, water usage and conservation are monitored. The chemicals used in the industry must be addressed. One could say that we cannot insist on everything being friendly to biodiversity, but it should be encouraged.

Unnecessary night-time lighting is spoiling the country. In recent years planning permission has been granted for small developments in country areas for which night-time lighting must be provided. One would think one was in an urban area.

Senator Marie Moloney: Tell that to the people living there.

Senator Cáit Keane: We should strive for quality as well as quantity because if one measures length of stay and the number of visitors, one gets a different picture. The length of stay involved often means more money is spent in an area. It is a yardstick I do not often see used in reports, but it is relevant. The quality of service is important in terms of repeat visitors and

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that is why we have to ensure that, regardless of who is working in a hotel or other industry, we still convey our Irish welcome and the céad míle fáilte, regardless of from where the staff come. That is what 75% of respondents in the Fáilte Ireland survey referred to in terms of their experience and expectations.

I will not dwell on VAT. Many speakers have said it played a major part in the industry and for that I congratulate the Government. There is a good level of optimism in the tourism industry. It is enjoying a strong year and a good year is forecast for next year. The sense of the domestic economy improving came across loud and clear in the survey that was done, something which was mentioned by more than one respondent. They referred to a sense of stability being beneficial to the industry. Every person in Ireland must consider what a sense of instability can do to a country, because it is clear from the survey that people now feel, given that the economy is improving, that the sense of stability is improving.

I am a member of the British-Irish Parliamentary Assembly. I know how important North-South co-operation is in terms of tourism.

Senator Paul Bradford: I wish to share time with Senator James Heffernan, with the approval of the House-----

Senator Denis Landy: There is a new party forming.

Senator Paul Bradford: -----and his former colleagues. He wishes to raise the issue of connectivity, on which I share his views. I will let him lecture the Minister on the importance of the Cork-Limerick motorway.

I welcome the Minister to the House in which he commenced his political career. It is interesting to note that at the time of the deepest recession in the history of the country and very depressing economic statistics, the two industries which kept our country alive were agriculture and tourism. One is the natural industry of the soil, based on the skills of the people of the isle. Tourism is successful not simply because of the scenery and sights but also because of the innate friendliness of the Irish people. Those two natural, home-grown industries thrived and kept the country alive economically when high-tech and so-called modern industries were fading and long may they thrive.

I want to reflect briefly on what previous speakers said, in particular Senators Darragh O'Brien and Jillian van Turnhout who referred to heritage tourism. It is something on which we need to concentrate. The Minister is a great reader of Oireachtas debates. We had a fascinating debate here on the teaching of history a fortnight ago and some of us reflected on the fact that if history disappears as a core subject a lot of local history, knowledge and a sense of place, which is important from a tourism perspective, will be threatened. There is a large capacity for heritage tourism in every town across the country and I ask the Minister to try to concentrate on that as part of his wider portfolio.

I refer to sports tourism. Mention was made of golf. Sport is part of the Minister's role and our national game, the GAA, and the horseracing industry can play a significant role in tourism.

Senator James Heffernan: I thank Senator Paul Bradford for sharing time.

As the Minister knows, I am from County Limerick and the city has had a very successful year being the capital of culture. It got off to a shaky start, but things were ironed out. I ask

the Department to support the 2020 bid for the European capital of culture. People in Limerick often feel forgotten about when it comes to the Government. The fact that the city and the estuary are not part of the Wild Atlantic Way stuck in many people's craws.

Limerick is seen as the forgotten county. Connectivity is vital for the region, as Senator Marie Moloney will agree. Travelling from Dublin to Killarney can be a mission in terms of passing through Limerick. I am not sure whether there is a proposal on the desk of the Minister because I have been in contact with people in Hungary who seem to have a solution for the N20 that could be delivered before a general election. I would like to know if that is something the Department is considering because all the major arterial roads that come into the country from Waterford, Tipperary, Kerry and Cork are second class. They are not up to the same standard as services to Waterford, Kilkenny, Dublin, Galway or the other cities. That is something that must be developed. In my area we are trying hard to develop tourism. There is the Ballyhoura Fáilte in my own area and there are hostels and self-catering cottages in Ballyorgan. We have one of the finest bike trails in Europe. We have Glenosheen and the walled town of Kilmallock, Glenstal Abbey in Murroe, de Valera's Bruree and Adare, of course, which is the jewel in Limerick's tourist crown. We need to attract people to the regions. The issues of connectivity and the road network are vital if we are to further develop tourism in the area. I would like the Minister to go some way towards addressing that issue. I thank the Acting Chairman for her indulgence.

Acting Chairman (Senator Imelda Henry): I call the Minister to reply.

Senator Denis Landy: Are we finishing the debate now?

Acting Chairman (Senator Imelda Henry): According to the Order of Business, I am to call the Minister at 2.50 p.m.

Senator Denis Landy: Do we return to the debate then?

Acting Chairman (Senator Imelda Henry): We cannot.

Senator Denis Landy: I will hand my presentation to the Minister some time.

Acting Chairman (Senator Imelda Henry): We have legislation at 3 p.m. and I must go according to the rules of the House.

Deputy Paschal Donohoe: I am happy to give the Senator a minute or two, but I must go at 3 p.m.

Senator Denis Landy: I appreciate the Minister giving me time. I will refer very briefly to something dear to his heart and at which he spends every Saturday morning he can; the GAA. I made a presentation to the Minister on 22 October 2014 on the development of a tourism product incorporating the GAA story from its foundation in 1884 to the present day and to market it on a worldwide basis. There are over 100,000 members of the GAA and 400 clubs outside the country. There is a market for a GAA product to bring tourists to the country to show them where the GAA was founded and where it is growing strongly. At the time, the Minister said he was looking at the third leg of a three-legged stool. It appears that has turned out to be the ancient east heritage, but there is also room for the product I am talking about. I have private operators on board and have been working on it since last September. I ask the Minister to support the proposal and thank him again for allowing me in.

Senator Mark Daly: I have a quick point for the Minister.

Acting Chairman (Senator Imelda Henry): The Senator was not here for his slot.

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe) (Deputy Paschal Donohoe): I thank the Acting Chairman for giving me the opportunity to respond to the points different colleagues have made. I acknowledge the contributions made by everybody. I heard Senators Labhras Ó Murchú, Terry Brennan, Fidelma Healy Eames, John Kelly, Feargal Quinn, Mary Ann O'Brien, Catherine Noone, Marie Moloney, Kathryn Reilly, Jillian van Turnhout, Cáit Keane and Mark Daly at the end and listened to what they all had to say. It is very difficult in the short amount of time available to respond to all of the detailed points which have been made. I will therefore focus on three overall themes most commonly raised by Senators.

First, I focus on a point that was touched on by different Senators who referred to the importance of a particular county and the need to support it. Senator Mary Ann O'Brien made the case for different counties to be supported on the Fáilte Ireland website or in Tourism Ireland work. I take a very different view. When people talk about the Wild Atlantic Way, it is a regional proposition. Even when we talk about Dublin, we are not talking about particular parts of Dublin. When we talk about Ireland's Ancient East, we are not talking about Waterford, Kilkenny or, for that matter, County Louth. It will always be about a regional proposition. The real insight that has emerged from the work Tourism Ireland has done and which has underpinned the success of The Gathering and the Wild Atlantic Way is that while the benefit may be felt within counties and even within particular communities within counties, what is of greatest appeal to potential tourists is a proposition that straddles many different parts of the country. As such, we need to move away from how we have supported individual counties in the past to supporting propositions or concept from which lots of counties can win. I take the example of County Kerry as the success of Killarney has been touched on. When we talk about the Wild Atlantic Way, we do not reference County Kerry specifically within it or Cork, Sligo or the other counties that are part of it. What we do is to reference and support the Wild Atlantic Way.

We must move to a way of talking about tourism in Ireland that is below the Ireland level but ahead of the county level. In that spot and the way in which we pull things together is the future of where we should go. That leads to a point Senator Kathryn Reilly put to me. I answer her question specifically as it was the main detailed question put to me as to how we can pull all of that together at county level. The way that can be done is through the local enterprise offices that individual local authorities are now establishing. Memoranda of understanding have now been drawn up between local enterprise offices and Fáilte Ireland. While that might sound a little abstract, I am confident it is working because when I go to different local authorities in my work within the Department, I am struck by the fact that nearly every one has a director of services who has responsibility for tourism. Local authorities have strategies or plans they are launching for tourism. They are taking on far greater strategic importance and being given time than would have been the case five to ten years ago. That is the way we will access the necessary community support. The interest and financial support will be sourced from the local authorities in relation to where it is needed. Senator Catherine Noone made the point about destinations reinventing themselves. The way that is happening is by communities within destinations and local authorities working together. That is the area we need to support very actively in the years to come.

I touch on a common theme in many of the contributions - heritage. Senator Labhras Ó Murchú introduced the theme when he touched on the importance of antiquities and different

Senators raised with me in different ways how we approach the issue. I support the role of heritage in relation to how we support the development of Irish tourism, but I make three different points. First, the approach to Ireland's ancient east will offer a framework in which we can support heritage development from a tourism point of view. Second, however, we must move away from thinking that if we are doing heritage in one part of the country, that is all we are doing there. There are lots of areas in which we will look to better support a heritage proposition and the way in which we will do it is through Fáilte Ireland seeking to work with the OPW or the Heritage Council to develop attractions and sites which are already there. For example, we can better support them through Ireland's ancient east concept. That is not to say other things going on within the same county will not receive support such as festivals or outdoor and adventure tourism amenities. All those things can happen alongside each other.

We will seek to realise this later this year with a view to having something that will work in 2016 and 2017.

A number of Senators asked whether heritage should not be part of the tourism industry. While that decision is well above my pay grade, I take a contrary view on this matter. As eager as I am to support heritage ideas with a view to developing tourism, we must be careful to ensure certain aspects of our heritage are not viewed through the lens of monetisation. If heritage were to become part of the tourism product, some of the things we are doing in this area would not meet the criteria I have set for Fáilte Ireland. For this reason, I believe that much of what is being done in the area of heritage should continue to be kept separate from the work of my Department. We are hoping to complement heritage activities through initiatives such as Ireland's Ancient East which encompasses many, if not all, of the different heritage sites that we are trying to better support.

Many Senators referred to issues in their respective counties. I will try to respond to them if I have another opportunity to come to the House. For now, I will finish where I started by stating that The Gathering, the Wild Atlantic Way and the success of different parts of Dublin lead me to believe that we should be working together in a space between the county level and below the national level. Subsidiarity is a concept I will borrow from another area of politics. The success being achieved in tourism by certain areas of the country is a glowing example of economic and policy subsidiarity.

Communications Regulation (Postal Services) (Amendment) Bill 2015: Committee and Remaining Stages

An Leas-Chathaoirleach: I welcome the Minister for Communications, Energy and Natural Resources, Deputy Alex White.

Section 1 agreed to.

SECTION 2

An Leas-Chathaoirleach: Amendments Nos. 1 and 12 are related and may be discussed together.

Senator David Cullinane: I move amendment No. 1:

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In page 7, to delete lines 19 to 21 and substitute the following:

“(2) A person who breaches the Act of 1988 in relation to postcodes shall be liable in damages in tort.”.

As these are simple amendments, I do not propose to delay the Minister. The purpose of the section is to strip data subjects of their data protection rights with regard to the postcode and remove their ability to take action to vindicate these rights. This runs against the spirit of the Bill, which is supposed to protect citizens. For this reason, the amendment proposes to allow a person to sue in the event that his or her personal postcode data are abused.

Minister for Communications, Energy and Natural Resources (Deputy Alex White): Section 66C(2) clarifies section 6A of the Data Protection Acts 1988 to 2003, which is the main legislation dealing with data protection. This legislation relates to the processing of personal data which is likely to cause damage or distress. This is a fundamental principle in the Acts. Section 2 provides that this provision in the Data Protection Acts does not apply where the processing is necessary to undertake a legitimate postcode activity. This would cover, for example, a circumstance in which an owner or occupier of a property disagrees with the matching of his or her address to an Eircode, in particular, the routing key element of the Eircode, despite the accuracy of such matching. Section 66C(2) is, therefore, an essential provision in the Bill.

I remind Senators that section 7 of the Data Protection Act already provides that data controllers and processors owe a duty of care to data subjects. This duty relates to the collection of and dealings with personal data. The provisions of the Data Protection Acts apply in respect of breaches of the rights contained in the Acts. Section 30 of the Data Protection Act 2003 provides that the Data Protection Commissioner may bring summary proceedings for an offence under the Act. Section 31 of the Act provides for penalties for offences under the Act.

It is neither appropriate nor necessary to provide for offences of breaches of data protection rights when such provisions already exist in the Data Protection Acts. In addition, the Bill provides that the Minister can make regulations providing for a power to suspend or terminate a value-added reseller licence, as well as the power to carry out audits. The activities covered by this Bill are only those which are essential to the delivery and maintenance of the postcode system. The Senator is motivated by a concern to ensure that personal data continue to be protected and I share his view that it must be protected. I remind him, however, that users will still be subject to the full rigours of the data protection legislation.

To put this in another way, we are making an exception but one which only covers dealings with the postcode. If there is any linkage of the postcode to a name or some other identifier, all the existing protections under the Data Protection Act will apply. The best way to describe what is being proposed is that while we are making an exception, it will only apply to the use of the code *simpliciter*. Once the code becomes identifiable with an individual or any other information that would link it to an individual, all the existing protections in the Data Protection Acts will be triggered. It is extremely important to clarify the matter and confirm the position.

On the extraterritorial effect of the legislation, the Data Protection Act applies to all data controllers established in the State. Section 11 of the Data Protection Act provides for restrictions on transfers of personal data outside the State. The transfer of personal data by a data controller to a country or territory outside the European Economic Area may not take place unless that country or territory provides an adequate level of data protection. I emphasise that

this is existing law.

Furthermore, under section 11 of the Data Protection Act, the Data Protection Commissioner may prohibit the transfer of personal data from the State to a place outside the State and may serve a prohibition notice on the data controller or data processor. These provisions will continue to apply. Moreover, the Bill provides that the Minister may make regulations requiring a value-added reseller to provide evidence of having registered with the relevant data protection authority, where applicable, before a value-added reseller licence will be granted. This requirement is not limited to registration with the Irish Data Protection Commissioner.

For these reasons, it is not my intention to accept the proposed amendments. What is concerning the Senator is that there is an exception being made here but that exception is very narrow. It only deals with the treatment of the actual code. I will not say a code on its own is meaningless because it is the postcode for the house, but once there is anything that links it with the Senator, me or any other citizen, the existing protections kick in.

Amendment, by leave, withdrawn.

An Leas-Chathaoirleach: Amendments Nos. 2 to 6, inclusive, and 8 to 10, inclusive, are cognate and may be discussed together. Is that agreed? Agreed.

Senator David Cullinane: I move amendment No. 2:

In page 7, line 23, to delete “postcode contractor” and substitute “Data Protection Commissioner”.

We believe the Data Protection Commissioner is the appropriate officer to carry out the work of upholding data protection. Capita, the postcode contractor, is not sufficiently distant from its customers and suppliers who are the most likely offenders and, therefore, we believe it is necessary to change who is responsible. These are simple amendments essentially to change “postcode contractor” to “Data Protection Commissioner”, which in our view will give more oversight.

Deputy Alex White: We are taking amendments Nos. 2 to 6, inclusive, and 8 to 10, inclusive, together. The complaints procedure set out in the Bill refers to the process that owners or occupiers of property can follow in regard to a postcode related complaint. The complaints procedure is set out in the postcode contractor’s code of practice. I emphasise that the postcode contractor has consulted the Office of the Data Protection Commissioner in the drafting of the code of practice.

I want to clarify and confirm to the House that the Office of the Data Protection Commissioner has made a number of observations and recommendations which the postcode contractor will accept. The Office of the Data Protection Commissioner has stated that once these changes have been incorporated into the code of practice, the Data Protection Commissioner will approve the code of practice. There is an important input from the Data Protection Commissioner.

Furthermore, the Data Protection Act already provides powers for the Data Protection Commissioner to investigate complaints and to enforce compliance with the Act, as I indicated. These provisions apply to any postcode related complaints which the commissioner may receive. There is nothing to prevent persons complaining to the Data Protection Commissioner where there is a perceived breach of the Data Protection Act in the context of this postcodes

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project. It could be said that it is not necessary to put in a reference to the Data Protection Commissioner because a person could in any event make a complaint to the Data Protection Commissioner under the Data Protection Acts, and those provisions are already part of our law.

I respectfully say to the Senator and the House that it is neither necessary nor appropriate to set out investigative functions for the Data Protection Commissioner in this Bill, given that there is a statutory regime already in place. As I said, the Office of the Data Protection Commissioner has been consulted extensively during the drafting stages of the Bill and has at no stage indicated that the provisions set out in the 1998 Act are inadequate. I trust that the Senators will accept that for those reasons, I am regrettably unable to accept the amendments.

Amendment, by leave, withdrawn.

Amendments Nos. 3 to 6, inclusive, not moved.

Senator Mark Daly: I move amendment No. 7:

In page 7, line 37, after “decision” to insert “within 90 days”.

This is an issue relating to the wording “as soon as may be after it is made”. My concern is that the other issues in the Department take over. The Minister has said it is already in place, but I believe that deadlines are important because one knows whether one meets the deadline. However, down the line we might wonder whether a particular regulation was ever put in place only to find that because there was no deadline, there was no real need to do it. I suggest “as soon as may be after it is made” is a loose term.

Deputy Alex White: I thank the Senator. Section 66D of the Communications Regulation (Postal Services)(Amendment) Bill sets out an obligation on the postcode contractor to draw up procedures for dealing with complaints by owners or occupiers of property relating to the use of postcodes by the contractor or by a value-added reseller. As is the general rule on primary legislation, this section of the Bill contains the general principles and policy governing the complaints process and, pursuant to section 66D(7), the Minister is given a regulation making power to set out the details of the complaints process. I confirm for the House that the regulations will make provision for the procedure to be followed in investigating complaints, the requirements to be complied with by complainants, the remedies and redress available to complainants and any other matter considered necessary or appropriate to secure the effective protection of complainants. Furthermore, pursuant to section 66D(1), the postcode contractor will set out a detailed complaints process in its code of practice, and that code is referred to in section 66E. I repeat that the postcode contractor has consulted with the Office of the Data Protection Commissioner in the drafting of the code of practice.

The Senator raises a fair question which I have considered. The idea of a time limit can be provided for, but I respectfully suggest to the Senator that the proper and appropriate instrument in which to include a time limit would be in the regulations that will be enacted pursuant to section 66D(7) and the postcode contractor’s code of practice. I do not believe it is necessary or even appropriate to amend the primary legislation, but I am prepared to agree, having considered the issue the Senator has raised, and it is a fair issue, to include a time limit in the relevant regulations in response to the point he makes. I can confirm that the time limit will also be provided, if the Senator can accept my good faith in this regard, in the complaints procedures to be included in the postcode contractor’s code of practice. On that basis, the Senator might be agreeable not to pursue an amendment to the primary legislation but to rely on my good faith

and intention to do as he wishes us to do and to do it by way of regulations.

Senator Mark Daly: I thank the Minister for the reply.

Amendment, by leave, withdrawn.

Amendments Nos. 8 to 10, inclusive, not moved.

An Leas-Chathaoirleach: Amendment No. 11 is in the names of Senators Mark Daly and Diarmuid Wilson.

Senator Mark Daly: I move amendment No. 11:

In page 8, line 5, to delete “may” and substitute “shall”.

I know that I will be relying on the Minister’s word on this one. We are all conscious of the words “may” and “shall” inserted in Bills. The Bill refers to the requirement on the Department regarding the procedure to be followed in investigating complaints, the requirements to be complied with by complainants and so on. I know that the Minister is doing it but the reason behind the primary legislation is that the onus is on the Department that it must do it. We have been given assurances that it is in the process of doing it but, as often happens, between the primary legislation and the regulations, sometimes it does not happen. The word “may” is inserted to allow for the opt-out in that if it does not happen, no one is breaching anything. I know that the Minister is doing it and that it is all in train, but the reason behind the primary legislation is to keep the word “may” out of something. The word “shall” is far more important and powerful. I ask the Minister to consider inserting the word “shall” in the Bill. This is the reason for some of the concerns about the Bill and the Data Protection Commissioner asked for this primary legislation in regard to the remedies and redress available to complainants. It must be done. This is the core issue behind the legislation, but we are saying that in the primary legislation we might do what the commissioner said. The primary legislation is about ensuring all of the regulations will, not may, meet the requirements of the Data Protection Commissioner.

Deputy Alex White: Although the regulation-making power in the proposed section is expressed as “may” and it is not framed as a mandatory obligation on the Minister, it remains the case that the regulations permitted under the section form part of the overall scheme of the Bill. The Data Protection Commissioner has been enormously helpful and supportive of this entire process, but the decision to bring forward this legislation was my decision. It was the Government’s decision on my recommendation. I do not want anybody to think we are in some sense being directed to bring forward legislation. Although the Data Protection Commissioner has been extremely helpful and supportive, it is my call and I take absolute responsibility for having this legislation drafted and bringing it before both Houses.

I am tempted to tell the Senator I shall certainly bring forward the regulations. The Department is drafting them. It is part of the scheme of what we intend to do. Substituting the word “may” with “shall” would not make any constructive difference to the process as it stands. When I was a Member of this House we had debates on other legislation as to “may” and “shall”. The view taken generally about the use of the word “may” is it is in legislation to enable a Minister to do something. It is not mandatory that a Minister do it, but it is there to say it is part of the scheme of what it is intended to do. One puts into primary legislation the basis on which it would be done, in other words, an enabling provision for the Minister to do it. It will be done and it shall be done. It is not necessary to put it in the legislation. Regrettably, in

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the circumstances I will not accept the amendment, but I take very much the thrust of what the Senator has said and assure him of my bona fides in this regard.

Senator Mark Daly: It is a drafting issue. The intention is “shall” and “may” allows for cover for the Department if it is not done. If no regulations are put in place anybody in the process can say the Department is not obliged to do it, which it is not under the legislation.

Our job is not about the Minister or the officials but the process. According to the process, if a Department under legislation shall do something, it must be done. There are consequences. I take into account that regulations form part of all legislation and they are very important because we cannot deal with minute detail in the primary legislation. Perhaps the Minister might examine it once more and explain to the other House that this is the kernel of the issue. What I look for in something like this is that the Department must do it. Delays can happen. A question might be sent to the Attorney General before the summer but then another piece of legislation might be brought before the Department to which the Minister’s energy and that of everybody else would be turned. That is the difference. Of all the lines in the legislation - I thank the Minister for bringing it forward - this is the one with which we have an issue. That is the kernel of the matter. We will not press it to a vote, but it is about requiring the Department to ensure if, God forbid, the Minister was not in office in five months time because he had been promoted to Tánaiste and leader of the party, at least his successor, the Department and the system would be required to ensure the regulations the Minister wanted to be in place would be put in place.

Amendment, by leave, withdrawn.

Amendment No. 12 not moved.

Section 2 agreed to.

Section 3 agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Communications Regulation (Postal Services) (Amendment) Bill 2015: Motion for Earlier Signature

Senator Tony Mulcahy: I move:

That pursuant to subsection 2° of section 2 of Article 25 of the Constitution, Seanad Éireann concurs with the Government in a request to the President to sign the Communications Regulation (Postal Services) (Amendment) Bill 2015 on a date which is earlier than the fifth day after the date on which the Bill shall have been presented to him.

Question put and agreed to.

Sitting suspended at 3.25 p.m. and resumed at 5 p.m.

Petroleum (Exploration and Extraction) Safety Bill 2015: Committee and Remaining Stages

Sections 1 and 2 agreed to.

SECTION 3

Senator Mark Daly: I move amendment No. 1:

In page 8, between lines 40 and 41, to insert the following:

“(3) The Minister shall issue a clear definition on what constitutes ‘as low as is reasonably practicable’.”.

This is an issue we raised on Second Stage. Section 3 provides that the Commission for Energy Regulation, CER, has a responsibility to ensure the risk of accidents offshore as a consequence of the activities of petroleum developers is “as low as is reasonably practicable”. That is a very vague term and surely not the world’s greatest definition. Will the Minister of State indicate how the concept has been defined in legislation in other jurisdictions? The current wording does not provide any clear benchmark or standard to be applied. The petroleum companies’ version of what constitutes “as low as is reasonably practicable” might be very high compared with that of environmentalists, which could be very low indeed. The wording is too vague and I am interested to know what definition is used in legislation in other countries.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Joe McHugh): I acknowledge the Senator’s concerns in this matter. There is no definition of what constitutes “as low as reasonably practicable”, ALARP, set out in either domestic or international legislation. The concept has been considered by the Court of Appeal in the United Kingdom and by the courts in Ireland. The Judiciary has found that for a risk to be determined as ALARP, it must be possible to demonstrate that the cost involved in reducing the risk further would be grossly disproportionate to the benefit gained. The concept of reducing a risk to as low as is reasonably practicable is best practice internationally and the concept is reflected in the offshore safety directive.

Providing guidance on what constitutes ALARP is a matter for the Commission for Energy regulation under the Petroleum (Exploration and Extraction) Safety Act 2010. That Act places an obligation on the CER to, among other things, establish and implement a risk-based petroleum safety framework which includes standards and a system for assessing safety performance. In 2013, the commission published a document entitled ALARP Guidance, the purpose of which is to provide detailed guidance to petroleum developers on the CER’s requirements concerning the processes that must be used to determine whether or not a risk is ALARP. It is the responsibility of the petroleum developer to ensure the cumulative risk from its activities is reduced to a level that is ALARP and to demonstrate this through its safety case. The CER will assess whether that demonstration is adequate given the full array of information provided and having regard to the requirements of the 2010 Act and the safety case guidelines.

The ALARP demonstration forms a central part of the safety case submitted by the petroleum developer under the framework. The ALARP guidance is intended to reflect best international practice in this field. In preparing the guidance document, the CER drew on guidance issued by statutory bodies regulating safety in the petroleum exploration and extraction industries internationally, particularly those in the United Kingdom and Australia. The commission

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may amend the guidance document from time to time to take account of changes in national or international practices. It is important that the concept of ALARP be kept under review and modified periodically to reflect developing practices.

Given that the CER has an existing statutory obligation to provide guidance and has already acted in this regard, I do not propose to accept the amendment.

An Leas-Chathaoirleach: Is Senator Mark Daly happy with the Minister of State's response?

Senator Mark Daly: I suspect even the Minister of State is not happy with the response that was drafted for him. He has indicated there is no definition of ALARP, but he went on to refer to the guidance document that had been drawn up. The guidelines in this matter do not have statutory backup. In other words, petroleum developers can follow the guidelines if they like, but they do not have to do so. They are in place for a reason. The guidelines would not necessarily mean that there was any sanction available to the State or any individual if the guidelines were not followed. The reply contradicts itself. It states that there is no definition of "as low as reasonably possible" that can be included, but there are guidelines and it would be quite simple to include a version which includes the phrase "but not limited to" following the guidelines set down. If there are guidelines, they should have a statutory basis. As we all know, including the Minister of State who has dealt with them in his county in the context of planning, guidelines are only indicative and they do not have to be followed. One can tell a planning officer that guidelines exist, but he or she can say that is all they are and they do not have the power of legislation.

This is such a fundamental issue that using terms like "as low as reasonably practical" could be included on a statutory basis in the primary legislation. The legislation could state the guidelines now have regulatory effect and must be followed, but the scope of what they do is not limited in terms of safety. I do not have to emphasise that terms such as "as low as reasonably practical" will make millionaires out of the legal profession. Giving a statutory basis to guidelines and upgrading them to regulations that must be followed, but not limiting them to that alone, might be something the Minister of State would consider. We are not pressing the amendment, but I ask the Minister of State to take the points on board.

Amendment, by leave, withdrawn.

Section 3 agreed to.

Sections 4 to 6, inclusive, agreed to.

SECTION 7

Senator Kathryn Reilly: I move amendment No. 2:

In page 13, between lines 28 and 29, to insert the following:

"(12) A petroleum undertaking shall not use the method of flaring of gas.

(13) A petroleum undertaking shall not use unconventional methods of gas exploration or extraction."

The flaring of gas from petroleum rings has been banned in Norway for many years as it has

been seen as a waste of natural resources and releases an unnecessary level of CO₂ emissions into the atmosphere. It was recommended by the Committee on Communications, Natural Resources and Agriculture report on oil and gas published in 2012 that this practice should be banned. The first part of the amendment seeks to ensure this method is not used in petroleum undertakings.

The second part of the amendment refers to fracking. It is a dangerous method of extracting shale gas from rock. The practice has been illegal in the state of New York and everywhere it has been introduced it has been dogged by controversy. It should not be allowed in Ireland. In recent times, the proposal to introduce fracking for the extraction of shale gas in the north west has been dogged by controversy. These amendments have been tabled to ensure that the Minister for Communications, Energy and Natural Resources makes sure this petroleum undertaking does not use unconventional methods of extraction.

Fracking is an unsafe means of extracting shale gas and could have a serious impact on people's health, the environment and the agricultural industry. It is important that we stop it in its infancy and make sure that any proposals for fracking are stopped as soon as possible. It makes sense not just for the environment, but for the economy. Inserting the amendment into the Bill would be a pre-emptive strike and would ban fracking. It is particularly important when one considers the concerns surrounding TTIP, the ISDS and other such issues.

Deputy Joe McHugh: I will address both points. While the subject we are discussing is broad and complex in its scope, I want to reiterate that the Bill is narrow legislation. Many proposals were implemented through legislation in 2010.

On gas flaring, for the purpose of clarity and context, I would like to establish that the transposition of the offshore safety directive which is the purpose of the Bill is to ensure there is consistent regulation throughout Europe with respect to the potential for a major petroleum incident. The flaring of gas is a technology that has more than one purpose. For example, in the case of a gas processing terminal, the flaring of gas can be necessary for safety reasons. When industrial plant equipment items are over pressured, the pressure relief valve is an essential safety device that automatically releases gasses and sometimes liquids. Those pressure relief valves are required by industrial design codes and standards. Any application to flare is subject to safety case assessment and permission from the Commission for Energy Regulation, CER, together with subsequent verification and auditing procedures.

More generally, where gas flaring is contentious, it is where the technology is used in the context of a producing oil field. Gas that is produced with the oil is then sometimes flared as producing the gas would not be commercially viable. In Ireland, we do not, unfortunately, have oil production. If we have commercial oil development in the future and the flaring of gas was to be proposed, it would be subject to an environmental impact assessment, including public consultation.

Regarding unconventional gas, with regard to the conduct of unconventional gas exploration and exploitation, the offshore safety directive relates only to offshore oil and gas activities. Accordingly, this Bill relates solely to the safety regime that applies to petroleum exploration and production activities in the offshore area and has no implications whatsoever for unconventional gas exploration and exploitation. It should also be noted that a multi-agency transboundary programme of research on the potential impacts on the environment and human health from unconventional gas exploration and extraction projects or operations has been commissioned

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by the Environmental Protection Agency. That work is ongoing and it is not expected to report until the middle of 2016 at the earliest.

The research programme is broad in its scope, covering several environmental parameters, as well as operational practice and regulatory approaches around the world. It would be untimely, at this point, to pre-empt the outcome of this research by prematurely seeking to introduce legislation without being fully informed on the findings of the research programme. The issue has been raised today and Senator Feargal Quinn raised it last week when he called for ongoing debate, which could not be anything but good. However, because the flaring of gas and unconventional gas exploration is outside the scope of the Bill, I do not propose to accept the amendments.

Amendment put and declared lost.

Senator Kathryn Reilly: I move amendment No. 3:

In page 14, between lines 5 and 6, to insert the following:

“(6) Any activity referred to in subsection (5) where relevant activity was suspended shall be reported to the Commission.”.

It is important that the commission is informed of any activity that resulted in work being suspended due to a potential danger. Not only would this allow the commission greater oversight of ongoing petroleum exploration projects, but it would also allow it to update its safety regulations.

Deputy Joe McHugh: Section 7 imposes a range of obligations regarding petroleum undertakings on operators and owners. These obligations include an obligation on an operator or owner to take suitable measures, including suspending an activity where the activity poses an immediate danger to human health or significantly increases the risk of a major accident.

Section 15(2) already provides that where an operator or owner takes such a measure, it shall notify the CER within 24 hours. The section also provides that the CER can determine the form such a notification should take and what information should accompany it. As there is an existing provision to report to the CER, this amendment is unnecessary and, therefore, I do not propose to accept it.

An Leas-Chathaoirleach: Is the amendment being pressed?

Senator Kathryn Reilly: Based on what the Minister of State said, it is not.

Amendment, by leave, withdrawn.

Senator Kathryn Reilly: I move amendment No. 4:

In page 14, between lines 24 and 25, to insert the following:

“(10) The operator shall ensure that verifiably calibrated and tamper proof flow meter systems are used to accurately monitor the volume of petroleum extracted.”.

There is a lot of confusion about the amount of oil and gas that lies off the coast of Ireland. These amendments were tabled because it is important that information provided by the extractors of petroleum be accurate and show the true amount of what is extracted.

Deputy Joe McHugh: The focus of the Bill is safety and the prevention of major accidents related to oil and gas exploration and production activities. I accept the Senator's point about current momentum in the context of the current round of the Atlantic margin ending in mid-September next. However, I must again reiterate that the focus of the Bill is specifically safety and regulation of oil and gas exploration and production activities.

Regulation of metering is principally an economic regulatory function. Under the existing regime for oversight of metering, prior to the installation or modification of metering the detailed specifications of all metering stations must be submitted for approval by my Department. Metering stations may also be subject to inspection by my Department. In addition, detailed records of all meter calibrations and checks of equipment for accuracy must be retained and made available for inspection and verification. Metering of petroleum volumes also constitutes part of the safety management systems described in any developer safety case which is required to be assessed by the Commission for Energy Regulation, CER. It should be noted that all equipment operated under licence or statutory consent is the subject of a safety case assessment and verification and auditing procedures by the CER. As this activity falls within the current assessment regime, I do not propose to accept the amendment.

Amendment, by leave, withdrawn.

Senator Mark Daly: I move amendment No. 5:

In page 16, between lines 17 and 18, to insert the following:

“(c) the requirement for any operator, who is granted an exploration licence or petroleum prospecting licence by the Minister, to put a bond in place, so that in the event of the decommissioning of petroleum infrastructure, the licensee not dismantling the infrastructure within 2 years of extraction being stopped, all cost associated with the decommissioning can be recouped by the State from the bond;”.

This amendment relates to an issue which I raised with the Minister on the last occasion he was in this House. We can learn a lot from the housing crisis. Section 3(b) refers to the modification and decommissioning of petroleum infrastructure. However, nowhere in the Bill is reference made to who will bear the cost of clean-up in that regard. Ultimately, the taxpayer will have to meet that cost unless provision is made in law that an oil and gas extraction company will bear it.

The amendment seeks to ensure anybody given a licence by the Minister will put in place a bond which could be accessed by the State in situations where a platform is decommissioned but not dismantled within two years. I am not suggesting the amendment, as drafted, is to the satisfaction of the Attorney General. The Minister of State will, I am sure, have had the experience when on the Opposition benches of being told proposals were not in compliance with the Constitution or to the satisfaction of the Attorney General. I wonder if the current Attorney General is aware of how often that office is mentioned in the context of reasons for not doing something.

For the same reason that there is a bond in place in respect of developers of housing estates, I believe it is entirely practical that in the event of a company not decommissioning an oil and gas platform local authorities would have access to a bond in respect of any infrastructural work in that regard. Otherwise, the taxpayer will have to foot the bill for that work. It does not make sense not to provide that a bond be put in place. It is not that it is prohibitive. Oil

and gas companies are supposed to decommission platforms. However, I do not know if they are obliged under current law to do so. If there is such a provision, I have not come across it. Also, in the event of an oil and gas company being deemed insolvent and having no assets that could be seized and sold to ensure no loss to the State, from where would the State get the necessary funding in respect of the decommissioning of a platform? I await the Minister of State's response to the introduction of this very practical measure. As a requirement for a bond has already been put in place in respect of the construction industry, I see no reason a similar measure cannot be put in place for the oil and gas industry in respect of the decommissioning of oil and gas platforms, the cost of which would be hundreds of millions of euro. A bond is a very practical solution and would not cost the State anything.

Deputy Joe McHugh: I agree on the need to learn from past mistakes. No greater mistake was made than that in respect of the construction industry. The old adage that those who fail to plan plan to fail comes to mind. I agree with the overall principle of the Senator's argument. It is important, however, to point out that in the history of the State only four fines have been issued in respect of commercial production.

In regard to whether the State or the company should bear the cost of works in this area, the decommissioning regime currently in place in respect of the Kinsale and Corrib gas fields is based on the full cost of decommissioning being borne by the holders of the petroleum lease and not the State. Licensees are also obliged to provide an outline of plans and timeframe for decommissioning of the facilities, including full details of the methods, timing and cost of decommissioning, which are included in a separate facilities decommissioning plan. This plan must be agreed with the Minister early in the life of a producing field and is then subject to review over the lifetime of the field. Such plans will generally make provision for a financial formula relative to reserves left in the field versus the cost of producing those reserves. This provides a trigger for the decommissioning process.

Provision is also made for the obligation on all parties to the lease to post a decommissioning security once the decommissioning process has been triggered. A petroleum lease also includes a condition that requires a parent guarantee, which means that a deed of guarantee and an indemnity in favour of the Minister must be given by each licensee. This, in effect, means that the Minister has the authority to call on this guarantee in the event of a breach of the lease condition, including obligations with regard to decommissioning.

This Bill is focused on safety and the prevention of major accidents and the question of liability for the cost of decommissioning is already addressed elsewhere. I do not, therefore, propose to accept the amendment.

Senator Mark Daly: The reason I raised the issue is because decommissioning of petroleum infrastructure is mentioned in the legislation. The Minister of State has said that the guarantee is given by a parent company. The problem with companies is that they can become insolvent. The reason we put in place the requirement for a bond in respect of the construction of housing estates is to ensure a third party insurance company or otherwise is available in the context of redress. The provision to which the Minister of State referred appears to be a very cumbersome process in the context of ensuring no loss to the State. The decommissioning process is very expensive. The only motivation of petroleum companies is profit, such that a company that does not have another licence in the Irish territorial area will not be too concerned about cleaning up any mess it leaves behind. This has been, unfortunately, the experience in respect of many companies. I do not think the Minister of State or I will be around to see the

consequences. I believe a bond is a very practical measure, one which would not put too much pressure on the industry. However, I thank the Minister of State for his reply.

Amendment put and declared lost.

Section 7 agreed to.

Sections 8 to 10, inclusive, agreed to.

SECTION 11

Senator Mark Daly: I move amendment No. 6:

In page 22, line 32, to delete “not exceeding €3,000,000”.

This is a simple amendment which deals with an issue we discussed previously.

I do not know why we would limit a fine for non-compliance associated with oil and gas extraction to €3 million, which I am not saying is an insignificant sum. If the cost of any related issue such as a clean-up is greater than that, it is a matter for the taxpayer, which is the ultimate issue. I wonder where the figure of €3 million came from. Why not delete it and state that there is no limit to the potential fine? As I pointed out on Second Stage, 8,000 barrels of oil were lost in the first 24 hours after the *Deepwater Horizon* incident and the loss was exponentially higher for the three years it took to stop the leaks and reduce the damage that was being done. I merely wanted to get the Minister of State’s view on that issue.

Deputy Joe McHugh: There are a lot of broader issues being discussed. As I stated, it is a complex issue. There is no harm in raising the issues and, at a different stage, having these debates.

There is a safety regime that has been agreed to, with a system of fines for companies that are not following the proper implementation of that safety regime. The issue of environmental damage is separate from this legislation. It is merely a fine for failure to ensure that the safety case and safety management system are implemented. As I said, there is a separation. This is not the section that addresses liability for environmental damage arising from petroleum activities. The fine has no bearing on environmental pollution or clean-up costs relating to a major petroleum hazard, to which I will refer. As for the amount of the fine, it is set at €3 million for an instance of non-compliance with a safety case or safety management system. This is considered proportionate and is consistent with the provisions of the existing fines set out in the Petroleum (Exploration and Extraction) Safety Act 2010.

Turning to the question of liability, section 7(9) of the Bill which transposes Article 7 of the directive provides that “a petroleum undertaking is financially liable for the prevention and remediation of environmental damage”. The Bill does not propose a limit on such liability. More generally, section 22(2) of the Bill provides that in assessing an application for any authorisation, the Minister must consider, among other matters, the ability of the applicant “to meet the costs for the immediate launch and uninterrupted continuation of all measures for effective emergency response and subsequent remediation in the event of a major accident”. The Minister must also be satisfied that the applicant for an authorisation has “put in place appropriate insurance, indemnity provision or other financial assurance instruments to cover liabilities potentially deriving from the particular petroleum activity or activities in question”.

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As the Bill needs to provide guidance on the maximum level of fines that may apply, I do not propose to accept the amendment.

Amendment, by leave, withdrawn.

Section 11 agreed to.

Sections 12 to 14, inclusive, agreed to.

SECTION 15

An Leas-Chathaoirleach: Amendments Nos. 7 and 8 are related technical amendments and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 7:

In page 27, line 10, to delete “section 13KB(4)” and substitute “section 13KB(5)”.

Deputy Joe McHugh: The purpose of these technical amendments is to correct typographical errors in the cross-referencing of sections within the Bill. I commend them to the House.

Amendment agreed to.

Government amendment No. 8:

In page 27, lines 11 and 12, to delete “section 13KC(2)” and substitute “section 13KC(3)”.

Amendment agreed to.

Senator Mark Daly: I move amendment No. 9:

In page 27, line 15, to delete “and no later than 24 hours” and substitute “within 180 minutes”.

The amendment relates to what seems like an inordinate delay in the time allowed for the commission to be informed about any immediate danger or risk to human health in relation to a petroleum incident. The Bill provides for a timeframe of “no later than 24 hours”. As I pointed out, in the case of *Deepwater Horizon*, 8,000 barrels of oil were lost in 24 hours. In the amendment, we submitted a figure of 180 minutes. It is not asking much of somebody to pick up the telephone within three hours to inform the Government about an incident. Twenty-four hours looks like an awfully long time in which somebody could be sitting back.

This is only about process. We want to ensure that operators, rather than spending time trying to solve the problem internally, inform the State as soon as is reasonably practicable. At least there is a defined figure here of 24 hours, but I think the Minister of State would agree that 24 hours, in view of the immediate danger to human health from a petroleum-related incident, is too long. We do not want operators to sit back and say, “We have another 23 hours and 59 minutes before we have to inform the Government.” I ask the Minister of State to accept the amendment. Even 180 minutes, or three hours, does not seem to represent an emergency. One would imagine that 60 minutes would be appropriate, but we will give them 180 minutes if they believe they need to assess it for a little longer than that.

An Leas-Chathaoirleach: It is an interesting issue. I witnessed three major oil spills in Bantry Bay in my time.

Deputy Joe McHugh: I will try to be as co-operative as possible. Every company has bought into a safety regime and companies will have their triggering and alert systems. That is done straightaway, but this provision is about providing a report. It is not a one-line or two-line message stating an incident has happened at such and such a place. It refers to a full and extensive report.

The purpose of the Bill, to elaborate on the matter a little, is to transpose the offshore safety directive into domestic law to ensure that there is consistency in the regulation of safety with respect to petroleum activities throughout EU member states. Section 15(2) of the Bill is a direct transposition of a provision in the directive, which states:

Where an activity carried out by an operator or an owner poses an immediate danger to human health or significantly increases the risk of a major accident, Member States shall ensure that the operator or the owner takes suitable measures which may include, if deemed necessary, suspending the relevant activity until the danger or risk is adequately controlled. Member States shall ensure that where such measures are taken, the operator or the owner notifies the competent authority accordingly without delay and no later than 24 hours after taking those measures.

The purpose of this provision is twofold. First, its intention is to ensure the owner and operator are bound by these obligations. Second, the primary function is to ensure that immediate action is taken to address the cause of any imminent danger and that the company concerned, having done so, notifies the regulator as soon as possible thereafter.

The directive requires immediate notification in the event of a petroleum incident. It requires notification within 24 hours where an operator or owner takes suitable measures, including suspending an activity where the activity poses an immediate danger to human health or significantly increases the risk of a major accident. With the prescribed timelines, the directive differentiates between an incident that has actually occurred and a potential danger that an owner or operator has acted to address. It is reasonable, therefore, that the text of the directive be transposed into Irish law as set out. On this basis, I do not propose to accept the amendment.

On the face of it, I appreciate the argument Senator Mark Daly put forward. However, it is important to point out that the reporting mechanism is not a telephone call or a one-line e-mail. It is a full report of what the company did and how the owner or parent company implemented its safety plan within that short period of time, which, obviously, might mean shutting down operations.

Senator Mark Daly: I thank the Minister of State for his reply. I would like to know what other European countries have done in this regard because the provision was for 24 hours. Did all of the other member states provide for the maximum time allowed? Twenty-four hours is merely an arbitrary figure. There is a phenomenon in management known as the anchoring trap. If a figure of 24 hours is provided for something to be done, people will do it within 24 hours, even if a more immediate timeframe would be more practical. A lot of damage can be done in 24 hours. I appreciate the point about the reporting mechanism, but I am interested to know whether the Minister of State is aware of what other countries did in that regard.

Deputy Joe McHugh: I will address the point which may put the Leas-Chathaoirleach at ease also. If an incident occurs it is a case of instant notification. That is the prescription for a potential incident but, obviously, the focus is on preventing it from happening. Within that

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24-hour period, a full written report of what happened has to be provided. I assure the Senator that if an incident occurs off the coast of Cork, there is instant notification in that regard. I want to have that matter clarified.

An Leas-Chathaoirleach: I am acutely aware of that because, as a trainee solicitor, I attended all the hearings of the tribunal of inquiry into the *Betelgeuse* disaster, which cost the State £250,000 at the time, money that was efficiently spent. There is a 300-page report on that incident if anyone wants to read it.

Amendment put and declared lost.

Section 15, as amended, agreed to.

SECTION 16

An Leas-Chathaoirleach: Amendments Nos. 10 and 11 are related and may be discussed together.

Senator Diarmuid Wilson: I move amendment No. 10:

In page 27, between lines 38 and 39, to insert the following:

“(2) Such reports can be released on the instruction of the Minister.”.

Deputy Joe McHugh: I do not propose to accept the amendment, but if the Senator wants me to read my reply for clarification purposes, I will do so.

Senator Diarmuid Wilson: Yes, please.

Deputy Joe McHugh: I propose to discuss amendments Nos. 10 and 11 together.

Article 26 of the directive relates to an investigation following a major accident. It provides that member states shall initiate thorough investigations of major accidents occurring in their jurisdictions. A summary of the findings pursuant to paragraph (1) shall be made available to the European Commission either at the conclusion of the investigation or at the conclusion of legal proceedings, as appropriate, and the member state concerned shall make a non-confidential version of the findings publicly available.

The concept of a non-confidential version of the investigation report is to ensure the publication of the findings of such an investigation is not delayed due to ongoing legal proceedings or enforcement action. It also recognises that an investigation will have access to information that may be commercially sensitive. The approach proposed in sections 16 and 17 is fully consistent with the directive.

It is also worth noting that the Bill provides for a mechanism through which the Minister can give consent to the publication by the CER of a non-confidential version of a report in the normal way. It would be open to the Minister to publish a report when received. In making such a decision, the Minister would have to consider whether commercially sensitive or other confidential material should be published.

As the relevant provisions of the Bill represent a positive initiative with the intention of ensuring the fullest possible information is provided as soon as possible, I do not propose to accept the amendments.

Amendment put and declared lost.

Section 16 agreed to.

SECTION 17

Senator Diarmuid Wilson: I move amendment No. 11:

In page 28, lines 34 and 35, to delete “a non-confidential version of the reports” and substitute “the reports in their entirety”.

Amendment put and declared lost.

Section 17 agreed to.

Sections 18 to 24, inclusive, agreed to.

Title agreed to.

Bill reported with amendment, received for final consideration and passed.

Sitting suspended at 5.45 p.m. and resumed at 7 p.m.

Harmful and Malicious Electronic Communications Bill 2015: Second Stage

Senator Lorraine Higgins: I move: “That the Bill be now read a Second Time.”

I welcome the Minister for Justice and Equality, Deputy Frances Fitzgerald, and thank her most sincerely for taking the Bill this evening. As she can probably appreciate, this means a lot to me because it is an issue about which I feel strongly.

While much online abuse targeted at teenagers, politicians and so on has been well documented in the past, in recent days focus has returned to the issue with Meath footballer Paddy O’Rourke being threatened and told, “don’t think I won’t knife you, brother” on Twitter. The Minister will agree that this is appalling abuse for any well intentioned sportsman to endure, but it does not stop there. I remember back in January 2013 reading a headline in an evening newspaper, which stated “cyber bullies claimed lives of five teens” Five children is five too many and having a legislative vacuum in this area is nothing short of a failure on the part of legislators.

So many people have contacted me about their own specific experiences online, for instance teenagers telling me they have self-harmed as a result of online abuse, or college students telling me about the vitriolic posts directed at them because they are student leaders. I have had people with disabilities itemise the horrendous abuse they sustain continually because of their conditions. A grown adult contacted me recently who had made a mistake and was subject to a very public campaign of ridicule.

While much is great about our online world and most people engage in it very positively, others’ experiences tell me there is an element of our online community which wants to drag people into a bottomless pit of negativity, smother them with abusive and threatening messages and keep them in their sewer.

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Technology is advancing at such an alarming rate that, as a Facebook and Twitter user, I am obsolete in terms of my tools of social media engagement. I first became aware of all the other apps on the market last year following a survey I carried out with Deputy Derek Nolan in schools in County Galway. This was my first experience of the ills of online interaction and, quite frankly, the results were frightening. Up to 70% of County Galway students have been or know someone who has been bullied online; a further 85% said cyberbullying is a major issue for young people; 22% admitted to having been subject to online bullying; and up to 50% know someone who has been cyberbullied. A majority of 80% did not think that enough was being done to tackle this issue.

As an Oireachtas Member, I felt an onus to do something about these statistics because they are a hell of a lot more than just statistics. It is very much real life. I started by contacting social media companies and calling on them to show some corporate social responsibility. I believe they have shirked their legal and moral responsibilities completely when it comes to providing a duty of care to their users. While I accept that the onus is on social media users not to behave in an abusive manner, we need to expect more of these multi-billion euro companies and ensure we have uniform application of the very same standards demanded of our print and broadcast media.

I wrote to *Ask.fm*, a website well known in this country for plausibly all the wrong reasons, asking it to advertise anti-bullying and suicide prevention numbers on its website for free in order that children in need would have ready access to supports. It has failed, refused or neglected to do so thus far. I wrote to Twitter and Facebook as a result of the inordinate number of messages I received from people who have been subjected to online abuse and I asked them how many complaints they have received in the past year; the average length of time it takes to investigate a complaint; and how many complaints they have referred to the Garda authorities. To date they have either failed, refused or neglected to provide me with this information. Social media companies have demonstrated to me that they will not step up to the plate and, despite the favourable tax rate they enjoy in Ireland, they clearly think they are entitled to cherry pick which laws they want to abide by.

The reality of the situation is that adults and children alike the length and breadth of the country have been exposed to sustained and sometimes orchestrated campaigns of abuse online. Their mental health and well-being suffer and they have no recourse. All of this has been allowed fester as a consequence of the lack of clear legislation in this area. That is why I am particularly pleased to put this legislation before the House. I strongly felt that based on the outcome of my survey and the victims of cyber abuse who contacted me doing nothing was not an option. We need to put down a marker. I began with a blank canvas; this Bill is very much a starting point. It is up to each Member of the Houses of the Oireachtas to add, amend and delete as they see fit. I am asking everyone in the Chamber to embrace and support my efforts because it is too big an issue to play political football with. It probably affects most households in the country. I am delighted this issue is now in the political consciousness after a long time in the public consciousness. Before I go into the sections of the Bill, I thank my Seanad colleagues, Senators Ivana Bacik and John Whelan, for supporting my endeavours and for signing the Bill which I will now explain to the House.

As previously stated, the purpose of the Bill is to protect against and mitigate harm caused to individuals by all or any digital communications and to provide such individuals with a means of redress for any such offending behaviours directed at them. Section 1 refers to the name of the proposed Act: Harmful and Malicious Electronic Communications Bill 2015. Sec-

tion 2 provides definitions of “electronic communications”, “explicit content” and “shares”.

Part 2 of the Bill encompasses section 3(1) which provides that a person who, without lawful authority or reasonable excuse, intentionally or recklessly shares a harmful electronic communication shall be guilty of an offence. The words “without lawful authority or reasonable excuse” provide an out for people who might have lawful authority to use certain words and descriptions, for instance Ultimate Fighting Championship, UFC, fighters who might use that kind of language as a competitive tactic. “Shares” denotes the breadth of ways in which the communication can be disseminated and is preferable to the word “sends”.

Section 3(2)(a) provides that for the purposes of this section, an electronic communication shall be considered harmful where it incites or encourages another to commit suicide. This provision is self-explanatory and I have included it in the Bill to respond to three high profile suicides of teenagers in recent years. Omitting this provision would have meant that, as legislators, we had learned nothing about protecting our young and most vulnerable online.

Section 3(2)(b), which refers to inciting or encouraging another to cause serious harm to himself or herself, covers all threats and abuse which culminate in serious harm to the person in question.

Section 3(2)(c) protects against the growing phenomenon of revenge pornography. I have included the words “the other” as opposed to “another” so as not to criminalise the use of pornography. Conviction under this section leaves an individual open to a fine not exceeding €5,000, a term of 12 months in prison or both. The level of penalty will be at the discretion of a judge who will decide if mitigating factors apply after considering all the circumstances of the alleged offence.

Section 4(1) provides that a person who, without lawful excuse, persistently shares malicious communications regarding another shall be guilty of an offence. This subsection refers to the persistent sharing of malicious communications which means that there must be more than one instance of cyber abuse.

Section 4(2) provides that for the purposes of this section, an electronic communication shall be considered malicious where it intentionally or recklessly causes alarm, distress or harm to another person. For instance, being drunk or stating that someone else was using one’s telephone or computer may still be deemed reckless, particularly where the offence requires that the behaviour be persistent. Both offences under section 4 require the victim, namely, the person being “the other”, to give evidence of harm. This is preferable to the use of the word “another” in respect of this offence as this would result in private communications about a third party being criminalised if brought to the attention of An Garda Síochána. Again, on conviction, a defendant would be subject to the jurisdiction of the District Court and he or she would be open to a fine not exceeding €5,000, a term of 12 months in prison or both.

Part 3 refers to jurisdiction and procedure. This is most important as it provides some scope for a judge to depart from the penalties provided for in sections 3 and 4. This will be especially important for children as it means they will not be criminalised, even in cases where the defendant has reached the age of criminal responsibility.

Section 5(1) refers to a number of reliefs available to the court. This gives the court leeway to put a stop to the offending behaviour, even in instances where proofs may not be satisfied. Paragraphs (a), (b) and (c) are self-explanatory and the benefits of the relevant provisions obvi-

ous. Subsections (5) and (6) provide that an accused who may not have been found guilty of an offence under sections 3 or 4 may be subject to an ancillary order which, if broken, would constitute an offence.

These are the parameters of the Bill. Prior to its enactment, it is vital that an awareness and education campaign is rolled out nationally and a specialised unit of An Garda Síochána is trained to deal with issues that may be forthcoming.

This is an important Bill which has the potential, in time, to become seminal legislation. By enacting it, we will join countries such as New Zealand and the United Kingdom and certain US states which have enacted similar legislation. These first world countries and modern democracies are leaders in international best practice in this area.

The purpose of the Bill is not to curb freedom of speech and the Constitution, the highest law in the land, already provides freedom of speech safeguards. As a qualified barrister with almost ten years experience, I fully understand this. As someone who also speaks her mind inside and outside the Chamber, I fully support freedom of speech and depend daily on this basic principle. The purpose of the Bill is to curb abuse and threats in our online world. It is an Internet safety Bill which is designed to protect children who may cry when they look at their computer screen, whose esteem is damaged and who have become withdrawn and no longer want to go to school. It is also about their parents who feel powerless to help and protect them and the need to restore decency to our online debates and engagement. Who could possibly be against that? For these reasons, I commend it to the House.

Senator Ivana Bacik: I welcome the Minister. I am pleased to support the Bill proposed by my colleague, Senator Lorraine Higgins. I commend her for the work she has done on the legislation, the eloquent speech she made in proposing it and her bravery in raising this issue and speaking publicly about her personal experience. This, too, needs to be acknowledged because it can be difficult for public representatives and politicians to speak publicly about the online abuse with which all of us are familiar.

Abuse is not confined to cyberspace. I recall as a student union officer in the late 1980s being subjected to particularly vicious hate mail for the student union's stance in favour of freedom of information and free speech concerning the right of women to access information about crisis pregnancy services, including abortion. While this hate mail was of the snail mail variety, as a young person I found it extremely hurtful and difficult to deal with.

What we have seen in more recent years has been a much more pernicious type of abuse taking place, with abusive attacks being made on young people online. The difference in such cases is that it is difficult to escape online abuse because it arrives on one's telephone or computer screen, thereby invading the home space, especially of teenagers. I have spoken to friends who are parents of teenagers and they are particularly aware of the nasty effects these attacks can have on a child's self-esteem.

Senator Lorraine Higgins spoke about appalling examples of the effects of online bullying and the awful teenage suicides we have seen. This type of bullying is not confined to young people, nor is it something of which only young people are guilty. Vicious attacks and bullying are traded among adults on Twitter and other social media on which people can express themselves anonymously.

This is clearly a difficult area in which to legislate. It goes without saying it gives rise to

freedom of expression and free speech concerns, on which Senator Lorraine Higgins also spoke eloquently. As with most Private Members' Bills, the Bill is a starting point and is not perfect. It is incumbent on all of us, therefore, to examine how we can improve it. There are undoubtedly other issues that need to be addressed in a more comprehensive Bill. Senator Lorraine Higgins touched on a number of these, including the duty of Internet service providers, ISPs, to be more proactive in removing material from the Internet. Speaking to other practising colleagues at the Bar who have dealt with this issue, it is clear that it is extremely difficult to obtain a civil remedy for clients who have been faced with the most appalling false allegations online. Extraterritoriality is another issue as most ISPs are located outside the jurisdiction. Legislation may also be required to address this issue.

The ancillary orders provided for in section 5 have a precedent in the harassment provisions of the Non-Fatal Offences Against the Person Act. There are issues beyond criminal matters which must be addressed and the Bill seeks to do so. These issues need to be re-examined.

Cybercrime in the more general sense must also be addressed because much of our current legislation was not drafted with cybercrime in mind. For this reason, our legislation needs to be improved, not only in the areas of online bullying, which the Bill addresses, but in several other areas.

Cyberbullying has been the subject of a good deal of work and the Bill forms an important part of a series of reports and measures which has made suggestions on how to deal with the issue. The Bill deals with the sharing of harmful and malicious electronic communications. Senator Lorraine Higgins has kept the offences in the summary jurisdiction of the court, which is important. This follows from and builds on some of the recommendations made by previous groups. In 2013, the Minister for Communications, Energy and Natural Resources established the Internet content governance advisory group which published a report in 2014. Its recommendations are being discussed in the relevant Departments.

The Law Reform Commission is also engaged in work in this area and examining the issue of cybercrime as it affects personal safety, privacy and reputation. The European Commission published an issues paper in November in which it asked interested parties to address a number of questions, some of which have been addressed in the Bill before us. The paper notes that the offence of harassment currently contained in section 10 of the Non-Fatal Offences Against the Person Act may not apply to certain forms of indirect cyber harassment as it does not refer specifically to this type of harassment, having been drafted prior to the prevalence of online communications. Section 10 does not address the setting up of fake profiles where harmful behaviour is directed towards a person other than the victim but concerns and harms the victim. The Law Reform Commission is examining whether section 10 should therefore be amended, and is also looking at the issue of extra-territorial jurisdiction. It is also looking at the difficulty with the requirement for "persistent" behaviour in the current offence of harassment. Even if section 10 can be used in the cyber setting, it may not amount to harassment under section 10 to post with a single upload the sort of communication referred to in section 3(2)(a) of the Bill inciting or encouraging someone to commit suicide online - an appalling abuse - even where it is seriously harmful to a person's safety or privacy. There is a question about that. The Law Reform Commission is investigating the possibility of either amending section 10 of the Non-Fatal Offences Against the Person Act or creating a new offence, as this Bill aims to do. While that is a question that needs to be addressed, the Law Reform Commission has identified the flaws and gaps in our legislation currently in dealing with the sort of cyberbullying we have seen.

Another point to make is that our legislation on hate crimes more generally also requires updating. There is a recent University of Limerick report on this issue. The Prohibition of Incitement to Hatred Act 1989 is our existing law, but there are areas in which it needs to be updated. The European Commission has called for this and the Law Reform Commission is also investigating the issue. The Law Reform Commission is specifically looking at the issue I have already raised of existing civil law remedies and whether they are adequate to protect against cyber harassment and safeguard privacy rights. This is the issue of the take-down order and whether ISPs can be ordered to remove defamatory or abusive content, in particular.

These are some of the complex questions that will need to be addressed. As Senator Lorraine Higgins said, the Bill is a starting point in seeking to address some of them. The core of the matter is seeking to address the really harmful conduct which we have seen cause harm to individuals. It seeks to address that in a sensitive manner that is in balance with the rights to freedom of expression and free speech which will have to be taken into account in any final draft. I hope the Government can accept the Bill on Second Stage and that we can see a consensus emerge as to how we move forward. Clearly, legislation of some sort is required to deal with new forms of bullying, as existing legislation may not be adequate. I agree with Senator Lorraine Higgins that this is not just a criminal justice matter and that there is also a huge need for greater education and awareness-raising around the safe and respectful use of online and social media. We must ensure that anonymity does not give people *carte blanche* to be abusive.

Senator Thomas Byrne: I am glad to speak on the legislation introduced by Senator Lorraine Higgins, into which she has put considerable work. That has been based partly on her own experiences which seem to have been abhorrent and worthy of condemnation. I understand they are the subject of a Garda investigation, which is as it should be. I hope prosecutions will result for some of the people under our existing law. This is a very tricky area because a great deal of harm is being done by cyberbullying. As Senator Ivana Bacik outlined, our legislation predates the whole cyber scene and there is no doubt that some laws need to be updated.

We support the Bill in terms of the broad brush. The Bill should pass on Second Stage, but we have issues with some of the sections. If the Bill were to reach Committee Stage, there would have to be significant revisions. Section 3 is a good section which deals with inciting or encouraging people to commit suicide. I would draft it slightly differently by making those very specific offences rather than including them as part of the definition of “harmful”. It would make for stronger legislation. There is no question that the section is necessary in light of the crisis in relation to suicide and self-harm and the new phenomenon of revenge porn. Certainly, I will be tabling amendments on Committee Stage to improve upon the excellent intentions behind the section and to make it even stronger. I agree wholeheartedly with the aim that is sought.

Section 4 is based on very worthy intentions, but, as I have said to Senator Lorraine Higgins, it is extremely broad. It goes much further than section 10 of the Non-Fatal Offences Against the Person Act, on which, I believe, it is based, which includes a proviso whereby the complained-of conduct must be such that a reasonable person would believe it was going to cause alarm, distress or harm to the person concerned. As drafted, however, section 4 of the Bill provides that anything said more than once online or electronically which the other person considers to be alarming, distress-causing or harmful would constitute an offence. There must be serious problems with this. Notwithstanding Senator Lorraine Higgins’s good intentions, one might end up making a provision in law that is much broader than it needs to be. For a start, there should be an exemption for the expression of political views, even though one might not

assume it was needed. If someone is expressing political views, a politician should not have any comeback. If it is personalised, in the way some of the dreadful things said to Senator Lorraine Higgins were, that is a totally different thing and nothing to do with politics. I am not trying to equate those issues. In one of the US statutes that the Senator mentioned, there was an exemption in Maryland for political views. Maryland has attempted to ban the infliction of serious emotional distress, but the ACLU has expressed serious doubts as to its constitutionality under the First Amendment to the US constitution. Similarly, a statute in Albany in New York state which sought to ban annoying communications was struck down by the Court of Appeals in New York state on First Amendment freedom of speech grounds. It highlights the fact that there is a serious problem to be addressed, which is cyberbullying that is causing harm, upset, suffering and distress, but there is also a serious right that we cherish and that is the right to free speech.

In some cases, one cannot argue with a right to offend. We all said “*Je suis Charlie*,” which meant that we believed *Charlie Hebdo* had the right to offend. While that newspaper was not an electronic communication, there is no doubt that it caused distress to the Muslim community. As a believer in a Christian God, it would cause distress to me to see someone’s religion treated like this. I am not in any way equating it with what Senator Lorraine Higgins went through, but it is clear that it caused huge distress to some. Nevertheless, we upheld absolutely the right of the newspaper to say things that were insulting and offensive. I would not have done it myself and it is unlikely that anyone here would have printed something like that out of respect for the religion of others, but the world said at the time that people who wanted to could do so.

My difficulty with the section is its subjective nature. It seems to depend on what another person considers to be alarming, harmful or a cause of distress. There should be something about what would be considered harmful by a reasonable person or to require that actual harm be caused. Senator Ivana Bacik spoke about doubts around section 10 of the Non-Fatal Offences Against the Person Act. I am not criticising her and have not looked at the report of the Law Reform Commission, but I ask whether there have been difficulties with juries or judges convicting people under section 10 which now have to be addressed.

Senator Ivana Bacik: Yes.

Senator Thomas Byrne: I find that amazing. To me, it is over-interpretation of the law. It is a little like the brouhaha we had here over the reporting of Dáil proceedings. The whole thing was made hugely complicated by the 60 or 70 lawyers in the High Court arguing over the Constitution, when the issue was very simple. In my view, section 10 is very simple also. On the matter of raising doubts, it seems that academia sometimes creates these doubts unnecessarily. Section 10 is very simple and covers communications. It seems that should include electronic communications. I am not a practising academic or criminal lawyer, but we often forget about a plain reading in law. In this case, a plain reading suggests section 10 is a good provision which could be used and improved on. In fact, Senator Lorraine Higgins has based some of what she is saying on it. While we support the Bill, we need to ensure what we are doing protects children and adults and protects victims, that it does so effectively and that it does not do so in an unconstitutional way. We also need to ensure people have the right to speak and engage in political discourse. By the way, that does not always have to be polite. People have a right to be impolite to politicians. I believe people have a right to offend politicians. Certainly, I have been offended on many occasions. Perhaps that comes with the territory. It is different from the type of harm that Senator Lorraine Higgins is talking about. It is different from what happened in the case she mentioned - I will not even use the word. I am not equating the two

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situations in any way. Where someone is threatening to rape another person or to do what was threatened against the Meath goalkeeper last weekend, there are already laws to deal with that issue and they should be used effectively. That is wrong and it needs to be condemned fully.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank and commend Senator Lorraine Higgins, as well as Senators Ivana Bacik and John Whelan, for bringing the Bill before the Seanad.

There is a strong imperative, as Senators have been saying, to ensure our legislation is fit for purpose and keeps up with the pace in terms of the challenges of technology and new media. There are implications for many pieces of legislation posed by the developments that we are discussing.

The last decade has seen rapid development of many new forms of technology and digital media. This has been matched only by the rapid increase in the use of social media by all sectors of society, the young and the not-so-young. New forms of digital and social media bring with them many exciting opportunities that must be harnessed. Anybody here would be in no doubt about this. There are new capabilities to share news and information with thousands, millions or billions, which, in turn, can educate and enrich our knowledge and awareness. It can promote transparency. It can break down barriers. Instantaneous messaging has made the world much smaller. Grandparents in Ireland can now talk to and see grandchildren on the other side of the world in real time. I have no doubt that instant messaging has also saved many lives by allowing speedy reporting of accidents and health risks. New technology can support how we work, do business and innovate. I have stated previously that the budding child entrepreneurs of today are more likely to be writing code and designing apps than, as may have happened in the past, selling lemonade or penny apples.

However, with opportunities come challenges. Of course, those challenges and the risks of new technology are what we are discussing here this evening. Clearly, there are risks, and Senators have already discussed quite a few of them. First, regrettably, the online world has provided a new arena of opportunity for those who seek to engage in sexual exploitation and the grooming of children. It is quite horrifying to see the videos that predators, paedophiles and international criminal gangs will exchange in real time of children being abused. We see this internationally. No country is immune from it. It certainly is challenging for our police and intelligence forces to deal with that. Online sexual exploitation is an abhorrent but very real risk facing children. It is for this reason that I will shortly introduce the criminal justice (sexual offences) Bill, which will include new offences and tough new sanctions for any predatory sexual activity which seeks to target children online such as through social media.

Second, it seems that the traditional boundary lines of personal privacy have become greatly blurred by the growing phenomenon of over-sharing of personal information and photos on social media. I support the calls for better information and education and the work that we need to do, particularly with young people. Policing forces internationally tell us that many of the images that children themselves put up go on to be used in child pornography, and of course those images are up there for a long periods. The risks pile up as people share this kind of private information, such as photos. Some of the longer-term implications of over-sharing, particularly in terms of privacy and data protection law, are only now beginning to be explored. No doubt this is an area to which we will return in the Seanad in relation to all of these issues and the various boundaries. Senator Thomas Byrne made a relevant point about the sort of boundary that needs to be observed such as the right of people to express themselves and the right to privacy

and just where one sets the boundaries in that regard. We must not move to a situation of censorship or not allowing people free speech. Senator Lorraine Higgins made that clear.

Third, just as traditional forms of communication allowed some people to express abusive messages, new means of communication can afford them amplified and anonymous means of cyberbullying and cyber harassment. We have all had experiences of individual children whom we know who have been abused in this way. The word “abuse” is the right one. It took us a long time to recognise physical and sexual abuse as it happens. We are now being called to recognise these new forms of abuse that are prevalent and can be life-threatening. That is the reality.

There are a number of background matters that I want to mention briefly. The report of the Internet content governance advisory group, which was published in June 2014, is being implemented. In my Department there is an Office for Internet Safety, OIS, with four partner organisations, a dedicated website which contains information and links on Internet safety and various booklets that have been made available.

The Garda also launched a new initiative which I bring to the attention of Senators, under which a memorandum of understanding has been agreed with the Internet service provider UPC. This was a first. There is room for more of this kind of work between the Garda and Internet service providers.

For the information of the House, I recently hosted a meeting with the chief Internet service providers in Farmleigh in Dublin to discuss the exploitation of children and the broader issue of access to material online that is criminal. The videos or photographs online to which we refer are effectively crime scenes-----

Senator Martin Conway: Well said.

Deputy Frances Fitzgerald: -----and there is a question of how they are kept and made available. The Internet companies are proactive in terms of safety. The vast majority of them now have safety officers and they are conscious of this issue. They are working on it within their companies and are working with governments. At the recent meeting of the Justice and Home Affairs Ministers, one of the agreements reached, for example, which might seem far away from what we are discussing tonight, was about the online radicalisation that is being used by ISIS in terms of recruitment of terrorists. One of the recent initiatives is to have a high-level EU forum which is being put together by the Commission, to link with the Internet service providers at a high strategic level to discuss these issues and to achieve, as Senator Lorraine Higgins pointed out, uniformity in the responses from providers to the kinds of issue we are discussing. *Hotline.ie* is another group that does valuable work.

I will move on to what the Law Reform Commission is examining in this area. The commission is carrying out a project on cyber crime affecting personal safety, privacy and reputation, including cyberbullying, as part of its fourth programme of law reform. A paper was published in 2014 that sought the views of interested parties on whether the current legislation, for example, the harassment offence in section 10 of the Non-Fatal Offences Against the Person Act 1997 should be amended; whether there should be an offence that involves exactly what we are discussing tonight, namely, a single serious interference, through cyber technology, with another person’s privacy; on whether current law on hate crime adequately addresses activity that uses cyber technology; on whether current penalties for offences such as cyber harassment and

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related behaviour are adequate and on the adequacy of civil law remedies. The Law Reform Commission also held a seminar last year. It is now bringing together its recommendations which we expect to have this year. It will be an important contribution to how legislation needs to be developed. In fact, there are probably Bills that are needed.

It is clear, when I look at the Bill before us, that much thought and deliberation has been given to creating offences which reflect the reality of some of the behaviour that can be used against others via technology. It shows a clear appreciation of the serious issues which can arise, such as encouraging others to harm or kill themselves which is a despicable crime and sharing an electronic communication which includes explicit content of another person.

Section 3 provides for an offence of harmful electronic communication which is not dependent on direct communication with the victim. Indirect communication is an issue the Law Reform Commission has identified and which will have to be considered as part of any solution to the problem. Its inclusion in the Bill is very relevant. The offence depends on intentionally or recklessly causing alarm, distress or harm to another. Technical questions would arise regarding some of the formulations and further work needs to be done on some of the particular points made by Senator Lorraine Higgins.

The concept of persistence is very interesting because we know precisely what it means. Section 5 goes beyond the normal approach of applying standard criminal penalties of fines or imprisonment to provide for the making of ancillary orders which can include matters such as a requirement that a person remove or delete specific electronic communications, even if he or she has not been convicted of one of the offences.

The Bill raises issues such as the balance between the right to information, an open society and privacy. This issue arises constantly in the area of criminal justice. The European Parliament has concerns about sharing passenger notification records, which are essential in terms of interrupting terrorist and illegal activity, even though there are agreements with the United States and other countries to share such information. I make that point to show that the approach is far from unanimous.

I fully appreciate and understand that the purpose of the Bill is to protect individuals from harmful and malicious communications and to provide such individuals with a means of redress. I also understand why it is considered important to provide for legislation of this type, notwithstanding some points that need a different formulation and further development. I will not oppose the question.

We are all aware of the excellent work carried out by the Law Reform Commission and how its consultation informs our legislation in both Houses. It is always extremely useful in terms of the formulation of legislation. I would like to assure Senators that the issues dealt with in the Bill will be considered further, particularly in the context of the recommendations of the Law Reform Commission. As I did in a discussion with Senator Feargal Quinn when I brought his Bill, with his agreement, to the Law Reform Commission in order that it would inform its work, I am happy to draw its attention to the content of the Bill and the debate, even though it has gone beyond its consultation period.

I again thank Senator Lorraine Higgins for highlighting the issue and contributing to the development of legislation in this important area. It is a very important issue and a relatively new threat. We as legislators have to be very conscious of keeping legislation up to date in a

number of areas of criminal justice in order to deal with the challenges.

Senator John Crown: While I respect the sentiments which have motivated the Bill, I must, with regret, oppose it because we do not have a First Amendment in Ireland. If we did, I would be a first amendment hawk. Free speech is the cornerstone of any democratic society. Any law which has within it the potential to undermine free speech, a law which, when crafted by well meaning people like Senator Lorraine Higgins, will be implemented in future generations by people who may be less well meaning, has within it the ability to undermine many of the central freedoms which keep our democracy safe.

The Bill is motivated by a desire to prevent personal harm inflicted by malicious people through the medium of the Internet, specifically things like revenge porn and exhortations to commit suicide. Such people should be dealt with in specific legislation. There should be a comprehensive Bill and an attempt to deal with issues relating to suicide. The way to deal with revenge porn is to pass legislation on the ownership of images which may have been exchanged between two people to prevent them being widely disseminated. The problem with the Bill is section 4 (2), which states: “For the purposes of this section an electronic communication shall be considered malicious where it intentionally or recklessly causes alarm, distress or harm to the other.” It is the nature of a democracy that it is full of people who, every now and then, need to be harmed.

I am not referring to the poor children and teenagers who have been maliciously harmed, but that should be dealt with in specific legislation. We should not give to Government the broad stroke to use the excuse of prevention of harm to defend the powerful and influential. As John Hume recently said, “The right to free speech never entails a right to be taken seriously” and as George Orwell said, “If liberty means anything at all it is the right to tell people what they do not want to hear.” Those rights would be gravely undermined if the Bill was passed.

The wonderful Máiría Cahill who has done so much to cast light on a very shadowy and disreputable series of episodes that occurred in Ireland, used the medium of the Internet widely and caused - I will use the words of the Bill - quite a bit of alarm, distress and harm to people who deserved to be alarmed, distressed and harmed. She did so deliberately, but not maliciously. The Bill would have allowed people on the receiving end of what we believe are very valid criticisms to hide behind the legislation and protect themselves from the kind of criticism they deserved and the light which needed to be shone on their activities and deficiencies.

I can think of many other examples. An example we all lived through is the Protection of Life During Pregnancy Act. Most of us, Senator Lorraine Higgins included, I am sure, were subjected to very substantial amounts of very personal abuse from people who called us baby killers, said we were anti-life and told us we would be toasted forever in the eternal fires of Hell. Such comments are quite distressing and I imagine somebody with delicate sensibilities would take them to heart. Some very hurtful things were said to me. I am a doctor who deals with cancer patients and people went online and said I was anti-life and pro-death. What could be a greater personal and professional insult to me than that? Like Voltaire, I disagreed with what they said, but I defend to the death their right to say it. That is the kind of society to which we must aspire.

With great respect, that is why the Bill has the potential to be very dangerous. It is part of a broad series of new ideas being developed in the new world which are attempts to roll back the individual freedoms which were so hard fought immediately after the dawn of the Enlighten-

ment that rolled back many of the darknesses that had enveloped people for so long. A Jewish person might fervently believe that he or she has a right to live in Israel according to ethnic or religious beliefs, with which one may or may not agree. Some people have stated this belief, called Zionism, is a form of racism. I do not believe that, anymore than it is a form of racism to have Islamic republics dotted all over the Middle East. In an ideal world I would love to have pluralistic, multi-confessional and democratic republics throughout the Middle East where everybody could vote and would not vote according to ethnic or tribal lines, but that is not what we have. We have the current reality. People who believe Zionism is a form of racism should be allowed to say it, even though it may be very deeply and personally offensive and hurtful to many Jewish people who see Zionism in a very different light. I have major problems with many of the practices of the Islamic theocracies in the Middle East. Should I be allowed to criticise them, even though very devout Muslims may find that hurtful?

I understand from where this came. Senator Lorraine Higgins went through an awful experience which nobody deserves and I hope there is a legislative remedy. A legislative remedy that could be abused by people, who are less well meaning than the Minister, in years to come in an attempt to squelch dissent in this State should not be supported.

Senator Martin Conway: I welcome the Minister of State, Deputy Gerald Nash. I also commend my colleague and friend, Senator Lorraine Higgins, for the introduction of this Bill. Given the importance of the Bill which is sponsored by Senator Lorraine Higgins, Fine Gael has opted to allow her to lead this debate on behalf of the Government. This is symptomatic of how important Fine Gael, as a group within Seanad Éireann, believes this legislation is. I listened with great interest to Senator John Crown and to his concerns, which I am sure could be addressed on Committee Stage. I have no doubt that Senator Lorraine Higgins, more than anybody else, is open to the acceptance of amendments that will strengthen this legislation.

In the past five years cyberbullying has become a problem in this country. Earlier today, Deputies Joe Carey, Michael McNamara and I met a group from Clare Comhairle na nÓg following a tour by them of the Houses. We had a very interesting engagement with them in the AV Room, during which I posed the question as to what, in their view, would be the issues of concern during the next general election. They were unanimous that the big issues would be mental health and bullying, particularly cyberbullying, which is a new phenomenon. I consider myself to be a young politician, but this phenomenon did not occur when I was in school. It certainly did not occur when I was in college, a time I shared with the Minister of State, Deputy Gerald Nash. We had many great times together in UCD. The Minister of State was a member of the Labour Party and I was a member of Young Fine Gael. When we wanted to inform people about meetings, we did so by putting up notices on notice boards.

Deputy Gerald Nash: I was taking down the Fine Gael notices.

Senator Martin Conway: I would never have taken down any of the Minister of State's notices. Now such messages are being sent via social media. Approximately six months ago I was in UCD to speak to a group of young people. While there I took the opportunity to go and see the notice boards in the arts block. While there were posters about events pinned to them, there were no messages posted. Social media is a phenomenon not of our generation. Nevertheless, we engage with it. As politicians we want to avail of every opportunity to get our message across, be that via social media, print media, snail mail and so on. However, with social media comes problems. All of the people with whom Deputies Joe Carey, Michael McNamara and I met spoke of the challenges they face in terms of mental health and suicide and cyberbul-

lying via social media. It was an amazing experience to hear people of between 15 and 17 years of age speak about what they perceived as challenges. I am sure Senator Lorraine Higgins will be very happy to hear that I took great pleasure in informing them that the Seanad would be debating this issue between 7 p.m. and 9 p.m. this evening. I then explained the detail of the Bill and how the legislative process works, including that if the Government does not oppose the Bill on Second Stage it moves to Committee Stage where the real work is done.

I call on those who have concerns about this legislation to allow it progress to Committee Stage where their concerns can be addressed. This is an example of where the Seanad can make a difference. The Seanad has proven itself to be a formidable force in many areas, one such area being direct provision, which Senators Trevor Ó Clochartaigh, Jillian van Turnhout and others, including me, have been battling for some time to have addressed. I note a report on that matter has been commissioned. It is hoped the outcome will be good things for those who have suffered in this area.

Like Senator Lorraine Higgins I, too, had a problem with social media last November, although not to the same degree as her. As public figures, we will all be subject to a battering on social media at some stage. However, this becomes a problem when it descends into criminality. This legislation will be a first step towards ensuring the law will prevail not only for social media but all media.

Senator David Cullinane: I welcome the Minister of State, Deputy Gerald Nash. He has been spending a great deal of time here. I am not sure if that bodes well for him into the future and I wonder if the Minister of State is trying to send us a message. Nevertheless, it is good to see him here.

Deputy Gerald Nash: I can assure the Senator there is no message in that, one way or the other.

Senator David Cullinane: I am pleased to hear it. I would like to pick up on the point made by Senator Martin Conway regarding people who have concerns about this legislation allowing it to progress to Committee Stage where the real work is done. There is an element of wisdom in that. The problem, however, is that Members on this side of the House have brought forward several Bills and despite our calls that they be allowed to progress to Committee Stage, they were voted down by the Government on Second Stage.

Senator Martin Conway: I do not disagree with that.

Senator David Cullinane: A little bit of practice of what we preach might not go astray. However, I take Senator Martin Conway's point. It is well made.

I commend the proposer of the Bill for allowing us to have this important debate on bullying and cyberbullying. In 2013, my colleague, Deputy Jonathan O'Brien, tabled a Private Members' Bill in the Dáil entitled the education and welfare (amendment) Bill. This is another example of a Bill introduced by a member of the Opposition to address the issue of bullying in schools but being voted down by Government, including the Labour Party. The education and welfare (amendment) Bill sought to impose mandatory requirements on schools to adopt counter-bullying and preventive measures and to direct the Minister for Education and Skills to introduce regulations based on existing guidelines. As I said, that Bill was rejected by the Government as a whole.

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In 2013 the Oireachtas Joint Committee on Transport and Communications produced an extensive report into cyberbullying, a copy of which I have with me. This report contains many recommendations, many of which have not been implemented. I call on the Government, the Minister, the Minister of State and the Senator who proposed the Bill to review that document and the many recommendations therein in respect of which there is all-party support. It is not beyond us to craft a Bill which can have all-party support and do something meaningful in relation to the issues being raised. The committee made some progressive suggestions as to what could be done to tackle cyberbullying, including increased funding for schools to educate young people on how to use social media, increased communication between schools, hotlines, social media companies and the provision of more resources to the Data Protection Commissioner and the computer crime investigation unit. It also recommended that additional training and guidance be provided to the Garda and the Director of Public Prosecutions to assist them in dealing with cyberbullying. It also dealt with the issue of revenge pornography, which as stated by other speakers has, unfortunately, come to the fore in recent times. As we know, this involves a member of the public posting explicit pictures or videos, often of a former partner, on the Internet as some form of revenge. This has resulted in private and intimate photographs being posted without the consent of others, causing extreme distress. It is interesting that An Garda Síochána has admitted that the laws around this issue are vague. This is an area in respect of which we do need to do some work and legislate. Where is the legislation to do this? I take the opportunity to put the Minister of State, Deputy Gerald Nash, on notice that Sinn Féin has prepared legislation to deal with some of these issues and will shortly publish a Bill to deal with that particular issue.

Educating children is one of the most important aspects in tackling cyberbullying. It is imperative that we teach young people how they should act online and how they should treat others.

There is no doubt that social media have been used in a very negative way. However, our role as legislators, and this is crux of my contribution, is not to suffocate social media, rather to work with the industry in an attempt to make social media as user friendly as possible. Unfortunately, bullying has occurred in schools for a long period. With the advent of social media, bullies increasingly use it as a platform to harass and inflict suffering on their victims. In compiling the Oireachtas report mentioned earlier, it was found that 17% of 12 to 18 year old students have suffered cyberbullying at least once. Clearly, guidelines in regard to cyberbullying should be given in order that schools, the Garda, sports clubs and other organisations have clear protocols to follow. Cyberbullying can happen to adults as well and all of us as politicians come in for a great deal of abuse. Instances of such abuse during the debate on the Protection of Life During Pregnancy Bill were given. We get large amounts of hate mail, which is the only way to describe it, in respect of many Bills. People have concerns about legislation and they express their views in a very negative way towards all of us. This falls under section 10 of the Non-Fatal Offences Against the Person Act 1997.

Social media have also played an important role in spreading new ideas and opinions, especially in countries where freedoms may be limited. We saw it during the Arab Spring of 2011 when social media were a way for many protesters to bypass the restrictions and repressive governments of those countries to get message out into the public domain.

There is problem with the language in the Bill and I will be joining those Senators who will be opposing it, where it refers to instances causing alarm, annoyance or inconvenience. That can be very subjective and that is the problem in that context. The author of the Bill and the

Government need to examine that aspect. There is no doubt that we must do a great deal more to deal with the issues of bullying and cyberbullying. I am not convinced that what is proposed in the Bill is the way to do it. I ask the Government to examine the recommendations in the Oireachtas report which has been supported by almost all the political parties and proceed to address this issue on that basis. That would be a much better and more useful way of dealing with the genuine and sincere issues raised here by those supporting the Bill.

Senator Catherine Noone: I welcome the Minister of State. I support the Bill introduced by my colleague and good friend, Senator Lorraine Higgins, and commend her for the work she has done on it. As alluded to by other Senators, there is clearly a need to balance rights, but something must be done and if it were another area many of the Senators on the other side of the House would be suggesting we legislate immediately for something like this measure.

Many of us have been subjected to abuse. As some Senators said, it is arguable at what point something becomes abuse and whether one person would find something abusive that another person would not. I can appreciate 100% where Senator Lorraine Higgins is coming from on this issue. I had an incident of this myself which was quite difficult and which I reported to Twitter and the Garda, but there is very little that can be done. Clearly, more effort must be made to deal with these issues as they arise.

As politicians, we put ourselves out there. To all intents and purposes, we are public property and fair game. We are used to taking abuse but at some point one has to say “Stop”. It is a large philosophical debate as to at what stage something becomes abusive. As Senator Martin Conway said, there is no doubt that in recent years social media has given a voice to people who, if they met one on the street, would not look one in the eye, never mind speak to one. It gives people in their string vests in their basements the power to be abusive.

We must remember the very positive benefits of the Internet and social media and, for the most part, their use is usually positive. It is like anything else we have to legislate for regarding the negative or terrible things that might happen. As Senator Martin Conway said, social media did not exist in his time in school and college and he and his friends found ways around it, but I welcome social media and everything they have brought other than these, I hope, fairly rare instances of abuse. Clearly, we have to protect rights.

For what it is worth, I encourage colleagues to support the Bill and bring it to the next Stage, at which point positive suggestions for altering it can be made. I disagree with the point the previous Senator made that the Government has not been supportive of any Bill from the Opposition. Our record is better than the previous Government in the sense that some Bills initiated by the Opposition have been put through to Committee Stage. I share the Senator’s view it would make a great deal of sense to allow most Bills to go forward to Committee Stage, unless, as Senator Martin Conway said, when we were discussing this a few minutes ago, they are off the wall. I agree with the previous Senator in that regard. I encourage Senators to allow this Bill to go to the next Stage, at which point we together as a House could make appropriate amendments to it. I commend Senator Higgins again for her work on it.

Senator Gerard P. Craughwell: I will not delay the House too long. I have much sympathy for the mover of this Bill. I have some idea of what Senator Lorraine Higgins and others in this House have gone through as a result of abusive communications through social media. My family is no stranger to the use of technology to abuse. Back in 1974, my poor mother used to be woken at 3 a.m. to be told I was shot and that happened every day. She received calls at 2

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a.m. and 3 a.m. As that is a matter of police record at this stage, I am not making this up as I go along.

Media have been used in one form or another to abuse people for generations. I started in media with flags and semaphores and worked my way through Morse code, VHF radios and now on to social media and the like. I engage in Twitter all the time and can thank Twitter for my election. If Twitter had not broken the story at the time, I would not be here today. Social media have positive influences.

The Bill is well meaning but, let us be honest about it, it is poorly thought out because it fails to take account of where the technology is located. I have taught in the computer area, particularly in the networking area, for the best part of 20 years. How does one stop me gaining access to one's phone if I have the know-how and can use someone's phone as the platform to bully people? I once had a student who bullied people electronically and it took me months to find him. The reason it took me months was that he was cute, able and technologically proficient enough to be able to switch IP addresses and use the IP addresses of colleagues he was sitting beside. That is the sort of technology we have. Bullying is as old as man. If those who engage in bullying do not bully people on electronic media, they will find some other way.

Should this not be a Bill for the Department of Education and Skills? Should we not be educating young people on how to use social media, because it is here to stay? Bringing in this Bill will not go the whole way towards addressing this issue. If I wanted to have a go at one of my colleagues, I would buy a phone in the North of Ireland, cross the Border every day, send a few text messages and come home. This Bill will not solve the problem. The way forward is by way of regulation. If we really want to do something about it, we should place the onus on the Internet service provider and ask it to remove indecent or abusive material. Senator Lorraine Higgins said there was a difficulty, but that difficulty can be overcome with regulation and Government orders. If we are going to legislate, we should legislate for the Internet service providers. This Bill will not solve the problem.

I welcome everything the Minister of State said. I am delighted that a combined agency is examining this issue, involving all those involved in the delivery of these technologies. I hope that at some stage we will see some form of regulation being brought forward through legislation. However, I do not want to see legislation being passed by this House that will end up being misused by those who want to control people's access to the media and their communications with others.

I have suffered abuse online. I have been called all sorts of names since I was elected to this House. There is a very simple solution to that - block it. If someone insults me once online, they are blocked. That is it. They are not coming back and I do not want to know anything more about them. If someone is insulting the Senator online, she should just block them, but we should not go crazy on this issue.

Senator Marie Moloney: I welcome the Minister of State, Deputy Gerald Nash, and compliment Senator Lorraine Higgins for doing something about this problem. It is very easy for us to sit back, let things happen and do nothing about them, but the Senator has experienced this problem. She knows what it is like to suffer at the hands of bullies and decided to do something about it. I compliment her on getting off her rear end and doing something about it. We can all talk about the problem, but doing something about it is different.

In the past, if we were bullied in school - many of us were bullied in school about our looks, our weight, being stupid or God knows what - we were able to go home to mum and dad and leave that trouble outside the door, but we can no longer do that. It follows us into the house, our bedroom and into our heads and it is very difficult to stop it. I was one of those who got a lot of abuse following budget announcements. I am sure those on the Government side have been subjected to much more in the line of bullying in recent years. If people do not agree with the budget, they let us know but we signed up for politics and we have to stand over what we say or do in this House. However, vindictive, malicious comments are another matter. We should have a decent debate, and I have no problem debating the issues with anyone. The person put his name on the texts I was getting and even though they were not nice, at least I knew who was sending them.

I have been working on the problem of bullying in a different way, which could complement Senator Lorraine Higgins' Bill. I have been drafting my own SIM registration Bill. I am doing that because I dealt with a young girl attending college who used to receive telephone calls, particularly at night, from someone who said they were watching her, they knew where she was and what she was doing and that they could see her all the time. The girl was terrified. She was so upset she would go home crying to her mum and dad. She was afraid of her life to go outside the door because she did not know who was calling her or where that person was. This person could have been in Northern Ireland or Donegal; she did not know. The person, however, slipped up by sending a text. When someone sends a text, his or her number is displayed, which is great. We had been to the Garda about these calls previously but they could not do anything about it because his number was blocked. However, when she received the text with his number displayed, we went straight to the Garda, which was delighted. It got on to Vodafone, but the number was unregistered.

There are people walking around this country with unregistered SIM cards. Every land line, pay as you go and bill pay phone is registered, yet we can walk into a shop and buy a SIM card that is not registered, with which we can do what we like. We can bully, send pornography and so on because nobody can trace us. I have drafted a Bill, which I hope to introduce, that will make it mandatory to register every SIM card in this country. I hope it will be accepted by the Government, but I am working on it. We should do something about this problem and not criticise everything. We should work together and ensure this Bill and that of Senator Lorraine Higgins are effective. Senator Lorraine Higgins had the courage to do something about this problem. I am disappointed to hear that some will oppose the Bill. We should come together and identify the problems with her Bill and go forward with it. We should do something, and we can do it in this Chamber. When the girl I referred to was being bullied, I lobbied Deputies to do something about it but nothing was done. As I am in a position now where I can do it myself, let us do it. I congratulate Senator Lorraine Higgins on her Bill which I hope will be passed by the House.

Senator Fidelma Healy Eames: Senator Lorraine Higgins has started a very interesting debate, on which I congratulate her. The contributions from Senators on both sides of the House are useful.

They say when a Bill is opposed on Second Stage, it is being opposed in principle. I was touched by the arguments put forward on this side of the House because I welcome free speech, and I defend freedom of expression to the end. I disagree with what Senator John Crown said, but I will defend to the death his right to say it.

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We have got to look at boundaries, what is safe behaviour and what is unsafe behaviour. With Senators Catherine Noone, Marie Moloney and Lorraine Higgins, I, too, have had a tough time on social media on occasion. It could be said I brought some of that on myself and I am not saying I did not make errors, but nobody deserves to be defamed. That is an offence. Nobody deserves to be a victim of cyberbullying. That is an offence. I am talking about young people who are going through a very tough time. It is an offence to groom a young person.

I am not saying this Bill is perfect, but we should use the content of both sides of the debate presented here and craft smart amendments. I have no doubt that Senators Lorraine Higgins and Ivana Bacik are listening. In the light of what has been presented here, we could tweak the Bill considerably because something needs to be done. The message must go out from this House that we are responsible for our actions and our words and that they can hurt and damage. Politicians have spoken here about getting tough treatment, but all a politician trades on is his or her reputation and a reputation can be very easily destroyed. When one has to have recourse to the courts to have one's reputation defended under defamation legislation, it can be risky and costly. It is time that we stepped up to the plate and took this problem seriously.

There is definitely a need for education and information about this problem in the context of social, personal and health education. In the past, I was involved in working on curricular development in that area. It is now time that curriculum was revised in the light of social media, other technologies and digital communications. It is vital that boundaries are discussed with our young people in schools in terms of what is safe and unsafe behaviour.

We have to realise - I am not preaching about this as I have teenagers - that social media are moving at a rapid pace. Young people live on and live far. The first question asked in a restaurant is about the Wi-Fi code. I hear it every day and guess what? I am doing it now. Our young people cannot possibly live without it.

This is the space in which good and bad things take place. There are many benefits to social media. In terms of the traditional media in the past, it would be very difficult for many members of the public to get published. Now everyone can be published, but with that comes responsibility. We have a very big issue to address in terms of our young people and the balance of interaction at an interpersonal level, between real, live physical human beings in front of one, and those in cyberspace or on social media.

I was reminded by something Senator Martin Conway said when he mentioned Comhairle na nÓg. Approximately a month ago, I had a similar experience with young people in Comhairle na nÓg in Oranmore. The one thing that came across, particularly from the girls, was their absolute need to be perfect. I cannot tell the House how many times they used the word "perfect" with regard to the images presented to them on social media and how they were prompted. They felt they could no longer make a distinction between what social media told them was perfect and the sexualisation of young girls versus the fact it is okay not to be perfect according to the definitions presented on social media. This is just as dangerous as some of the offences Senator Lorraine Higgins points out in the Bill.

I hope I have brought something to the debate. I say well done to Senator Lorraine Higgins. On balance, the Bill is worth supporting. I am not saying it is a perfect Bill, and I do not think Senator Lorraine Higgins would say this, but I was struck by the gender balance in the House on the issue. The four females who have spoken have seen the Bill as necessary.

Senator Martin Conway: As did the males.

Senator Fidelma Healy Eames: Not all of them. I am speaking about the four females and the males in the House. Everyone has a right to decide whichever way he or she wants, but my point is-----

Senator Gerard P. Craughwell: In fairness, the men did.

Senator Fidelma Healy Eames: I am commenting on the need for the Bill.

An Cathaoirleach: The Senator is way over time.

Senator Martin Conway: On a point of order, that was a little disingenuous. It is diluting the argument.

Senator Marie Moloney: She said all the females here supported it.

Senator Fidelma Healy Eames: I acknowledged Senator Martin Conway's value here. He should not take it personally.

Senator Martin Conway: It is a nonsensical argument.

Senator Fidelma Healy Eames: On balance, I wish Senator Lorraine Higgins well and we need to do a good bit of work on the Bill on Committee Stage. Let us move ahead.

Senator Michael Mullins: I wish to add my few brief words. I welcome the Minister of State. I compliment Senator Lorraine Higgins on the fine piece of work she has brought to the House which has been shaped very much by her experiences. She did not leave it at this, and interacted with many other people who have suffered serious bullying online. The amount of work and research which has gone into the Bill is very much to be commended.

We all realise the rapid development of many forms of new technology and digital media bring many great opportunities for business and the media. It eases communication, particularly in connecting people throughout the world and all of this is very much to be welcomed. In the main, it is used very responsibly. However, as the Minister of State said earlier, huge risks come with it, such as online sexual exploitation and the online bullying of young people. Examples have been given during the debate. Unfortunately, in recent years we have seen several young people take their own lives as a result of being abused online. When the good is weighed up with the bad we must wonder whether we have progressed that much. If we have people whose lives have been destroyed as a result of improvements in technology is it worth it? Are we paying too high a price for progress?

Senator Fidelma Healy Eames has referred to the fact that the first thing young people and adults do when they go to places of entertainment and restaurants is inquire about Wi-Fi. All eateries should ban the use of mobile phones and technology. Recently I saw six people, two adults and four youngsters, sitting at a table in a restaurant. Not one syllable was uttered by those four youngsters during the two hours I was on the premises. The two adults interacted the entire time but the youngsters did not. It is a whole new world but it is a dangerous world.

Senator David Cullinane: There is a song in that.

Senator Michael Mullins: I agree with Senator David Cullinane that the all-party document produced has some very good proposals and suggestions. Education on the dangers of

social media and the Internet needs to be very high on the curriculum of all primary schools and secondary schools.

Even if we do not agree on all aspects of the Bill Senator Lorraine Higgins has brought forward, she has done the Seanad some service by bringing it forward for debate and discussion. There will be opportunities to seriously improve it on Committee Stage. I welcome the positive indication given by the Minister of State that much work is being done by various organs of the State to address this issue. Whether one is a public representative or private citizen, nobody should have to put up with being threatened with the most vile form of death or serious injury which some in the House have had to endure in the past 12 months. Politicians are fair game to take stick for decisions they make, but it must be done in a respectful manner. One yearns for the days when the worst abuse one would get was outside the church gate on a Sunday morning as one gave a political contribution before an election. A few hecklers in the audience would take one to task over decisions made. We have come a long way from that in many ways, which is to be welcomed.

While we welcome the progress we have made, we need to keep an eye on it. I am concerned social media has become a runaway train and we need to put the brakes on it. We need to put in controls and I agree with Senator John Crown who spoke about regulating by controls. There is much common ground on this issue. Senator Lorraine Higgins has been brave in bringing forward the Bill and I am very pleased to support it. I want to see it strengthened and to see safeguards put in place in this country to keep young people safe.

We need to get the message out to young people that, unfortunately, some of the information being shared will come back to haunt them in years to come. I have no doubt it is accurate to state the first thing an employer will look at, as he or she makes a decision on offering a position, is the candidates' activity on social media and what they have been involved in. We need to be very careful about what we share as it may come back to haunt us significantly in years to come. I congratulate Senator Lorraine Higgins and look forward to supporting the Bill.

Senator Sean D. Barrett: I compliment Senator Lorraine Higgins and her co-sponsors on the Bill she has presented for our consideration. I welcome the indication by the Minister of State, Deputy Gerald Nash, that these proposals will be considered when the five issues to which he referred have been reported upon by the Law Reform Commission. I missed most of the debate, unfortunately, as I had to attend the sitting of the banking inquiry, but I am glad to compliment Senator Lorraine Higgins on her commendable initiative, and the Minister of State and Minister for Justice and Equality, Deputy Frances Fitzgerald, on their favourable response. I wish the Bill well.

Senator Lorraine Higgins: I thank colleagues for their mostly constructive and positive contributions to this debate. I thank the Minister for Justice and Equality, Deputy Frances Fitzgerald, and the Minister of State, Deputy Gerald Nash, the Fine Gael group, Fianna Fáil group and my Labour Party colleagues for supporting the proposals, as well as Senators Fidelma Healy Eames and Senator Sean D. Barrett.

To be clear, this Bill is not about me. As a person from the west, I am, of course, made of stern stuff. While the type of commentary we have been discussing might get one down at times, it will not knock one out. Nevertheless, it is a massive issue which is affecting a whole generation. Any of us older than 20 probably do not understand the impact, but I came to a very clear understanding of it after conducting surveys in secondary schools in east Galway.

Senator Thomas Byrne made several useful suggestions for amendments on Committee Stage. He was a little troubled, however, as were Senators Gerard P. Craughwell and John Crown, about the use of the word “alarm” in the Bill. To clarify, I did not dream up that word; it is already in use under section 11 of the Non-Fatal Offences Against the Person Act 1997. Far be it from me to claim credit for it. In regard to the right to offend, I am not talking simply about below-the-belt comments but rather abusive threats, which is what I am attempting to legislate for in the Bill.

Some of Senator John Crown’s comments on the Bill were not very flattering. He seems to have misconstrued the essence of the proposals and might be better off sticking to medicine rather than criticising this legislation. He is completely wrong in his point about the potential silencing of people like Máiría Cahill. Ms Cahill had lawful excuse to expose the crimes that were perpetrated against her, and that is provided for in the Bill. These proposals are not about defending the powerful and wealthy, as Senator John Crown suggested. As the father of young children, he should understand that I am concerned with protecting children and nobody else.

I thank Senator Martin Conway for his support and his very articulate contribution.

I am absolutely delighted to hear from Senator David Cullinane about how proactive Sinn Féin is on the issue of bullying and the great deal of work it is doing in the area. It seems we should all disregard what we have read in the newspapers in recent days. I would have preferred, however, if the Senator had confined himself to commenting on the proposals we are discussing instead of focusing on all the work Sinn Féin has or has not done, as the case may be.

9 o'clock I do, however, agree with him in one instance, namely, the need to educate young people about these issues. That is absolutely key, as I made clear in my opening speech. It is a cause for concern that so many children do not understand that the behaviours in which they are engaging constitute abuse and bullying. I urge the Senator and his colleagues in Sinn Féin to put forward amendments on Committee Stage. This Bill is a blank canvas or starting point and I hope constructive proposals will be put forward.

Senator Gerard P. Craughwell argued that the legislation is poorly thought out. If trying to save children from online abuse is poorly thought out, I am guilty of that charge and happy to be guilty.

Senator Gerard P. Craughwell: I emphasised the importance of education.

Senator Lorraine Higgins: The Senator talked about people using a telephone being found guilty of an offence. If he had looked at the legislation a little closer, he would have seen that the offence in question requires abuse to be persistent. A person could not be convicted on the basis of a once-off incident.

Senator Gerard P. Craughwell: The example I gave referred to recurring abuse.

Senator Lorraine Higgins: The Senator also referred to the removal of material. If he reviews Part 3 of the Bill, he will see there are provisions for a judge to make ancillary orders. I suggest he should read legislation in full before contributing to debates in the future.

Senator Gerard P. Craughwell: Are €5,000 fines to be imposed on children?

Senator Lorraine Higgins: I thank Senators Catherine Noone and Marie Moloney for their contributions. I look forward to supporting the proposals Senator Marie Moloney intends

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to bring forward on the registration of SIM cards.

Senator Gerard P. Craughwell: As do we all.

Senator Lorraine Higgins: I thank Senator Fidelma Healy Eames for her contribution. She was one of the few Senators, with Senators Catherine Noone, Marie Moloney and me, who referred to being cyberbullied in the past. It seems pertinent that we are all women. Not a single male Senator stood up this evening to say he had been subjected to such bullying.

(Interruptions).

Senator Gerard P. Craughwell: Do it once and you are blocked.

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

Senator Lorraine Higgins: It is plausible to say there is a healthy dose of misogyny online. Senator Fidelma Healy Eames, like others, pointed out that education campaigns are key. I had to chuckle in the midst of this very serious debate when the Senator referred to Wi-Fi as what sounded like “wiffee”. That is a new word for me.

Cyberbullying is pervasive, insidious and omnipresent and its effect should never be underestimated. I have made clear from the outset that this legislation represents a starting point and a means of getting the issue on the agenda. I am delighted it is now in the political consciousness of the Oireachtas. We need to restore decency in our interactions online; if we do not, we are heading into the abyss. It is not I who will decide who is guilty of offences. I will not be the person convicting people of crimes under this Bill. Those decisions will be made by impartial, unbiased and independent judges. With that, I rest my case.

Question put.

The Seanad divided by electronic means.

Senator John Crown: Although it has been suggested I should stick to medicine and perhaps it might be because of that occupation that I am unfamiliar with the relevant Standing Order-----

An Cathaoirleach: What does the Senator wish to propose?

Senator John Crown: Under the relevant Standing Order, I request that the division be taken again other than by electronic means.

An Cathaoirleach: Is the Senator referring to Standing Order 62(3)(b)?

Senator John Crown: Yes.

Question put:

The Seanad divided: Tá, 23; Níl, 4.	
Tá	Níl
Bacik, Ivana.	Craughwell, Gerard P.
Barrett, Sean D.	Crown, John.

Brennan, Terry.	Cullinane, David.
Burke, Colm.	Reilly, Kathryn.
Coghlan, Paul.	
Comiskey, Michael.	
Conway, Martin.	
Cummins, Maurice.	
D'Arcy, Jim.	
Hayden, Aideen.	
Healy Eames, Fidelma.	
Higgins, Lorraine.	
Keane, Cáit.	
Moloney, Marie.	
Mulcahy, Tony.	
Mullen, Rónán.	
Mullins, Michael.	
Naughton, Hildegard.	
Noone, Catherine.	
O'Brien, Mary Ann.	
O'Donnell, Marie-Louise.	
O'Keeffe, Susan.	
van Turnhout, Jillian.	

Tellers: Tá, Senators Ivana Bacik and Lorraine Higgins; Níl, Senators Gerard P. Craughwell and John Crown.

Question declared carried.

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

Senator Ivana Bacik: Next Tuesday.

Committee Stage ordered for Tuesday, 7 July 2015.

Statute Law Revision Bill 2015: Report and Final Stages

An Cathaoirleach: I welcome the Minister of State, Deputy Simon Harris. Before commencing, 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 the amendment. On Report Stage each amendment must be seconded.

Government amendment No. 1:

In page 12, to delete lines 36 to 39 and substitute the following:

“

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7.	July 27, 1782	Commission regarding Bank of Ireland	Bank of Ireland Order 1782	Minister for Jobs, Enterprise and Innovation
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“

Minister of State at the Department of Finance (Deputy Simon Harris) (Deputy Simon Harris): This is a drafting amendment to include the words “Commission regarding Bank of Ireland”, so as to identify the type of instrument in the subject matter in the interests of consistency as is done with the other instruments mentioned in the Bill.

Amendment agreed to.

Government amendment No. 2:

In page 151, to delete lines 19 to 21 and substitute the following:

“

2299.	August 12, 1768 [D.G., Issue No.1895]	Proclamation promising a pardon and reward in relation to a threatening letter sent to the Duchess of Northumberland
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“

Deputy Simon Harris: This is also a drafting amendment to rectify a typographical error in the subject matter of a proclamation of 1768 that incorrectly refers to Northern Ireland rather than Northumberland. I express my gratitude to Senator Paschal Mooney who identified this error and brought it to the attention of my officials.

Amendment agreed to.

Bill reported with amendments and received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister of State at the Department of Finance (Deputy Simon Harris) (Deputy Simon Harris): The following table details the number of Bills being repealed:

Statute Law Revision Act/ Bill:	Number of laws assessed	Number of laws identified as already repealed/ disabled	Number of laws repealed by each Act	Of the total laws repealed, number of express repeals	Of the total laws repealed, number of implied repeals	Number of laws retained by each Act
2005	207	0	207	207	0	0
2007	26191	9041	15786	3224	12562	1364
2009	10725	270	10317	1351	8966	138

Seanad Éireann

2012	22885	153	21936	2983	18953	796
2015	12841	413	12385	5782	6603	43
Total	72849	9877	60631	13547	47084	2341

Of the 2341 laws retained by the Statute Law Revision Acts, approximately 10% have subsequently been repealed in subject matter specific legislation.

Question put and agreed to.

An Cathaoirleach: When is it proposed to sit again?

Senator Maurice Cummins: Ar 10.30 maidin amárach.

The Seanad adjourned at 9.05 p.m. until 10.30 a.m. on Thursday, 2 July 2015.