



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Business of Seanad	693
Commencement Matters	694
Disability Services Provision	694
Early Childhood Care Education.	697
Coastal Erosion	699
Early School Leavers.	701
Order of Business	704
Social Welfare and Pensions Bill 2015: Second Stage.	719
Climate Action and Low Carbon Development Bill 2015: Report and Final Stages	739
Seanad Electoral (Amendment) Bill 2015: Second Stage.	766

SEANAD ÉIREANN

Dé Céadaoin, 25 Samhain 2015

Wednesday, 25 November 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 Kathryn Reilly that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Health to discuss the Cavan-Monaghan implementation plan for progressing disability services for children and young people and the accessibility of therapy services and assessments for children in the area.

I have also received notice from Senator Catherine Noone of the following matter:

The need for the Minister for Children and Youth Affairs to clarify the issue of a second year of free child care for children who are currently receiving their first year of free child care.

I have also received notice from Senator Paschal Mooney of the following matter:

The need for the Minister of State with responsibility for the Office of Public Works to seek funding to combat coastal erosion at Tullaghan, County Leitrim, which seriously threatens Tynte Lodge, a listed building, and the two castellated stone folly towers on the cliff top overlooking the Atlantic Ocean.

I have also received notice from Senator Colm Burke of the following matter:

The need for the Minister for Education and Skills to work with the Minister for Children and Youth Affairs towards providing adequate funding for the Life Centre in Cork.

I have also received notice from Senator Marie Moloney of the following matter:

The need for the Minister of State at the Department of Health with special responsibility for primary care, social care, disabilities, older people and mental health to outline the reason the Primary Care Reimbursement Service is now refusing full-time students a medical card because of their part-time earnings despite the fact that both parents are in receipt

of social welfare payments only, and have full medical cards.

I have also received notice from Senator Mark Daly of the following matter:

The need for the Minister for Justice and Equality to make a statement on initiating the use of retired gardaí to cover the leave of absence by serving gardaí, similar to the system of cover for nurses and teacher during leave of absence.

I regard the matters raised by the Senators as suitable for discussion on the Commencement of the House. I have selected the matters raised by Senators Reilly, Noone, Mooney and Burke, and they will be taken now. Senators Moloney and Daly may give notice on another day of the matters they wish to raise.

Commencement Matters

Disability Services Provision

Senator Kathryn Reilly: I welcome the Minister to the House and thank him for coming here this morning. This morning's Commencement matter follows one I raised on 12 November with regard to disability services in Cavan and Monaghan. That matter concerned waiting times for joint physiotherapy and occupational therapy assessment in the HSE. Since then I have been inundated by parents contacting me with their own experiences and stories of the disability services for children and young people in Cavan and Monaghan. Their stories tell of despair, concern and, in some cases, anger at what they feel is a system that is failing their children's needs.

My office is contacted weekly by parents of children who have great difficulty getting answers from the HSE with regard to diagnostic assessments or access to therapies for their children. Many of those waiting on those appointments are in their formative years. It is not just the odd case; it is becoming the rule rather than the exception. Many of the problems I hear of stem from what happens once children transfer from Enable Ireland to the child development team. Instead of just taking my word for it, I will read some accounts into the record. One parent said:

My experience is one of a child already diagnosed transitioned from enable Ireland to CDT 2006, put on a waiting list for over two years for OT and SLT. The result - regressed so severely - now in a residential therapeutic assessment centre. The progressing disability is a result of initial poor services. Presently my child's care and therapies are costing the government a lot more had they addressed the needs earlier.

Another parent wrote:

6 year old transfers from enable Ireland to Child development team and has to rejoin the nearly 3 year waiting list for OT!!!! This child is diagnosed and recurring treatment since he was 2! He will be nearly 9 before he sees someone again!!! It's just horrendous!

Another parent wrote:

Our son was referred from Enable Ireland to the Child Development Team in Cavan in

25 November 2015

July 2014 and have recently been informed by the HSE that he won't have access to Joint Physiotherapy/Occupational Therapy Assessment till MARCH 2017. We have a Physiotherapy Home Plan dated 2012 - we are left on our own with no support.

Another wrote:

6 year old son is autistic and was transferred from enable to the child development team in June 2015. We have just received our first speech and language session however I'm told that the wait for Occupational Therapy will be 2 years 11 months.

When the Minister of State at the Department of Health, Deputy Kathleen Lynch, was in the House last, she noted:

Between 2010 and 2014 there was a 32% increase in referrals of children to the physiotherapy and occupational therapy service in Cavan-Monaghan. In 2010, there were 221 children referred for assessment. This figure increased to 292 in 2014.

Furthermore, she advised that "Cavan-Monaghan is restructuring its services in line with the national programme for progressing disability services for children and young people." She continued:

The Cavan-Monaghan implementation plan for progressing disability services for children and young people proposes the establishment of a network of paediatric teams at primary care level as this will facilitate children with non-complex needs accessing services in primary care, as appropriate. The establishment of these teams at primary care level should ensure that therapy services for children are more accessible and available within acceptable timeframes.

An implementation plan that will ensure therapy services for children are more accessible and are available within accessible timeframes is welcome. I welcome it. This plan should be rolled out as a matter of priority. Saying that there is a plan and advising that there are proposals in place will not alleviate the burdens of assessment and waiting times in the short term.

When parents tell me and those who operate the system that the lack of interventions and therapies at an early stage, as a result of waiting lists, is causing their children to regress, this becomes a serious issue of concern for us all.

I have a few questions on the specific services that are being restructured and proposed in Cavan-Monaghan. While the Minister of State may not be able to answer them this morning, I would be appreciative were he to refer them on for a response. Can a timeframe be provided? In addition, for those interested parents and families affected directly by this issue, can the Minister of State advise how the plan can help their children? Essentially, how will this plan help those children on the waiting list at present and those who are being put on it and who may be in the middle of a long wait for assessment or services? Will it mean availability and access will be facilitated in the next month, three months, six months or a year? Alternatively, will it only help those who will be referred in the future? In the last contribution, when I asked when the networks were to be established, the Minister of State, Deputy Kathleen Lynch, advised the process would take time. I accept that change takes time and that overhauling or implementing a new system cannot happen overnight. However, as the Minister of State noted, the demand for services is growing, as evidenced in the surge in referrals. I would welcome the indication of a timeframe as to how this change is to happen, when or how the network teams are to be

built up, when gaps are identified and when posts will be allocated. It would go some way to allaying the concerns of parents who truly believe their children are being lost in the system.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh): Gabhaim mo bhuíochas leis an Seanadóir as an gceist. Toisc go bhfuil an tAire Stáit, an Teachta Lynch, as láthair inniu, tabharfaidh mise an freagra a bhaineann leis an ábhar fíor-thábhachtach seo.

The Government is committed to providing and developing services for children with special needs and to improving access by these children to therapy services, in so far as possible, within available resources. As the Senator will be aware, health-related therapy supports and interventions for such children can be accessed through both the HSE's primary care services and its disability services depending on the level of need. Significant additional resources have been invested in recent years in the State's primary care and disability services with a view to enhancing therapy service provision. For example, in 2013, additional funding of €20 million was allocated to strengthen primary care services and to support the recruitment of prioritised front-line posts. The HSE also has recognised that its early intervention services and services for school-aged children with disabilities must be standardised. To this end, a major reconfiguration of therapy resources for children with disabilities aged up to 18 years is currently under way. This involves pooling the resources of all service providers in defined geographical areas. The HSE's national programme on progressing disability services for children and young people up to 18 years of age aims to bring about equity of access to disability services and consistency of service delivery, with a clear pathway for children with disabilities and their families to services regardless of where they live, what school the child attends or the nature of the individual child's difficulties. Implementation of this programme is taking place on a phased basis in consultation with stakeholders, including service users and their families. It is a key priority for the executive's social care directorate. An additional €4 million was allocated in 2014 to assist in implementing the programme, equating to approximately 80 additional therapy posts. Further investment of €4 million, equating to €6 million in a full year, has been provided this year to support its ongoing implementation. Full implementation of the programme is expected before the end of 2016.

Reconfiguration of disability services in line with this programme is already under way in Cavan-Monaghan. I understand that four additional therapy posts have been allocated to the region to date to assist in this process, comprising two speech and language therapy posts, an occupational therapy post and a social worker post. To date, two early intervention teams are being operated by Enable Ireland in line with the programme's policy and two school-age teams in the area are due to be reconfigured by the end of this year. It should be remembered that moving to this new service model is complex and requires considerable preparatory work on the part of the multi-agency local implementation group, in collaboration with all key stakeholders, to ensure as smooth a transition as possible. Clear integrated policies, procedures and protocols must be developed, together with a clear governance structure for the newly-formed multi-agency and multidisciplinary teams. While the HSE is facing challenges in some areas in meeting the statutory timeframes that apply to the assessment of need process under the Disability Act in light of the number and complexity of current cases, I understand there are no particular problems at present in Cavan-Monaghan and that assessments are being carried out in a timely fashion. Research conducted by the National Disability Authority into the statutory assessment of need, AON, process has found that where services are reorganised on an integrated basis, such as under the model advocated by the progressing disability services programme, the

statutory assessment process works more smoothly.

I assure the Senator that improving access to therapy services for children in primary care and in disability services is a particular priority for the Government. In this context, further funding of €8 million is being provided in 2016 to expand the provision of speech and language therapy through primary care services and to support the re-organisation and expansion of speech and language and other therapies under the progressing disability services programme.

Early Childhood Care Education

Acting Chairman (Senator Michael Comiskey): I welcome the Minister for Children and Youth Affairs, Deputy Reilly.

Senator Catherine Noone: I thank the Minister for coming to the House. I raise the need for him to clarify the issue of a second year of free preschool care for a child who already has received his or her first year of free preschool care. I have met a number of people who had children who were almost four but had missed the cut-off date to enable them to attend school. As they already had participated in the preschool year, they wished to participate in a second year and the parents felt that, in such circumstances, they should be entitled to a second year.

Minister for Children and Youth Affairs (Deputy James Reilly): I thank the Senator for the opportunity to address this matter. The early childhood care and education programme was introduced in 2010. Aligned with the school year, the programme provides one year, that is, the 38 weeks of the academic year, of free preschool to every child before he or she starts primary school. At present, children aged between three years and two months and four years and seven months in the September of the enrolment year qualify for the programme. This means, for example, that children born between 2 February 2011 and 30 June 2012 qualify for the preschool provision in the current school year. Children born after 30 June qualify in the school year commencing in September 2016. In budget 2016, I announced additional funding of €85 million for the child care sector to support the achievement of affordable, accessible and high-quality child care. This funding represents an increase of 33% in the annual investment in child care supports in my Department and allows us to deliver significant enhancements to a number of child care support programmes.

Given what is known about the importance of quality investment in the early years, I am pleased the Government has been able to implement one recommendation of the expert advisory group on the early years strategy, which also was made by the interdepartmental group on future investment in child care I established earlier this year, namely, to provide free preschool care for every child in the country from when he or she turns three until he or she starts primary school. To ensure that children can benefit from this entitlement at the earliest opportunity, they will be able to join the programme at three different points in the year, as opposed to the current position in which one can only join in September. In addition to the regular intake point of September, children in future also will be able to join free preschool in January and April. This new entitlement comes into effect from September 2016. This start-up date was deliberately chosen. This new entitlement to free preschool for all children means the number of children who benefit from free preschool is estimated to increase from approximately 67,000 at present to approximately 127,000 children when fully rolled out. A significant expansion of the capacity of the preschool sector is therefore required. The September 2016 date was chosen to give providers enough time to make any changes they consider to be necessary to their preschool

service and to put in place extra staff resources to accommodate the additional numbers that will benefit from the programme.

The three registration points we are providing for in the programme means the total number of weeks children will spend in free preschool will depend on two factors, namely, their birth date and the age at which they start primary school. Children qualifying for the preschool provision in September 2016 will have a birth date between 1 January 2012 and 31 December 2013. Some of these children, those with birth dates between 1 January 2012 and 30 June 2012, will have already qualified for the provision under the age criteria for this year, which I outlined earlier, and are currently availing of the programme. This means that those children will be entitled to enrol again in September 2016 for a further 38 weeks free preschool provision, bringing the possible maximum number of weeks they can avail of to 76 weeks.

Children born between 1 July 2012 and 31 December 2012 do not qualify for the free preschool provision in the current school year as the cut-off date is 30 June 2012. However, they will qualify in September 2016 under the new age criteria for the enhanced programme but will only be entitled to 38 weeks of one free preschool year. Under the extended programme, children cannot enrol for free preschool if their age will exceed five years and six months at the end of a given preschool year.

I understand this expansion of the programme, and the change in entitlements, is one that it may take people a little time to get used to but I am confident that this budgetary measure represents a significant improvement in our support for children and families, something to which the Government has made a strong commitment.

Senator Catherine Noone: I agree wholeheartedly with the final paragraph of the Minister's response. There is no question that the recent budgetary change represents a major improvement for children. The specific point in the matter I raise relates to the fact that one of the particular children whose parents I spoke to will start school next September. The child is already in a second preschool year. It appears to me that many children would be in that category. By its nature, the intention of the preschool year was that most children would go to school directly afterwards because there was not a second preschool year but in certain limited cases, parents may take the decision that their child is still a little too young to go to school. The situation prevailed in advance of the Minister devising the new programme. I expect that cohort of children to be quite small and in those circumstances, I did not think it would affect the industry and the provisions the Minister has made to cater for the expansion many facilities must undertake. The crux of the matter is the new entitlement in terms of the cut-off date, which comes into effect from September 2016. That puts an end to any case the child in question would have for a second preschool year.

In case the Minister thinks I do not know what I am talking about, a limited number of children are availing of a second preschool year, where that was not the original intention, but who would otherwise have gone to school. I thought that perhaps the second half of that year could have come under the remit of the new regulations for children who are already in the system. I do not anticipate the number involved would be large. However, I appreciate the great efforts that have been made to introduce the second preschool year and the attempt to get children into preschool at different stages with the three entry points. I congratulate the Minister on his work in that regard. I do not know the number of children in the category I have raised but perhaps the Minister considers it would be too many to facilitate.

Deputy James Reilly: It is just a technical situation. To be honest, nobody has lost out as a consequence of the change, although some have not gained as much as others. Senator Noone's point about the school starting age is an issue that did consume us for a while. We were very concerned about the fact that due to expense, many parents feel under pressure to send their children to school a little bit younger than they might otherwise like to. International evidence shows us that in some such instances, children are disadvantaged because they are not as intellectually mature or physically mature. By extending the programme from three years to three years and two months and stopping at five and a half years rather than four years and seven months, we will double the number of children in the preschool sector in a couple of years. That was done purposely in order that the sector itself would grow into the space and grow capacity because there was concern that providers would not be able to cope.

I pay tribute to preschool leaders and providers who perform a most valuable service. This service has been proven not alone to improve the ability of children to read and in other areas but also in terms of being able to socialise. Another benefit is that later in life, they might attain higher educational achievements, which also leads to better employability and more independence for them. The core of what we are doing is to try to give every child a fair chance because some children, through no fault of their own, are disadvantaged and that must be addressed. They are the ones who have been shown to gain the most from the preschool curriculum. I am very pleased with the new scheme which means that children from the age of three onwards will be able to stay in preschool until they are ready to go to school at five years and six months. I thank Senator Noone for her support.

Senator Catherine Noone: I accept what the Minister said. I appreciate where he is coming from but it does not really answer my question about the children who have a potential second year that was not intended before they go to school. I gather that the cut-off point is the crux of the issue for the child in question. I thank the Minister.

Coastal Erosion

Senator Paschal Mooney: I thank the Minister of State, Deputy Simon Harris, for taking the time to come into the House to respond to the Commencement matter I raise, namely, to seek funding to combat coastal erosion at Tullaghan, County Leitrim, which seriously threatens Tynte Lodge. The house has now come into private ownership. The Burns family have great plans for Tynte Lodge, which was built in 1750. It is Leitrim's only built heritage on the coastal tourist trail of the Wild Atlantic Way.

I acknowledge the work that has been done to date by my colleague, Councillor Justin Warnock of Kinlough, who raised this issue at a recent meeting of the Manorhamilton municipal district to seek funding from the Office of Public Works to combat the coastal erosion at Tullaghan that seriously threatens Tynte Lodge. According to Councillor Warnock, having assumed ownership, the new owners are actively working on heritage, culture and education projects. The old lodge and its castellated structure overlooks the Atlantic Ocean. It has the potential to be a significant tourist attraction on Leitrim's section of the Wild Atlantic Way. I understand from the discussions that took place at the Leitrim meeting that representatives of Leitrim County Council are to meet with representatives of the Office of Public Works for advice on how to proceed with an application for funding to secure the future of the only listed coastal property in County Leitrim. In a sense, the question is self-evident. I would be most

grateful for the support of the Minister of State in ensuring that this listed building does not fall into the sea. The Minister of State will be familiar with the photograph that has been published in the *Leitrim Observer* showing its exact location, which gives a very strong indication that if something is not done, then inevitably coastal erosion will swamp the house and knock it into the sea.

Minister of State at the Department of Finance (Deputy Simon Harris): I thank Senator Mooney and Councillor Warnock, who raised this matter with the Senator, for giving me the opportunity to speak in the Seanad on the subject of coastal erosion, and on a specific issue affecting County Leitrim.

Coastal erosion is a natural and ongoing process which takes place around the entire coastline of Ireland. Senator Mooney has highlighted a case in which coastal erosion is posing a threat to an imposing and historic building. In other cases, coastal erosion may threaten human life, land or infrastructure such as roads. However, it must be recognised that coastal erosion also has beneficial effects such as providing natural nourishment and supply of sediment to adjacent beaches. Due to the considerable extent and nature of the Irish coastline impacted by erosion and the fact it is an ongoing natural process, it would be uneconomical and impractical for the State to protect all of this coastline. That is the balance the Office of Public Works, in conjunction with local authorities, needs to strike.

In the first instance, it is a matter for local authorities to identify and prioritise areas of their respective coastlines considered to be under significant threat from erosion and to put forward proposals to central government for funding of appropriate erosion management measures.

11 o'clock

The Office of Public Works has a scheme in place entitled the minor flood mitigation works and coastal protection scheme. Under this scheme, applications are considered for measures costing not more than €500,000 in each instance. Studies are also funded under this scheme. Funding of up to 90% of the cost is available for eligible projects. Any approach to addressing problems of coastal erosion must be informed by an assessment of the risks involved. In some cases a do nothing or no active intervention approach might well be the most appropriate management response and international studies have borne this out. Some previous interventions to solve local erosion problems have exacerbated coastal erosion at other locations or have generated other environmental problems. It is quite a complex matter.

The OPW requires that proposals and funding applications for structural measures to prevent and mitigate coastal erosion should be done in conjunction with an appropriate coastal erosion risk management study which fully investigates, substantiates and demonstrates the merits of any measures being proposed. Such measures usually require the investment of substantial amounts of public funds. In order to ensure value for money, it is considered best practice to carry out a study in advance of undertaking any measures. A study should include technical, economic, social and environmental criteria and should ensure that due consideration is given to the full range of management options. I understand that the local authority, in this case, Leitrim County Council, is considering making an application to the Office of Public Works, under the minor flood mitigation works and coastal protection scheme for funding of a coastal erosion risk management study at Tynte Lodge. Council officials have sought a meeting with the OPW to discuss how the case may be progressed and I am happy to confirm to Senator Mooney that my office will make senior engineering staff available to meet with council officials in the near

future to explain the guidelines relevant to the minor works scheme so that they can submit the best possible application. Any application that the council may make under the scheme will then be considered by the OPW in accordance with the scheme eligibility criteria and having regard to the overall availability of funds for flood risk management and coastal protection. The best thing to happen now is for the senior engineering staff of the OPW to meet officials from Leitrim County Council to best advise them on how the scheme works so that the county council can make a decision on whether to submit an application. I can assure the Senator that if an application is submitted, my office will assess it as a matter of priority.

Senator Paschal Mooney: I am very grateful to the Minister of State. As the Acting Chairman will know, as he comes from that part of County Leitrim, we are very proud that our 2.5 miles of coastline dictates that Leitrim is a maritime county. That is usually a pub quiz question. We are very proud of that particularly lovely part of County Leitrim. If Tynte Lodge progresses along the lines which the new owners are indicating, it will be a big boost to local tourism and to the county as a whole. I wish the new owners, the Burns family, well in that regard. I am grateful to the Minister of State for his response and look forward to a fruitful meeting between representatives of Leitrim County Council and the OPW, which will lead to ensuring the building will be protected in the long term.

Deputy Simon Harris: The Acting Chairman, as a Leitrim man, will be interested that this historic building is described on the national inventory of architectural heritage website, published by the Department of Arts, Heritage and the Gaeltacht, as an imposing Georgian country house built in circa 1750, occupying a prominent site overlooking the Atlantic Ocean. The site includes two stone folly towers and a series of walled gardens and encloses and the lodge and towers are both listed buildings. I understand the new owner of the property has been in touch with my colleague, the Minister for Arts, Heritage and the Gaeltacht, Deputy Humphreys, in relation to her plans for the property.

My note informs me that County Leitrim has only 5 km of a coastline, which is 2.5 miles, and, therefore, it is fair to say that the council's knowledge or experience of dealing with coastal erosion is probably minimal compared to other local authorities. I think it prudent that my senior engineering team would meet the council officials and offer them the best advice on how to proceed.

Early School Leavers

Senator Colm Burke: The Life Centre in Cork was set up by the Christian Brothers a number of years ago and deals with young people who have dropped out of school. Some of these children are as young as ten years of age. At present, there are 45 children in the facility and more than 60 people work on a voluntary basis. These volunteers are either retired teachers, those who are studying for their higher diploma in education or social studies students who are assisting in providing one to one education for these 45 children. Last year, nine children sat the junior certificate examination and two sat the applied leaving certificate.

The total funding the facility is getting from the Department of Education and Skills is €47,500 for the entire year. Up to last year, the Christian Brothers were able to provide €100,000 per annum but are no longer able to do so. A group has put together a package to provide the facility with €40,000 per year for the next ten years. A small amount of money is being given to it and it will not be able to remain open if it does not get adequate funding. Some €47,500

is not adequate and it needs State investment. It is getting some hours from the education and training board but it is not adequate.

Let me put this into context. In July, I visited Oberstown where there are 46 detainees. My information is that 241 staff work there and it costs €350,000 per detainee per annum, whereas the total allocated to the Cork Life Centre is €47,500 for 45 students. That is not a fair funding level. If one of these children - I am not saying one will - ended up in Oberstown, the cost would be €350,000 for the student for the year.

By putting adequate funding into this facility, it can look after 45 children who otherwise would be on the street. The centre has the support of the local Garda and all the services. Even the school attendance officers are referring children to the Cork Life Centre because the children do not fit into the school structure and are falling between two stools. This facility is helping a significant number of children. It is important it gets adequate funding so that it can continue to provide the support to these children.

I am requesting co-ordination between the Department of Education and Skills, the Department of Children and Youth Affairs and, to some extent, the Department of Justice and Equality to ensure the project continues.

Deputy Simon Harris: I thank Senator Burke for raising this important matter, which I am taking on behalf of my colleague, the Minister for Education and Skills, Deputy Jan O'Sullivan. I welcome this opportunity to clarify the position of the Department of Education and Skills.

As Senator Burke will be aware, the Cork Life Centre is an out-of-school educational facility in Sundays Well, Cork, which supports young people who are not engaging with mainstream education. The Cork Life Centre was established by the Christian Brothers in 1996, with the assistance of the Holy Faith Sisters, to provide education and other supports for young people between the ages of 12 and 18 years who are out of the mainstream school system. The centre prepares young people for the junior certificate and for other education and training pathways. In recent years, a number of young people have completed leaving certificate studies and accessed further and third level education.

The Department's contribution to the funding of the centre commenced in 2000 under the children at risk fund, CAR, and has continued to date to the current level of €47,500 in non-pay funding and 968 teaching hours at a cost of €81,840. This represents an overall annual total of €129,340. With the hours allocated, tutors are employed by the Cork Education and Training Board, ETB, to work in the centre and deliver tuition in subjects across the post-primary school curriculum.

The Minister for Education and Skills is aware that Cork Life Centre is currently experiencing financial difficulties due to a combination of a decision by its main funder, the Christian Brothers, to withdraw direct funding to the centre, and a decision by the centre to expand its enrolment. In this regard, it is important to note that the Department has not reduced its funding or support to the centre in recent years. Rather it has maintained its contribution to the cost of education provision to its current level of just over €129,000 per annum, broken down as I have outlined.

The Minister is also aware that the numbers attending the Cork Life Centre have increased in recent years. The life centre has advised the Department that the number of pupils enrolled in the centre has increased from 11 in 2009 to the current number of over 40 in the current school

year. The Minister is advised that the pupil cohort currently attending the Life Centre includes referrals by Tusla's educational welfare and child and family services, the HSE's child and adult mental health service, CAMHS and other health professionals.

As Senator Burke is aware, Tusla, the Child and Family Agency, which provides educational welfare services is the statutory body with responsibility for the administration of educational welfare functions contained in the Education Welfare Act 2000. These include assisting parents who are experiencing difficulty in securing a school place for their child and ensuring school attendance, participation and retention for all pupils. Tusla is also responsible for the provision of supports for children in the care of its child and family services.

The Department of Children and Youth Affairs has confirmed to the Minister for Education and Skills that Tusla refers young people to the Life Centre because of their complexity of needs which are not only educational but also social and emotional and because of the multi-disciplinary and holistic approach of the centre. The Minister understands that young people attending the centre have access to a multi-disciplinary team providing counselling and therapy as well as access to an outreach drugs and alcohol worker.

Officials in the Department are currently engaging with the Cork Life Centre, Cork Education and Training Board and the Educational Welfare Service of Tusla to facilitate appropriate future educational supports for the cohort of pupils currently supported by the centre. The Minister has also asked them to seek the involvement of other Tusla services to consider the question of other supports provided by the centre. I will happily relay the Senator's comments to the Minister for Education and Skills.

Senator Colm Burke: I thank the Minister of State for that response. This is the first time I have seen the figure of €129,000. The Minister of State is correct in saying that 925 hours are allocated by the ETB but the problem with 925 hours is that it only equates to 1.5 teachers for the year for 45 students who have dropped out of school. These children have not fitted into the existing education system, as the Minister of State pointed out. A sum of €100,000 was being provided by the Christian Brothers for administrative and other supports for the people working at the centre. Were it not for the 16 people who are working there on a voluntary basis, the service would not be provided at all. All we are looking for is a bit of support.

I am not criticising the Minister of State or the Minister. In fairness to the Minister for Education and Skills, a representative from her office phoned me this morning to apologise for her absence this morning. I understand she is attending an EU meeting abroad and I fully appreciate her responsibility in that regard. However, we are now falling between three stools, that is, between the Departments of Justice and Equality, Education and Skills and Children and Youth Affairs. All I am saying is that if the centre is given adequate funding, it will save the Department of Justice and Equality a lot of money in the longer term. The Government must get its act together on this. The Life Centre provides a great service and the staff working there are hugely committed, particularly those who are working on a voluntary basis. The least we can do is give the centre a bit more support. We need the €100,000 the Christian Brothers were providing up until recently. The Government must replace that funding; otherwise, the facility cannot stay open. Simple issues like insurance, maintenance costs and so forth must be taken into account but the sum of €47,500 will not suffice. I ask that serious consideration be given to supporting the centre; otherwise, we will have 45 children on the streets of Cork who could end up going down the wrong road for the rest of their lives.

Deputy Simon Harris: I thank Senator Burke for his remarks. As he has rightly stated, the Minister for Education and Skills would have liked to be here this morning but she is currently abroad on Government business. A key consideration for the Minister in this matter is the Department's policy of inclusion, where the objective is for children to be educated within the mainstream system to the greatest extent possible, although obviously that is not always possible. In this regard, it is important to note that the level of additional supports provided to schools to meet a range of additional educational pupil needs has increased significantly since the Department first began funding the Life Centre in 2000. The Minister must also take account of the Department's funding of national programmes catering for early school leavers in the Cork area. It is very important that the supports provided by the Department to schools are fully availed of by students who need them, both to ensure value for the investment being made and in recognition of the importance of early intervention in meeting individual needs.

The Minister is committed to working with her colleague, the Minister for Children and Youth Affairs, to ensure the particular needs of this student cohort can be met. It is my understanding that the numbers attending the Life Centre have increased in recent years to accommodate referrals of young people to the centre by a number of other State agencies, including Tusla, the HSE and private practitioners, in order that these young people can avail of the particular range of excellent services offered by the centre. These include counselling and therapeutic services, which are considered to be of particular benefit.

The Minister has assured me that she will work with her colleague, the Minister for Children and Youth Affairs, to ensure the needs of these students are met. I am sure the Senator will have an opportunity to pursue the matter further with the Ministers for Education and Skills and Children and Youth Affairs.

Senator Colm Burke: I thank the Minister of State for his remarks. I ask him to relay to the Department of Education and Skills the suggestion that it gives the centre some funding on a pilot project basis. The Life Centre and other centres in the country were set up on a pilot basis to determine the best way to deal with children who have dropped out of the mainstream system.

Sitting suspended at 11.15 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, Social Welfare and Pensions Bill 2015 - Second Stage, to be taken at 12.45 p.m. and adjourned not later than 3.30 p.m., with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes; No. 2, Climate Action and Low Carbon Development Bill 2015 - Report and Final Stages, to be taken at 3.30 p.m. and adjourned not later than 5.30 p.m., if not previously concluded; and No. 3, Seanad Electoral (Amendment) Bill 2015 - Second Stage, to be taken at 5.30 p.m., with the time allocated for the debate not to exceed two hours.

Senator Darragh O'Brien: I have written to the Minister for Health, Deputy Leo Varadkar, about a new drug for the treatment of cystic fibrosis called Orkambi which yesterday was approved by the EU Medicines Agency. We have been very slow to give effect in Ireland to EU approvals. This is a ground-breaking drug for CF sufferers that has been shown in America to extend life expectancy and improve quality of life for those who suffer from cystic fibrosis. In

the past few years I have spoken about Fampyra, a drug for the treatment of multiple sclerosis. It took 18 months to have it put on the list. It seems we spend an inordinate length of time in giving effect to EU approvals. I have also written to the chief executive of the Health Service Executive, asking for a timeframe in giving effect to the EU approval of this drug. Cystic fibrosis is a very debilitating condition and anything that can be brought forward to improve people's quality of life and extend life expectancy should be brought forward. Will the Leader raise this issue with the Minister to find out what the timeline is to have this drug put on shelves here?

We might have a chance to speak to the Minister today, particularly in the light of the 92% vote in favour of industrial action by the Irish Nurses and Midwives Organisation. Considered objectively, the health service has descended into chaos. This year up to 80,000 patients have been on trolleys for a period of over 24 hours and that figure will have reached over 100,000 by the end of the year, which will be a record. Waiting lists are extending. Outpatient lists in Dublin have increased by 400%, yet the Minister reacts to this as if he were an independent commentator, as opposed to the person charged with responsibility for management of the health system. I want him to engage immediately.

For nurses this is not about additional pay but working conditions and the additional nurses required. The Minister only reacts when there is a crisis. There is no forward planning or leadership on his part. It is about time he came into this House and answered for his tenure in the Department of Health, particularly given we are coming into the winter months when the situation will become more acute. How many 80 year olds and 90 year olds need to spend two days sitting in a chair in Beaumont Hospital or Tallaght Hospital for the Minister to listen? I met an 84 year old constituent last weekend who had spent 36 hours sitting on a chair. I wrote a complaint to the Minister in that regard. It is not that nurses and doctors want this to happen but they do not have the appropriate resources.

The Minister offers sympathy and a bit of apple pie. He says it is terrible and desperate and that he would love it to be better. He is the Minister in control. He is in charge. It is his responsibility.

Senator Mark Daly: Hear, hear.

Senator Darragh O'Brien: It is long overdue that the Minister would account for his tenure in the Department of Health. The Minister should come into this House and tell us what he will do as opposed to commentating on what is already happening.

I propose an amendment to the Order of Business that the Minister, Deputy Varadkar, would come to the House today and take questions from Members and that he would outline his plans to improve the situation for our sick and elderly in the hospital system between now and Christmas. He should do that immediately. I expect the amendment to the Order of Business to be accepted today. Senators, including Government Senators, are very concerned about the matter because the health system is in chaos. It is in crisis. It has got worse. I did not think it could get worse after the Minister, Deputy James Reilly. I thought there would be some improvement when Deputy Varadkar took over the portfolio but it has got worse.

Senator Maurice Cummins: The Senator should refer to him as the Minister, Deputy Varadkar.

Senator Darragh O'Brien: I would refer to him as a Minister if he acted like one.

An Cathaoirleach: Senator O'Brien is way over time. I call Senator Hayden.

Senator Aideen Hayden: It is important to acknowledge that there has been progress in the health system. We have 700 more nurses in the system now than we had this time last year.

Senator David Norris: According to the INMO the number is down by 200.

An Cathaoirleach: Senator Hayden without interruption.

Senator Aideen Hayden: We now have more doctors in the system than at any time in the history of the State. I have no difficulty with having a debate on health and I am sure the Leader will facilitate it when possible.

I am very happy we passed the Residential Tenancies (Amendment) (No. 2) Bill through the Seanad last night. The Bill will introduce a deposit protection scheme for tenants and a rent-freeze period. These are important measures which will take some of the heat out of the currently over-heated rental market and improve security for tenants. However, the issue of supply of housing remains to be addressed. We will not be going back to business as usual any time soon and basing our rental sector on accidental landlords and people who got into the sector with the intention of making capital gains. Some of the REITs and other commercial companies that have moved into the sector are not remotely interested in providing housing for low income families. Social housing will address some aspects of the issue but the issue is a wider one. We need a debate on the more extensive issue of housing supply and the wider reform of the private rental sector. I ask the Leader to arrange the debate, particularly in view of the passing of the legislation.

I welcome the announcement by Irish Water this morning that it intends to spend more than €2 billion between now and 2021 solving the waste water treatment problem. Like everyone here, I was shocked by the Environmental Protection Agency's report that said there were 45 locations in the country where sewage waste was being pumped directly into the water. Had I known when I was sitting on Duncannon beach in Wexford last summer that it was one of the beaches affected I would not have been so happy. This issue, which shows the justification for having an overarching agency dealing with something as important as water, has to be addressed.

I support the Tánaiste's call for openness and transparency in terms of the earnings of CEOs in any organisation, and not just NGOs, that receives State support.

Senator Sean D. Barrett: Hear, hear.

Senator Aideen Hayden: We were all shocked to see the level of earnings of one of the CEOs of an organisation with which we are all familiar and the debate that has ensued in the organisation. The debate could easily take place in a large number of other organisations. The State needs to take whatever measures are necessary to ensure people know the exact level of earnings in some of these organisations and companies.

Will the Leader arrange a debate on foreign policy? We have had an extraordinary week and a half in Europe between the events in France and the more recent events in Brussels. One of the principal cities of Europe was in lock-down. Last night we saw the shooting down of a Russian aircraft by Turkish military. Unrest and uncertainty around security is escalating. Will the Leader arrange a debate with the Minister for Foreign Affairs and Trade about Ireland's state

of preparedness to deal with such a situation? Just because we are an island does not mean we are immune or unique. We need to address the issue of where Ireland stands in terms of our preparedness.

Senator David Norris: For most of the Order of Business up to now there were 12 Members or fewer in the House. I welcome that we are going to review the situation because it looks very bad for the public to see an almost empty Chamber.

Senator Gerard P. Craughwell: Hear, hear.

Senator David Norris: It does not matter when debates are going on as that is defensible because people could be watching from elsewhere and preparing to come in. Only those people who are queuing up to speak are really needed in the Chamber. However, to have the Order of Business attended by one sixth of the membership is very bad.

The Privacy Bill, which I was delighted to see as item No. 3 last week, has dropped down the list. It is now item No. 7. Will the Leader give us some undertaking to demonstrate the Government is serious about the matter of privacy? Many of us feel something should be done about it. Item No. 7 is the Government's Bill and item No. 37 is a Bill on the question of privacy which I took the trouble to draft.

I note that there are 0.02 minutes remaining to me. I wonder how this is calculated. There is another Bill to which I wish to refer, namely, Senator Mary White's Bill on employment, yet there is now 0.01 minutes remaining. This is a device I pioneered a number of years ago, in terms of alerting when there are a couple of minutes remaining to speak, but it is overdoing it to indicate as little as 0.01 minutes.

The issue of the number of nurses in the health service is very confusing for the ordinary person. I heard a debate on the wireless yesterday. The interviewer quoted the Minister as saying there was an increase of 700 in the number of nurses. However, Mr. Liam Doran, the head of the INMO, said he was quoting HSE figures and that there was a loss of 200 nurses. How can one make up one's mind when the Minister says there are 700 extra nurses but the trade union representative for nurses is saying there are 200 fewer nurses? Can we have some clarity? Will the Leader ascertain the actual figures and report them to the House?

Senator Paul Coughlan: We read yesterday about a court challenge initiated by a school in County Wicklow against An Bord Pleanála arising from a decision to grant planning permission for a fast food restaurant adjacent to the grounds of the school. I will obviously not comment on the specifics of the court case but there is an important public policy issue on the need to align planning policy with the national strategy on healthy eating to be addressed. This is a matter for the Department of Health, the Department of Children and Youth Affairs and the Department of the Environment, Community and Local Government. They need to ensure that planning policy is adequately informed and guided by Government policy in this area. It does not seem right that it should be necessary for an individual school to go up against the might of large fast food companies to ensure students are not excessively exposed to foods that have high levels of sugars, salts and fats. The matter should be addressed.

Senator Terry Leyden: I second the proposed amendment to the Order of Business tabled by Senator Darragh O'Brien. The Personal Injuries Assessment Board was established in 2004, which is more than 11 years ago. Its activities should be reviewed to see if it is working. From what I can see, it appears more inclined to settle claims without really defending them. This

adds to the situation regarding excessive and allegedly fraudulent claims and is affecting the insurance costs of every individual in the country. Insurance is very important and motor insurance specifically because this is what the board was really set up to deal with. It assesses claims but it is taken as a *fait accompli* that somehow the claim is legitimate. One particular claim has been brought to my attention. It was made in February 2015 for injuries that occurred on 23 December 2014, and the individual had already made two other motor claims in 2011 and in 2012. Either it was a very unfortunate driver or a bad driver, but whichever the case might be, it seems a very convenient way of raising funds. The Personal Injuries Assessment Board is not defending the cases. Once a doctor, a GP or a medical officer gives a report saying that the person has some sort of injuries, then the board just settles without any debate, defence or investigation. I ask that the Leader would, in the new year, invite the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, to come to the House to review the working of the board. Some of the claims that have been awarded have been higher than claims in the UK. A claim for whiplash, for example, should be the same in adjoining countries. There is no reason a person should be compensated more in Ireland than in the UK. It would be worthwhile to look at these issues. The Bill in question was passed through this House when former Deputy Mary Harney was the Minister and former Senator Joe O'Toole was vice chairman of the Personal Injuries Assessment Board when it was established in 2004. While the Senator had every right to be a member of that board, it was unusual for a Member of the Oireachtas to be on that board. I ask that the Minister would consider a review of the board to see if it could be more fit for purpose.

I will give an example. A claim can be made within two years of an event. Surely a person would know within weeks or months if they were injured. Two years is a long time during which a person can decide if they are affected by some scratch to a car or somebody running into a car and then claiming. Such a claim could be sent into the board which might say: "Yes, how much do you want?" The person could say: "We'll settle for €7,000 or €8,000" to which the board could say "Excellent", sending a cheque and closing the file but it is the ordinary citizen who picks up the pieces.

Senator Terry Brennan: I remind those present that today is the International Day for the Elimination of Violence Against Women. It marks the beginning of 16 days of action to end violence against women and girls around the world. The World Health Organisation estimates that more than one in three, or 35%, of women in the world have experienced physical and-or sexual intimate partner violence. I wonder how accurate these figures are because I believe that women who are being violated are not reporting the incidents, which is sad indeed. It is not just women who suffer from violence. I spoke with a young man recently who had suffered two black eyes and had received six stitches in his forehead. I asked him what had happened as I thought it might have been a row in or outside a pub, but it had happened in his own home and by his own partner. We should contribute in any way we can to reduce incidents of violence.

It is unbelievable to hear in the media today that in excess of 40 towns in the State are still discharging raw effluent into our lakes, rivers and oceans. It is a medieval practice. I come from the medieval town of Carlingford where we had a similar situation up until 12 years ago when a new water treatment system was installed. It really helped the town to develop but at the moment it is insufficient to cater for further development. I ask the Leader to call for a debate with the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, on what are the priorities in eliminating this medieval practice in many towns and villages throughout the State.

An Cathaoirleach: I welcome the teaching staff and students from St. Gerald's College,

Castlebar to the Gallery.

Senator Terry Leyden: Is that the Cathaoirleach's *alma mater*?

An Cathaoirleach: It is not my own school but very local to me.

Senator Gerard P. Craughwell: He would not be a bit partial.

Senator Terry Leyden: I hope all the students do as well as the Cathaoirleach has.

Senator Sean D. Barrett: It is great to see the home town of the newly crowned Con-nacht champions represented here, so I second the Cathaoirleach's welcome to the people from Castlebar.

I note that nine amendments from this House have been accepted by the Minister of State at the Department of the Environment, Community and Local Government, Deputy Paudie Coffey, to the Climate Action and Low Carbon Development Bill 2015. Great praise is due to the Minister of State. We had dialogue on Committee Stage and it was important that the Minister of State, Deputy Coffey, recognised the role of the Seanad in advising on environmental matters such as climate change. The timing works well because the Paris Conference on environment and climate change, COP 21, will go ahead at the end of this month, despite the problems in Paris, so it is an important item on the Order of Business.

I also note there are some 294 amendments to the Legal Services Regulation Bill, about 240 in the name of the Minister. This shows the important role of the Seanad in the dialogue we have with the Minister for Justice and Equality, Deputy Frances Fitzgerald, because the Bill will be completely different from the one which was passed by the Dáil due to points raised in this House. It proves the value of having a reviewing chamber in a bicameral system.

I agree with Senator Hayden that organisations which do not publish the pay of their leading people lower themselves in public esteem. We need more openness in our society and some of the organisations which did not respond yesterday do not hesitate to lecture the Oireachtas on how to conduct its duties. Those organisations were remarkably silent when asked to declare the salaries of their executives.

I echo Senator Hayden's call for a debate on housing, if it can be facilitated. No. 47, which has one of those mysterious small numbers referred to by Senator Norris, remains outstanding. It was an attempt to leverage the ability of the Government to borrow money at low cost to help to increase the supply of housing at average or below average prices. That would contrast with the previous regime where the banking inquiry found that 29 people had borrowed €34 billion and sent the bill to the taxpayer. No. 47 is in line with a new way of looking at housing costs at below average and average prices, not lining the pockets of millionaires and billionaires, as happened the last time.

Senator Michael Mullins: I echo the call I made yesterday for the Irish Nurses and Midwives Organisation and the HSE to actively engage with the Workplace Relations Commission to avert the proposed strike for 15 December. No one would win in that situation. Elderly people will be traumatised, they will be stressed and worried about the inadequate care they may receive as a result of that strike. There are problems in the health service at the moment. The State has an ageing population, we have an increasing population and there has been major under-investment in facilities for the last decade. However, the emergency department task

force which was put in place earlier in 2015 is making progress. There are fewer people on trolleys than there were a year ago and 200 additional hospital beds have been opened since October 2015 with more coming on stream. In facilities such as University Hospital Galway, until such a time as the new emergency department is built, the problems there will not be fully resolved. Actions will be required in the meantime to ensure the problems are minimised.

Senator Norris made reference to the additional nurses who were recruited. There are 800 more nurses in the system than last year and 400 are in the recruitment process. I would welcome a discussion with the Minister for Health, Deputy Leo Varadkar, regarding how these issues can be expedited.

Finally, I ask the Leader to organise a debate with the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, on the regional action plan for jobs.

12 o'clock

It is fantastic news that unemployment levels have fallen below 9% for the first time since 2008. However, there are areas of the country that have not benefited from the upturn in the economy. The regional action plans have the potential to help towns like Ballinasloe, the Cathaoirleach's own town of Castlebar and other towns in the west. I would like a debate in this Chamber on those action plans.

Joining the Cathaoirleach's welcome to the students from Castlebar, I welcome two visitors from Ballinasloe who are in the Visitors Gallery today, Dan Dowling and Willie Ward.

Senator David Cullinane: Yesterday in the Leader's absence, many of us again called for a debate on health care. I support the proposed amendment to the Order of Business. For almost six months now, Senators from Government and Opposition have been calling for the Minister for Health to come before the Seanad, not to deal with legislation but to take statements on health care. An awful lot has happened in those six months. The Government has abandoned the plan for universal health insurance. We have chaos in accident and emergency wards across the State. Capacity has been stripped from our hospitals because of five budgets delivered by this Government.

Every single Government representative has to take responsibility for what is happening in our health service. It is wrong for any Government Senator, be it Senator Mullins or anyone else, to put the blame for whatever chaos they say might arise from industrial action on the shoulders of the nurses. They are operating on the front line under fierce pressure, and have been for years, because of the policies adopted by Fine Gael and the Labour Party and decisions the current Government took when it voted for budgets that took billions of euro out of the health service.

In the Leader's own county there are 300 fewer staff at University Hospital Waterford. One and a half surgical theatres are lying idle because we do not have the nurses, doctors or consultants to make sure people are treated. The Leader knows the figures because I have presented them to him before. The result is over 8,000 patients waiting longer than 12 months, with pressure points in orthopaedics, ophthalmology, and ear nose and throat, where people are waiting in some cases over two years. We still do not have 24-7 cardiology. We do not have the palliative care unit we were promised. We do not have the community nursing unit we were promised. That is why we have pressure in our accident and emergency ward in University Hospital Waterford. That is why we have the lead consultant talking about the chaos in that department.

It is a symptom of all the other failures of this Government.

It is good that at some point the Minister for Health might come before the Seanad but that is not going to provide one extra bed, nurse or doctor, or one extra cent for the health service. If the Minister, Deputy Varadkar, is coming into the Seanad, I want him to present a plan on how we deal with this problem. It is at crisis point and it is not fair to blame the nurses. They are going on strike not because they want to but because they are forced into it by the unbearable conditions in which they are being asked to work. That is the responsibility of the Leader and the Minister. I ask the Leader to get the Minister into the House so we can have a debate, but let him come with an action plan and let him tell us how he and the Government - the Labour Party and Fine Gael - are going to do something about the crisis in our health services.

Senator Martin Conway: We would all welcome the Minister, Deputy Varadkar, to the House for a further debate on health.

Senator Darragh O'Brien: Today.

Senator Martin Conway: To be fair to the Minister, he is always very accommodating with this House.

Senator Darragh O'Brien: Not for questions and answers.

Senator Martin Conway: When he was only in his ministerial role about five or six days, he came in and took a Private Members' motion which I had tabled, to which he gave a very comprehensive response.

Senator Darragh O'Brien: Well done. He was getting paid for it.

Senator Martin Conway: I have no doubt that the Leader will organise such a debate at the earliest opportunity.

In reflecting on what is happening in the IFA at the moment, we must realise the importance of the IFA in terms of lobbying and ensuring that farmers get as fair a deal as possible. I consider it one of the most powerful unions in the country and I have no doubt it will overcome its present difficulties.

I do believe that transparency is appropriate at all senior management levels within the IFA and indeed in all other organisations that are in any way supported by the State or the taxpayer. There should be accountability at senior level. There is accountability here in the House because all of our salaries and expenses are published, as is the case with the other House, Ministers and the Taoiseach. In that regard, we do lead by example. I call on all organisations, be they unions, lobby groups, charities, political parties or any other organisation that is supported in any way by the taxpayer, to publish all senior management grades, salaries, remunerations, pensions benefits and so forth. If that does not happen, I will call on the Leader to request the Government to introduce legislation to ensure it does. If there is not a voluntary code of disclosure and ethics in this whole area, we will need to legislate for such a code.

Senator Gerard P. Craughwell: Anybody who was listening to "Morning Ireland" this morning heard a nurse from St. Vincent's Hospital. I do not believe anybody can blame the nursing staff for taking the action they are taking. On a number of occasions, I have myself lain in St. Vincent's in the middle of the accident and emergency department, having been admitted with chest pain, and I can tell the Leader it is not a nice experience. I do not know how they

work in it.

We have the FEMPI Bill going through the House at the moment. Yesterday I asked the Minister, Deputy Howlin, if voting on the Bill was going to be whipped. The Minister did not answer. I want to know if I am wasting my time coming in here tomorrow for Committee Stage.

Senator Darragh O'Brien: The Senator will not be wasting his time. I have tabled amendments for tomorrow.

Senator Gerard P. Craughwell: I need to know if we are going to go through a charade here purely to satisfy public opinion or if we are genuinely taking the Bill as this House should.

With respect to my colleagues who have put down a Private Members' Bill this afternoon regarding the Seanad Electoral (Amendment) Bill 2015, I compliment them for bringing it forward. There will be support from the other side of the House for that Bill because it extends voting rights to the proper electorate for this House pending any reform that might take place in the future.

Would the Leader organise a debate with the relevant Minister regarding the closing date for nominations for the next Seanad election? It is wrong-----

An Cathaoirleach: That is set down in law, Senator.

Senator Gerard P. Craughwell: No, it is at the Minister's discretion. The Minister has discretion as to when he calls-----

An Cathaoirleach: It is a ministerial order but-----

Senator Gerard P. Craughwell: The Minister can close nominations on the same day he closes them for the Dáil. There are many professional Senators in here-----

Senator David Cullinane: Who?

Senator Gerard P. Craughwell: They may find themselves running against Ministers who lose their seats in the next election.

Senator Darragh O'Brien: There will be a few.

Senator Gerard P. Craughwell: At the end of the day, I believe the Seanad is a separate and distinct House.

An Cathaoirleach: That is a matter for the Minister.

Senator Darragh O'Brien: This is an important matter. It requires clarification.

Senator Gerard P. Craughwell: I think it is a matter for the Leader to ask the Minister and I am asking the Leader if he would be prepared to do so.

Senator Marie Moloney: I also heard that interview on "Morning Ireland" this morning. I was very impressed by that nurse and what she had to say. She also made it quite clear that much of the problem does not lie in the accident and emergency departments. When patients are seen in that department they are now left on trolleys because there are no beds in the wards for them. A lot of it has to do with getting them into the wards.

I will always stand up for carers. If we did not have them we would have a much worse problem because the people who need step-down facilities and care would end up in residential care. The situation in hospitals would be far worse then.

I agree that the Minister for Health has to come in here at some stage to debate this issue. The Leader has told me the Minister is not available today so we cannot get him. I ask the Leader to please put it on the agenda over the next few days to try to get the Minister in here. There are a lot of important issues that need to be cleared up. In Dingle there are empty beds in a ward because of a lack of staff. There is a beautiful new facility for psychiatric services in Killarney that remains unopened because it must be furnished. The shortage of nurses and other staff is a big problem. There are two nurses sitting in the Visitors Gallery who would agree with me on the shortage of nurses. The question of how to entice or incentivise nurses to return from other countries in order that they might work here must be examined. These issues must be discussed with the Minister for Health so I ask the Leader to invite him to come before the House at his earliest convenience.

Senator Feargal Quinn: In the run up to the dark days of winter, should motorists be obliged to use their headlights during the daytime? This is not that they might see ahead of them but to ensure that they are seen. It is particularly important that motorbikes are seen. All cars in the European Union manufactured after 2011 have daytime running lights, DRLs, to improve safety. However, what about cars that were manufactured before that? In 2012, the then Minister for Transport, Tourism and Sport, Deputy Varadkar, said that Ireland's motorists could be obliged within three years to keep their headlights on at all times in an effort to improve road safety. He said that the Road Safety Authority was likely to consider the measure by 2015. It is now almost the end of 2015 but an initiative in this regard has not been introduced. The Road Safety Authority encourages motorists to use dimmed headlights on a voluntary basis. It believes the cost of forcing motorists to have DRLs fitted to their cars retrospectively would outweigh any safety benefits. Could motorists be required to use headlights at all times, as is the case in other countries? I have a list of the other countries where they are obliged to use them. Studies have shown that where motorists are obliged to use their headlights at all times, it is likely to reduce accident rates by a certain percentage. This matter is worthy of consideration and it should be brought to the attention of the current Minister, Deputy Paschal Donohoe. We should do this because it could save lives. It would simply involve following what other countries in Europe already do.

Senator Jim D'Arcy: I agree with Senator Paul Coghlan about locating fast food outlets in close proximity to schools. There must be a policy in each county council area in that regard. It should not be left solely to the discretion of planners. We are due to have a debate on physical education this afternoon and this issue is relevant to that as well.

Ba mhaith liom fáilte a chur roimh an chomhaontú sa Tuaisceart. I welcome the new agreement in the North. I particularly welcome the establishment of the new task force and the support and commitment of the First Minister, Mr. Peter Robinson, and the Deputy First Minister, Mr. Martin McGuinness, for it. This is a big step forward. People must make brave moves from time to time. I seek a debate on this. The Minister should come to the House to outline the timescale for establishing the task force and whether he has received any information from the Garda Commissioner on how it will operate.

I note that the number of intermediate bulk containers, IBCs, containing sludge - the result of diesel laundering - that are dumped has diminished considerably in the past six months. In

August, there was only one IBC dumped in Louth. The total now is only a fraction of what it was previously. New licensing regulations, the new marker and, I hope, a change of attitude among some people to this activity are bearing fruit. I would welcome a report on this matter. We received a few such reports previously, in less favourable circumstances.

Senator Paschal Mooney: This morning I attended a meeting of the transport committee at which we heard presentations from representatives of the Garda and the Road Safety Authority regarding drunk driving convictions. The figures that were published in the media in the past few weeks were distorted and have been proven to be inaccurate. The figure given in the media was 40%, which compared very unfavourably with the UK rate. However, it was clarified this morning that these figures were based on summonses rather than convictions and that, in fact, Ireland has a very high conviction rate for drunk driving at over 85%. The message is loud and clear - if one drinks, one does not drive.

Another statistic emerged this morning from the Road Safety Authority. Please God and fingers crossed we will end this year with no more road deaths. The figures indicate that this year we will have the best road safety record for decades if the current trend continues. The figures for the period up to this week indicate that 30 fewer people have died than in the comparable period last year, which is, thank God, a great statistic. Every life lost is an unnecessary loss. The statistics show, however, that 65 people died as a result of not wearing seat belts. That is astonishing. Imagine, in this day and age, that 65 people - both drivers and passengers - died on our roads because they were not wearing seat belts. What madness is that? Will the Leader ask the Minister for Transport, Tourism and Sport to embark immediately on a nationwide media campaign to inform people not only of their legal obligation but also of the folly of not wearing a seat belt? Such a campaign should highlight, as graphically as possible, the consequences of not wearing a seat belt, regardless of whether one is a driver or a passenger.

Senator Colm Burke: Senators have mentioned locating fast food outlets near schools. The issue I wish to raise is locating vending machines in hospitals. Somebody recently sent me a photograph of a vending machine containing chocolate, crisps and so forth located within ten yards of a children's unit in a hospital. If we are serious about health issues, then let us at least resolve this one as it affects hospitals. On one hand, we are facing a major task in tackling obesity but, on the other, we are providing vending machines in hospitals. I have no difficulty with staff requiring access to vending machines but the machines should not be placed close to a children's unit in a hospital. The reason many hospitals give for having vending machines is that they are good for providing money. This must be examined. There should be a policy in the HSE on this matter. The issue of locating fast food outlets near schools might not necessarily be within our control at this stage but this matter is within our control and we should deal with it. I ask the Minister to send a message to the Minister for Health on this issue. I intend to write to the Minister about it as well. It is an extremely important matter, especially given the challenges we face in respect of health issues among young people and particularly that of obesity.

Senator Trevor Ó Clochartaigh: First, I commend Women's Aid on the excellent conference it organised today on the challenge of online and technology abuse in shaming and stalking in intimate partner relationships. It draws some very stark conclusions regarding the lack of up-to-date legislation in this area. It is an area that is changing very quickly. We have held a number of debates on this issue but it would be worthwhile to examine it again in the context of comments by senior counsel at the conference today. Perhaps we should look at the models in the UK and Canada as regards the legislation they have been able to introduce on harassment.

It is an issue that is worthy of debate in this House.

Senator Brennan referred to the report by the Environmental Protection Agency on urban wastewater which shows that raw sewage is being discharged into 45 lakes, rivers and coastal areas around the State. The report also found that wastewater discharge contributed to poor water quality at seven of Ireland's leading bathing spots. Discharges from Ardmore, Youghal, Clifton and Galway city contributed to poor-quality bathing water at several beaches. Of the 45 areas where raw sewage was discharged, 60% were in counties Cork, Donegal and Galway. The EPA identified instances where wastewater received no treatment or only preliminary treatment prior to discharge. The report notes that the failure to properly treat sewage can pose a risk to human health and the aquatic environment.

These findings copperfasten our view that the setting up of Irish Water is one of the worst policy decisions taken in the history of the State. It has been an absolute disgrace and a disaster.

Senator Sean D. Barrett: Hear, hear.

Senator Trevor Ó Clochartaigh: We all remember the debates in this House when the former Minister for the Environment, Community and Local Government, Phil Hogan, told us Irish Water would save the water system. What has become clear, however, is that the local authorities were actually doing a much better job than the new body is. In my own area, for example, there was at least a plan in place under the local authority for places like Carraroe, Spiddal and Athenry. When we ask questions of Irish Water, there is no answer forthcoming as to when those types of projects will be delivered. There has been much talk recently about the salaries paid to Irish Farmers Association officials but we seem to have forgotten the huge salaries being paid to executives in Irish Water. As I understand it, 29 or so staff are earning a basic wage of more than €100,000.

Senator Colm Burke: What about transparency in Sinn Féin?

Senator Trevor Ó Clochartaigh: Some of them, moreover, are eligible for 15% bonuses on top of that. It would be useful for the Minister to come to the House to give a breakdown of how much we are paying these Irish Water executives and indicate whether we are getting value for money or if the money would be better spent on progressing projects around the country to deal with the sewage problems that have been highlighted by the EPA.

Senator Jim Walsh: I join Senator Jim D'Arcy and others in welcoming the new agreement in Northern Ireland. I especially welcome the appointment of a task force, which we hope will be effective in eradicating criminal activities within what was formerly the Provisional movement and perhaps still is the Provisional movement, particularly in south Armagh and other Border areas. However, I very much regret that the victims of the various atrocities that were committed have been overlooked. Justice for the Forgotten, to give an example, has campaigned for years on behalf of the victims of the Dublin and Monaghan bombings. All such victims were badly let down by the Government and the Nationalist parties at the negotiations, with the result that the legacy of the past issue has been sidelined. The failure to insist it be treated as a red-line issue reflects badly on all concerned.

Will the Leader arrange at an opportune time for a debate on freedom of speech? Colleagues may have noted criticism in the newspapers recently of the failure by the Director of Public Prosecutions to prosecute a journalist, Brenda Power, for incitement to hatred in respect of an article she wrote. If we really do live in a free society, then people who take what is not

regarded as a politically correct position must be able to articulate that position. Unfortunately, that right is being impinged on in many ways, particularly in respect of small minority groups. We see what is happening on our neighbouring island, where people, even people in churches or religious schools, who advocate to pupils in favour of heterosexual marriage or the benefit of a child having a mother and a father, are being charged with discrimination or incitement to hatred. Some have had to leave their jobs. We urgently need a debate on these issues and this House would be a good forum in which to have it. There are many liberal-minded people in this Chamber who I am sure would be willing to launch a campaign for a referendum on recognising freedom of speech as a right deserving of constitutional protection.

Senator Fidelma Healy Eames: The need to promote peace across the globe is one of the most pressing issues of our time. Here in Ireland, issues relating to our national security are deserving of priority. One of the key underlying factors that is fuelling the activities of ISIS is the radicalisation of Muslim youth, a phenomenon to which Ireland is not immune. According to Deputy Alan Shatter, former Minister for Justice and Equality, at least 40 people from Ireland have joined ISIS. Records in the Department indicate that three of them have been killed. I was watching CNN at the weekend and it seemed to me there was nothing but wall-to-wall coverage of ISIS. I heard an envoy of President Obama speak about the need to isolate and slaughter. For young people listening to that, it fuels their radicalisation. Indeed, that type of language amounts to incitement to hatred. The media have a huge responsibility when reporting on issues like these.

We in Ireland are fortunate to live in a peaceful country. As an aside, I join colleagues in welcoming the new arrangements for the North. However, we are very much a globalised society and there is a need to educate our young people about Islam and The Koran. The latter is being used by ISIS as justification for murders, including beheadings, and other terrorist activities. At a conference earlier this year in Africa, I spoke to a female political leader who expressed the view that if Islamic terrorists really understood The Koran, they would not be doing what they do in its name. What they are doing, she said, is coming from a state of ignorance. We in this country also need to educate ourselves in this regard.

The Cathaoirleach is indicating my time is up. I have two questions for the Leader.

An Cathaoirleach: The Senator is over time.

Senator Fidelma Healy Eames: With respect, it is important that I put these questions. Will the Leader invite the Minister for Education and Skills to the House to discuss the teaching of world religions in schools as part of the religious education curriculum, with a view to issuing guidelines in that regard? Second, will the Leader invite the Minister for Foreign Affairs and Trade to the House for a debate on Ireland's national security, our contribution to international relations and peacekeeping and, in particular, how we intend to integrate the refugees who come here? Out of fear comes the absence of understanding and also ignorance and rejection.

Senator Ned O'Sullivan: Yesterday on the Order of Business, I raised the matter of the 600 so-called teaching jobs that were announced to great fanfare in recent weeks. The Deputy Leader, in response, indicated her understanding that these would be full-time posts. Having checked my sources, I am quite certain that a sizeable number will not, in fact, be permanent, full-time jobs but rather additional hours allocated to certain schools. As things stand, a significant number of teachers at both primary and secondary levels are unemployed or depending on substitute and temporary work. In addition, a large number of graduates are due to come on

stream early next summer. Putting out figures that are not accurate only excites false hope for graduates and their parents.

Senator Maurice Cummins: Senator Darragh O'Brien referred to the need to bring EU approval for a new cystic fibrosis drug into effect here. I will bring that matter to the attention of the Minister for Health, Deputy Leo Varadkar. I assure all Members, including Senator O'Brien, that I will endeavour to have the Minister come to the House as soon as possible. We have business ordered up to 7.30 p.m. today and, unfortunately, the Minister is not available. I will seek to have him here without delay for a comprehensive debate on the measures that are being taken in regard to hospital emergency department services. It is disappointing that the Irish Nurses and Midwives Organisation has voted in favour of industrial action. That outcome was not unexpected but industrial action, we all would agree, is not the solution to the problem. The director general of the Health Service Executive has already affirmed that health service management is keen to use the State's industrial relations machinery to ensure the proposed action by members of the INMO does not go ahead. There was a list in several newspapers yesterday of people who have not disclosed their remuneration. Senator Conway suggested that legislation should be introduced to allow for the salaries of all CEOs to be made public. I will bring that matter to the attention of the relevant Minister.

Senator Craughwell asked about the Committee Stage debate on the FEMPI Bill. I assure him that we will have a proper Committee Stage debate on the Bill and that the legislation will be dealt with in the same way as all other legislation is dealt with by this House. If votes are called on the Bill then they will be taken.

Senator Gerard P. Craughwell: Will Senators be whipped?

Senator Maurice Cummins: On the question of the Private Member's Bill, we will certainly have a debate on that. The Bill is very worthy and Members on this side of the House will be giving serious consideration to supporting it. The Senator also had a query on the closing date for nominations for the next Seanad election. The process is set down in law and happens by way of ministerial order. I doubt that the Minister will agree with the sentiments expressed by Senator Craughwell.

Senator Moloney called for the provision of more step-down facilities and also referred to the shortage of nurses, which I addressed in my opening remarks. Senator Quinn spoke about motorists using their headlights during daylight hours as a road safety measure, a practice that is commonplace in Europe. I understand that a comprehensive review of road safety measures is currently under way and I expect that a requirement to use one's headlights in the daytime will be introduced in the very near future.

Senator Jim D'Arcy welcomed the new agreement reached in Northern Ireland and the setting up of the task force to combat crime in Border areas, a matter which was also raised by Senators Walsh and Coghlan on several occasions in the past. I agree with Senator D'Arcy that the measures that have been taken to combat diesel laundering are beginning to bear fruit. We are not seeing as much dumping of sludge in County Louth, in particular, as we saw in the past. I welcome the fact that these measures are bearing fruit and hopefully the task force on Border crime will rid that part of our country of the lawlessness which has reigned there in recent years.

Senator Mooney also referred to road safety measures and pointed out that 65 people killed on our roads this year were not wearing seat belts, a damning statistic. I agree with the Senator

that a campaign should be run again to highlight the fact that people are taking their lives in their hands by not wearing seat belts. That message should go out from this House and from the Road Safety Authority.

Senator Burke raised the issue of unhealthy food products in vending machines in hospitals, a matter which is under the Government's control. He argued that this should be considered by the Minister for Health and I am sure it will be. Senator Ó Clochartaigh raised the issue of wastewater treatment plants. I have already made the point that significant progress has been made by Irish Water in this area and that plans made by local authorities are now being actioned.

Senator Walsh expressed his regret that legacy issues were not dealt with in the agreement in Northern Ireland, a point that was also made by other Members last week. He also called for a debate on freedom of speech. Senator Healy Eames spoke about the radicalisation of youth and called for greater responsibility within the media. She also asked for a debate with the Minister for Education and Skills on religious teaching in schools. I will endeavour to have the Minister come to the House to address that issue. Finally, Senator O'Sullivan asked about teaching posts and I will try to get the exact figures for him.

I cannot accept the proposed amendment to the Order of Business but I will endeavour to have the Minister come to the House as soon as possible.

An Cathaoirleach: Senator Darragh O'Brien has proposed an amendment to the Order of Business, "That the House calls on the Minister for Health to attend today to outline his plans to improve the situation for sick and elderly patients in the hospital system between now and Christmas." Is the amendment being pressed?

Senator Darragh O'Brien: Yes.

Amendment put:

The Seanad divided: Tá, 17; Níl, 19.	
Tá	Níl
Bradford, Paul.	Bacik, Ivana.
Craughwell, Gerard P.	Brennan, Terry.
Cullinane, David.	Burke, Colm.
Daly, Mark.	Coghlan, Paul.
Healy Eames, Fidelma.	Comiskey, Michael.
Leyden, Terry.	Conway, Martin.
MacSharry, Marc.	Cummins, Maurice.
Mooney, Paschal.	D'Arcy, Jim.
Mullen, Rónán.	Hayden, Aideen.
Norris, David.	Keane, Cáit.
O'Brien, Darragh.	Kelly, John.
O'Sullivan, Ned.	Moloney, Marie.
Ó Clochartaigh, Trevor.	Moran, Mary.
Ó Murchú, Labhrás.	Mulcahy, Tony.
Quinn, Feargal.	Mullins, Michael.
Walsh, Jim.	Noone, Catherine.

25 November 2015

Wilson, Diarmuid.	O'Neill, Pat.
	Sheahan, Tom.
	Whelan, John.

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

Amendment declared lost.

Order of Business agreed to.

1 o'clock

Social Welfare and Pensions Bill 2015: Second Stage

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

Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):

I am delighted to be back in the Seanad. Last month the Government announced a responsible, balanced and pro-employment budget. The social welfare package included in the budget was carefully designed to ensure a number of core groups would benefit. They include pensioners; families with children, including lone parents; carers, and people with disabilities. The budget was prepared in the context of the country moving in the right direction, with living standards gradually being raised in every home.

My Department has carried out a social impact assessment of the main tax and social welfare measures included in budget 2016. This assessment was based on the tax and welfare micro-simulation model, SWITCH, which had been developed by the ESRI. Social impact assessment is an evidence-based methodology which is used to estimate the likely effects of policies on household incomes, families, poverty and incentives to take up employment. The assessment found that average household incomes would increase by 1.6% or €14.30 per week as a result of budget 2016. Importantly, there are higher than average gains for the bottom two quintiles, the lowest income households in society, while the smallest gain is for those in the top quintile. The biggest beneficiaries are lone parents, dual and non-earning couples with children, with an average gain of 2%. Non-earning lone parents and single earning couples with children fare above average, gaining around 1.8%. I should emphasise that child benefit expenditure, although universal, favours lower income households. Budget 2016, therefore, will deliver considerably bigger gains for the poorest households.

I refer to the State pension and the Christmas bonus. Throughout the worst of the crisis, the Government protected the State pension. I am particularly pleased that the Bill provides for an increase of €3 a week for pensioners and carers aged 66 years and over. It is small, but it is im-

portant to indicate that circumstances are getting better. There is also an increase of €2 a week for adult dependants aged under 66 years and an increase of €2.70 for adult dependants aged 66 or over. This will benefit 583,000 pensioners and more than 93,000 qualified adults and is the first weekly rate increase for pensioners since 2009. That is important because they have been without an improvement in weekly income for quite a long time. There has been a significant welcome from pensioners for the fact that we are able to increase payment rates. This is all part of our approach of properly assisting the different groups in society, most particularly those who are less well off and vulnerable. Pensioners asked us to maintain the free travel scheme and we have done so. The budget added €3 million in additional funding to the scheme, making a total of €80 million in 2016. Pensioners value their free travel.

On Monday the Ministers for Social Protection and Public Expenditure and Reform signed the regulations for the payment of a 75% Christmas bonus which will benefit older people, carers, people with disabilities, long-term jobseekers and lone parents at a financially stressful time of the year. We hope the first payments will be made in the first week of December. This will mean a bonus payment of €141 for a single person on disability allowance, while a pensioner couple, both of whom are in receipt of the non-contributory State pension, will receive a bonus payment of €328.50. Some 1.23 million people will receive the Christmas bonus in the first week of December and we make absolutely no apologies for paying it. Our focus is on ensuring we can improve circumstances for every person, not just a few. Importantly, the bonus is spent in the local economy in businesses and stores, providing a stimulus for communities across the country.

When the Government took office, there were grave fears that the numbers unemployed would exceed 500,000. The deficit in the Social Insurance Fund was heading towards €2 billion and unemployment would eventually peak at 15.1%. It is currently 8.9%. Therefore, we now have an unemployment rate under 9% for the first time since December 2008. Employment increased by 56,000 in the past 12 months, which means that more than 1,000 people are returning to work every week. There has been an increase of 59,400 in full-time employment in the past year, with a corresponding fall of 3,400 in part-time work. This means that more than 1,100 people are returning to full-time employment every week. It is welcome that people are securing full-time employment rather than being under-employed or in part-time work. This is making a significant difference not only to the people concerned but also to their families. There are still, however, too many people unemployed, but it is clear that unemployment is falling rapidly, thanks to the sustained focus of the Government on restoring the economy to growth and helping people back to work. The Government has ensured there has been a focus on a jobs-led recovery.

As a result of people returning to work in high volumes and more employers being able to reward employees with pay increases, the Social Insurance Fund has been transformed. The 2016 budget estimate provides for Social Insurance Fund income to increase to almost €8.9 billion in 2016, with expenditure estimated at €8.67 billion. This means that there will be a projected surplus of €216 million in the fund, the first such surplus since 2007. If we can continue to increase the surplus, those who have contributed to their pensions can be confident that they will receive their pensions and that we will be able to improve them as time passes. The certainty that pension levels will be maintained with the possibility of increases is significantly important, especially to older people.

The increase in the minimum wage to €9.15 an hour from next January is a hugely important measure for low paid workers. We made a pledge earlier this year that if we increased the

25 November 2015

minimum wage, we would address PRSI “step-effects” arising from such an increase and we are doing so in the Bill. The measures will reduce the weekly PRSI bill for more than 88,000 employees and ensure the benefit of a national minimum wage increase will be felt by all those in receipt of it. This is, of course, in addition to the gains from the USC changes announced on budget day. This is the second time the national minimum wage has been increased under the Government and while there is still a distance to go, the increases have been welcomed.

The legislation provides for a €5 increase in the rate of child benefit, making it the second budget in a row in which child benefit has been increased. This will bring the monthly rate from €135 to €140 per child, with effect from 1 January 2016. Child benefit is a crucial support for families, in particular, low and middle income families, through difficult times. A total of 623,000 families and almost 1.2 million children will benefit from the increase.

The introduction of a paternity benefit scheme to take effect from next September was also announced in the budget. The family income supplement income threshold is also being increased by €5 a week for each of the first two children from next January. This will mean an additional €3 or €6 a week for in excess of 59,000 low income working families with a total of more than 131,000 children.

The Minister will shortly make regulations to provide for an increase in the earnings disregard for jobseeker’s transition payment, from €60 to €90 per week. The improved disregard will apply to existing and new recipients from next January. All earnings above €90 will be assessed at a rate of 50% from January; they are currently assessed at a rate of 60%.

Funding for the school meals programme will increase by €3 million next year to €42 million. The programme currently benefits 217,000 children in more than 1,700 schools and other organisations. The allocation of an additional €3 million in 2016 will be used to provide breakfast for an additional 27,800 pupils or lunch or a light meal for almost 12,000 additional pupils.

As is very clear from the figures I gave, the strong economic recovery we can see around us is, above all, jobs-led. That is crucial because secure and fairly paid work remains the best protection against poverty. The budget is, therefore, pro-work. Our aim is to move towards a full employment society, with work for everyone who needs and wants a job. In the budget increases of €2.50 a week were also announced in the top-up payments for jobseekers availing of the community employment scheme, the rural social scheme, Gateway, job initiatives and other such schemes. Earlier this year we introduced a new incentive called the back-to-work family dividend which helps jobseekers with families to return to work. This dividend provides an incentive of €1,550 per child in the first year of employment or self-employment and half that amount in the second year. There are currently over 9,500 families and 15,000 children benefiting from the dividend. This measure, when taken together with the employer incentives such as JobsPlus, will ensure that long-term jobseekers also benefit from the strong recovery in the labour market.

Apart from the rate increases I have already mentioned, the fuel allowance is being increased by €2.50 per week to €22.50 for the duration of the fuel season. This is another targeted measure and will benefit almost 381,000 households. The name of the respite care grant scheme is being changed to the carer’s support grant. In light of the hugely important role carers play in our society, I am particularly pleased to announce that the rate of the grant is to be increased by €325 to €1,700 from 1 June 2016. It will be payable to around 86,000 carers next year. In another improvement, carer’s allowance will now be paid for 12 weeks after the death

of the person being cared for, instead of the current duration of six weeks. I thank the carers' organisations which made that proposal during the course of our pre-budget discussions.

I will now turn to the specific measures in the Bill. Section 1 provides for the Short Title, its construction and collective citation with the Social Welfare Acts and the Pensions Acts. Section 2 provides for the definition of certain common terms used in Part 2. Section 3 provides for an increase in the rate of State pension, contributory, and, in respect of persons who are 66 years or older, increases in the rates of the following schemes: widow's, widower's and surviving civil partner's contributory pension, death benefit and disablement pension. It also provides for increases in rates for qualified adults.

Section 4 and Schedule 1 provide for an increase in the personal and qualified adult rates of State pension, non-contributory. It also provides for an increase in the rate of carer's allowance for recipients who are 66 years or older. Section 5 and Schedule 2 provide for the renaming of the respite care grant to carer's support grant. Many have welcomed this because it recognises what that grant does. Section 6 provides for an increase of €325 to the carer's support grant, from €1,375 to €1,700. Section 7 provides for an increase in the monthly rate of child benefit, from €135 to €140. Section 8 provides for an increase of €5 per week in the family income supplement, FIS, earnings threshold for families with one child and €10 per week in the thresholds for families with two or more children. This measure comes into operation on 7 January 2016. Section 9 provides for the period in which carer's allowance is payable following the death of the person being cared for, to be extended to a period of 12 weeks. Section 10 provides for two changes in pay-related social insurance, PRSI. A new tapered PRSI credit is being introduced for employees insured at class A whose earnings are between €352.01 and €424 per week. The upper threshold at which the lower 7.8% class A rate of employer PRSI applies is being increased from €356 to €376 per week. These measures take effect from 1 January 2016.

As we are all aware, earlier this year we saw the historic result of the marriage equality referendum. The subsequent legislation, the Marriage Act 2015, was enacted on 29 October. Sections 11 to 18, inclusive, provide for amendments to the Social Welfare Consolidation Act 2005 in light of the enactment of that Act. Section 19 provides for the inclusion of registered nurses within the definition of medical assessor in the Social Welfare Consolidation Act. These nurses will be employees of the Department. Section 20 provides for the inclusion of credit unions providing personal micro credit loans among the specified bodies for the purposes of the household budgeting scheme. Sections 21 to 25, inclusive, provide for amendments of the Pensions Act 1990 to enable the Financial Services Ombudsman to carry out the role, duties and functions of the Pensions Ombudsman in light of the intended merging of those two offices.

The significant social welfare package in this year's budget consists of diverse and complementary elements. These include the Christmas bonus as well as improvements in a range of payments, benefiting in particular pensioners and retired people, people on disability allowance, carers, families with children and families at work, who have children and are on low incomes. These positive developments have been made possible by all the taxpayers, workers and employers in the country who pay PRSI.

The fact that so many more businesses and individual workers are getting back to work has been the catalyst that has enabled us to provide for the improvements and changes we have made in the budget and this Bill. We are always very conscious of our responsibility to ensure that every cent of employee and employer PRSI contributions is used effectively and efficiently. We are focused on making sure that all social protection monies go to those for whom they are

intended, that they get the payments they are entitled to and that the special investigations unit, inspectors and departmental staff will do their best to ensure that nobody can defraud the social welfare system or take money that rightly should go to persons who require it most.

Over the recent very difficult and challenging years, our social welfare system has continued to play an essential role safeguarding the most vulnerable in our society. We protected that very strong system through the worst of times. We are now strengthening and improving it in these better times. The social protection measures contained in budget 2016 and in this Bill are built on the foundations of the recovery. These measures are targeted at securing improvements in living standards and creating greater opportunities for every person, every family and every community. I commend the Bill to the House.

Senator Paschal Mooney: One has to welcome in principle any increases in social welfare but they have to be put in context. We believe that the measures contained in this Bill fall far short of what is required to ensure that low income and vulnerable households are protected from poverty and social exclusion. The small-scale measures contained in the Bill are not sufficient to offset the regressive budgets introduced by this Fine Gael-Labour Government since it took office in 2011. The Government has been responsible for 40 deep and wide-ranging cuts, the effects of which will be felt by households throughout the country next year: cuts to the household benefits package and fuel allowance; abolition of the telephone allowance and the bereavement grant; reductions in jobseeker's benefit and child benefit, which is still not back to its original level; reductions in the back-to-school clothing and footwear allowance and punitive changes to the eligibility criteria for the one-parent family payment. These are the hallmarks of the two-tier recovery overseen by this Government. It has also failed to address the issue of rent supplement. The gap between market rents and rent supplement ceilings is widening at an alarming rate and the Government has completely ignored this.

The Social Welfare Bill 2015 only underscores a lack of commitment to the less well off in society in the Government's pursuit of an agenda that punishes the vulnerable and rewards the better off. The at-risk of poverty rate has risen from 14.4% in 2008 to 15.2% in 2013, the last year for which figures are available. The consistent poverty rate has risen from 4.2% to 8.2% in that five year period and the deprivation rate has risen from 13.7% to 30.5% in 2013. Any small gains in the budget must be considered in the context of previous budgets. To provide the context in which these increases are being legislated, data from the Central Statistics Office reveal that between September of last year and September of this year, prices rose for the following essential goods: overall education costs by 5%; bus fares by 2.7%; travelling by train by 4.6%; house insurance by 6.5%; car insurance by 26.7% and communications, postal and telephone costs by 2.4%.

It is interesting to look at the response of various organisations and associations involved with the more vulnerable in our society. The commentary on the measures announced in the Bill has been mixed. Some stakeholders have welcomed improvements in the rates. Others noted the Bill has not yet restored the reductions to which I referred and seen in recent years and that the improvements provided for are too limited. In this context, the Society of St. Vincent de Paul welcomed the thrust of the budget but noted that it was only giving back a small element of the losses people endured in recent years and could have been better targeted.

Social Justice Ireland stated, "Budget 2016 failed to deliver an increase in the minimum social welfare payment - which remains at €188 per week". As detailed by it in its pre-budget document, Budget Choices 2016, this payment has remained at this level since January 2011.

Since then inflation has eroded its value, as I pointed out in the earlier statistics.

Age Action, in its reaction to the budget measures, some of which are in the Bill, welcomed the first increase in the State pension in seven years, although anecdotal evidence suggests the general reaction to an increase of a modest €3 has been that it has not gone down well universally. Before the Minister of State in his reply reminds me that Fianna Fáil proposed a €5 increase in its budget submission, I suggest that a €5 increase would not have gone down all that well either. A spokesman for Age Action stated that since 2009, an older pensioner on the State pension has seen his or her weekly income cut by more than €13 a week. He noted that all of that cannot be fixed at once. However, he said that what we have seen would indicate that much more should be done in this regard.

In response to the proposed increase in the income thresholds for receipt of the family income supplement, Stuart Duffin of One Family said:

Government has not listened to the calls of many organisations in the voluntary sector to target resources at the poorest children in Ireland rather than giving a pre-election €5 to everyone on Child Benefit. What low-income working families need is the Family Income Supplement adjusted so that it makes work pay by reducing the qualifying hours to 15 hours per week and tapering the payment; as well as recognising the value and costs of shared parenting by providing the Single Person Child Carer Tax Credit to each parent.

This is a laudable aspiration.

Children and families have not been protected in the Bill. Despite the budget increase of €5, which is welcome, child benefit is still €10 lower than what it was in 2010 when Fianna Fáil was in government. The budget increased the thresholds for the family income supplement by €5 for the first child and €10 for each subsequent child to apparently offset the increase in the national minimum wage, but the increase in thresholds is not enough, given that a 50 cent increase in the national minimum wage means a €20 increase in gross income based on a 40-hour week.

Lone parents, for example, have not been referred to. The change to the eligibility criteria to qualify for the one-parent family payment was a particularly callous move which was opposed by us. There is little in the budget from which lone parents can take comfort. We proposed to increase the maximum child age of the one-parent family payment scheme from its current threshold of seven years to 14 years. I know the argument put forward by the Minister at the time was that we were trying to come into line with European best practice, but we are our own country with our own individual problems that need to be addressed.

I welcome the Government's initiative in respect of the increase in the carer's grant, which has been renamed the respite grant. This has proven to be a popular move and one that is wholeheartedly welcomed. However, it was only because of the continuous and persistent criticism of the original decision to reduce it by Fianna Fáil in both Houses, allied with all of the various organisations across the country, that this was taken on board by the Government.

Senator Marie Moloney: Not at all. We all put up a fight.

Senator Paschal Mooney: This was a most unpopular measure. It can be dressed up any way one likes but when it was reduced-----

Senator Terry Brennan: When it was abolished.

Senator Paschal Mooney: -----the reduction was bitterly opposed by everyone involved.

Acting Chairman (Senator Diarmuid Wilson): Senator Brennan will have an opportunity make his contribution later.

Senator Paschal Mooney: I welcome the restoration but it should not have been reduced in the first place.

Senator Marie Moloney: Nor should the Christmas bonus.

Senator Paschal Mooney: The budget has failed to restore the housing adaptation grant for people with a disability, which we called for in our pre-budget submission. The budget has also offered no alternative to the mobility allowance and motorised transport scheme, which was closed in 2013. People with disabilities will not see their living standards improve next year. Much of the infrastructure required for people with disabilities to lead full and independent lives has been dismantled by this Government. The budget was a missed opportunity and failed to enhance the lives of people with a disability.

Overall, any increase for those who are most vulnerable in our society is to be welcomed. However, in the context of the expanding economy, this Government has not gone far enough in this regard, in particular in the areas I have outlined.

An issue was mentioned to me yesterday. It is not within the scope of this Bill but I remember a couple of years ago changes were made to the qualifying stamp contributions for those on contributory State pensions. This affects, in particular, women who would have left the workforce in their 20s to stay at home and rear their families. These women, 20 years later, now want to return to the workforce. They are being penalised in the context of the amount of time they have to get a sufficient number of stamps to meet the full qualifying criteria for old age pensions. It is not contained in this Bill, but I remember at the time there was much discussion about the issue and how it was affecting, in particular, females who wished to return to the workforce. The Minister of State might make some comment on it.

Acting Chairman (Senator Diarmuid Wilson): Senator Brennan now has an opportunity to make his contribution.

Senator Terry Brennan: I am pleased to have the opportunity. I welcome the Minister of State, Deputy Humphreys, to the Chamber. The Bill will give effect to a number of social protection measures announced in the recent budget which relate to statutory schemes. I am aware they can only be implemented by way of primary legislation. I do not intend to elaborate on them all but the main measures of the Bill include an increase in the monthly child benefit rate to €140 from January next. An increase of €3 in the weekly payment to pensioners and carers aged 66 years and older is small but will be welcomed. Any increase for the less well off, as my colleague stated, must be welcomed.

Senator Paschal Mooney: You will not get much for €3.

Senator Terry Brennan: There is an increase of €2 for adult dependants aged under 66 years and an increase of €2.70 for adult dependants aged 66 years or older. The name of the respite care grant is to be changed to carer's support grant and its rate will be increased by €325 to €1,700 from 1 June next. Following the death of the person being cared for, carer's allowance will be paid for 12 weeks from January next instead of the current six weeks. There is an

increase of €5 per week in the family income supplement income threshold for families with one child and an increase of €10 per week in the threshold for families of two or more children.

There is a new tapered PRSI credit for insured class A employees whose earnings are between €352 and €424 a week. The lower 8.5% class A employer PRSI rate will apply to weekly earnings up to €376, which is up from €356, with effect from 1 January next. Regulations were signed this week to provide for the 75% restoration of the Christmas bonus which will be paid during the first week of next month. The Government will also make regulations to provide for an increase in the earnings disregard for the jobseeker's transitional payment from €60 per week to €90 per week, as mentioned by the Minister for State.

I remind my colleagues that the Christmas bonus, which was abolished in 2009, will benefit many people, including older people, carers, people with disabilities, long-term job seekers and lone parents, at a financially stressful time of the year. That will benefit older people, carers, people with disabilities, long-term jobseekers and lone parents at a financially stressful time of the year. Some 1.25 million people will receive the Christmas bonus this year at a cost of €197 million. It is important to stress that the Christmas bonus is spent within the local economy and will give a significant boost to local businesses and communities.

The Department of Social Protection is now actively involved in helping jobseekers to find employment as well as working closely with employers in every region of the country to help them to find recruits for their businesses. The new tapered PRSI credit for class A contributions for employees earning between €352 and €424 per week will reduce the weekly PRSI bill for over 88,000 people as the Minister of State pointed out earlier. In addition, the lower 8.5% class A rate of employer PRSI will be extended to over 26,000 employers, with the employer threshold being increased. I welcome the increase in the top-up payments for jobseekers availing of community employment, the rural social scheme, the jobs initiative and other such schemes.

Child benefit is due to be increased next January and 632,000 families will enjoy an increase of €5 per child per month, at a cost of €72 million next year. Pensioners and carers will also receive increased payments, with 583,000 recipients to benefit at a cost of €93 million next year. A carer's support grant, previously known as a respite care grant, valued at €1,700 will be paid to 86,000 carers throughout the country at a cost of €30 million. The increase in family income supplement threshold means that over 59,000 families will benefit.

The Minister of State spoke about the improvements in our economy and referenced, in particular, the drop in unemployment from 15.2% to 8.9%, which is a significant achievement. I would prefer to say that almost 45% of those who were unemployed five years ago are now working.

The Tús scheme benefits communities throughout the country. However, given the increase in employment opportunities, the numbers available for participation in Tús schemes has reduced significantly. I am aware of two men who have performed extremely well in my community on the Cooley peninsula who performed well on Tús schemes. They are most anxious to continue working after the 52 weeks allowed under the scheme. Furthermore, the community wants them to continue working and recognises the contribution they have made. Those men, unfortunately, will have to go back on social welfare at the scheme's end which they do not want to do; they want to work. Given that the number of people available to embark on Tús schemes is reducing, the Government should consider extending the schemes from 52 weeks to two years. Common sense should prevail in this regard. The managers in charge of the various

Tús schemes should be given the opportunity to acknowledge and recognise the work done by scheme participants. I am sure there are many Tús schemes throughout the country experiencing the same difficulty. The Minister of State would not believe the extent to which the men in question implored me to help them. They want to continue working, to get up in the morning and contribute to their community. They do not want to go back to claiming social welfare. We must look at this issue carefully. Allowing participants to continue on these schemes for longer would further reduce the unemployment figures. It might be possible to stipulate that if there are new applicants for the schemes, those who have been participating for longer than a year must come off them to give others a chance. The schemes could be reviewed two months before their end date to determine whether there are people waiting to replace those already on the schemes. If there are no new applicants, then those participating should be given the option of extending their contract for a further year.

Senator Feargal Quinn: I welcome the Minister of State. I am sure he is delighted to be here as the bearer of good news. We do not get good news very often but there is a quite a lot of good news in this year's Social Welfare and Pensions Bill. In the lead up to the general election the Government is prioritising legislation which will increase pay rates for civil servants, social welfare recipients and those on the minimum wage. The first weekly rate increase for pensioners since 2009 is long overdue, as is the extra support for carers. I am glad to see that the Christmas bonus will be reintroduced and I hope this money will serve as an economic stimulus and go straight back into local towns and cities across the country. It is likely that this money will be spent and not saved. However, as I have stated on many occasions, I am very wary of such broad increases. For example, the rise in the minimum wage has not been properly thought out. The minimum wage should have been linked to some basic economic factors, such as inflation or deflation, instead of being increased by a seemingly arbitrary figure. Similarly, we should be looking at incorporating economic analysis rather than simply implementing rises of a nice, round figure. I would be interested to hear the reasoning behind the €5 per week increase in family income supplement and child benefit payments and the €3 per week increase in the pension. I would like to know how the Department came up with these figures. Is a formula used or did the Department simply opt for round numbers? How much of a part did economic factors play in deciding those numbers?

In a more general sense, I ask the Minister to make more progress in terms of changing the overall ethos of our social welfare system. We can utilise some of the best practice employed by our European neighbours in this regard. I would be interested to hear from the Minister about where we stand in terms of the European model whereby if someone refuses an appropriate job as proposed by a State body, then his or her welfare payments will be cut. Also, in some EU countries, following receipt of social welfare payments for 12 months, a person is required by the Government to take up a job, say, painting a local school or cleaning the floors of a local hospital, in exchange for social welfare payments. The point is that if people do not take a job that is reasonable *vis-à-vis* their qualifications and experience, then they lose their benefits. Indeed, many people here would prefer this to staying at home doing nothing. The Government has said that it will follow the model of not paying benefits if a person refuses a job or training, as happens in countries like the Netherlands or Germany but will that ever happen? I ask the Minister of State to give an update on any progress that has been made in this area.

Figures were provided a few years ago which showed that a massive one in seven people on the dole have never worked a day in their lives. Does the Minister of State have any update on those figures and can he indicate there has been any improvement in this regard? In the UK,

the Government has been trying to tackle this problem by obliging people who are out of work for a long period to work for six months before they can go back to receiving payments. The idea is to get people back into a working mentality and to allow them to give something back to society. Has the Minister looked at this area and would the Government consider a similar scheme here? Long-term unemployment is a big problem and such a concept may form part of the solution. I would be interested to hear the Minister of State's views on this idea.

I ask the Minister of State to give some indication of what the Government is doing in the area of child care. It is obvious the cost of child care is a massive barrier to people getting back into the workforce and, thus, reducing their reliance on social welfare payments. Many European countries have recognised this. Interestingly in Denmark, families pay up to 25% of the cost of day care, with those on low incomes or single parents paying between nothing and 25% of the cost and with discounts for brothers and sisters. The Danish Government makes up the difference. Would our Government be better off putting money into subsidising child care rather than into other forms of social welfare payments? At the very least, we should be considering a tax credit for child care which would encourage people back to work, especially women. It may even get highly experienced older women back into work as child minders and have the effect of reducing the number of people on social welfare payments.

In 2014, only one family handed back their social welfare payment, saving the State €1,560. Does the Minister of State, Deputy Kevin Humphreys, have the figures to hand for this year so far? This is occurring in spite of the fact Ireland has eight billionaires and approximately 20,000 millionaires. According to a report in the *Sunday Independent*, "If a parent does not wish to claim their child benefit payment, they can notify the Department of Social Protection in writing to that effect and their claim will be stopped in accordance with their wishes." This seems to be old-fashioned and the system is obviously not working. Will the Department set up a website where people can give back their child benefit payments more easily? That would be quite feasible in this era of computerisation and personal public service numbers. A system like this could save the State money if the Government is not willing to means-test the payment. Will the Minister of State comment on this idea? It would be a sensible move, making giving back the money easier. We are talking about electronic payments. Surely, this is an area in which the Internet could be used to good effect. It would not be a controversial development but merely a nudge towards working in that direction.

It has been a tough few years and it is welcome that a number of people will get back the benefits they lost over these past few years. I welcome anything we can do to encourage people back to work rather than just automatically making it easy for them to avoid work.

Senator Marie Moloney: I welcome the Minister of State to the House. Obviously, as Senator Quinn said, we have had tough times. It was not easy over those years to stand up in this Chamber to defend cuts to the social welfare budget. I welcome the €3 per week increase for old age pensioners. Senator Mooney is right that it is not much but it is a start and a move in the right direction. It will take a long time to restore it as his Government cut benefits by €18 a week.

Senator Darragh O'Brien: We doubled the old age pension.

Acting Chairman (Senator Diarmuid Wilson): Senator Moloney, without interruption. I remind Members this is the Upper House of the Oireachtas, not the Lower House. Can we have a bit of decorum?

25 November 2015

Senator Marie Moloney: They can now afford a loaf of bread and a pint of milk that they could not afford last week.

Senator Darragh O'Brien: The Senator should not be patting herself on the back over a €3 a week increase.

Senator Marie Moloney: I am not patting myself on the back by any manner or means.

Senator Darragh O'Brien: I am just saying.

Senator Marie Moloney: However, cutting benefits by €18 a week is pretty hard to take.

Does the Minister of State believe invalidity pensions should be included in section 3? It is payable over the age of 66 if the recipient does not have a full old age pension. Perhaps this could be brought forward on Committee Stage.

I welcome the restoration of 75% of the Christmas bonus. However, I am concerned that not everybody on jobseeker's allowance will get it. Some recipients have spent 312 days on jobseeker's benefit and have moved on to jobseeker's allowance but will not get the Christmas bonus because they are not considered long-term unemployed. Everyone on jobseeker's allowance should get the Christmas bonus as they would have been in receipt of a payment for a year. Will this be examined? I am delighted we have been able to reverse the cuts we made to child benefit and we are back where we started. Hopefully, whoever will be in government next year will be in a position to continue that trend.

The issue of carers has always been a hobby horse of mine. The Minister of State knows that I have fought long and hard for carers. Despite Senator Mooney's claim that it was due to Fianna Fáil that this cut was reversed, I can assure him that I have spent the past several years fighting against this cut. I have worked with the Carers Association and have done my best to get the respite care grant restored. I am glad to say my work has come to fruition. I am delighted the respite care grant has been renamed the carer's support grant. I have listened to people ask why the State should pay for somebody to go on holidays. Why should the State not pay carers to go on holidays? They blooming well deserve it and work hard.

We spoke this morning about hold-ups in accident and emergency departments. If we did not have carers, the accident and emergency departments would be worse. Many more people would be in need of beds in hospitals and long-term facilities. Carers are invaluable. I have always said, and will say it until I leave this House, that carers are one of this country's most important assets. I welcome the fact the carer's allowance will now be paid for 12 weeks after the death of the person being cared for. This gives carers time to come to terms with the loss of their loved ones and to reassess what they will do with themselves. There are 187,000 carers but only 80,000 get the respite care grant. That means many carers go unrecognised. Hopefully, we will be in a position to recognise them. The means-testing for carers should be totally abolished because they are saving the State a fortune. What is €204 a week to maintain a person in their home? I had hoped the telephone allowance would have been restored to carers because it would be invaluable to them to maintain contact with the person they are caring for if they do not live in their home.

I commend the Minister of State for taking steps to ensure the increase in the minimum wage makes an impact on employees, particularly for families. Up to now, when a person reached €352 a week, he or she would then enter the PRSI bracket and pay 4% on all his or her

income. This would have resulted in a payment of €14.08. However, with the introduction of the €12 credit, it means they will only pay €2.08. This is a good saving for people on low incomes. I am glad the Minister of State took time to listen to one-parent families and increased the disregard for parents on jobseeker's transition payment from €60 a week to €90 a week, along with the reduction of the assessment of the balance from 60% to 50%.

Take the example of someone doing 18 hours' work a week. I use this example because a person working 19 hours can avail of the family income supplement, which is probably more beneficial to him or her. For somebody working 18 hours, instead of being assessed at €62.82 per week from the minimum wage income, he or she will now be assessed at €37.35, giving him or her an extra payment on the transition payment of €25.47 a week. Someone working two days, who was being assessed at €51.84 from his or her income of the minimum wage, will now be assessed at €28.20, giving him or her an extra payment on the transition payment of €23.64 extra a week. That is a good help to parents. I am sure if their income were being cut by that amount, we would hear all about it. I am delighted this measure will help them in some way.

I welcome the increase in the family income supplement. Families benefited most from this budget with increases in child benefit, family income supplement, changes to jobseeker's transition, the Christmas bonus for in receipt of the domiciliary care allowance and the increase in the respite care grant and the fuel allowance.

I would like to have seen payments to the under 25s fully restored, however.

2 o'clock

After all, a 25 year old could be married and have children. They are only being paid €140 by the State. Hopefully, we will be able to deal with that.

Senator Mooney mentioned the women going back to work. I agree with him; this is something I have fought for over many years. It is not a problem for the women who want to go back to work now. They will be fine because on 6 April 1994, a home-maker's credit was introduced. They will be able to add that credit to whatever contributions they have paid. It is the women who were affected by the marriage bar and those who had to give up work before 1994 who are affected. They are coming up to pension age now and are not going back into the working environment. They are the women I have fought long and hard for both in committees and here. I would have liked to see the home-maker's credit extended to those women, although it has not been so far.

There are a couple of issues I would like to raise with the Minister of State, although they are probably not related to this Bill. We always avail of the opportunity to do so when we have a Minister in here, particularly from the Department of Social Protection. A kind of anomaly exists for people who do internships. I dealt with a man who was long-term unemployed, who did a couple of years on a community employment scheme and then went on an internship. All was going well, there was a promise of a job at the end of it and he was absolutely delighted but then he had a massive heart attack. He had to go on illness benefit because he had contributions from his community employment scheme. First he lost his free fuel allowance, then the special top-up rate of the SUSI grant and finally the Christmas bonus. I got him the disability allowance, with a fight, to make sure he did not lose those payments. It should not happen to anyone who has been unemployed for five or six years. If the Minister of State is going to tell me that working on a community employment scheme is considered work, then people on those

schemes should be entitled to draw the family income supplement, FIS. We cannot have it both ways. It has to be one or the other.

Acting Chairman (Senator Terry Leyden): Your time is up, Senator.

Senator Marie Moloney: There are five people in the Chamber to speak on the Social Welfare and Pensions Bill, which speaks for itself. I ask the Acting Chairman to give me one extra second.

Acting Chairman (Senator Terry Leyden): That is not how it operates. It is an order of the House and I cannot change it.

Senator Marie Moloney: While I welcome the top-up on the community employment schemes, the strict rules governing time allowances for social employment schemes, with three or six years as a maximum, cause difficulty for older workers. I would ask that they be retained up to pension age. There are people over 60 years of age with little or no prospect of obtaining commercial employment for whom training would serve no benefit and yet who have craft or lifetime skills that would be of benefit to society. The restrictive times should be removed for those people. It would not involve great cost - €20 a week - to the State. These people want to stay working. Senator Brennan mentioned the issue as well. They do not want stay at home and draw social welfare. They could be four or five years on social welfare before reaching the pension age. They have a lot to offer. I ask that we look at those rules.

Senator David Cullinane: I welcome the Minister of State to the House. Obviously, we are in a better position with this social welfare Bill than we were with the first three from this Government. Having said that, we have to look at what has happened in the round, consider the Government's five budgets and look at this budget in its own right. We must consider the analysis of those organisations which are tasked with examining income inequality, the effects of the budget, who the real winners and losers are and so on. We have had five reports from the ESRI on the Government's five budgets, as the Minister of State knows. If he was honest, they do not paint a pretty picture at all in terms of the big winners. According to the ESRI, the top 14% of income earners were the biggest winners in budget 2016. I will read out one quote from Cormac Staunton from TASC:

In our analysis of last year's 'triple effect' of changes to tax bands, tax rates and USC rates we found that Budget 2015 gave the biggest cash return - in absolute and relative terms - to those earning €70,000: which we dubbed the Budget 'Sweet Spot'.

Those with the biggest incomes in the State got, in percentage and monetary terms, the biggest amount of cash. A single person on a middle income of €500 a week gained by €277, which is about one third of his or her take-home pay. A person on €700 a week gained €377, which is 1.3%. A person on €75,000 per year, or over €1,500 a week, gets €902, three times what somebody on €500 a week gets and 2% of their net pay. That includes me, the Minister of State and the very civil servants who craft the budgets. Maybe it is not a surprise but it is deeply unfair and it is the reality of what the Government has done.

It is against this backdrop that we look at what the Government has given back to the rest of society. If those on €500 a week, who are lucky to have a job, were not the big winners from the budget and if the bottom 60% gained less than the top 40%, then what about those on welfare? It is the same old story of scraps from the table which has been the hallmark of the Government for five years.

We have a Government that gave €181 million in a tax giveaway to the top 14% and yet did not do more for those on welfare, carers, people with disabilities and so on. Older people had their telephone allowance cut and many of the cuts that could have been restored were not. We have a health crisis, a housing crisis and a crisis in public services generally but none of that was dealt with in any comprehensive way. It is mainly a Fine Gael budget if we are to be honest. The big winners were the top 14%.

With budget 2016, the Government has made it clear that it is seriously out of step with the suffering of the ordinary people. Christmas comes but once a year but the other 51 weeks have not been made any easier by the small change promised by the €3 to €6 increase in the family income supplement, the €3 increase in pensions, the €2 here and €2.70 there for qualified dependents or the restoration of the €5 that was pillaged from children in previous cuts to child benefit.

The restoration of the respite care grant is to be welcomed. I severely criticised the cut at the time, so if there is a restoration it must be welcomed. I also welcome the increase in the period for which carer's allowance is payable after the death of the person being cared for from six to 12 weeks. I commend Senator Moloney on her work on this. I am a huge admirer of carers and the work they do. The Senator is absolutely right that without carers, we would have an awful lot more stress in our hospitals, which are already at pressure point in many cases with the accident and emergency departments and the lack of step-down beds and so on. Any supports that can be given to carers are to be welcomed. The reality is that this cut should never have happened in the first place. There are many cuts about which we can ask why on earth they were made. Choices were open to Governments throughout those years and yet these are the type of people who were penalised.

I also welcome the new tapered PRSI credit and the increase in the upper weekly earnings threshold to which the lower class A rate of employer PRSI applies. This is another measure which Sinn Féin has advocated and which we costed in our alternative budget. Sinn Féin would have introduced a new rate of 15.75% employer PRSI and a portion of salary paid in excess of €100,000 per annum to address the shortfall in the social insurance fund.

This is really where we come to the crux in terms of the type of society and economy we want. Obviously, we want to be competitive and to make sure that taxes on employers or businesses are not too high. In reality, we have one of the lowest employer PRSI takes in the entire European Union at a time of cuts in social welfare, the trolley crisis and the housing and homelessness crises. Either we are going to pay for these things and ask those who can afford it to pay a bit more, or we are not. Senator Quinn spoke about millionaires and I am delighted that he raised the issue. We have 14,000 millionaires in the State but what about the billionaires as well? When we ask those people to make a greater contribution - nothing too radical - it is dismissed as fairy-tale economics and we are told it cannot be done. We are told not to ask those at the top to make a greater contribution and yet we can bring all these cuts in for people on welfare and that is okay.

Acting Chairman (Senator Terry Leyden): You are over your time, Senator.

Senator David Cullinane: It could not be up.

Acting Chairman (Senator Terry Leyden): The Senator has had 6 minutes and 27 seconds. I was so interested that I did not even look at the clock.

Senator David Cullinane: I appreciate that. I welcome the positive elements of the legislation. We supported the Bill in the Dáil and we will support it here. If something is being given back to people, it has to be supported but a great deal more could be done. If we had a more progressive Government that did not include either Fianna Fáil or Fine Gael, I am sure we would be looking at a different budget. Perhaps this State will reach that point at some stage. The Bill is a step in the right direction but a great deal of work needs to be done to support those who need greater assistance.

Senator Darragh O'Brien: I welcome the Minister of State. We will have more time for debate on Committee Stage. My party spokesperson, Senator Mooney, outlined our main issues with the legislation and the aspects that we welcome such as the restoration of the respite care grant. I acknowledge that this cut was difficult for Government colleagues, particularly Senator Moloney, who fought hard for the restoration of the grant. I commend her on that. It is only right and proper that we say so when we agree with aspects of Government policy and legislation and I have done this during consecutive budget debates. I will recognise good measures but I will also, in my role as Opposition leader, highlight areas where something could be done differently.

I would like to focus on pensions, which comprise a small element of the Bill. I will table amendments in this regard. One issue relates to section 23 and this might have been lost within the Bill. The section amends section 128 of the principal Act. It looks to me that the Government proposes to merge the Financial Services Ombudsman with the Pensions Ombudsman. That is a retrograde step. Pensions are a massive issue. The State's pension liability is multiples of the banking liability but successive Governments have kicked this problem down the road and I do not just lay the blame at the door of the Government. That is a dangerous step forward because there needs to be a better and clearer focus on pensions into the future. If I am correct, section 23 proposes subsuming the Pensions Ombudsman into the Financial Services Ombudsman but the officials can tell the Minister of State before he replies. We will not agree to that and I have tabled amendments to delete the section.

In the 2013 Act, the Minister provided for single insolvencies of pension schemes, which allowed solvent profitable employers to run down their pension schemes and walk away, particularly from defined benefit schemes in which they had amassed huge liabilities. We had proposed that a solvent firm should not be allowed to close a defined pension benefit scheme except where the scheme had reached a minimum 90% funding standard. That is what happens in the UK and many other European countries. The Government relaxed those rules and, lo and behold, the airport pension scheme, the Irish airlines superannuation scheme, IASS, came tumbling down and retired members lost six weeks of their pension and long-serving deferred members lost up to 60% of their entitlements. That was facilitated by the Government's Social Welfare and Pensions Act 2013. I flagged it at the time. That is a major problem not just for the worker within the IASS and I will table amendments to deal with these issues on Committee Stage and to reverse some of the decisions made by Government under the State Airports (Shannon Group) Act 2014. I will table an amendment to reverse the unilateral removal of those members from the scheme and the unilateral reduction in their scheme benefits. That was allowed to facilitate the sale of Aer Lingus for a paltry €343 million. All these pensioners have been left swinging in the wind. No one agrees with what happened to them. My principal concern is that unless this is amended, this will happen to multiple other pension schemes, both semi-State and private. This is happening because the Government has given a road map to employers on how to run down a defined benefit scheme. People are promised a benefit on re-

tirement based on the contributions they made but employers can extricate themselves from this commitment to their employees and set up a new scheme while writing off the deficit, thereby making the company more profitable and saleable if it is commercial semi-State company or allowing a private company to walk away from its pension responsibilities. That is a serious issue and it is for reasons such as this that the two ombudsmen should not be merged but, more importantly, I am concerned that thousands of other workers will be affected in addition to the 5,000 retired and deferred pensioners in the IASS. They were the first and there will be more unless this is changed.

The pensions industry in Ireland is small and all the pension experts and the various companies affected know this option is available. The Government provided for this under legislation the Minister of State brought through the House. We have an opportunity in the final few months of this Government to reverse that bad decision and to make sure this does not happen to any other people who are entitled to their pensions. It can be easy for us as public representatives and for departmental officials who contribute to pensions for which there is no funding as they are paid out of current revenue. I am talking about people who are members of pension schemes, which are being ripped up and torn asunder because of legislation introduced by the Government. I will table four amendments to undo the bad work that has been done on pensions.

If I am correct about section 23 and the merger of the two ombudsmen, I ask the Minister of State to revert to the Minister and ask for the Government to reconsider that decision. In 15 or 20 years, whether we are here or not, the State will be dealing with a much greater pension liability, which we all keep kicking down the road because it will materialise between 2030 and 2035. We are responsible for forward planning as well. I thank the Minister of State for his attention and I look forward to his response.

Minister of State at the Department of Social Protection (Deputy Kevin Humphreys): I thank the Senators for their contributions. I have listened carefully and I will endeavour to touch on everything they raised.

Senator Darragh O'Brien indicated he would table specific amendments relating to pensions and, therefore, I will deal with them on Committee Stage because it will probably take time to tease them out.

Senator Darragh O'Brien: That is fine.

Deputy Kevin Humphreys: I accept that successive Governments have kicked the issue of pensions down the road but this Government has begun to tackle it. We had a major problem of unemployment to deal with and, hopefully, in our next term we will deal with the pensions crisis. I look forward, if I get the opportunity to serve in the Department, to deal with that crisis that successive Governments have left behind.

Senator Darragh O'Brien: I wish the Minister of State well.

Deputy Kevin Humphreys: Specific questions were asked about statistics. I will have those checked and my officials will send them to Senator Quinn, in particular, if we have them, in a timely manner. Last year, we introduced a neutral budget and gave a little back contrary to what many economists said. Five years ago, on all the programmes I saw or heard, every professional who had an economics qualification was telling us we would need another bailout, unemployment would continue to shoot up and we would not see employment figures like we

are seeing now. They were not talking about an unemployment rate of 15% - 15.1% was the rate it topped out at - but of a rate of 20%.

I always enjoy Senator Mooney's contributions. They can be a mixture of constructive criticism and downright criticism. The Senator should read what is contained in his party's pre-budget submission on many of the areas to which he referred, especially pensions. I would have liked for us to have been able to give pensioners more than a €5 increase but the Government's package of measures far exceeds a €5 increase. The only submission that was made in regard to pensioners was about the €5 increase. No submission was made with regard to the fuel allowance. One of the red herrings some of the Senator's party colleagues raised was that the free travel benefit would be abolished. That is a timely claim that the Senator's party has raised during the past five years. In contrast we put an additional €3 million into the free travel scheme to ensure such provision is secure into the future. I know the Senator would gladly acknowledge that we did that in spite of his party's policies. When Deputy O'Dea made a similar speech to the Senator's in the Dáil, I went through the measures item by item but I would not put the Senator through that. He remarked that everything cannot be fixed at once and I accept that. It has taken five years to fix the economy following the economic crash.

Senator Darragh O'Brien: It is far more than that.

Deputy Kevin Humphreys: The Senator is the only person I see when I come into this House who constantly interrupts.

Senator Darragh O'Brien: Good.

Deputy Kevin Humphreys: I showed the Senator respect by listening to him attentively.

Senator Darragh O'Brien: It is far more than that.

Acting Chairman (Senator Terry Leyden): Allow the Minister of State to continue without interruption.

Deputy Kevin Humphreys: We made a start last year by putting money into the economy and that was very important. An unemployment rate of 8.9% must be welcomed. The creation of 130,000 jobs since February 2012 must also be welcomed. If we continue on that road, we will certainly be able to put many more fixes into the economy now that we are picking ourselves up from the economic crash and putting the pieces back into place. The Government has done exceptionally well but the electorate will make that decision early next year in the spring. We have not reached our destination yet but we are certainly on the road to it and that has been acknowledged. Much of what Senator Mooney said was by way of commentary but I would urge him to read the Fianna Fáil budget submission and he will note that the Government has done much more than his party has proposed.

Senator Terry Brennan raised the issue of Tús workers. A number of measures were introduced in response to addressing the level of unemployment including the Tús initiative and the expansion of community employment schemes. A positive aspect of it is that people are finding it difficult to get workers with respect to the Tús initiative because people are returning to employment, which is a positive sign. While this is not directly related to this Bill we have started a policy of reviewing all our schemes to ensure they operate to best effect for our society and economy. Tús has played an important role in keeping people in contact with the workforce. People were encouraged to prepare an updated CV and when a job placement arose they were

in a position to take up that opportunity. I will endeavour to make sure that the Tús scheme will be reviewed and I listened carefully and have taken on board what the Senator said.

Senator Terry Brennan: I appreciate that.

Deputy Kevin Humphreys: The JobBridge scheme will be reviewed. The tender documents for that review have been issued and we should get those documents back early next year. When I became Minister of State I introduced a reform under the Tús scheme with a move from the random selection process in place to allowing some 20% self-referral, which has worked extremely well. I thank the Senator for his comments about the other areas. As I said, Tús was designed to help people keep in touch with the workforce.

I would strongly disagree with Senator Quinn's view on the minimum wage. I believe what we have done has been very positive in restoring the rate by giving people back €1 and also in regard to the Low Pay Commission's recommendation. The Minister of State set up that commission which will review the minimum wage. There are representatives from the employers' bodies in that respect. There is an independent and evidence-based resource in place with respect to the minimum wage and that is a positive development.

The Senator made a number of remarks about people who do not want to return to work. Social welfare is a social contract and there are two sides to the contract, one side is the State, in terms of taxpayers, which supplies support to a person who has become unemployed. The other side of the contract is that the person would be actively seeking work. A number of amendments and changes have been made in that regard in terms of sanctions. I can forward the Senator the detail of that rather than going through it.

A number of amendments and changes have been made since April 2011 to ensure that people live up to their side of the social contract. People are paying taxes to ensure there is a level of decency below which the unemployed should not fall and that there would be an opportunity for them to get back into the workforce, and those people's side of the contract is that they would be actively seeking work. In my experience the vast majority of people want to work. They want not only the dignity of work but the social interaction and social networking that work provides, which is very important to the individual and to his or her family.

From my experience as Minister of State at the Department of Social Protection with a key role in labour activation, the vast majority of people who are unemployed want to get back into work. However, that presents specific challenges. We have statistics on intergenerational unemployment. When we moved out of earlier recessions, a payment in terms of unemployment benefit was made to people, in many ways, to set them aside and keep them quiet. There was not an active involvement and engagement process to assist them back into work. As we come out of this recession we must make sure that everybody has an equal opportunity to get back into work. It is important we should have a role model in every family, where a member of every family is working and in that way people will aspire to work and improve their circumstances.

In my role in labour activation I am very concerned about intergenerational unemployment. That must be tackled this time. Proposals to tackle it cannot be put on a shelf in the way that was done in the 80s, 90s and noughties. We must make sure that people have an opportunity to get back into work, whether it be through education or further training. We are doing much of that work now through the new Intreo offices where case officers give individuals a work plan and work with them to assist them to get back to work. I very much take on board what the

Senator said in that regard but there are sanctions in place and they are implemented. In addition, JobPath is being rolled out throughout the country.

I am disappointed that Senator Cullinane is not present but I thank him for his good wishes and for recognising the improvements in the budget. He used figures similar to those cited by Fianna Fáil Deputies with regard to the number of millionaires. I am not a great reader of the "Sindo" if that is from where the statistics came. I like to have a quite pleasant Sunday so I am inclined to skip over that particular newspaper. I wonder if the Senator was referring to people's assets in his determining people to be millionaires. Are the millionaires to whom he referred, for example, the farmer whose farm is worth a €1 million, or a small businessman the valuation of whose business runs into millions of euro? As far as I can recall, Sinn Féin's policy is not to take account of the assets of farmers but I know it is a populist party. When one asks Sinn Féin to specify which individuals earning over €100,000 it would tax, one finds that it would exclude so many people that no revenue would be raised. I am inclined to agree with a remark made by Senator Darragh O'Brien during Senator Cullinane's contribution but I will not go there.

In response to Senator Moloney, I attended those parliamentary party meetings where she raised the issue of the carer's allowance and I recognise her work. In respect of those aged 25 with a family, there is no reduction in rates for jobseekers aged under 25 who have a qualified child dependant. I will be happy to look at the specific item she raised and refer it to the policy section of the Department to see whether there is a need to change that.

There have been many increases and I do not intend to go through them again. I appreciate the contributions from Senators. I believe we are on a better path. For the first time, there is hope at the end of that tunnel. The light is shining and it is not a train coming to knock us over and back. It has been a long and difficult road for our citizens. There have been terrible cuts and people have seen a reduction in expenditure. The people who have been worst affected during the recession are those who lost their jobs, those who did not have an opportunity to go into work after coming out of college and those who were forced to emigrate because there was no work. All Members of this House must acknowledge that there has been a change in respect of opportunities to go back into employment. I hope that when members of our diaspora come back to Ireland over the Christmas period, they will see what opportunities are out there because there are shortages in certain skillsets. Members of the diaspora could use coming back to Ireland as an opportunity to sound out the market. We cannot take the foot off the accelerator in respect of getting people back to work. Our ambition and the ambition of the next Government must be full employment. It must be to make sure that everybody has an opportunity to go back into work. I thank the Senators for their contributions and commend the Bill to the House.

Senator Paschal Mooney: Could the Minister of State reflect on the comments made by Senator Moloney and I about the contributory old age pension as it affects a certain sector of the female population?

Deputy Kevin Humphreys: The Senator raised that matter in respect of pensions.

Senator Paschal Mooney: It is not in the context of-----

Deputy Kevin Humphreys: We will have an opportunity to-----

Senator Paschal Mooney: It is not in the Bill.

Seanad Éireann

Deputy Kevin Humphreys: We will have an opportunity to tease it out further if the Senator wishes. I always reflect on contributions made in this House.

Question put:

The Seanad divided: Tá, 26; Níl, 4.	
Tá	Níl
Bacik, Ivana.	Leyden, Terry.
Brennan, Terry.	Mooney, Paschal.
Burke, Colm.	O'Brien, Darragh.
Cahill, Máiría.	Wilson, Diarmuid.
Coghlan, Paul.	
Comiskey, Michael.	
Conway, Martin.	
Craughwell, Gerard P.	
Cullinane, David.	
Cummins, Maurice.	
D'Arcy, Jim.	
D'Arcy, Michael.	
Gilroy, John.	
Hayden, Aideen.	
Healy Eames, Fidelma.	
Keane, Cáit.	
Kelly, John.	
Moloney, Marie.	
Mulcahy, Tony.	
Mullen, Rónán.	
Mullins, Michael.	
Noone, Catherine.	
Ó Clochartaigh, Trevor.	
O'Neill, Pat.	
Quinn, Feargal.	
Sheahan, Tom.	

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

Question declared carried.

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

25 November 2015

Senator Maurice Cummins: Next Tuesday.

Committee Stage ordered for Tuesday, 1 December 2015.

Sitting suspended at 2.48 p.m. and resumed at 3.30 p.m.

Climate Action and Low Carbon Development Bill 2015: Report and Final Stages

An Cathaoirleach: I welcome the Minister of State, Deputy Paudie Coffey. I remind Members that a Senator may speak only once on an amendment on Report Stage, except the proposer of an amendment who may reply to the discussion on the amendment. On Report Stage, each amendment must be seconded.

Amendment No. 1, in the name of Senator David Cullinane, has been ruled out of order.

Amendment No. 1 not moved.

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

In page 5, line 35, to delete “have regard to” and substitute “comply with”.

I also welcome the Minister of State to the House. I thank him for indicating he will be accepting several of our amendments. I hope when he proceeds to the forthcoming Paris conference on climate change that he will have this legislation with him.

This amendment proposes to strengthen section 3(2) by replacing the term “have regard to” with “comply with”. This is an important section. The Minister of State illustrated his commitment to this on Committee Stage. One can have regard for something but then do something else. Some of the provisions in section 3(2)(d) involve the obligations of the State under the law of the European Union. On the basis that we are all on the same side in protecting the environment, would this amendment strengthen the Minister of State’s hand and ensure the protection we all wish for the environment? I know it is not the Minister of State’s intention to have regard for something and then do something else. However, could we have regard to an existing obligation of the State under the law of the European Union but not comply with it under this legislation, as drafted, or could another lawyer argue the phrase “having regard to” means that one does comply? The purpose of the amendment is to strengthen this section. People can have regard for something but subsequently ignore it. This has to be somewhat stronger.

Senator Feargal Quinn: I welcome the Minister of State. It is good to know he has listened to contributions on previous Stages and has accepted several of our amendments.

I second the amendment. It seems to me that the phrase “have regard to” seems so much weaker. Replacing it with the phrase “to comply with” would strengthen it no end. I hope the Minister of State understands the idea behind this amendment and accepts it.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): This amendment seeks to replace the phrase “have regard to” with the phrase “comply with” in section 3(2), which deals with matters that must be considered when the Government approves a national mitigation plan or national adaptation framework. I appreciate the sentiment behind the proposed amendment. However, as the list of items to be considered in section 3(2) may sometimes compete with one another, it may not

always be possible to be fully consistent with all of them simultaneously when approving either national plan. Moreover, in the case of section 3(2)(e), it does not make sense to comply with the most recent national greenhouse gas emissions inventory and projections of future missions. Accordingly, I believe the phrase “having regard to” is the more appropriate in this instance because it requires a balancing of considerations rather than strict compliance with each. I am unable, therefore, to accept the amendment.

Senator Sean D. Barrett: I thank the Minister of State for his reply. However, under section 3(2)(d), does having regard to any existing obligation of the State under the law of the European Union not put Ireland at risk of being fined? The European Union will state that the law is the law. Perhaps we should stipulate that there be compliance with section 3(2)(d) and that we should have regard to the other provisions. We are clocking up enough fines in respect of environmental matters without attracting another potential one. I agree with the Minister of State on the use of the original phrase “have regard to” for the other provisions. Ireland - with the agreement of the Oireachtas - being in breach of European law seems a funny way to proceed and it certainly annoys our European partners.

Deputy Paudie Coffey: Let me reassure Senator Barrett that there is clear case law on what “having regard to” means, for example in planning and other legislation. It is standard terminology in the Planning and Development Act and there is case law to substantiate that already. Further, we are already bound under EU legislation, so there is no need to duplicate it in this Bill. The safety measures are there to address the Senator’s concerns in any event but we think the terminology “regard to” is more appropriate. On that basis, I do not propose to accept the amendment.

An Cathaoirleach: Is Senator Barrett pressing the amendment?

Senator Sean D. Barrett: Yes, the amendment is being pressed. One could say, I had regard to the speed limit but I was doing 20 km/h more. That is not enough regard. I think one must comply and I think that is what the Garda would be saying.

Amendment put:

The Seanad divided: Tá, 12; Níl, 14.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Crown, John.	Brennan, Terry.
Cullinane, David.	Burke, Colm.
Daly, Mark.	Cahill, Máiría.
Healy Eames, Fidelma.	Coghlan, Paul.
Leyden, Terry.	Conway, Martin.
Mooney, Paschal.	Cummins, Maurice.
Ó Murchú, Labhrás	Gilroy, John.
O’Brien, Darragh.	Hayden, Aideen.
O’Sullivan, Ned.	Keane, Cáit.
Quinn, Feargal.	Kelly, John.
Wilson, Diarmuid.	Moloney, Marie.
	Mulcahy, Tony.

Tellers: Tá, Senators Sean D. Barrett and Feargal Quinn; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

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

In page 6, between lines 8 and 9, to insert the following:

“(3) A framework shall be adopted by resolution of both Houses of the Oireachtas as soon as may be after it is approved by the Government.”.

There was a general measure of agreement the last day, including from the Minister, that the Seanad should be involved in policy-making on these matters and, in fact, that it has a fine record in this regard. I mentioned the Wild Birds Protection Act 1930, which was introduced by the then Senator Samuel Brown, and the proposals brought forward by Senator David Norris to do with Dublin city’s built heritage. Senator Ivana Bacik brought an environmental Bill before the House six or seven years ago. I understand some of the Government Senators are willing to support our proposal that the national adaptation framework should be adopted by resolution of both Houses of the Oireachtas, following approval by the Cabinet. The number of asterisks on the amendment list and the provisions they reference suggest the Minister envisages that type of role for both Houses, which I very much welcome. It is reflective of the consensus we saw here on Committee Stage. I am happy to pass this particular ball to the Minister of State today.

Senator Feargal Quinn: I second the amendment. Senator Barrett has explained the rationale for the proposal very well. There is a danger the Seanad could simply be ignored if this provision is not included in the Bill. We have had proposals on several occasions that only the Dáil should be required to give its approval, by way of resolution, for a particular report or document. It is important we stitch the role of this House into the Bill. The people voted last year in large numbers to retain the Seanad. Let us make sure we exercise our role to the fullest.

Senator Cáit Keane: I made a similar point in the course of the earlier debate on the Bill. As Senator Barrett noted, the Minister, in amendments Nos. 7, 9 and 10, recognises the important role of this House by proposing to replace “Dáil Éireann” with “each House of the Oireachtas” in the relevant places. The Government has taken on board the points we made here.

Deputy Paudie Coffey: To be clear, there is no intention on the part of anybody in the Government to ignore the Seanad on any matter. Indeed, I greatly value the views of Senators, as do all my ministerial colleagues. I listened carefully to what they had to say on Committee Stage and we had a very interesting debate. We have tabled Government amendments which will address the concerns expressed by Senators Barrett and Quinn by requiring reports to be laid before both Houses of the Oireachtas. That will ensure there is effective scrutiny of all proposals in this area.

Amendment No. 3 proposes that the national adaptation framework be adopted by resolution of both Dáil and Seanad after its approval by the Government. I understand the intent behind the amendment but I cannot accept it. As things currently stand, it is the Government that approves the framework. Ceding this type of policy decision-making to the Oireachtas as a whole would be a substantive amendment and would harm the requirement to hold Ministers and Departments to account for their decision-making in policy terms. The Government properly should be held accountable to the Oireachtas for its decisions in respect of the adaptation policy measures. If decision-making in this regard were ceded to the Oireachtas as a whole, the question then arises as to whom the Oireachtas would be held accountable, other than the electorate, which may not be more often than every five years.

There is already provision in section 14 of the Bill for Ministers to make annual transition statements presenting an overview of the measures in regard to both mitigation and adaptation as well as an assessment of the effectiveness of those measures. This provides a clear and more valuable level of accountability than what the Senators are proposing. Therefore, I cannot accept the amendment.

4 o'clock

Senator Sean D. Barrett: While we welcome the Government's amendments and thank Senator Keane for her role in that regard, the environmental lobby is disappointed that neither the mitigation nor the transition arrangements are subject to being adopted by both Houses of the Oireachtas. Members of the lobby were disappointed when they saw the Report Stage amendments today as they thought that more progress had been made on the last occasion. I will not press the amendment but this will disappoint people who spend much time and energy working on behalf of the environment and who are very sincere in that regard.

Amendment, by leave, withdrawn.

Senator Sean D. Barrett: I move amendment No. 4:

In page 6, line 11, to delete "18 months" and substitute "12 months".

This amendment was an attempt to speed up matters but I accept the Minister's bona fides in that regard. He is a man in a hurry and wants to get this done. During the initial Stages I believed things were being pushed out too far into the future. In return for the Minister's goodwill in the amendments, I will not press this amendment, although we would welcome it if it can be done earlier.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendments Nos. 5 and 6 are related and may be discussed together. Is that agreed? Agreed.

Senator Sean D. Barrett: I move amendment No. 5:

In page 6, between lines 16 and 17, to insert the following:

"(a) specify the projected total national emissions for the period of the plan on the basis of all the policy measures specified in the plan,".

The important point here is the lack of quantification of the targets. A report from BBC

News on the climate change conference, which we all look forward to at the end of the month in Paris, includes a quote from Taryn Fransen from the World Resources Institute who says that the vast majority of intended nationally determined contribution, INDC, targets this time around, 105 of them, contain concrete greenhouse gas mitigation targets, which is in contrast to the 27 in Copenhagen, the failed conference in the Danish capital. One environmentalist said this morning that he used to think of Ireland, the United States under President Bush and China as the laggards with regard to the environment, but the other two have moved substantially.

We should have quantified targets for dealing with climate change. It would be a sign of the Government's earnestness of intent and would give the Oireachtas a measure to see if progress is being made. We have gone past the goodwill platitude status. We must do something now. Why not quantify the targets and look each year to see how we are doing? The majority of people at the Paris conference will be able to say that they have quantified their targets. Undoubtedly, mistakes can be made in quantification and sometimes governments find it embarrassing to put them forward but we should at least try in this regard. We must get past woolly aspirations because all the research tells us that this will probably get more serious. Let us tackle it in a determined way, which the Minister is well capable of doing in the other area of his Department. A housing policy without quantified targets would sound very strange. An environmental policy without them will not do Ireland much credit at the international conference.

Senator Feargal Quinn: I second the amendment. I agree with Senator Barrett in this regard. It is essential to have targets. Otherwise, how will we know how well we are doing? It is simply an aspiration. These amendments are worthy of being accepted.

Senator Cáit Keane: In an ideal world everybody would like to have targets. The Senator asked how we will know how we are doing. Monitoring of the framework and the plan by the committee that will be set up and by the Government will play a huge role. I welcome the remarks last week by the EU Commissioner for Climate Action and Energy, Miguel Arias Cañete, on the flexibility mechanisms under the EU rules. Ireland is being flexible. There is a huge agricultural production sector in the economy and obviously we must take that into consideration. The EU Commissioner said last week that Ireland is on course to meet its emissions obligation. Furthermore, we are on course to over-achieve our 2013 to 2017 obligations. While this legislation leaves room for manoeuvre on exact targets, this achievement shows our commitment to ensure that we not only achieve the minimum goals but, as the Commissioner said, to over-achieve on 2013 to 2017 obligations. Of course, we must be careful about the 2020 targets because they will be more stringent. I have some suggestions, which I will give to the Minister, on how we can help in that.

I will be talking against myself because I drive a diesel car at present. With regard to the Paris negotiations next month, every country in Europe except the UK has a lower tax rate on diesel cars than on petrol cars. That is the reason I invested in a diesel car. The first studies that were done found that there was 5% to 10% less climate pollution from diesel cars. This was before Volkswagen was caught out for what it was doing. However, new research has shown that petrol is better. By 2010, the design of the petrol car was improved and the direct climate emissions saving on new diesel cars had been cut to 1.5%. That is one of the matters I will put to the Minister. It is something we can examine.

Obviously, we must ensure that we set targets for each Department, and the Minister will do that, but it must be done within the constraints. I would love to set a target here and now but we must be realistic as well to ensure that human activity is encouraged to do what is right.

Deputy Paudie Coffey: I thank the Senators for their contributions on these amendments. The national mitigation plans will, by their nature, contain our emission targets and we will note how we are doing in respect of them. There is no need to cite this specifically in legislation. It is important to remember that there are quantified legally binding targets under EU legislation already.

I do not agree with the proposals in the amendments. They are unnecessary and superfluous. The national mitigation plan is designed, as set down in section 4(2)(c), to take into account any existing obligations on the State under EU or international law. That is binding on the State. Each successive national mitigation plan will have to abide by our legally binding mitigation obligations, so specifying the quanta of emissions as each successive plan is implemented would be redundant. Accordingly, I cannot accept the amendments.

I note Senator Keane's comments on diesel car emissions and their impact on climate change. All sectors, with the main ones being transport, which includes cars, energy and agriculture, will be reviewed, analysed and researched. The plans will adopt plans to address those emissions in terms of new technologies, interventions that can be made and, indeed, human behaviour and how we respond to the climate change challenge together.

Senator Sean D. Barrett: The Bill would be improved by having the targets in it, so I will press the amendment.

Amendment put:

The Seanad divided: Tá, 12; Níl, 18.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Craughwell, Gerard P.	Brennan, Terry.
Cullinane, David.	Burke, Colm.
Daly, Mark.	Cahill, Máiría.
Healy Eames, Fidelma.	Coghlan, Paul.
Leyden, Terry.	Comiskey, Michael.
Mooney, Paschal.	Conway, Martin.
O'Brien, Darragh.	Cummins, Maurice.
O'Sullivan, Ned.	D'Arcy, Jim.
Ó Murchú, Labhrás.	Gilroy, John.
Quinn, Feargal.	Hayden, Aideen.
Wilson, Diarmuid.	Keane, Cáit.
	Kelly, John.
	Moloney, Marie.
	Mulcahy, Tony.
	Mullins, Michael.
	O'Neill, Pat.
	Whelan, John.

Tellers: Tá, Senators Sean D. Barrett and Feargal Quinn; Níl, Senators Paul Coghlan and

Aideen Hayden.

Amendment declared lost.

Amendment No. 6 not moved.

An Cathaoirleach: Amendment No. 7 is a Government amendment and it is also in the names of Senators Barrett and Quinn. Amendments Nos. 7, 9, 10, 26 to 30, inclusive, and amendment No. 32 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 7:

In page 9, line 1, to delete “Dáil Éireann” and substitute “each House of the Oireachtas”.

Deputy Paudie Coffey: These proposed amendments serve a number of functions as follows. They provide for each national mitigation plan to be laid before both Houses of the Oireachtas rather than just Dáil Éireann. They also provide for each national adaptation framework to be laid before both Houses of the Oireachtas rather than just Dáil Éireann. They also provide for the annual transition statement to be presented to both Houses of the Oireachtas rather than just Dáil Éireann.

The amendments were introduced by the Government as a result of the debate we had on Committee Stage in this House. I believe that it is important that we listened to Senators’ contributions on Committee Stage and I am happy to bring forward these amendments. I hope Senators will welcome and support them.

Senator Sean D. Barrett: I am delighted to second the Minister of State’s amendment. I thank him very much for this. The challenge he has put to us is that the Seanad must live up to these responsibilities and participate, as I hope we are doing this afternoon, in a constructive debate with the Minister on environmental matters. This is a huge issue and there are huge concerns that it is not being addressed seriously enough worldwide. I am sure that Seanad Éireann will respond to the invitation, generously offered by the Minister of State this afternoon.

Senator Cáit Keane: It was stated yesterday that the Seanad never accepts amendments from the Opposition but I want to put on the record that we have brought forward about ten Opposition amendments in this Bill alone. Lest people develop amnesia, when realistic proposals are put forward, the Government accepts them.

Deputy Paudie Coffey: It is important to note that even the make-up of the Seanad panels brings a valuable insight and expertise to the climate change debate. We have the agricultural panel, the industrial and commercial panel, the labour panel, the culture and educational panel and the universities. It is a unique Chamber that can bring valuable oversight and insight to all of these plans when they are laid before the Houses. That is important. I saw to it that the Seanad would be included in this legislation. I am delighted to do so, as a former Member of this House. I value Senators’ contributions in this respect.

Amendment agreed to.

Senator Sean D. Barrett: I move amendment No. 8:

In page 9, line 13, to delete “24 months” and substitute “12 months”.

Section 5 provides, “The Minister shall, not later than 24 months after the passing of this Act, make, and submit to the Government for approval, a plan, which shall be known as the national climate change adaptation framework.” In tabling this amendment I was trying to secure a faster speed of action than having to wait for the 24 months timeframe provided.

I was delighted to find that this advocacy is shared by An Taoiseach. I would like to read what he said when he addressed the United Nations in New York in September 2014. The report states An Taoiseach spoke out powerfully about the looming global climate change crisis and the duty of those who exercise political power to act now and to act decisively. He said, “The hand of the future beckons, the clock ticks and we have no time to waste.” I wonder if the Taoiseach was here today would he vote against the 24-month delay provided for in the Bill. The Taoiseach went on to say:

Global warming is a stark reality that can only be dealt with by a collective global response. We are all interdependent and interconnected [...] we share a common humanity [...] each of us must play our part.

The Taoiseach obviously thought in New York in September 2014 that this was a matter of some urgency and perhaps his supporters on the other side of the House might like to share that sense of urgency. It was a very powerful quote from him.

Senator Feargal Quinn: I second this amendment. It makes a lot of sense. When I first came into this House 22 years ago, I could not get over the delays that there were with respect to the length of time it takes to get anything done. I noticed at that time that there was no date set for when State bodies had to publish their accounts. I started proposing amendments that they had to be published within three months. I did not win that fight but I was successful in that it would be required within six months in practically every case. Within a year all the State boards had changed and they had put in a date that was in or around six months. That was an improvement on the 12-month timeframe that had been in place prior to that. We must set an example more like a business example to Parliament and to the country as whole that this and the other House get things done in a much speedier fashion. The 24-month timeframe is far too long; it should be 12 months.

Deputy Paudie Coffey: The proposed amendment seeks to shorten the timeframe for the production of the first statutory national adaptation framework from 24 months after enactment of the Bill to just 12 months following the enactment. As with the national mitigation plan, I appreciate the motivation behind the amendment. However, as I have already outlined in regard to the national plan, the national adaptation framework will be a very complex document which will prescribe the sectors for which sector adaptation plans must be developed and considerable preparatory work will be required in this respect. Moreover, the draft framework will be subject to statutory public consultation procedures and, as a consequence, I believe that 24 months is the correct timeframe to be allowed for the development of the framework.

I note what the Senator said regarding the Taoiseach’s comments. I agree with the Taoiseach that the timescale is very important in this respect, but we must also be realistic and allow adequate time for the public consultation and the preparatory work to be completed. I note, and it is important to note and stress, that the 24 months as prescribed in the Bill is the maximum

period. If it is possible to produce it sooner we will do so and my Department has already begun work on the framework and is working with the key Departments and agencies in this respect. Therefore, I cannot accept the amendment.

Senator Sean D. Barrett: I wish the Minister of State well. I share the Taoiseach's sense of urgency when he spoke in New York and I hope that this will be the maximum time. As with the earlier amendment and the absence of quantification, this could be put on the long finger. I do not wish to press the amendment but the Minister of State has communicated to the House the urgency that surrounds this issue.

Amendment, by leave, withdrawn.

Government amendment No. 9:

In page 10, line 11, to delete "Dáil Éireann" and substitute "each House of the Oireachtas".

Amendment agreed to.

Government amendment No. 10:

In page 10, line 21, to delete "Dáil Éireann" and substitute "each House of the Oireachtas".

Senator David Norris: I congratulate Senator Barrett on getting this amendment included. It is very important that the role of the Seanad is recognised and it is a good day's work that Seanad Éireann is so recognised.

Amendment agreed to.

Senator Sean D. Barrett: I move amendment No. 11:

In page 12, line 6, after "relevant" to insert "written".

This amendment refers to advice and I have suggested that the word "relevant" is followed by "written". To publish or not was discussed on Committee Stage. If the advice is written then there is a record. The Minister of State has pointed out that there could be delays in publication and the example was given of international journal publication which is a difficult and complex process.

The amendment is proposed because of what became evident during the banking inquiry. Many people said they saw the crisis coming and that they advised accordingly, yet Mr. Nyberg, Mr. Regling and Mr. Watson and others could not find any record of this advice. Members may recall precedents in the past where one Minister for Health was told something in a lift in the Gresham Hotel. Policy making needs to happen on a much sounder basis. Nods and winks are not good enough and this is why the advice should be written down. If one believes there to be a problem, or no problem, then it should be written down so the Minister in question has a record. Matters have become too informal.

When the report on the banking inquiry is published it will show that this kind of informal "shrugging of the shoulders" way of deciding policy and saying after the event, "Of course I told them that", without a record of the advice which was given to the Minister, was prevalent throughout the banking inquiry. Everybody was wise after the event and excused themselves

on the basis that the advice they gave was verbal and not written down. Ministers will have protection if advice is written. This amendment takes account of the response by the Minister at the last Stage. Advice must be put onto a much more scientific basis than some recent examples suggest.

Senator David Norris: I second the amendment. “A verbal agreement is not worth the paper it is written on” is a quote attributed to Samuel Goldwyn. Anybody can say that they gave advice. I am sure that these financial people did give advice, I do not doubt their word, but when there is no written record it is very difficult to follow that. When one speaks of publication, again, one cannot publish a verbal exchange. There is no method of publishing that. The use of the word publication implies written advice.

Senator Feargal Quinn: I fully support Senator Barrett’s amendment and what Senator Norris has said. Senator Barrett refers to the example of what happened in the banking inquiry where people did not seem to remember advice or did not mention it because the advice was not written down. This proves it is essential that it becomes written down.

Deputy Paudie Coffey: This proposed amendment seeks to insert the word “written”, as Senators have outlined, before the phrase “scientific or technical advice”. Advice is one item that must be considered when the Government and the Minister for the Environment, Community and Local Government perform their functions in respect of the national adaptation frameworks and sectorial adaptation plans. I appreciate that the intent behind the amendment is to guard against actions being performed on the basis of word of mouth. However, the amendment would preclude valuable information being transmitted by means of spoken discourse or presentations. The three Senators who have spoken to the amendment are academics, lecturers and business people who are wizards with words. They have given presentations over many years. It must be appreciated that the phrase “scientific or technical advice” is a broad concept and it includes valuable learning which may not be, or may not yet be, in written form. It is important because it is likely that the audience for such information will be non-expert in the fields of climate change. Limiting the advice to a formal written setting may preclude or exclude some sectors, citizens or people in the sharing or transmission of valuable information. Therefore, I cannot accept this amendment.

Senator Sean D. Barrett: The Minister of State refers to valuable scientific advice that is not yet written. I do not know what this is. The present Minister of State is unlikely to have to have to refer to me for advice, nevertheless, Ministers should ask for advice to be written down. How can they act on advice that is not written and the person offering the advice will not write it down for some reason? This theme ran all through the banking inquiry. If the issue is removed from banking, and this is a general point for my parliamentary colleagues, it becomes about the need to bring the practice of public administration into a 21st century framework. It has far wider implications than what happened to the State when it received a bill for €64 billion from the banks. People should be required to keep a record.

During the debate on Committee Stage the Government did not want the term “publication” included because scientific journals were too slow. Now it does not want advice even written on the back of an envelope. No record at all will exist. Policy making and policy making for the environment must be taken much more seriously than that. One of the lessons from the collapse of the State and in having to go to the IMF is the failure to reform the permanent government. The Oireachtas has failed in its role in this regard. The ways in which decisions are made have not been reformed and we are still condoning advice in which the adviser is not

willing to write it down. Are we to speculate that the adviser has not got enough confidence to put it in writing? Or is he or she a cute hoor who is escaping or avoiding responsibility and landing the Minister in trouble by deliberately not writing it down and afterwards saying, "I told the Minister that"? I believe that Ministers deserve better than people who previously did not want to rely on academic journals and who now do not want to write the advice down. Writing is an old skill which should be within the realm of Government advisers and administrators. It is almost Neanderthal that people would refuse to write something down.

Senator David Norris: It becomes hearsay evidence which would not be allowed in court.

Senator Sean D. Barrett: It explains many of the difficulties into which the State fell. There is a fear that someone would find information in the archive that person X was against the bank bailout but person Y offered verbal advice which prevailed. Given that in our modern society some governments expended 55% or 60% of GDP to take corrective action, it becomes clear that not writing anything down is a recipe for problems. Unfortunately, this is the last Stage of the Bill but if any other legislation comes before the House which contains a clause like this then Members ought to be alerted to it. If advice is not written down it lets the permanent government off the hook far too lightly. It should have been reformed long before now.

Deputy Paudie Coffey: The Senators have outlined their concerns well but it is important that there is a realistic approach to this legislation. There will be deep engagement at many levels in society for the development of the various plans and adaptation frameworks. These engagements will happen at different levels of the sectors, people, industry and agriculture. The advice can be presented or discussed at the consultative forums, including workshops and presentations. If the word "written" is included in the legislation it could block many of these opportunities. It is not a case of either or; it is important to note that both oral and written advice will be accepted. It is extreme to expect that every single discussion, presentation or word of advice should be written. A realistic approach needs to be adopted where we can encourage and incentivise as much engagement as possible from the various sectors and from citizens who may not be experts in the climate change field. I have always believed that we need to be less bureaucratic in some respects and should speak in layman's language when we want to engage ordinary people and reach our targets for carbon emissions. We need to be as accessible as possible and less bureaucratic. I accept the good intention behind the amendment but it is too extreme and, therefore, I will be opposing it.

An Cathaoirleach: Is the amendment being pressed?

Senator Sean D. Barrett: I wish to make one observation. Many people involved in farming wish they had written things down and they might have a lot more answers and would not have had to set up Con Lucey's committee to figure what on earth is going on. We must reform administration and change the way business is done. The way of operating which obtains is just not good enough in this day and age. I will not press the amendment because this matter is bigger than the environment, it is what is wrong with Ireland in so many ways. I will not take my anger out on one Minister of State who broadly agrees with me. If, however, we were debating with the Taoiseach a motion on the reform of the wider public service, then what I have proposed would have to be accepted, namely, that this way of doing business - whether in the farming sector or elsewhere - cannot be allowed to continue. Writing is a skill that was invented many thousands of years ago and some people have to grow up and start to use it and stop hiding behind this section.

Amendment, by leave, withdrawn.

Senator Sean D. Barrett: I move amendment No. 12:

In page 13, lines 4 and 5, to delete “(other than ordinary members to whom *subsection (2)* applies)”.

This amendment deals with the composition of the council. There was serious disappointment in environmental circles that representatives from public bodies - Sustainable Energy Ireland, the director general of the EPA, the director of Teagasc and the director of the Economic and Social Research Institute - were initially due to be involved. I return to the finding made by the banking inquiry to the effect that people on the public payroll never become contrarians - they do not participate in the debate and they operate in controlled lines of thinking. That is the disappointment I have there. The other disappointment - I say it against my own profession - is that there will be too many economists on the body. We need the expertise in the area. Amendment No. 12 seeks to delete the words “other than ordinary members to whom *subsection (2)* applies”. Subsection (4)(a) would then read “In nominating the chairperson and the ordinary members [other than the ordinary members whom I have just mentioned] of the Advisory Council, the Minister shall have regard to the range of qualifications, expertise and experience necessary for the proper and effective performance of the functions of the Advisory Council.” I think it was wrong to put people from the four public bodies on the council in the first instance. I am of the view that their qualifications, expertise and experience should also be taken into account. I have doubts that they will be able to contribute to the effective performance of the functions of the advisory council. When the members of the council were nominated, there was much surprise that people who are well known for their involvement with environmental matters were not nominated. The other criticism is that there are too many economists on it and too many people from the bureaucracies. We will not get radical thinking from our bureaucracies. That is another lesson we have learned from the banking inquiry.

Senator David Norris: I support Senator Barrett on this and would point out that-----

An Cathaoirleach: Is the Senator seconding the amendment?

Senator David Norris: I do not think he has asked me to do so. Senator Feargal Quinn’s name is at the end of the amendment.

An Cathaoirleach: It needs to be seconded.

Senator Feargal Quinn: I will happily second it.

Senator David Norris: I wish to refer to the director of Teagasc, the Irish Agriculture and Food Development Authority. Teagasc is going to be committed against this. The amount of gases emitted from the backsides of cows, for example, is an enormous problem. It may seem rather ludicrous but it is an enormous problem and agriculture generates a huge amount of carbon emissions. Teagasc is not going to be on the side of cutting back on emissions, it is going to argue for the greatest possible margin. I do not know the director of Teagasc and I have no direct animus against anybody who works for the authority. However, Teagasc has a professional responsibility to safeguard the agricultural and food development aspects of industry and it will do that. In view of the fact that I do not think it will be particularly friendly towards a purely environmental approach, I agree completely with Senator Barrett.

Senator Feargal Quinn: It makes sense that the Minister of State should accept Senator Barrett's amendment because the phrase "In nominating the chairperson and the ordinary members (other than ordinary members to whom subsection (2) applies) ... " does not seem to make sense. We should have the best advice. We should have those we want on the advisory council. Subsection (4)(a) seems to exclude them and provides that they cannot be on board. I believe the amendment is worthy of acceptance.

Senator Cáit Keane: Those seeking appointment as director generals must come before Oireachtas committees for ratification. It is up to Members of this House and the Lower House, to ensure that the competencies of candidates are well judged before they are appointed. They should not be appointed now. This is in line with new legislation enacted by the Government. Heretofore, one could be appointed to head up an agency depending on who one knew rather than what one knew. That has changed and it is a reflection on us if we put people in place who are not competent. Candidates appear before Oireachtas committees to have their ability judged. There is time to shout "Halt" before they are put in place. When they have been appointed, however, it is too late.

Deputy Paudie Coffey: I understand, from the debate on Committee Stage, that the intent behind the amendment is for the complete removal of the *ex officio* members from the climate change advisory council, an issue to which Members referred to earlier. Such a course of action would not be in our best interests because it would remove the hugely valuable insights that the advisory council would have into the realities and the practicalities of policy implementation here in Ireland. The advisory council has already been established on a non-statutory basis and is operational and working on its various tasks. For the information of the House there is a total of 11 members, four of whom are operating on an *ex officio* basis. Seven members of the advisory council, which is the majority, are totally independent. There are already have many environmental experts on the council. The four relevant organisations to which Senators have referred - the Environmental Protection Agency, the Sustainable Energy Authority of Ireland, Teagasc and the Economic and Social Research Institute - between them have a wealth of talent, expertise and corporate infrastructure available to them in order to allow them to lend assistance to the council, as and when required, and, in particular, where relevant research is concerned. Foregoing this support around the main table would, I believe, do a disservice to the requirements and demands of the low carbon transition agenda.

Senator Norris referred to agriculture and the Teagasc representative specifically. To be fair, Teagasc has been to the forefront in Irish agriculture in developing new innovations and new technologies in farm practices to reduce carbon emissions. It is important to note that. An interesting fact is that methane from cows comes from their burps rather than their flatulence or farts, as the Senator may have suggested.

Senator Cáit Keane: One learns something new every day.

Acting Chairman (Senator Paschal Mooney): Is Senator Barrett pressing the amendment?

Senator Sean D. Barrett: One of the items of evidence at the banking inquiry was that when the Department of Finance did not like what John FitzGerald, chairman of the Economic and Social Research Institute - the director is now *ex officio* on the advisory council - wrote about the Irish economy an official telephoned him to complain and John named him nervous Nellie. We asked the Minister, Deputy Michael Noonan, if he ever heard of nervous Nellie in

his Department. That is how Departments see the quangos which they fund in the budgets and they will try to interfere. That is the track record and, again, that is a culture of public administration which the banking inquiry shows will have to be rooted out. If any of these bodies depends on a Department for its budget, there will be a person who will control it. In that context, the ventriloquists will not have left the scene. That is the reality we have had to face up to. The idea that these four people will be independent does not tally with what we found in the inquiry.

I do not wish to press the amendment. The dangers are there in the precedent set by the Department of Finance. The Department of Finance did not regard the ESRI as an independent organisation, but a body to complain to if it did not like what they were doing.

Amendment, by leave, withdrawn.

Senator Sean D. Barrett: I move amendment No 13:

In page 15, between lines 8 and 9, to insert the following:

“(c) consult with learned bodies such as the Royal Irish Academy, the Royal Dublin Society, departments of environmental science in institutions of higher education, An Taisce, Friends of the Earth, the Mary Robinson Foundation and other environmental organisations.”.

My amendment proposes to add a new subsection (c) so that the advisory council will consult with learned bodies. Given that the advisory body, by public statement of environmentalists is overloaded with economists, my concern is about the four *ex officio* members, where the academic community in environmental science has been ignored. Could we at least at the consultations stage ensure that the advisory council should consult people who have raised our consciousness about this and have worked so hard in the field?

The composition of the advisory body was unrepresentative. I would prefer the environmental bodies to be on the main council but if not, at least let us talk to them and not have them marginalised and excluded. The Royal Irish Academy has a record in this field, which has not been recognised in the composition of the advisory council. The Royal Dublin Society is one of the oldest scientific learned societies in the world and has an environmental science department. I have heard a significant level of negative comment about the fact that well known people who have been campaigning, researching and publishing in this field have been ignored by the Department. That is wrong. In a recent edition of *Kerry's Eye*, the Kerry county manager praises An Taisce for the role it plays in protecting the environment of our most scenic of counties. Many people regard such bodies as Friends of the Earth and the Mary Robinson Foundation as a nuisance but I do not regard them as a nuisance.

This is not an internal matter for bureaucrats to deliberate. Society as a whole is concerned and should have been involved. I admire what environmentalists have done in this country, but a lot of it has been an uphill struggle. Let us include them in the legislation. The more people we talk to the better. We have examples of this in Northern Ireland. What Morgan Kelly had to say about banking was ignored and look what happened. Let us include all the bodies I have mentioned in my amendment and let us listen to them.

The Minister of State has been generous in tabling amendments that involve the Seanad but the bodies I have enumerated in this amendment are a valuable part of our democracy and should not have been overlooked. Let us remedy that now by accepting my amendment.

Senator Feargal Quinn: I second the amendment. The reason that this amendment is so easy to accept is because of the words “such as”. It does not force the advisory council to act because as the amendment states, it should “consult with learned bodies such as” and then goes on to list them. It does not limit the consultations but it gives the council an opportunity to do that. It is worthy of acceptance.

Senator David Norris: I agree it would be extraordinary if the learned bodies that are listed in the amendment were excluded from the debate. The bodies listed are very significant. The Royal Irish Academy is the premier meeting group of Irish intellectuals and the Royal Dublin Society has been involved in environmental and agricultural issues since its inception in the early 18th century. What is the role of the departments of environmental science in institutions of higher education if it is not to be available to act as consultants to the Government in addition to teaching their students? An Taisce has a very clear record, but Friends of the Earth were the instigators and sponsors of the legislation. That is where it came from. We propose to exclude the very body that led to this legislation.

I remember when similar legislation was brought forward by Senator Ivana Bacik. I remember when the Bill sponsored by Friends of the Earth went through all-party committees of both Houses. The Mary Robinson Foundation was set up to look at environmental and global climate change issues. Mary Robinson was a very distinguished former Member of this House, Reid professor of criminal law and has gone on to distinguish herself further in international life. Of course the Mary Robinson Foundation should be consulted. That is such an obvious conclusion that perhaps it was an oversight to exclude it.

I do not see that any great damage could be done to the Bill by including this amendment. It could only be strengthened. It includes in the legislation the very people who are centrally concerned about this issue. I urge the Minister of State to accept the amendment.

Deputy Paudie Coffey: It is important to have robust and constructive debate and that is what always occurs in this House. However, let me make it categorically clear to Senator Norris that the Government is the sponsor of this Bill.

The members of the Government parties are very proud-----

Senator David Norris: It did not originate in the Government.

Deputy Paudie Coffey: -----to bring forward this historic legislation.

Senator David Norris: After a lot of pressure.

Deputy Paudie Coffey: History and time will tell that this Government is taking a very proactive step.

Senator David Norris: After a lot of pressure from the people who are included in this subsection.

Deputy Paudie Coffey: Senator Norris should do the honourable thing and acknowledge that at the very least.

I acknowledge the role of the various bodies such as Friends of the Earth and so many other NGOs that have made a valuable contribution in terms of contributing to this legislation. I want to make it clear to the House that the Government is the sponsor of the Bill.

The proposed amendment seeks to place as one of its functions an explicit onus on the climate change advisory council to consult with various prescribed learned bodies and environmental organisations. It is important to note that the advisory council is independent and will consult with all stakeholders. I want to make it clear that it is not a question of ignoring or excluding any person or body. I would hate the impression to be given that any body would be excluded. It is factually not correct. In any event, under section 11(2) there is already provision for the council to engage with all interested bodies, including the organisations and the categories listed and referred to, to help it in its work. Of course, there will also be opportunities for these stakeholders and others to engage in the development of the mitigation and adaptation policy measures during the statutory public consultation processes already envisaged in the Bill. I acknowledge their contribution to the climate change debate and the valuable work they have done but I am sure they will ensure that their voices are heard - and will be heard loudly - in terms of the development of these plans. The amendment is unnecessary and for those reasons I cannot accept it.

Senator David Norris: I know perfectly well that legislation is produced by Government, I did not come down in the last shower. However, the Minister of State cannot deny that it was provoked by the Friends of the Earth to act. I think I am correct in saying they produced the first legislation in this area. They were primarily responsible for pushing this agenda, so it is disingenuous for the Minister of State to say that the Government produced the legislation. Of course governments produce legislation. That is their function. Friends of the Earth cannot produce legislation and ram it through this House. Any idiot can see that.

Acting Chairman (Senator Paschal Mooney): I might for the record state that I indulged Senator Norris because on Report Stage a Member, apart from the proposer, is only permitted to make one contribution.

Senator David Norris: I am making a point of information.

Senator Sean D. Barrett: I thank the Minister of State. The list of bodies, which everybody in the House agrees is distinguished and have played a major role, has another characteristic in common in that they were not included in the advisory council. Somebody has already decided that they are second class citizens.

5 o'clock

The people who make up these bodies and others in the scientific and environmental science communities were left out of the loop the last time. They have expressed the view to me that there are too many economists included and they are disappointed there is no representation for environmentalists among the four *ex officio* members. I must disclaim responsibility by pointing out that I did not nominate any of those economists. The people about whom I am talking are the ones who made most of the running on these matters and they have already been bypassed on one occasion. I would have preferred to see them being represented on the main body, but, in the absence of such appointments, they should at least be consulted. An error was made in not making provision for their participation and it should be acknowledged. We all should be man or woman enough to say it was a mistake and that the people who did most of the running should be involved.

Having said that, I do not propose to press the amendment because there seems to be a good measure of agreement from the Minister of State with our intent. He would not run a De-

partment without having all of these very fine people in his confidence, no more than I would. The balance was wrong from day one and the amendment seeks to rectify this. I welcome the Minister of State's response.

Amendment, by leave, withdrawn.

Senator Sean D. Barrett: I move amendment No. 14:

In page 15, to delete lines 12 to 19.

During the debate in the Dáil, the argument was made that the climate change advisory council should have the same degree of independence as the Irish Fiscal Advisory Council, IFAC, which advises the Minister for Finance on economic matters. As I said on Committee Stage, the relationship between the Minister, Deputy Michael Noonan, and Professor John McHale, chairman of IFAC, is perfectly normal. They do not always have to agree and there is an exchange of advice on both sides to which it is always worth attending. The independence of IFAC and the diversity of advice it affords are welcome in the economic sphere and something the Government facilitated willingly in accordance with views expressed by the troika.

The lines we are proposing to delete by way of this amendment provide that the advisory council will be dependent for its secretarial and administrative services on the Environmental Protection Agency. We are arguing that the council should be completely independent rather than having to rely on the EPA for a couple of rooms and a few secretarial and administrative assistants. After all, the council may have to comment from time to time on the work of the agency. The requirement for checks and balances would be better served if these provisions were omitted from the Bill.

Senator David Norris: I support Senator Sean D. Barrett's amendment for the reasons he has given. I note, moreover, that the subsection in question provides that the agency shall "provide the Advisory Council with such services of a secretarial and administrative nature as is appropriate". Who decides what is appropriate? Will the advisory council be able to say it wants X number of secretaries, or will the EPA be able to decide it is hard pressed in terms of staff and the council must do all that work itself? Senator Sean D. Barrett's amendment is valuable and I ask the Minister of State to take it on board.

Senator Feargal Quinn: I second the amendment.

Deputy Paudie Coffey: The proposed amendment would remove from the EPA the function of providing what are essentially back-office, administrative support services to the climate change advisory council. If the proposal were to be accepted, there still would be a requirement to provide such services and supports which, presumably, would mean establishing the advisory council as a body corporate with its own back-office staff and resources and all that goes with it. That is unnecessary. In the first instance, it would be contrary to the Government's policy of reducing the number of public sector agencies in the interests of reducing administrative costs and consolidating back-office services. In addition, it would represent an inefficient use of available resources, given that the EPA can provide those back-office services at a fraction of the cost of establishing a new agency.

I assure the Senators there is no cynical intent. What we have set out is purely in the interests of efficiency and administrative ease. There is no fear of encroachment on the work of the advisory council by the agency, as the former is explicitly guaranteed its independence

under section 11(3) of the Bill. Moreover, the advisory council has been established on a non-statutory basis pending enactment of the legislation, with the EPA already providing its support services. In fact, these arrangements are operating very well in terms of facilitating the core work of the council. Therefore, I do not propose to accept the amendment.

Senator Sean D. Barrett: That is a high-risk strategy in terms of capture and it is what is wrong with a lot of Irish public administration, namely, that independent agencies are captured by their parent bodies. If this is done in-house and it is reliant on the EPA's secretarial and administrative systems, the council will not have the independence we would like to see. Modern public administration should be addressing that danger, but perhaps capture is the goal. The Minister of State has said there is nothing cynical or sinister about it, but it may be that it ensures the advisory council will never be an independent body like the IFAC. As I said, it is a high-risk strategy. I do not know how much money was at stake, but I would prefer if we had the independence which is so badly needed in this area. Given my earlier point about the composition of the board and the Minister of State's unwillingness to accept our proposal to involve outside bodies, the latter may not have very much confidence in the council which will effectively be a minor part of an existing body. I will not press the amendment, but the provision does have serious implications for governance.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Paschal Mooney): Amendments Nos. 15 and 16 are related and will be discussed together.

Senator Sean D. Barrett: I move amendment No. 15:

In page 16, line 20, to delete "Minister" and substitute "Oireachtas".

The Minister of State has accommodated, by way of the amendments he accepted, an enhanced role for the Seanad and the Oireachtas as a whole in the debate on these issues. Will he also allow, as we propose in the amendments, for the Oireachtas to take advice from the advisory council? Why should the Minister be the only beneficiary of such advice? Let us all be involved in this important environmental role.

Senator Feargal Quinn: I second the amendment. The Bill provides that the functions of the advisory council shall be to advise and make recommendations to the Minister. It does not give the opportunity for the council to make recommendations to anybody else. The Oireachtas deserves to be able to avail of that expertise, which would greatly improve our ability to make decisions. Both amendments are worthy of support.

Deputy Paudie Coffey: The amendments propose that the climate change advisory council should advise, make recommendations and submit its annual report to the Oireachtas rather than the Minister for the Environment, Community and Local Government. As the latter is responsible under the Bill for putting together both the national mitigation plan and the national adaptation framework, it is appropriate that the advisory council advise and submit its annual reports to him or her rather than to the Oireachtas as a whole. However, the advisory council's annual reports will be published for all to see and if Members want to comment on or debate them, such engagement will be welcome. There will be full transparency in respect of the reports. The amendments, therefore, are unnecessary and we do not propose to support them.

Senator Sean D. Barrett: An exclusion is specified in the Bill, as it stands. If our amend-

ments were accepted, the Minister, as a Member of the Oireachtas, would continue to receive all the reports. Long may that continue. Environmental matters are everyone's concern and not a private matter for the Minister. I hope he will share the information with all Members of the Oireachtas as widely and as generously as possible, as is his nature. What is wrong with the other 165 Members of the Dáil and 60 Members of the Seanad that the advisory council would not send the reports to them as well? I do not wish to press the amendment but rather explain why we tabled it. Nothing excludes the Minister but the other 225 people around Leinster House should be involved given the environment affects so many people.

Amendment, by leave, withdrawn.

Amendment No. 16 not moved.

Senator Sean D. Barrett: I move amendment No. 17:

In page 17, line 35, to delete "Not more than 30 days" and substitute "Simultaneously on".

This amendment refers to the publication of reports. The section provides that not more than 30 days after submitting an annual report to the Minister, the advisory council shall publish the annual report by such means as the agency may advise. If the report is being submitted to the Minister, why not just publish it? What is the purpose of delaying it for 30 days. It will lead to leaked reports, keyhole journalism and mischievous behaviour of one kind or another. Let us all know what is happening to the environment. I do not know why the Minister needs to know it 30 days before everyone else. It should be published simultaneously.

Senator Feargal Quinn: I second the amendment. It seems to make sense. This refers back to the same topic about which I spoke earlier, which is the question of speed, alacrity and getting things done quickly. I do not understand a delay of 30 days.

Senator David Norris: On this occasion I disagree with my colleagues because it seems to me that it is appropriate for a Minister to have possession of the report so he or she can consider it and prepare a response to any keyhole journalism or anything like it. I have no difficulty with the provision. A period of 30 days does not seem to me to be a particularly long time. Ministers have specific responsibilities and an onerous burden. To let a Minister have sight of the report first is good parliamentary practice. I have no problem with it whatever. The Minister of State will probably now accept the amendment.

Deputy Paudie Coffey: Senator Norris will be glad to know I agree with his position and I thank him for his support. We debated this amendment at length on Committee Stage during which I outlined the Government position. I am happy to clarify it again for the House. The 30-day timeframe is to provide an opportunity for the annual report to be seen by the Government before it is published. I hasten to add that there is no provision for the Government to seek to alter or amend the annual report in any way. As Senator Norris stated, the 30-day timeframe is merely to afford the Government of the day the courtesy and time to consider the report. A maximum 30-day wait for a comprehensive publication, which it will be, could not be said to constitute any undue or untoward delay. The annual report will be published in full by the advisory council and without any interference whatsoever by Government. The amendment is unnecessary and we will not be supporting it.

Senator Sean D. Barrett: Overwhelmed by the oratory of both the Minister of State and

Senator Norris, I have to withdraw the amendment. No one could withstand such a combination.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Paschal Mooney): Amendments Nos. 18 and 25 are related and may be discussed together by agreement.

Senator Sean D. Barrett: I move amendment No. 18:

In page 17, lines 36 and 37, to delete “by such means as the Agency may advise”.

The section provides that the advisory council shall publish the annual report by such means as the Environmental Protection Agency, EPA, shall advise. As I recall the debate on the last occasion, there was mention that there might be advice to publish it in the two official languages and other such advice. We got a categorical guarantee that the advice would not include advice on content. Why, therefore, is this section necessary at all? The advisory council’s first chairman, Professor John FitzGerald of the ESRI, has been publishing reviews of the economy for the past three or four decades. He does not need this advice. I am afraid the advice might spill over into content and undermine the independence of the agency. It seems almost patronising to tell a body how to publish its report, in particular when its chairman has a strong record of publishing reports. The provision could provide the basis in future times for interfering with content.

Senator Feargal Quinn: I second the amendment.

Acting Chairman (Senator Paschal Mooney): Is the amendment being pressed?

Senator Sean D. Barrett: We have not heard from the Minister of State yet on the amendment.

Deputy Paudie Coffey: Amendments Nos. 18 and 25 call for the complete removal of the reference to the EPA on decisions on the means of publication of the annual and periodic review reports. As outlined in respect of amendment No. 14, the current texts reflect the fact that the EPA will just provide back office support to the climate change advisory council. It is, therefore, best placed to offer advice on the best means of publication, whether it be in hard copy, online or a combination of both. The current text refers only to the means of publication and does not relate to the content of the annual and periodic review reports. It concerns the facilitation of publication so that the reports can reach as wide and as deep an audience as possible using the expertise of the EPA. That is all that is involved. It will not in any way interfere with the content of the annual or periodic review reports. We will not be accepting the amendment.

Senator Sean D. Barrett: The provision undermines the independence of the agency. Trying to get distance between regulatory bodies and the bodies they are supposed to be regulating has proven extremely difficult in Ireland. For example, CIE should have no say at all in the operations of the National Transport Authority, which administers the budget for transport in a wider context. Observations on how to publish the report would be utterly irrelevant. There will be a person involved who has plenty of experience in publishing reports. The EPA will have to adjust to an independent body publishing the reports in its best professional judgment. I regret the section remains but I will not push the amendment. However, if we are really serious about independence, what the EPA thinks of the manner in which the advisory council

publishes its reports should be utterly irrelevant. It should not be done in-house or by the EPA's secretariat or management. I do not believe in Chinese walls. I believe in separate institutions, which we should have had here.

Amendment, by leave, withdrawn.

Amendment No. 19 not moved.

Senator Sean D. Barrett: I move amendment No. 20:

In page 18, line 2, after "day" to insert "and every 12 months thereafter".

Section 13 of the Act provides that the advisory council shall not later than 18 months after the establishment day conduct a review. I would like that to be 12 months. We asked for it to be six months on Committee Stage. We have to know if it is working. I am sure there will be plenty of speeches in Paris at the end of the month and I hope the Minister of State will be there representing us but, to quote the Taoiseach again, this is an urgent problem. Why can it not be done in 12 months?

Senator Feargal Quinn: I second the amendment.

Deputy Paudie Coffey: The proposed amendment calls for the climate change advisory council to conduct a periodic review every 12 months after its initial review. I cannot see any reason such a provision should be included in the Bill when section 12 already provides for the advisory council to conduct an annual review and report thereon every 12 months. Accordingly, having a parallel periodic review process would serve no additional function and would merely add a substantial burden on the council and its secretariat. Therefore, we will not support the amendment.

Amendment, by leave, withdrawn.

Amendment No. 21 not moved.

Senator Sean D. Barrett: I move amendment No. 22:

In page 18, line 32, to delete "30 days" and substitute "10 days".

The purpose of this amendment is to speed up the completion of the report and its submission to the Minister. It could be done quicker.

Senator David Norris: Ten days seems to be a remarkably short time to produce a report. I would not like to be faced with that. Thirty days is pretty speedy and I would leave it at that. One would get a rushed report in ten days and it might not be as good as one produced in 30 days. Even 30 days is even pushing it. I am sorry to disagree with my learned colleagues.

Deputy Paudie Coffey: We agree with Senator Norris.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Paschal Mooney): Amendments Nos. 23 and 24 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Sean D. Barrett: I move amendment No. 23:

In page 18, line 36, to delete “as soon as may be” and substitute “not later than 10 days”.

The purpose of this amendment is to quantify the time involved. I accept the Minister of State’s wish to have these matters dealt with speedily but the term “as soon as maybe” does not mean anything and is rather loose.

Senator David Norris: In support of that, although ten days is quite a short amount of time, without particularising it or making it definite, the term “as soon as maybe” is like “come day, go day”, “blue moons” and all that kind of stuff. It could be any time at all. It is unacceptably vague and poor legislative draftsmanship. I agree with the principle and spirit of the amendment because it is not satisfactory to have a phrase as vague as “as soon as maybe” in this section. I strongly support Senator Barrett on this matter. Even the ten days in that instance is not about the preparation of a report but about its submission. I am happy to accept the amendment to “ten days”. However, the term as “as soon as maybe” is like “come day, go day, every day is whiskey day.” It is all nonsense.

Acting Chairman (Senator Paschal Mooney): Will Senator Norris formally second the amendment?

Senator David Norris: Senator Quinn has proprietorial rights over these amendments, which he has been exercising all the time.

Senator Feargal Quinn: I will second the amendment.

Acting Chairman (Senator Paschal Mooney): I am so pleased Senator Norris is adhering to strict protocol on these matters.

Deputy Paudie Coffey: I am happy to clarify the Government position’s on these amendments. Both amendments relate to the timeframe within which the periodic review reports are to be submitted to the Government by the Minister for the Environment, Community and Local Government and the timeframe within which they are to be published by the climate change advisory council. Both timeframes are related, as it is intended in the Bill to provide the Minister for the Environment, Community and Local Government, in practice, with a window of just 30 days within which a periodic review report could be submitted to the Government before the report is actually published. In reality, the Minister may have to consult with other colleagues in government to collate responses before putting a report to the Cabinet, meaning it cannot be too specific.

I hasten to add that there is no intention or provision for the Government to seek to alter or amend the periodic review report. The 30-day timeframe is merely to afford a courtesy to the Government. A maximum 30-day wait for publication cannot be said to constitute any undue or any untoward delay. Therefore, we will not accept the amendments.

Senator David Norris: Why is one termed “as soon as maybe” and the other, “not more than 30 days”?

Senator Sean D. Barrett: “As soon as maybe” in this case means “30 days”. I have no problem with that. While my amendment provides for a better formulation, I hope that anyone who comes to refer to it will know it means 30 days.

Senator David Norris: No, it does not. The Minister of State is talking nonsense.

Senator Sean D. Barrett: The Minister of State said it did.

Amendment, by leave, withdrawn.

Amendments Nos. 24 and 25 not moved.

Government amendment No. 26:

In page 19, line 25, to delete “Dáil Éireann” and substitute “each House of the Oireachtas”.

Amendment agreed to.

Government amendment No. 27:

In page 19, line 30, to delete “Dáil Éireann” and substitute “each House of the Oireachtas”.

Amendment agreed to.

Government amendment No. 28:

In page 19, line 33, to delete “Dáil Éireann” and substitute “each House of the Oireachtas”.

Amendment agreed to.

Government amendment No. 29:

In page 19, line 37, to delete “Dáil Éireann” and substitute “each House of the Oireachtas”.

Amendment agreed to.

Government amendment No. 30:

In page 20, line 39, to delete “Dáil Éireann” and substitute “each House of the Oireachtas”.

Amendment agreed to.

Senator Maurice Cummins: I wish to amend the Order of Business to allow another ten minutes to conclude Report and Final Stages of the Climate Action and Low Carbon Development Bill 2015.

Acting Chairman (Senator Paschal Mooney): Is that agreed? Agreed.

Senator Sean D. Barrett: I move amendment No. 31:

In page 21, line 8, to delete “may” and substitute “shall”.

This has arisen in other legislation where the word “may” is used when the intention of the House is to use the word “shall”. As drafted, section 14(6)(b) states, “the Minister may, in any year, present to Dáil Éireann an annual sectorial adaptation transition statement”. The term used should be “shall” if the term “may” means discretion. Again, the Minister of State

has been impressing on us all afternoon that these are serious duties which are not discretionary. I know the Minister of State wishes to discharge them and I hope all successors will too. However, it should be “shall present to Dáil Éireann and Seanad Éireann an annual sectorial adaptation transition statement”.

Senator Feargal Quinn: I second the amendment.

Deputy Paudie Coffey: I thank the Leader and the House for extending the time to facilitate further debate on this important and historic legislation.

In respect of adaptation, this section is carefully worded so as to make it optional as to which Ministers with specific sectorial adaptation responsibilities will be required to present annual sectorial adaptation transition statements to the Oireachtas. In any given year, the choice of such Ministers will be determined at the request of the Minister for the Environment, Community and Local Government. The reasoning behind this option rather than providing for mandatory qualification is that responsibility for adaptation matters is spread over so many areas of government and to such different degrees that it would not be advisable to require every such Minister to present a statement to the Oireachtas every year. Section 14(6) is merely a technical saver to cover a situation where the Minister for the Environment, Community and Local Government is responsible for sectorial adaptation matters. In such a scenario it would not make sense for the Minister to request himself or herself to present a sectorial adaptation transition statement. Accordingly, the section leaves it up to the Minister to decide whether he or she should deliver a sectorial adaptation transition statement in the same way as it is up to him or her to determine which other Ministers should deliver statements.

I hope I have not served to further confuse matters in this somewhat complicated textual situation, but I cannot accept the amendments. Therefore, I ask that they be withdrawn.

Senator Sean D. Barrett: If I was the Minister with responsibility for tackling the problem of smoky chimneys, I might think this measure was discretionary and that I did not have to answer anything the Minister of State, Deputy Paudie Coffey, had requested because it is stated in the legislation that I “may” submit a report. However, a Minister with responsibility for tackling that problem should have to come - no doubt the Minister of State would wish this to happen - to explain what his or her Department was doing. We cannot allow Departments to opt out on the basis that the word “may” is included in the legislation. I hope the Minister of State’s Cabinet colleagues would always comply with his request in this field, even if the Department of the Environment, Community and Local Government receives many presentations. As the Minister of State said, it appears that most Ministers are responsible for environmental degradation in one form or another, but that does not let them off the hook or allow them to state that as they are not the major culprits, they should not make a presentation. The environment is important enough to require any Minister with responsibilities, whether for transport, tackling the problem of smoky chimneys or agriculture, to come to explain what is happening. This is urgent. It will take a co-ordinated effort to stop the temperature from warming up by 2° Celsius by 2020.

Senator Feargal Quinn: I am happy to second the amendment. I am particularly alert to any change because of the problem of smoky chimneys. It would worry me if we were to have that problem. If this proposal would enable us to remove it, then I support it.

Deputy Paudie Coffey: We have all acknowledged and identified that climate change

and reducing carbon emissions are among the most significant challenges facing not only Irish society but also global society. I have no doubt that Ministers will be held accountable and responsible, as they should be, before both Houses of the Oireachtas. However, the amendment is unnecessary as it would only tie the hands of a particular Minister. There are many Ministers across the various sectors involved who are responsible and I have no doubt that they will be giving this matter the highest of priority because issues will be identified in the national frameworks and national adaptation plans. Ministers will be accountable to the Oireachtas because these frameworks and plans will be laid before both Houses. I am sure strong voices will be heard from all sides of the Houses to invite Ministers to come before us to evaluate progress and ensure we are meeting the challenges.

Senator Sean D. Barrett: Professor John Sweeney, emeritus professor of geography in Maynooth, stated: “The most likely outcome from Paris is, therefore, an agreement that will be marketed as a political triumph, but falls short of the radical change of hearts and minds necessary to protect the world from 2°C warming over the next four decades.” Therefore, no Minister should be able to take solace from the inclusion of the word “may” in the legislation; there are no opt outs in this context. As the Minister of State has defined it, I will not push the amendment to a vote. I would, however, like definites to be included in legislation; rather than including the word “may”, we should use the word “shall”. Sometimes I think it is an attempt by people to evade responsibility in subsequent inquiries. Let us take on this responsibility in all legislation and impose definite obligations, such that adherence to them could be subsequently checked, rather than have a Minister say legislation includes the word “may”, that the matter is discretionary and that he or she did not bother doing anything. That is not the way to do business.

Amendment, by leave, withdrawn.

Government amendment No. 32:

In page 21, line 8, to delete “Dáil Éireann” and substitute “each House of the Oireachtas”.

Amendment agreed to.

Senator Sean D. Barrett: I move amendment No. 33:

In page 21, between lines 11 and 12, to insert the following:

“(7) If the Government do not accept an assessment of the Climate Change Advisory Council, the Minister shall, within 2 months of being given a copy of the assessment, prepare and lay before both Houses of the Oireachtas a statement of the Government’s reasons for not accepting it.”.

This amendment is to be seen in a context of where the Government does not accept an assessment of the climate change advisory council. It provides that having received the assessment, the Minister should prepare and lay before both Houses of the Oireachtas a statement of the Government’s reasons for not accepting it. This is the dialogue that is necessary. The IFAC model was mentioned in the other House. If in this context the Minister for Finance, Deputy Michael Noonan, has case A and Professor John McHale and his cohort have case B, that is the way the discussion should take place. There should be no attempt to try to hush it up; rather it should be stated the Government has formed a completely different view from that of the cli-

mate change advisory council, that it is putting its case before the public and that the court of public opinion will decide which is the best way to proceed.

Senator Feargal Quinn: I second the amendment which I am happy to support. It seems that there will soon be an occasion when the Government will not accept an assessment of the climate change advisory council; if so, the reasons for this should be the matter of an open discussion. I support the amendment on that basis. On that basis the Government's reasons should be laid before both Houses within two months of receiving the assessment.

Senator David Norris: In parliamentary terms, this is the most important amendment we have seen today. It may not be the most far-reaching in dealing with climate change but in terms of ensuring openness and accountability, it is crucial. Two months is perfectly adequate time for the Minister in which to provide a reason advice has not been taken. In the context of parliamentary procedures with which I have tangled with various Cathaoirigh during the years, we have had situations where proposals were rejected and no reason was given for their rejection. That is wrong. In a democracy an appropriate and rational reason, not some rubbish, should be given.

In terms of dialogue and understanding issues, it is important to know the arguments on both sides. It is a serious matter for the Government to reject advice from an advisory council that it has established. In these circumstances it is important that the Government's position be made clear. If it rejects the advice of its own group, Parliament and the public are entitled to know the reasons which could be poor. The Government could resist something because industry would not make such a big profit and it had been lobbied by it and told not to touch it because it would affect its profits at the end of the year. That is not a good reason in dealing with climate change. In dealing with environmental issues it is not a particularly good reason. The people should be entitled to know the reason. Of course, the Government would not want them to know - it is obvious that it would not - because then it could be held to account and pilloried for rejecting advice on inappropriate grounds, but it is very much based on those inappropriate grounds that the public have a right to know.

Deputy Paudie Coffey: The proposed amendment would make it obligatory on the Government to lay a statement before the Oireachtas outlining the reasons for not accepting an assessment of the climate change advisory council. As stated in section 11, the principal function of the climate change advisory council is to advise and make recommendations to the Government on the approval of a national mitigation plan, a national adaptation framework and sectoral adaptation plans. It is not clear to me that such advice and recommendations would constitute an assessment of anything. I am quite sure the council's advice and recommendations will feature very strongly for all to see in its annual review and periodic review reports. Therefore, I do not believe it is appropriate to require the Government to respond in the manner proposed because approving national and sectoral plans is quintessentially its executive function, which is important to note.

Senator David Norris: Cleaning up.

Deputy Paudie Coffey: The advisory council is just that.

Senator David Norris: Clinging on to power.

Deputy Paudie Coffey: It is a body to proffer advice; it is not intended to be a decision making authority. It is not intended to replace the Government's role in this regard. The pre-

sumption in the amendment is that everything that the advisory council states should be agreed with and implemented.

Senator David Norris: It should be explained.

Deputy Paudie Coffey: That is not and cannot be the case. The Government of the day is democratically responsible and mandated to respond to such reports. It will be expected to respond to the advisory council's reports. It will also have to explain where its actions and analysis-----

Senator David Norris: Like the Roman Catholic Church *magisterium*.

Deputy Paudie Coffey: The Government of the day will have to explain where its actions and analysis diverge from the council's advises. What better Chamber than this or the Lower House to analyse those responses? In effect that is where the robust debate, analysis and holding to account should take place. That will be open to this House.

Senator David Norris: How do we debate it if we do not-----

Deputy Paudie Coffey: That will be open to this House and the Lower House and we feel that is appropriate. Therefore, we cannot support the amendment.

Senator Maurice Cummins: I propose that we extend the time by another five minutes to allow us complete the debate.

Senator Sean D. Barrett: I have to press the amendment. What is before the House is a most reasonable request.

Senator David Norris: Hear, hear.

Senator Sean D. Barrett: I have no problem with the Government saying there is a mistake in an equation on page 42 or something like that, or it believes that the advise seriously exaggerates a certain problem. However, let us have the dialogue. Therefore, I will press the amendment.

Senator David Norris: Hear, hear.

Amendment put:

The Seanad divided: Tá, 14; Níl, 21.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Byrne, Thomas.	Brennan, Terry.
Craughwell, Gerard P.	Burke, Colm.
Daly, Mark.	Cahill, Máiría.
Healy Eames, Fidelma.	Coghlan, Eamonn.
Leyden, Terry.	Coghlan, Paul.
Mooney, Paschal.	Comiskey, Michael.
Norris, David.	Conway, Martin.
O'Brien, Darragh.	Cummins, Maurice.

O'Sullivan, Ned.	D'Arcy, Jim.
Ó Murchú, Labhrás.	Gilroy, John.
Quinn, Feargal.	Hayden, Aideen.
Walsh, Jim.	Keane, Cáit.
Wilson, Diarmuid.	Kelly, John.
	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Noone, Catherine.
	O'Neill, Pat.
	Sheahan, Tom.

Tellers: Tá, Senators Sean D. Barrett and Feargal Quinn; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

Bill, as amended, received for final consideration.

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

Senator Sean D. Barrett: Is it possible to make a comment on the Bill?

An Cathaoirleach: We are way out of time. The Senator should be very brief.

Senator Sean D. Barrett: I thank the Minister of State. I note there will be demonstrations on climate change worldwide on Sunday, with the Dublin demonstration taking place at 2 p.m. I hope the Paris conference succeeds but I wish the Irish Government had done more and that it did not balk at complying with regulations and so on. The Canadian Minister for Environment and Climate Change, Ms Catherine McKenna, whose father came from Dublin, will attend the Paris conference. Taking local government away from environment and climate change is something this State should consider. I am very thankful that the Minister of State accepted so many amendments but it is a very unsatisfactory way in which to make legislation regarding the environment as there are too many vested interests involved.

Question put and agreed to.

Seanad Electoral (Amendment) Bill 2015: Second Stage

Acting Chairman (Senator Pat O'Neill): I welcome Minister of State, Deputy Ann Phelan, to the House.

25 November 2015

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

I welcome the Minister of State, Deputy Ann Phelan, to the House. There has been much debate about the future of this House over many decades but particularly over the past five years. For the first time since the passing of the Constitution of Ireland by the people, a referendum was held in 2013 asking the citizens of this country to abolish this institution. Thankfully, the people in their wisdom rejected that proposition and the Seanad will continue to perform its often under-appreciated, but always important, work as part of the functioning of the Houses of the Oireachtas.

However, any institution which faces an existential threat, as the Seanad did in that referendum, must question why such a proposal was even considered in the first place, other than the fact that the Taoiseach had a rush of blood to the head at a Fine Gael pre-Christmas dinner and thought it was a good idea. The Seanad is often the forgotten part of the three pillars that make up the Oireachtas. While the Presidency is a highly respected and a very visible office, particularly in recent decades, and the Dáil dominates the political landscape, the Seanad often has to take a back seat in publicity terms, despite its significant contribution to the legislative process.

One of the main issues raised during the Seanad referendum campaign was the disconnect between the Seanad and the people and yet it could be argued that the vast diversity of opinion which is found in Seanad Éireann is often more in tune with the general population than that of the Lower House. This House often debates legislation which, although it has been passed with very little debate and without a vote in the Dáil, results in considerable discussion and amendment in this House. One of the reasons the people rejected the attempted abolition of the Seanad was for that very reason. People recognise that the Seanad offers a more open and often more critical voice to proposed Government legislation than the Dáil. Ironically, given the Government’s majority in the Dáil and due to the current arithmetic which makes up this House, it is the Members of the Seanad and not the Members of the Dáil who currently have the power to demand real debate on legislative matters. This is mainly due to the electoral process which elects Members to Seanad Éireann. These are the electoral rules which I would like to speak on today with this Bill.

As we are all aware, the electorate for the Seanad is limited to Deputies, Senators and councillors, along with university graduates and nominees from the incoming Taoiseach.

6 o’clock

In its Seanad reform document Fianna Fáil has already proposed significant reforms in relation to that electorate and the merits or otherwise of this electoral system can be debated on another day. What this legislation addresses is the Seanad electorate when there is a vacancy to fill one of the 43 seats on one of the vocational panels during its term of office. A by-election was held to elect a replacement for our colleague and friend, former Senator Jimmy Harte, to whom Members expressed their best wishes and to his family to assure him that his many friends would welcome him back at any time in the Seanad.

At this juncture I again congratulate our newest colleague, Senator Máiría Cahill, on her victory in the recent by-election and wish her the very best in the coming months in her new role. The electorate for the by-election comprised current Deputies and Senators who voted for the candidates put before them. Unlike the election in which former Senator Jimmy Harte was elected to his position, local authority members played no role in the by-election. I think

and hope Senators agree that without the contribution of local authority members, this is an incomplete and somewhat diminished electoral process unlike that which normally surrounds an election to a vocational panel of this House. The Bill, if accepted and passed by the Oireachtas, will change the Seanad electorate for by-elections by allowing not just current Deputies and Senators to vote but also local authority members who have a vital role in linking their community's voice with that of the Seanad. It seems bizarre to me and many of my colleagues that when a Senator is first elected to a panel, the electorate includes Deputies, Senators and county councillors, yet in a by-election this is not the case. I suggest that in all probability this is not for some significant reason of principle or law but is mainly down to administrative convenience for the Oireachtas. Put simply, the Government of the day wants to control who is elected to the Seanad.

While the Constitution outlines the general principles, the membership and place of the Seanad in our constitutional structure, the Seanad electorate for by-elections is specifically dealt with in legislation, namely, the Seanad Electoral (Panel Members) Act 1947. The Bill before the House would amend that Act to broaden the electorate for Seanad by-elections. While its purpose is specifically to broaden the Seanad electorate for by-elections to include members of local authorities, it would also for the first time in generations show that the electoral system for the Seanad which came in for much criticism during the referendum campaign could be improved utilising legislation. The reform proposed in the Bill is very small reform, but it is significant because it shows that it is open to all of us to propose amendments to legislation governing how the Upper House operates. I know and acknowledge that the Bill is more symbolic than substantial in that regard, but it is a start, which in itself is important.

The Fianna Fáil Party has brought forward significant legislative proposals for Seanad reform, for example, specifically earmarking the seats of the Taoiseach's nominees for minority groups such as the new Irish and the disability sector. I suggest we consider the position of Cathaoirleach being filled by one of these nominees. We propose an opening up of voting rights for the university panels to graduates of all third level universities. The result of a referendum that took place more than three decades ago allowed this to happen but no Government ever progressed that decision. We would open up the 43 vocational Seanad seats to the entire electorate, not just councillors, to enable the people to have a stronger voice in the Seanad. We would broaden the electorate to encompass the diaspora and Irish citizens in Northern Ireland. We would also allow 500 citizens to nominate a candidate for the Seanad.

In order to understand the rationale for bringing forward the Bill, we must remember why local authority members are allocated the privilege of voting in Seanad elections in the first place. Local authority members represent local communities. They are the closest political link with local concerns. At the same time they also hold an important political office within their county and are fully engaged in the political structures of the State. As a result, they have been granted the ability to elect national politicians to vocational panels to provide an alternative voice to that of Members of Dáil Éireann. This structure represents a vital link between local and national, county and State, politicians and citizens. Obviously, there is always room for improving dialogue between the political institutions of the State and its citizens. This link could certainly be enhanced further than in the legislation I am putting forward, but, again, I must emphasise the symbolic rather than substantial nature of the Bill. In this regard, I am calling on all Senators - Government, Opposition and Independent - to send a message to the Executive that we want to reform our structures; that we want to reform the electoral system and that we want to have more inclusive elections. By supporting this legislation, this small step, to allow

members of local authorities to vote in Seanad by-elections, Members would be stating clearly that they wanted legislative change. We are not demanding aggressive change but simply looking to rectify a legislative defect. Let us set down a marker that this is just today's work, that there is a lot more work to be done.

I look forward to the debate on the Bill. I urge the Minister of State to accept this small but very important Bill.

Senator Darragh O'Brien: It gives me great pleasure to second the Seanad Electoral (Amendment) Bill 2015, as proposed by my colleague, Senator Diarmuid Wilson, on behalf of the Fianna Fáil group. He has outlined in great detail the rationale behind the Bill. If we look back to what happened in the last general election, post the formation of the Government, there was much talk about a democratic revolution and the way politics would change, particularly the legislative process, such that the debate on no Bill would be guillotined and that a gap of two weeks would be allowed between the different stages of legislation. However, when we examine the record, we find that the debates on more than 63% of Bills in Dáil Éireann have been guillotined; that in the case of 78% of Bills there was not the requisite two week period between Second and Committee and Remaining Stages. That is an abject failure. Looking back, we now understand the rationale for proposing what was thought at the time to be a populist referendum to abolish the Seanad, which acts as an important check and balance to the Government, particularly a Government which has a very sizeable majority, as this one does.

The current Seanad has become a more effective debating Chamber. To be fair, many Ministers have taken on board amendments and suggestions from Senators because they have had to do so. It is not good for a Government of any hue to have too much power. We must learn from the result of the referendum, which meant not maintaining the *status quo* but that people respected the institution, that we needed checks and balances and also that it could be done better. Political reform cannot be undertaken in isolation. Many other reforms were proposed by the Government, including to the committee system, the Dáil and the Executive in terms of how they would work. Very little has been done in that regard. As Senator Wilson outlined, we have put forward two substantial political reform documents which propose actions that are very doable by way of legislation.

This legislation would go a small way to show, before the end of this term, that the Government is open to reforming the structures that govern us by extending a by-election to the full electorate. The current electorate is county councillors across the country. I wish to be associated with Senator Wilson's good wishes for our former colleague, Jimmy Harte, and I am delighted that Senator Cahill was elected to replace him. The Senator is a very good addition to the Seanad. This legislation is not a reflection on her but on the process whereby there is a greatly reduced electorate for filling one of the 43 vocational seats in the Seanad. It makes sense that future by-elections should be opened up to county and city councillors across the country. As local representatives, they are closest to their communities.

I have had the honour of serving in both Houses of the Oireachtas and I can safely say that I have learned more in the Seanad about the legislative process for Bills. I have read more legislation here than I would have done as a backbench Deputy in the Dáil. I am conscious of the experience here, the quality of debate and the way each section of the legislation is dealt with. I compliment the Leader on the fact that the guillotine has rarely been used, which shows that business can be scheduled correctly and time can be given to examine legislation and scrutinise the issues. A significant number of amendments have been accepted in the Seanad. I had the

honour of having an Opposition Bill accepted on all Stages in the House. The Public Services and Procurement (Social Values) Bill 2015, which dealt with access for the SME sector to State contracts, was passed by the Seanad. That would not happen in the Dáil, where no Opposition Bill has been accepted on all Stages. We are able to work together on legislation.

Given that fact, the small change proposed in the Bill before us to open up the electorate for a future by-election makes a great deal of sense. There is no reason that it should not be accepted and it would give the Government the opportunity to say that it has started the reform of the Seanad. I strongly urge colleagues to support this well-constructed Bill. In particular, I commend Senator Wilson who has put a great deal of work into it. He discussed it with colleagues on all sides of the House in an effort to seek their support for it. I am pleased to second the Bill and I look forward to the debate and the Minister's response.

Senator Cáit Keane: Like other speakers, I wish the best of luck to former Senator Jimmy Harte and his family.

The result of the Seanad referendum was clear. The people of Ireland have said that they value this House. Hopefully, they value its Members as well and we do the best job possible when we are elected to the House. It is a privilege to represent the people of Ireland. This House has an important role to play in the Irish parliamentary system. Equally clear, however, was the vocal support for the House to play a more effective role as a safeguard against possible excessive populism in the other House. This House comes to the fore in that regard. I mentioned earlier today that in the case of one Bill, we accepted 14 amendments tabled by the Opposition. Senators should take note of that. They were accepted and appeared on the list of amendments with the names of the Senators who had proposed them as well as the asterisk to denote Government amendments.

Senator David Norris: They were from the Independents, not the Opposition.

Senator Cáit Keane: They were amendments that were tabled on Committee Stage by Independent Senators and that were accepted in the House. The House works in that way, despite it being stated that we do not accept such amendments.

Reform of this House, in line with the popular vote, became a concern for the Government. It remains a concern and a work in progress. Indeed, the Government by legislation changed the Bill that was introduced 35 years ago. In 1979 a referendum was held on the franchise for graduates and this Government ensured that the referendum result was enacted. Obviously, there is much work to be done on that and it would be good-----

Senator David Norris: It has not enacted anything.

Senator Cáit Keane: -----if it was dealt with for the next election. It takes time to get all the registers of students in the universities and the institutes of technology up and running. The groundwork on that is ongoing.

Senator David Norris: The legislation has not been passed.

Senator Cáit Keane: Change has happened under this Government-----

Senator David Norris: Nothing has happened.

Senator Cáit Keane: I will refer to the Bill shortly. The Seanad reform working group has

worked tirelessly on this-----

Senator David Norris: It has not been implemented.

Senator Gerard P. Craughwell: It is gathering dust.

Senator Cáit Keane: The group met the Taoiseach-----

Senator David Norris: They met my Aunt Fanny.

Senator Cáit Keane: -----and it has been agreed that the next Stage on that Bill will be discussed by the Dáil.

Senator Gerard P. Craughwell: The Taoiseach said today that it will not be dealt with during the term of the Government.

Acting Chairman (Senator Paul Coghlan): Senator Keane has the floor.

Senator Cáit Keane: Why was it not changed since 1979 when the referendum was held? This Government changed it. We cannot have an election if there is no electorate or register, so work must be carried out on it.

With regard to the Bill before us, the amendment proposed is good and welcome. However, work must be done on it. As this House has specialist legislative oversight, it makes sense that its Members should be elected by a broader structure in a by-election. I understand the Senator's intent and I welcome it wholeheartedly for a by-election. The city and county councillors are involved in the election of Senators so why would they not be involved in the by-elections as well? The current system denies this franchise to councillors in by-elections. This means that the House structure is skewed with two different types of electorate for the two electoral processes. However, the Bill we passed regarding the university franchise contained a recommendation that the filling of casual vacancies would be done in the same way as happens with the European Parliament-----

Senator David Norris: No Bill was passed.

Senator Cáit Keane: -----through a list system.

Senator David Norris: But no Bill was passed.

Senator Cáit Keane: It was in the general scheme of the Bill. One of the recommendations was that by-elections in the Seanad would be dealt with in the same way as in the European Parliament, with the vacancies filled from a list system. I would not support that as much as I support ensuring that it goes to the councillors on the ground.

I was very impressed by a proposal from Future Matters, a group of young people set up to examine Seanad reform. It is an independent campaign of young people of various party affiliations and none who are committed to the ongoing reform of the Seanad. These young people put forward a proposal regarding councillors. Councillors represent and work for the people in the communities. Future Matters went a step forward in its proposal and I believe it is worth examining. It is that the councillors would call community meetings of all of the interested parties in all electoral areas, have the candidates for election to the Seanad appear before the meeting and have a question-and-answer session, after which the councillors would vote for the candidates as recommended by general participative democracy. It would widen the franchise,

but the vote would still be done by the councillors.

This could be done without legislative change. We spend our time travelling around the country but perhaps we could meet in general halls and have a general discussion in a type of town hall meeting in every regional electoral area. We are in the process of establishing an independent electoral commission, so we could examine this proposal.

Senator David Norris: First, I wish to dispose of one point. No Bill concerned with electoral reform of Seanad Éireann has passed this House. There have been discussions and proposals, but absolutely nothing has been done about it. The Taoiseach's proposals for including every institute of technology and all the rest of it would have the effect of leaving the Taoiseach with one vote, to nominate without an election 11 Members of the House. Then there are 43 elected by about 1,000 local representatives and Members of the Oireachtas. That means one vote for 11 people, 1,000 votes for the next 43 and 850,000 for the universities. The Taoiseach's proposal would magnify the existing disparity and I do not approve of it. By the time this comes in, if it ever does, the latter figure will be 1 million. That would open up the university seats to the political parties to penetrate them and take them over. It would mean the end of the Independent vote in Seanad Éireann.

The Bill goes a small way towards rectifying an idiotic situation. I pointed out on the Order of Business that we had somebody elected to a national Parliament through an electorate of 200 voters. That far exceeds anything that happened in rotten boroughs in the 18th century in a completely corrupt situation. I repeat that there were 200 votes in an electorate for a seat in a national Parliament. It is a scandal.

What about the other provisions? I remember when Mr. McNulty was catapulted, from a petrol station or whatever it was up in Donegal, on to the board of the Irish Museum of Modern Art. I doubt if the most recent person elected had a connection with a huckster's sweet shop. She was elected on the Industrial and Commercial Panel, and everybody thinks it was a wonderful idea. I am a dissenting voice in that when I say I do not. If there are provisions for people to be elected on panels, they should at least have some even vague relationship to the panel on which they are elected.

What is needed - it is not very complex - is scrutiny of the existing nominating bodies, which are now antique. Some of them are still central to Irish life and still fulfil the function, but we need a review of them to ensure they are brought in line with the conditions in the early part of the 21st century. Crucially they need to enfranchise the ordinary members of the nominating bodies. That would bring real people. I am not suggesting that my colleagues are not real. Considering the utter corruption of the process by which they are elected, it is astonishing that we get some very good people.

I would not turn my back entirely on political representation. I have been a Member of Seanad Éireann for nearly 30 years and I have seen the valuable contribution made by people, who, for example, had experience of Dáil Éireann - sometimes former Cabinet Ministers - coming in here. That is valuable political expertise and I would be reluctant to lose it completely. There should be a mixture.

The Bill extends the franchise for by-elections to local authority members, but they are also politically directed. They are mostly members of political parties and they will do what they are told. I have had direct personal experience of this. They do what they are told by head office.

25 November 2015

Head office marks their card for them by advising the person for whom they should vote, and off they go and vote accordingly.

I see my good friend, the Leader of the House, Senator Cummins, shaking his head. I had experience of this in the presidential election when-----

Senator Paschal Mooney: We are also shaking our heads on this side.

Senator David Norris: I beg the Senator's pardon. Could he interrupt more cogently? Could he start that again?

Senator Cáit Keane: Councillors are independent.

Senator Paschal Mooney: We are also shaking our heads on this side.

Senator David Norris: I thought it was palsy or dropsy he was afflicted with.

Acting Chairman (Senator Paul Coghlan): Please do not interrupt Senator Norris.

Senator David Norris: By and large people from political parties are told what to do. I remember in this House when they used to be shepherded into the party offices and their papers marked for them by the general secretary.

Senator Gerard P. Craughwell: Hear, hear.

Senator David Norris: I remember it. I witnessed it. I saw it. That is what happened.

This extends the franchise, which is fair enough, but it extends it only in a very marginal way. It is not a real reform, but I will vote for it, if there is a vote, because it is some token gesture towards Seanad reform. However, we need a way to get all the people of Ireland involved. To review the nominating bodies, enfranchise the ordinary members and then have a small miscellaneous section for people who are left outside would be fine. We had a recent by-election which was a total farce. We also had the farce of Mr. McNulty being-----

Senator Terry Brennan: What about the previous by-election?

Senator David Norris: I beg the Senator's pardon?

Senator Terry Brennan: What about the previous by-election?

Senator David Norris: What about what?

Senator Gerard P. Craughwell: I fixed that.

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

Senator David Norris: What did he say?

Senator Gerard P. Craughwell: He wanted to know about the previous by-election - the one I won.

Senator David Norris: We won it fair and square. What about it?

Acting Chairman (Senator Paul Coghlan): The Senator is out of time.

Senator David Norris: That is all I have to say. I doubt if the slightest notion will be taken of it because we can always rely on political parties to hang on like grim death to power and they will not give up any control they have without an avalanche.

Senator Ivana Bacik: I hope to bring a little rationality and calm to the debate.

Senator David Norris: I remain calm and eminently rational.

Senator Ivana Bacik: As always.

I welcome the opportunity to speak on the Bill. I commend Senator Wilson, in particular, on introducing it. It gives us an opportunity to debate an important issue regarding Seanad reform. As others have pointed out, the context for the Bill is the recent retirement of our good friend and colleague, Mr. Jimmy Harte - we all wish him well in his retirement - and the election of our great new friend and colleague Senator Máiría Cahill. I take the strongest possible exception to the insinuations made by Senator Norris about the candidate for the recent by-election. I welcome Senator Cahill who is already-----

Senator David Norris: The Senator should give her reasons.

Senator Ivana Bacik: -----making a strong-----

Senator David Norris: On what grounds does the Senator take exception?

Senator Ivana Bacik: Senator Cahill is already making-----

Acting Chairman (Senator Paul Coghlan): Senator Norris has spoken for six minutes. Senator Bacik is in possession.

Senator Ivana Bacik: Senator Cahill is already making a strong-----

Senator David Norris: She is not entitled to attack me and will not give her reasons.

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

Senator Ivana Bacik: -----and welcome contribution to Seanad debate and I know she will continue to do so in the months ahead. I also pay tribute our retiring colleague, Mr. Jimmy Harte.

We have had many debates on Seanad reform over the years. I regret that we have not seen actual change in the external sense through legislation, but we have had extensive internal changes and improvements to our procedure in recent years in particular.

Senator Keane referenced the extensive taking of amendments by Ministers, including amendments tabled by Senators from both sides of the House - Independent and party Senators. I have had amendments and even entire Bills accepted. I am delighted that our Bill to amend section 37 of the Employment Equality Act, which started life as a Private Members' Bill tabled by me and the other Labour Senators in this House is now going through the Dáil and I hope will be law by Christmas to change and remove the potential for discrimination against LGBT teachers in particular.

We have seen some very important legal reforms brought through. Senator Quinn has had Bills accepted by the Government. Just today, as Senator Keane said, the Government accepted

a number of amendments tabled by Senator Barrett on the Climate Action and Low Carbon Development Bill. We have had some good debates with constructive changes made to law in this Seanad, which is a mark of the sorts of reforms we have introduced.

I should also reference our good friend, Senator van Turnhout, whose amendment on bringing forward, at last, a repeal of the defence of reasonable chastisement is very important in terms of children's rights. We have seen huge changes brought forward in the Seanad. We have seen changes in our procedures in terms of the public consultation committee and in bringing in outside speakers. That has been very welcome.

Of course, we need bigger reforms - legislative reforms. I will address that bigger picture in a moment. I want to speak briefly on the very specific proposal for change made in the Bill before us, which, as Senator Wilson has said, is quite a modest proposal. It is a short-term or interim reform, simply relating to the filling of casual vacancy by way of Seanad by-election. Current law, as others have said, restricts the electorate to Deputies and Senators only. I fully agree with Senator Wilson on the need at least to extend the vote to members of local authorities. That is the simple change the Bill would make. It makes sense and I hope we will see this reform implemented in due course. Clearly, bigger reforms are necessary. The Labour Party Senators' group has put forward proposals to the working group on Seanad reform and I have spoken about them before in this House. We believe there should be constitutional change, in particular a change made to the Taoiseach's power to nominate 11 Senators without any vote and, indeed, to the existence of the five vocational panels. We have stood for more extensive reform through constitutional change.

Pending any decision on constitutional change, we have put forward four proposals for change that could be brought about through legislation alone. These include the expansion of the electorate for the university panel to all third level graduates. That is in the legislative programme of this Government but I accept it cannot be done in its lifetime and that we will not see that change brought into effect. However, I hope that it will be done in time for the next Seanad election.

Our second legislative reform is for universal suffrage to the five vocational panels. We have proposed that all those entitled to be on the local election register, which is different from the electorate for Dáil elections, would be entitled to vote in the Seanad general election. Also, each person entitled to vote would have a separate vote for candidates on each of the five panels. University graduates could opt for a vote on the university panel instead of the national language and culture, literature, art and education panels. We think this is a practical way to resolve the difficulty of multiple votes and giving university graduates an extra privilege in voting. It could be done by way of legislation without constitutional change. In accordance with Article 19 of the Constitution, one of the panels - we believe that the public administration panel would be the most appropriate - could be reserved for city and county council members to preserve what I think all of us agree is a valuable existing link with local government. That really marks the Seanad as particularly distinctive from the Dáil in that there would be a representation of local authority members.

The third and fourth changes that we have recommended are to extend the powers of nomination to the panels and that Seanad elections should take place on the same day as Dáil elections. I have spoken with various colleagues about the matter and believe it could be done without constitutional amendment.

Article 18.8 states: “A general election for Seanad Éireann shall take place not later than ninety days after a dissolution of Dáil Éireann.” We have suggested that legislation could provide that the Seanad election takes on the same day as a Dáil election. It would have to be by secret postal ballot because, clearly, that is required in the Constitution. We could, by legislation, prohibit a candidate from running in both elections which would break the direct link between the Dáil and Seanad elections. Again, this is something that many of the reports on reform have proposed, that is, that link should be broken and that the distinctive nature of the Seanad should be highlighted and strengthened.

I welcome the opportunity to speak generally on Seanad reform. In particular, I welcome the specific and short-term reform proposed in this sensible Bill.

Acting Chairman (Senator Paul Coghlan): I thank the Senator and call the Minister of State.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Ann Phelan) (Deputy Ann Phelan): I welcome the opportunity to discuss Senator Wilson’s Private Members’ Bill. I acknowledge his work in bringing the Bill before the House and thank its seconder as well. The Bill proposes the alignment of the electoral roll for Seanad panel members’ by-elections with the electoral roll for Seanad panel members’ general elections. The proposal is certainly worthy of consideration and discussion. This debate gives us an opportunity to take a broad view on the Bill. However, the Bill would require careful examination on Committee Stage. The new section to be inserted in the Seanad Electoral (Panel Members) Act 1947 is incomplete and would require amendment if it was to be agreed but I will return to this point later on.

The Bill proposes to introduce Seanad electoral reform. As Members will know, wider Seanad reform has been the subject of much research and analysis over the years. I understand that Seanad electoral reform has been the subject of considerable debates in this House over the past two years, in particular. Most recently, on the Government side, this work has been progressed through the establishment of the working group on Seanad reform. The group reported to the Taoiseach in April. The report made wide-ranging recommendations about the way in which Members are elected to the Seanad and how it should perform its functions.

I know Senators had the opportunity to have a full and frank debate on the report in the Seanad in May and also in July. The Taoiseach met the Opposition party leaders to discuss the report during the summer and agreed that the next step is to debate it in Dáil Éireann. It is important we hear the views of all sides on this important matter and we look forward to the debate taking place.

Another element of Seanad reform where some progress has been made is in terms of the higher education aspect of Seanad elections. The Government has published, for consultation, the general scheme of a Bill on the election of members of Seanad Éireann by institutions of higher education in the State. The purpose of the Bill is to implement the 1979 constitutional amendment to extend the Seanad franchise to graduates of institutes of higher education in the State that up to now did not form part of the Seanad university constituencies.

While I am aware that it is two years since the Taoiseach announced this initiative, and some time since the general scheme was published, nonetheless action has been taken and a considerable amount of groundwork has been carried out. I remind this House that the implementation

of this constitutional provision could have been done at any point since 1979 but it did not take place. This Government has taken the first steps to implement the will of the people.

On the matter of filling casual vacancies, which is the focus of the Bill before us, the general scheme of the Seanad electoral (university members) Bill provides that such vacancies would be filled in a similar way to European Parliament vacancies. They are filled by the use of replacement candidate lists and, therefore, no by-elections would take place in the university constituency to fill casual vacancies. These arrangements differ from the proposed by-election arrangements set out in the Bill before us. I wonder if the proposers of the Bill have considered this option for filling panel members' vacancies when they arise.

Having said that, this Second Stage debate is about the Bill before us. It is important we consider the Bill's contents and their implications. The Bill would result in a widening of the electorate for Seanad panel member by-elections to include local authority elected members. As I said earlier, the Bill proposes to insert a new section in the 1947 electoral Act. The new section requires further consideration. In the Government's view, an amendment is necessary to make the new section workable. For example, the Bill does not replicate those provisions in the 1947 Act which provide that only those on the electoral roll can vote. It does not provide that the death of a person on the electoral roll would not prejudice or affect the validity or operation of the roll. In addition, the Bill does not make provision for the names, addresses and descriptions of members of local authorities to be sent to the Seanad's returning officer by local authorities. This provision is contained in the 1947 Act for Seanad general elections. It may need to be replicated for the by-elections.

Consideration would also need to be given to replicating provisions in the 1947 Act for the Seanad general elections which allow the Seanad's returning officer to make inquiries to ascertain the correct name, address and description of every person on the electoral roll. The 1947 Act also provides for the publication of the electoral roll for Seanad general elections in *Iris Oifigiúil*. Again, this may need to be replicated for by-elections.

These are some of the issues we believe need further consideration on Committee Stage. The provisions of the Bill are certainly worthy of further consideration and discussion. Therefore, the Government will not oppose the Bill on Second Stage.

Senator Paschal Mooney: I welcome the Minister of State, Deputy Phelan, to the House once again and thank her for her response. My friend and colleague, Senator Wilson, will respond to her response in further detail. I also commend Senator Wilson on his initiative in this regard. This is an issue which has cropped up informally over the past number of years. The fact it has been brought forward in a legislative proposal is welcome. I particularly welcome the Government's decision not to oppose the Bill on Second Stage.

I am probably somewhat unique, although my late mother always thought I was unique, as I was re-elected in a by-election in 2010. I was very fortunate because I happened to be a member of the Government party at the time which had an in-built majority in both Houses. Unlike the case of our friend and colleague, former Senator Harte, the vacancy was declared as a result of the sudden death of an esteemed friend and colleague, Peter Callanan, who was from Innishannon in County Cork, ar dheis Dé go raibh a anam. Once it became apparent that there was a vacancy that had to be filled, my biggest challenge involved convincing my own party that I was good enough to be nominated and I was not the only person who was of that view. There were a number of individuals who were lobbying very hard to be nominated. As this was a new

experience for me, I learned very quickly that the decision was not made by the parliamentary party. It was in the gift of the Taoiseach and the leader of the party. I assume the same would be true of the other parties represented here in a similar situation. Therefore, I had to convince the then Taoiseach, Mr. Brian Cowen, that I was worthy of consideration. Again, I knew that others were plighting their troth in the same direction. Fortunately, I was nominated by the then Taoiseach to whom I was eternally grateful, as indeed was my wife, family and bank manager.

Levity aside, that was the biggest challenge and it brought home to me that I felt I had more of a mandate in the subsequent general election where I was elected by the councillors, Deputies and Senators than the one I had through this closed church of Deputies and Senators in these Houses. This does not in any way cast any reflections on those who have gone before or come after me, as in the most recent example. It was just that my feeling at the time was that when I got elected in the normal way, I felt I had a more secure mandate whereas the others seemed to be a bit temporary.

This is why I support this initiative. I know I speak for everybody in this House when I say that the one thing we all know from talking to councillors around the country is that they jealously guard their right to vote in Seanad elections. They do not see it as a chore. They see it as a very important responsibility and something they jealously guard.

I found Senator Norris's intervention earlier rather amusing when he spoke about people being whipped into line. Senator Cummins was nodding in the same way as us. Anybody who has gone through a Seanad election knows that councillors are very independent-minded people and are more likely to react negatively to any imposition from the top down than from the bottom up. They do so quite regularly. Without going into too much detail, it has happened over the years in all the parties represented in this House. It is vitally important not only for councillors themselves who are on the outside looking in for by-elections but for the entire system of election to the Seanad. Extending the franchise to all councillors would strengthen the credibility of the Seanad.

In the same vein, I have often wondered why no Government since the foundation of the State has decided to have by-elections to fill vacancies in local authorities rather than having it done by agreement. Those of us who have served on local authorities know that depending on who the member is and the party or grouping he or she represents, there is an agreement that if it is a resignation or death, the vacancy is filled by a person from the same party or grouping. A by-election is held in England. A candidate needs to go out on the hustings and I think it is something that should be given worthy consideration.

I do not want in any way to dilute the importance of this Bill by straying into other areas. I just wanted to put down a marker that I believe that it is vital for the democratic system as a whole and its credibility among the public, which has perhaps taken an increasingly closer look at how the Seanad operates since the referendum than it did before. I am sad to say that this is not something that is reflected in the mainstream media and I wish it was. It has been an old bugbear that the media tends to undervalue this House. I compliment the Leader of the House. This House has initiated a vast *corpus* of legislation over the past five years yet by the time it gets to the other House six months later, as far as the media is concerned, it is a new Bill whereas in fact, it has been debated here. One of the most specific examples was the Water Services Bill. The Leader of the House ensured it received line-by-line debate in this House over three or four days yet the public perception as fuelled by the media was that there was no debate. That is only one example. I am not defending the Bill. I am merely using it as an

example of what goes on. This initiative will help to enhance the value, role and status of this House and I commend it.

Senator Maurice Cummins: I commend my friend and colleague from the other side of the House, Senator Wilson, for proposing this Bill. As he stated, it is a small step in Seanad reform and relates to the 43 Members elected by the panels and a by-election. I know the Minister has outlined a number of areas that would need to be refined when the Bill reaches Second Stage but giving local authority members a say when a by-election occurs is certainly a step in the right direction. I have no problem with the principle of the Bill that is proposed.

Senator Wilson said that the Government would like to keep the *status quo* where Governments have majorities. Without the current system, we might never have had Senator Craughwell. What would we have done?

Senator Diarmuid Wilson: Accidents do happen.

Senator Gerard P. Craughwell: Come on now, Fine Gael gave away that seat.

Senator Maurice Cummins: This is the rotten borough that Senator Norris spoke about where only 200 or so had a vote. Senator Wilson is proposing to amend that. I know the Seanad was set up by the late Taoiseach, Mr. de Valera and everything in the initial Bill and Act was drawn by him. There was a time when Fianna Fáil thought that every word and action of Mr. de Valera was infallible but, obviously, the sands are beginning to shift a bit on the other side of the House and possibly for the better. I appreciate that.

Senator Gerard P. Craughwell: The Senator should be careful. He could be in coalition with them next year.

Senator Maurice Cummins: The House has produced alterations and reforms over the past four to five years. Obviously, 80% of Seanad reports and reports on Seanad reform concerned how the Seanad is to be elected. I have no doubt that, irrespective of which Government comes in or which party or parties form the next Government, we will see changes. At least half of the Seanad Members will be elected by the people in forthcoming elections and people will have one vote in a Seanad election relating to whether they are in a university panel or another panel. I am confident that we will see change, which is not before time.

Irrespective of which party comes in, this will be in place for the next election. I have no doubt that this reform is necessary. I commend the people who produced reports on Seanad reform, such as former Senators, Ms Mary O'Rourke and Dr. Maurice Manning. They did excellent work, much of which I agree with. I do not agree with some aspects of it but that is for another day. I will keep to the Bill before us. I commend Senator Wilson for bringing it before us. I am pleased the Government has agreed to accept it on Second Stage.

I am sure the necessary amendments to which the Minister of State alluded will be brought forward on Committee Stage. There is no need to go into the whole area of Seanad reform in detail as we have debated that matter on many occasions. Reform of Seanad Éireann will be a priority for whatever Government is formed after the next election. It will have to be done, because the people want it, and I expect it will be enacted in the coming years.

Senator Labhrás Ó Murchú: I compliment the Minister of State on her decision not to oppose this Bill. It sends the right message to the public. Intentionally or otherwise, the

Taoiseach may have done this House a favour by holding a referendum on the abolition of the Seanad. Until then, we were depending largely on guesswork and innuendo as to the public attitude to the Upper House. By allowing citizens to decide on the future of the Seanad, we got a chance to make our case. As we all know, it is not always easy to get publicity for the work we do here. Several speakers noted that debates in this Chamber tend to avoid personality politics to a large degree. In many cases, the contributions of Senators reflect the substantial research they have done on a particular matter. Senator Darragh O'Brien observed that he came to understand the legislative process better after coming to this House than he ever did when he was a backbencher in Dáil Éireann.

I compliment Senator Diarmuid Wilson on bringing forward these proposals and the manner in which he did so. It is important that our debate on the Bill has not coincided with a by-election, because it allows us to debate the issues in a general sense. Indeed, Senator Wilson's proposals preceded any discussion about by-elections because he has been working on them for a considerable time. He consulted broadly, which meant he was not making a party issue of it. He spoke to people on all sides of the House and it was clear all Senators wanted to do what was right by the House. We do not own Seanad Éireann and it is a privilege to be here. At the same time, we all like to think we give a reasonable service.

The underlying basis of the Bill is a concern for democracy. While there are difficulties associated with the broader objective of enhancing the democratic nature of Seanad elections, what Senator Wilson has proposed in this legislation is a measure we can implement without difficulty. The fact the Government is not opposing it gives us the opportunity of teasing it out further and, in addition, of discussing reform in the broader context. It was evident from the debates surrounding the referendum on the future of the Seanad, if not from the result of the vote itself, that the public wants reform. What is less clear, however, is what form that reform should take. There are complexities involved in any reform but that change is required is beyond question. Nothing stands still. Our society is changing, our country is changing and things are changing internationally. There are many new obligations on us to protect democracy, as we have seen in recent times. We must have the structures in place to do that work properly and, indeed, we must have the confidence of the people to do so.

As Senator Wilson noted, there are changes we can implement before there is any change in legislation. In the case of the 11 Taoiseach's nominees, for instance, there is an opportunity to respond to some of the concerns expressed by voters. To the credit of the Taoiseach, his nominees to this Seanad were quite diverse and represented many aspects of life in this country. Those Senators have made a valuable and important contribution to the work of the House. We have an ideal opportunity to consider doing something in respect of the 11 Taoiseach's nominees.

I recently accompanied a guest from America on a visit to both the Seanad and Dáil Chambers. I do not know if he is familiar with the ongoing debate on the subject but he asked me afterwards about the prospect of having the diaspora represented in this House. It is an issue we have discussed on several occasions in this House, with the view often expressed that we might start by allowing members of the diaspora to vote in presidential elections. We are very much part of a globalised world and a person representing Irish people abroad would be able to offer something important to the work that is done in this House.

Likewise, there could be a particular role for the Seanad on Northern Ireland matters. Members will recall that we had representatives of the Orange Order here on the initiative of former

Senator Martin McAleese. It was an amazing experience because whatever preconceived notions people might have had, the actual debate was useful and moderate and we were able to find many areas on which we agreed. There is so much more we could do in that area, in a context where the peace process is still not 100% bedded down. I travel to the North on a regular basis and have engaged with loyalists and republicans in various fora. It is clear to see that under the surface, difficulties remain to be resolved. This House is an ideal forum in which to engage with people from all traditions in the North.

The Government support for this Bill is welcome. I hope there is an opportunity in the future to look at a larger reform package and how we might work together to achieve it.

Senator Terry Brennan: I compliment my esteemed colleague on the opposite side of the House on bringing forward this Bill. The Irish people voted to retain the Seanad and we all understood this was on condition that there would be a change in how the House works. As colleagues noted, we have already changed a lot of things. This is my first term in the Seanad but those who have been here longer acknowledge what has been done by the Leader and all of us. New legislation introduced here has been voted into law and amendments tabled here have been accepted by the Government.

Local public representatives have the franchise to elect 43 of the 60 Senators to this House. They understand their responsibility in this regard and take great care when selecting the various candidates on the different panels. I agree with the speaker who noted that councillors have their own minds and will make up their own minds. They are not influenced from on high and I commend them on that. What is proposed in this Bill would make a small but significant change in terms of extending the Seanad franchise. It does not make sense that the people who have the right to elect 43 Senators following a general election should not have the opportunity to participate in Seanad by-elections when they arise. In the most recent case, the by-election was to replace our unfortunate and much loved colleague, Jimmy Harte, who contributed greatly in his short time in the House.

7 o'clock

I will not go back to the previous by-election because I received many promises. Circumstances have changed greatly since the 1947 Act. I support the Bill and the extension of the franchise. I was on the local authority benches for 16 years. Councillors view their responsibility with great pride but this would lead to a wider variety of people being elected to the House. I commend my colleague and I support him.

Senator David Cullinane: I commend Senator Wilson on bringing forward the Bill, even though I would probably vote against it if a division were called.

Senator Diarmuid Wilson: Sinn Féin tried to get rid of this place.

Senator David Cullinane: We did indeed and I will get to that. If I had a choice, I would vote against the Bill but it will not be pushed to a division. It would take a brave politician to go back to the people again on Seanad abolition and nobody is inclined to do so. If a constitutional convention was held on Seanad reform and it recommended changes, I would support that and those changes could be put to the people. No party is recommending that and there is no prospect of a referendum to abolish the House any time soon. That means it is here to stay and that we must reform it in the interests of the people.

The Taoiseach was partly right in his comments prior to the referendum that there are many disparate views about how to reform the House and many documents sitting on shelves. People mentioned the Mary O'Rourke report but there were many other reports as well. There were different opinions but there was also a commonality in many of them, including proposed representation from Northern Ireland and the diaspora, the principle of a universal franchise and measures to deal with the elitist nature of the House. There was some, although not absolute, consensus on many issues. This means there is the prospect of a reformed Seanad, something which would win the support of almost every political party and grouping.

I commend the work of the forum. Given the remit its members had, they came up with a good document that points the way forward to a reformed House. Given the constraints they faced, they made positive recommendations. The obvious constraint was that they were told that constitutional change was out of the question and that they had to compile a report based on what was possible through legislation. They have come up with a fair way forward. If those recommendations were implemented, they would represent a huge step forward. It may not be enough for me but it would be a huge step forward.

It might be useful following the election - whenever it is called and depending on who is in government - to set up a fresh constitutional convention to examine many outstanding issues that were not considered by the previous convention. The latter worked well and some issues were put to the people. A number of referenda relating to its recommendations still have not taken place. However, the model worked well and could be used again. I would like a fresh constitutional convention to examine Seanad and Dáil reform, to forensically go through the different options, including the options published by the forum, and to push the boundaries to consider what would be possible if constitutional change were allowed. We should not be afraid to go back to the people with a proposal for a referendum on reforming the Seanad. While people voted to retain the House, they also voted to reform it. That is my view and I cannot base it on anything other than how the canvass went and on what people said to me. That is anecdotal, although some opinion polls reflected it as well. We should not be afraid to go back to the people to support reform of the Seanad. I do not favour asking them to vote again on abolishing the House. The people stated their case and voted to retain it.

I make no apologies for my party seeking to abolish the Seanad. However, the people voted to keep it. This is democracy and I accept that. It is entirely legitimate for people to say that the Seanad should be abolished. That is a clear political view that people had and they were entitled to it. Political parties were entitled to put that view forward. The only option given to us was to abolish or to retain the House as it is. No reform was, therefore, put to the people. We were offered a simple, clear choice. We had our position which we had adopted through Ard-Fheiseanna, which is, again, democratic. We make no apologies for the fact that we went to the people with a view that if this was the simple choice, we would opt for abolition. However, the people voted to retain the House and the question now is what do we do.

I have a concern about whether all the reforms in the forum report will be implemented. When I made my maiden speech, I talked about Seanad reform and someone within my party who is seen as a cynic said he would place a bet that the next Seanad election would be the same as that which preceded it and that there would be no reform of any description, the university and vocational panels would be same and the Taoiseach's appointees would remain. That is what has happened. Let us hope that following the upcoming Seanad election, we do not go into the subsequent election without any reform again. That would be a slap in the face for all those who voted for Seanad reform.

The Bill does not go far enough. The intention behind it is worthy, as is the extension of the franchise in Seanad by-elections. However, there should be a universal franchise and that would happen if the other reforms were implemented. The reforms recommended in the forum report would go much further and would be much better and I support them. I will not put the question to a division but if there was one, I would vote against the Bill. Committee Stage is the forum to amend the legislation and, therefore, I will not oppose it today.

Senator Paul Coghlan: I very much welcome the Bill and commend Senator Wilson on introducing it and giving us the opportunity to say a few words. I appreciate what the Minister of State said and I have no doubt the matters arising from a previous Act can be dealt with by Senator Wilson on Committee Stage by means of a tidying-up measure. I was struck by Senator Norris's comment and I enjoyed Senator Mooney's contribution in that regard. It again shows that for such a learned man who comes from the rarefied atmosphere of one of the university panels, how little he knows about what happens between councillors and their respective party headquarters. I recall that a certain headquarters did not want someone as a candidate in a previous election and once the councillors got hold of that information, they ensured the return of that person.

Senator Gerard P. Craughwell: Fair play to him.

Senator Paul Coghlan: Councillors regard it as a great honour to have a say on the 43 panel seats. They regard it highly and they take their duty seriously. Members all know this because of the attention they have to pay to them and the canvass they must undertake throughout the 26 counties during election campaigns. I do not mean any disrespect to Senator Norris but he is way off beam in his comments.

A great deal of blather is talked about Seanad reform. When the matter is examined in a serious fashion, it might emerge that there is as much need for reform of the Dáil as there is of the Seanad. I commend the Leader and others on the necessary improvements, etc., that have occurred during the lifetime of this Seanad as opposed those which preceded it. I would have no objections to universal franchise but one of the suggestions that has come forward is totally cracked. One cannot have more votes outside the jurisdiction for election to a House of Parliament as are within the jurisdiction, which is possible if votes were to be given to the diaspora in the North, in Britain, in the US and everywhere else. It is not logistically possible anyway, let us be honest about it. Major reform would be required for the returning officer and for the staff required for the Seanad Office to handle all of that. I do not believe it is necessary, it is beyond necessity, for this State. When one elects one of the Houses of Parliament, and I firmly believe in having two Houses of Parliament, then the votes must be within the jurisdiction. Perhaps some other ideas can come forward to tidy this Bill, and I have no doubt Senator Wilson has them in mind. I commend him for the soundings he took regarding the Bill. This side of the House is very happy and it is totally in line with our own thinking that the councillors who are elected by the people should have a say at every stage whether it is a general election or a by-election. I will leave it at that.

Senator Gerard P. Craughwell: I welcome the Minister of State to the House. It is such a love-in, it is a great day to be here, I have never seen anything like it in my life. I commend Senator Wilson. He has done what very few people have been able to do; he has brought something that will bring a degree of reform to this House. It is one slight step forward but it is one that has to be commended.

There is no doubt there is a disconnect between the people and the Seanad. It is rare that one will see a member of the media in this House or a media report on what goes on in this House because there is no public demand to know. This is because people feel totally disconnected from the House. I was delighted to hear Senator Bacik say that one of the proposals brought forward by the Labour Party was to hold Seanad elections on the same day as Dáil elections. I hope that after the next election, the Labour Party has some little piece of the next Government where it can influence the Government. I have also called for nominations for the two Houses to close on the same day.

There are professional Senators here who give their life and soul to this House and work hard every day to drive this House forward. I compliment the Leader for the way he runs this House and I compliment Fianna Fáil, the Labour Party and Sinn Féin for the way they respond. We actually get on quite well in this House and the debates are usually of a very high standard. I admit that I have not been the easiest person to live with since I was elected but my colleagues in Fine Gael have been generous to me and to the Labour Party. They understand the difficulty I have in accepting some of the material that comes through the House. However, I would like an end to the Seanad being seen as a crèche for those who fail to get re-elected in a general election. That has to stop.

I have a problem with the way the House works. I will use my own nomination as an example of where there is a real need to do something. I was not really elected. I was given this seat by Fine Gael because one Fine Gael person tried to pull a stroke and it backfired. Ultimately the members of the Fine Gael Party elected me to this House and I thank them for that, but it should not have been like that. It should have been an election that was open to city and county councillors and Members of the Oireachtas. If that had happened there would be a very different Seanad indeed because party strengths and weaknesses vary within county councils.

This brings me on to the issue of parties. I was elected to an educational and cultural panel in this House. I am a member of that panel but I do not have speaking rights based on my panel membership. My speaking rights are based on the fact that I am, and I stress, an Independent - and I am the only Independent Senator on a vocational panel in this House. Dr. Maurice Manning, a former Senator of this House who also brought forward Seanad reform proposals, informed me that I am only the second such Senator in the history of the State, and the first ever such Senator to be elected in a by-election. There is something terribly wrong that this can happen.

This House divides along party lines; we have the Government and the Opposition, which was never envisaged for this Seanad. This House is supposed to be based on vocational panels with expertise from outside and expertise from inside, a mix of the political, the academic and the experts and is supposed to act like guiding fathers for the nation. The 1937 Seanad that former Taoiseach Éamon de Valera developed and wanted was comprised of vocational experts who could look at legislation and where the legislation was bad or flawed it was to be sent back for redrafting. I remember when Éamon de Valera died my father said it was a great day for Ireland so I do not know much about that.

However, what has happened to the Seanad? Large majority Governments have allowed legislators to become poor legislators. The people who draft legislation now think that any old thing at all will do because it will be driven through by way of the Whip. That is not right. We are not serving the people well. This House should serve as vocational panels.

I compliment the Senators who are here every day and I have nothing but scorn for those Senators who are not, and there are too many who are not. The Taoiseach's 11 nominations are a total and utter misuse of this House and it is sad that the reform cannot look at changing that situation. Of the people in this House today, none of them treats the House with disrespect or disdain and none treats it as though it was a part-time job. They are all here working hard. There may be disagreements but all the Senators here are working hard and I take my hat off to every one of the professionals here.

However, there are Senators who are using the House as a part-time position to sit in here, and who maybe get a front seat at some event or other because they were given the post of Senator. That is totally wrong. It is not a part-time job. I commend the Leader particularly because he has accepted amendments to Bills in this House. He has accepted Bills that have been developed or have been raised in this House by what we term the "Opposition". I would prefer to think the Bills had been brought in by members of vocational panels but that is a discussion for another day.

I am very impressed by this Bill. I will be bringing forward one additional amendment to seek the reduction in nomination signatories from nine down to four. When I needed nine people to sign my nomination form, before Fianna Fáil did me the favour of giving me the second nomination, it took me from July until September to get nine people to sign. Everybody I met said, "Yes, sure I will sign, who has signed already?" When I responded that no one had yet signed I was told to get back to them when someone had signed. That should not be the way to go about it. In the future, although not in this particular Bill, I would look for the right of councillors themselves to put forward a nominee. I would love to see this House work as vocational panels and not along party political lines. I think it could do a great job.

Senator Ned O'Sullivan: I commend Senator Wilson on bringing forward this Bill. He is a man who is very much in touch with local democracy which is reflected in the Bill. I also commend the Minister, the Government and the Leader of the House for accepting the validity of the Bill and for allowing it to progress to Second Stage. I am fairly liberal in most things and on most issues I tend to think outside the box, but I am deeply conservative on matters concerning parliamentary democracy. The fragility of democracy can be seen from history and from world experience. I have time for the Taoiseach, we were in college together for a couple of years and we were good friends before we came up here, but I think the biggest mistake he made in his political life was his attempt to abolish this House. The people were offered a free kick at the backsides of politicians. Most thought that people would not be able to resist that opportunity. Whether it was the Dáil or the Seanad, it would not have mattered. I felt they were going to kick us out but they did not. They sat back and had a good look at it. There was not a very big turnout, I must admit, but a majority of those who did vote voted to retain this House, with all its flaws and failings. The more representative a democracy we have, the better it is.

Senator Norris has consistently decried the panel system as a kind of rotten borough. I vote on the educational panel as a graduate of UCD, and it is a very distant, remote type of election. People do not get to meet the candidates, there is no one-on-one and it is virtually a pamphlet election, with our letterboxes full of pamphlets from the various candidates. I want to stress we are very fortunate to have the calibre of people that the universities provide and elect to these Houses, not least the six who are here in the current Seanad and also the other great people who came into public life on that road, like Mary Robinson, Joe O'Toole and others who made a huge contribution in their time.

Mr. de Valera has been mentioned by one or two speakers. Whatever else about him, he was a superb tactician and a man who knew what it was to be elected. He has the greatest record of anyone in this country of winning elections, being in government and knowing how to do that. He looked at the Seanad at the time as something he had to fix because, naturally, any Taoiseach will want to make sure he has support in both Houses, as that is how democracy works.

It would be a farce if this was an open House and Government decisions could be overthrown. I do not see any alternative to the Whip system in a representative democracy. Despite a lot of airy-fairy talk about getting rid of Whips and getting rid of the confrontational democracy we have, this system has evolved in the United States and here not because it is perfect but because it is best practice. I honestly believe Mr. de Valera's idea of vocational panels was the best then and it is probably the best now. Senator Wilson wants to include county councillors in the franchise for by-elections, which is logical because, as they had a say in the original election, they should also have a say in the by-elections. It would also avoid the rather farcical situation that arose in that particular election - no disrespect to Senator Paul Coghlan - where the major Government party made a cock-up of it. Fair play, the Senator did well and he exploited that, and he is entitled to be here.

We must remember that county councillors are a very sophisticated electorate and they are themselves elected by the people. I do not know what the quota is in county council areas around the country but I know that for me to be a county councillor, I would need to get 2,500 votes to make a quota. Every councillor that votes is representing that number of people on average. As Senator Paul Coghlan said, they use that power very wisely and are very careful about it, and they use us, when we are elected, as a conduit to the corridors of power. We can serve them and help them, and enhance what they are able to do for themselves.

We have had a lot of talk about Seanad reform in the last five years. If I understood him correctly, Senator Cullinane said there will be no change in this coming election. I am not sure I will be here in five years' time, if I am re-elected this time, but if I had to bet, I would say it will be the same then because, despite all the reform ideas, there is nothing coming forward that is any better than the system we have.

Senator Terry Leyden: I welcome the Minister of State, Deputy Ann Phelan, to the House. I congratulate Senator Ned O'Sullivan on reaching a certain birthday today.

Senator Ned O'Sullivan: Fifty.

Senator Terry Leyden: Seanad Éireann is a lovely place to celebrate a birthday. I compliment Senator Diarmuid Wilson on initiating this very good Bill, which has received a tremendous reaction from councillors who are absolutely delighted they are being recognised in this fashion, and rightly so. To do otherwise would seem totally illogical. It would be like excluding the electorate in a by-election where all the electorate have a say in the election of a candidate to fill a seat that is vacated. For example, it would exclude the very electorate that voted for Senator Jimmy Harte on the industrial and commercial panel and elected him to this House, where he served extremely well and was a very popular Senator until he resigned for health reasons - we wish him well. Senator Máiría Cahill has been elected in a proper, democratic way.

The purpose of the Bill is that this franchise would be extended to the 967 councillors throughout the country. I believe they would add to the campaign in that the candidates would have to put their case to the councillors, as well as to the Deputies and Senators. I commend

Senator Wilson for initiating the Bill. I also compliment the Leader, Senator Maurice Cummins, who persuaded the Government to support the Bill on Second Stage. That is a very wise and fair decision, which is what I would expect from the Leader as he has been very progressive in this regard. He played a very decisive role in regard to the referendum on the abolition of Seanad Éireann, rightly so. I believe that proposal was an error. It was a political judgment at the time. It was, I suppose, politically advantageous to the Government and perhaps to Sinn Féin, which supported it, although they are now very keen to get into the Seanad and will probably have more Members after the next general election and Seanad election.

Having served in government, like the Minister of State, Deputy Phelan, I have been in that seat on many occasions and brought numerous pieces of legislation through this House during my term. I had absolute respect for every Member of this House and I must say the contributions made here were far more incisive and constructive than those in the Dáil. The Members in the Dáil were too busy but the Senators took tremendous interest in the legislation. I believe the Minister of State would agree Ministers are put through their paces here and they have to be on the ball. The officials are very close by, compared to the Dáil, where the officials are not quite as close to the other Members of the House and, as they are also close to the Ministers, they have an opportunity for a quick chat in regard to the amendments being put forward.

I believe this is a very worthwhile innovation from Senator Wilson. This Seanad has been a very active and progressive one. That is a compliment to the Leader of the House, Senator Maurice Cummins, the leader on this side, Senator Darragh O'Brien, and all the Members, including the Independents, among whom Senator Craughwell has made a great contribution since joining. Even when listening to the debate between Members today on the environment and other issues, I thought it very worthwhile, and I compliment the Minister of State on accepting amendments to the Bill.

As far as reform is concerned, as one who worked in the Seanad as a Minister of State and brought legislation through the House, I never saw any great need to reform it. I think the House is a very tight ship, with 60 Members, and it has tremendous balance. I would make the point that the Taoiseach and the then Labour Party leader, Deputy Eamon Gilmore, after the last election selected a very broad church and a very independent group of 11 Members who, I believe, have made a major contribution to this House. It was very innovative on the Taoiseach's part that he filled those 11 seats in that way, although there is nothing wrong with nominated party members and there would have been a lot of disappointment in that regard. Nonetheless, it was felt there was a need to bring new blood into the House, and I believe that has proved successful. The Whip, Senator Paul Coughlan, may not appreciate it at times when he is dealing with such an independent group of people, because it makes his job of trying to keep a majority in the House that bit more difficult.

This is a good Bill and a step in the right direction. I want to wish all the outgoing candidates success, including myself.

Senator Norris has consistently decried the panel system as a kind of rotten borough and a fix. I am on the labour panel along with Senators Maurice Cummins and Ned O'Sullivan. We three were nominated by the professional associations. I wish all candidates and outgoing Senators every success in the Seanad election, as well as those Senators running for the Lower House in the general election on 11 March 2016.

Senator Gerard P. Craughwell: There ends the party political broadcast.

Senator Terry Leyden: I wish Senator Craughwell well, although he might be on my panel. We will live to fight another day.

At this stage, we should concentrate on the general election for the Lower House and then we can proceed with the election for the Upper House. It is the proper phasing of these elections. It is better to have the Lower House dealt with first, see its outcome and then proceed to fight for the nominations and election to the Upper House.

Next year will be extremely special. Senator Norris is the father of the House. A good father he is too to all of us.

Senator David Norris: I do not acknowledge all of my illegitimate children.

Senator Terry Leyden: I certainly am not one of them.

Next year will be historic. It will be a great honour for Members - the Leader will organise it in 2016 - that we will have a special commemoration in this House in recognition of the sacrifices made in 1916.

Senator Diarmuid Wilson: I thank colleagues from both sides of the House for contributing to this Bill. I also thank the Minister of State, Deputy Ann Phelan, for accepting it on behalf of the Government. I accept some technical amendments may be required before it can become law. It is important it becomes law as soon as possible as it is about democracy and correcting an anomaly. It will extend the franchise in Seanad by-elections to county councillors. The general consensus this evening was that this would be right.

I am disappointed, however, that Senator Cullinane cannot support this Bill. I know from talking to Sinn Féin councillors in Cavan and Monaghan that they are supportive of this legislation. I am sure they will be disappointed their representative in this House is not supportive of it and, accordingly, disenfranchising them as an electorate of this House.

The debate, generally, was constructive and I welcome the suggestions made by all colleagues. I thank the Leader, the Deputy Leader and the Government Whip for the work they put in to ensure this Bill would be accepted on Second Stage. As Senators elected by city and county councillors to the vocational panels, we appreciate the work they do at local level. They are the representatives of their communities and feed up from those communities to the 43 representatives they elect to this House. They have a voice at national level in this House. It would be a terrible pity if that were ever to be lost.

Seanad reform was referred to and there are several proposals in that regard from colleagues in this House and political parties, as well as Independent Members. That debate, however, is for another day.

Senator Gerard P. Craughwell: Hear, hear.

Senator Diarmuid Wilson: This legislation affords us an opportunity to do what we can. Accepting this Bill is a significant indication to the general public that we are serious about Seanad reform.

Senator Ned O'Sullivan was slightly nervous speaking to this Bill. It was not because he was against it. It was because he noticed it will amend legislation from 1947, the Seanad Electoral (Panel Members) Act. For every Kerry man, as Senator Paul Coghlan will know, 1947

25 November 2015

strikes fear into them. As a Cavan man, I know it was a proud year in our football tradition. It was the only year the All-Ireland Football Final was played outside Dublin in America when Cavan defeated the mighty Kerry.

I thank the Minister of State for taking this Bill. Its provisions probably did not cause councillors much thought, as they have bigger difficulties to deal with such as pay and conditions and the changes of the so-called better local government initiative brought in by the Government. However, that work to ensure their pay and conditions are improved is continuing on an all-party basis.

Senator Gerard P. Craughwell: As well as by the Independents.

Senator Diarmuid Wilson: I commend colleagues for continuing that fight. We will continue to push that issue. This is an important addition to that work. I thank the Leader, Deputy Leader and Government Whip for their assistance in ensuring this Bill has been accepted on Second Stage. I thank all colleagues for their support.

Deputy Ann Phelan: A Chathaoirligh, may I make one point?

An Cathaoirleach: The Minister of State has already made her contribution but I will allow her make a brief point.

Deputy Ann Phelan: I thank all Senators for their contributions. They were rational and calm, to use the words of Senator Bacik. The debate tonight was all about reform. We will not get any real reform in either this House or the Dáil until 50% of Members in both Houses are women.

Senator Gerard P. Craughwell: Well said.

(Interruptions).

An Cathaoirleach: I was wondering why the Minister of State was so anxious to speak.

Deputy Ann Phelan: Yes.

Question put and agreed to.

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

Senator Cáit Keane: Next Tuesday.

Committee Stage ordered for Tuesday, 1 December 2015.

An Cathaoirleach: When is it proposed to sit again?

Senator Maurice Cummins: Ar 10.30 maidin amárach.

The Seanad adjourned at 7.40 p.m. until 10.30 a.m. on Thursday, 26 November 2015.