



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 10 Nollaig 2015

Thursday, 10 December 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 Fidelma Healy Eames that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Education and Skills to discuss the need to reduce the gap between the teacher appointment and retention figures for primary schools and to revise the teacher appointment guidelines in order that a new primary teacher can be appointed immediately after the 30 September pupil numbers are confirmed by the Department.

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

The need for the Minister for Communications, Energy and Natural Resources to intervene to address the disastrous situation for wild Irish salmon as a result of overgrowth on riverbanks and the tunnelling effect on rivers which is inhibiting the spawning and development of salmonoids.

I have also received notice from Senator Marc MacSharry of the following matter:

The need for the Minister of State with responsibility for the Office of Public Works to outline the reason Easkey Garda station in County Sligo is to be auctioned next week instead of being provided for the community in the area, as has been the practice elsewhere.

I have also received notice from Senator Katherine Zappone of the following matter:

The need for the Minister for Foreign Affairs and Trade to provide an update on Mr. Ibrahim Halawa's legal case in Egypt and to outline the Government's actions since 4 October 2015, his last trial date, and the trial was adjourned until 15 December.

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

The need for the Minister for Social Protection to outline the process in place to support former Waterford Crystal workers who are not members of Unite, who had left Waterford

Crystal prior to 1992 and previously settled with the Irish Pensions Trust in 2009 but who believe they are due compensation following the recent EU ruling on accessing compensation.

I have also received notice from Senator Mary Moran of the following matter:

The need for the Minister for Education and Skills to clarify the position on teaching practice hours for teachers who are pursuing a master's degree in education and already have contract hours in a school.

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

The need for the Minister for Education and Skills to outline the policy that guides the provision of lessons in various native languages for non-nationals.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Fidelma Healy Eames, David Norris, Marc MacSharry and Katherine Zappone and they will be taken now. Senators David Cullinane, Mary Moran and Catherine Noone may give notice on another day of the matters they wish to raise.

Commencement Matters

Teacher Recruitment

Senator Fidelma Healy Eames: Fáilte romhat a Aire. The matter I raise seeks to discuss with the Minister for Education and Skills teacher appointment and retention figures for primary schools and particularly to ask her to revise teacher appointment guidelines in order that a new primary teacher can be appointed immediately after the 30 September pupil numbers are confirmed by the Department, namely in that same year rather than a whole year later.

I will focus on the challenges facing teaching principals around teaching and learning while also managing a school and providing leadership. I am talking about schools with seven or fewer teachers. I will refer to a case study that outlines the challenges facing six teacher schools, in particular. I am thinking of Bawnmore national school in County Galway, an exemplary school which I have visited many times. As a class teacher the principal places emphasis on teaching and learning but also gives leadership in the school. She will have 174 pupils on her books on 1 September 2016. She needs 172 to appoint a seventh teacher and she will exceed the required number by 30 September. However, she cannot appoint that seventh teacher until September 2017, a whole year later. The rules are absolutely archaic. I know of a number of schools in this position and I feel it is time to revise this rule, which is sheer madness and does not in any way support education. Another principal asked why schools would get a teacher a year after they need one. He said he has the numbers for a whole year and that is the year he needs the teacher. Instead, the rule provides that if a school has the numbers on 30 September, it must wait until the following September to get that teacher.

I propose a way around this. The Department of Education and Skills should do as follows. It should use the model the National Council for Special Education, NCSE, uses when providing resource hours to a school, the online claim system, OLCS, model. This model works re-

ally well for resource teachers and the Department should use it for the appointment of teachers in primary schools. It would have the data immediately through the online system and this would enable it to appoint a teacher immediately. I recommend that this system be used for the mainstream setting. The 30 September model has been in place for donkey's years and is out of touch with advances in technology. I believe it is being used as an excuse to not appoint a teacher for a whole year and to save a year's pay. If the Department is serious about advances such as the recent autonomy document which is totally frustrating principals, it needs to get with the programme and respond to the immediate needs of schools. Nothing is more immediate and real than when the numbers are confirmed and the pupils are attending school. They are real bums on seats.

To recap, administrative principals are faced with real challenges and we have approximately 1,300 principals in Ireland in this situation. For all of the schools with seven teachers or fewer that face these challenges, the Minister should very quickly move to provide more administrative days. That is the least that is required if she wants these teachers to be able to manage teaching and learning, to lead and manage their staff, including ancillary staff, and to deal with parents and take important calls. The current situation means that the class pupils of teaching principals will lose out. The leadership role is overwhelming in this type of setting and there is no room for reflective practice and leadership. I look forward to the Minister of State's reply and hope he has good news for me.

Minister of State at the Department of Education and Skills (Deputy Damien English): I thank the Senator for raising this issue. I am aware she tried to raise the matter last week and I am glad we are able to facilitate her this week.

The criteria used for the allocation of teachers to schools are published annually on the Department's website. The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing schedule includes the provision whereby schools experiencing rapid increases in enrolment can apply for additional permanent mainstream posts on developing grounds using projected enrolment.

Senator Fidelma Healy Eames: For what date? When can that appointment be made?

Deputy Damien English: When the principals submit the figures for 30 September, if they can show they have projected increased development beyond that, they can-----

Senator Fidelma Healy Eames: They still have to wait for a whole year later.

An Cathaoirleach: Please allow the Minister of State to continue.

Deputy Damien English: In addition, the staffing process includes an appeals mechanism for schools to submit an appeal under certain criteria to an independent appeals board. The staffing appeals process was extended in the 2014-15 school year to allow schools that are not gaining an additional teaching post under the developing schools criterion to submit an appeal to the primary staffing appeals board. This appeal criterion is targeted at those schools that make a significant contribution to the provision of school places and so assist the response to demographic growth within their area and as a result are under significant pressure on their class sizes at infants level. An appeals process is also available to small schools in the event that they can show that their projected enrolments are sufficient to allow them to retain their classroom teacher in the longer term. The appeals board operates independently of the Depart-

ment and its decision is final.

The staffing arrangements for the 2015-16 school year are set out in Circular 0005/2015 which is available on the Department website. The staffing arrangements set out the appointment and retention figures for all primary schools. Separate appointment and retention figures apply to ordinary schools with four teachers or fewer and to schools situated in the Gaeltacht with 11 teachers or fewer.

The Minister announced two new policies in February 2015 to provide some improvement to the staffing levels of some of the smallest schools and to particularly recognise the challenges faced by very small schools that are more than 8 km from the next nearest school of the same type. We have a range of these schools in Cork, Kerry, Galway, Mayo and elsewhere that I have visited and that change has been a major help. These two new policies were improved retention thresholds for the 2nd, 3rd and 4th classroom teacher in a primary school and improved appointment and retention thresholds for isolated one-teacher schools.

The number of pupils enrolled in individual schools is provided in the national school annual census and refers to the number of pupils enrolled as of 30 September in the given academic year. The national school annual census is generally returned by schools to the Department by the end of October. The allocation of all teaching posts is contingent on compliance with redeployment arrangements. The core function of the redeployment arrangements is to facilitate the redeployment of all surplus permanent teachers to other schools that have vacancies. The redeployment of all surplus permanent teachers is key to the Department's ability to manage within its payroll budget and ceiling on teacher numbers.

A revision to the teacher allocation process to base the staffing of a school on the enrolment of 30 September in the current school year would require teaching appointments to schools to be made on a provisional basis from 1 September, pending confirmation of enrolments on 30 September. Allocating resources based on projected enrolments for the coming school year is not practical and would impact negatively on the teacher allocation and redeployment process and the timeframes in which the process is completed.

The Minister has made provision in budget 2016 for some 2,260 additional teaching posts for primary and post-primary schools next year. At primary level, there will be a one point improvement to the primary staffing schedule to be implemented for the 2016-17 school year. The improved staffing schedule is available on the Department website and the staffing and redeployment arrangements for all schools for the 2016-17 school year will be published early in 2016.

I thank the Senator for giving me the opportunity to outline to the House the position on staffing in primary schools. I will ask departmental officials to look at her suggestions, but she should understand that from the point of view of redeployment, it is difficult to change the system. However, there is a mechanism, where a school can show it is under pressure due to an increased demographic, to allow for an increase during the year.

Senator Fidelma Healy Eames: I accept that there has been some improvement in the appointment and retention figures for small schools. This was welcome given the severe cuts in 2012. However, I need clarification on one issue. In the case of proof of a developing school during the year, how soon can the teacher required be appointed? Can the teacher be appointed during the same school year or must the school wait until the following year?

I disagree with the Minister of State that it is not practical to deal with this because I am not referring to the redeployment issue.

Deputy Damien English: The Department has a duty to refer to redeployment.

Senator Fidelma Healy Eames: My recommendation is that the Department should use the OLCS model to appoint the teacher right away, once the 30 September figures are provided, and certainly before 1 January and not a year later. That is my recommendation. Can the Minister of State respond on the point of developing school status. What proof is required for a school to obtain a teacher on that basis? Furthermore, why are fewer numbers required in the context of Gaeltacht appointment and retention figures? Approximately 20 fewer pupils are required for Gaeltacht schools.

Deputy Damien English: The details are on the Department's website, but I will get them for the Senator. The idea behind the provision for rapidly developing schools is that numbers could change significantly from 30 September and to allow for an appointment to be made the following September.

Senator Fidelma Healy Eames: Is that the following September again?

Deputy Damien English: It is based on enrolment. The Senator says she is not concerned about redeployment, but the Department is and we are concerned with remaining within budget. We have a duty to spend our budget as best we can to get as many teachers as we possibly can in order to reduce class sizes. We must do that in a co-ordinated manner and that is why redeployment is important to us. It might not bother the Senator, but it is a concern for those trying to manage the system. There must be some system.

Senator Fidelma Healy Eames: My issue concerns when the numbers are on the books and are confirmed on 30 September. Why is the required teacher not appointed right away?

An Cathaoirleach: Will the Senator, please, resume her seat?

Deputy Damien English: I understand the Senator's point, but we must try to manage our budget and must have some system for that. The Senator wants to change the system to have immediate effect.

Senator Fidelma Healy Eames: The children are there. The Department is just saving a year's pay.

Deputy Damien English: It is not trying to save money.

Senator Fidelma Healy Eames: It is not educationally supportive.

Deputy Damien English: The provision is not there to save on pay. We have increased the number of teachers and have committed to continuing that in the years ahead and are trying to match the demographics. We must have some organised system to facilitate redeployment and other issues. The system is based on 30 September, but there is a provision in respect of where there is rapid development in an area. That is allowed for and the system has worked quite well. I have not come across many cases where schools have felt they were left short. I will certainly raise the Senator's suggestion with the Department. I have watched how the Department operates over the past 18 months and it is constantly looking at new ways to deal with the issues.

Senator Fidelma Healy Eames: That is good to hear, because it is time to change this.

Deputy Damien English: I will just finish. If something needs to be changed, they are willing to do it. They get it right on this issue most of the time.

Fisheries Protection

Senator David Norris: I am advised by Mr. Nicholas Grubb of Dromana House, County Waterford, that he has isolated a problem concerning salmon breeding in Irish rivers. Today, I am suggesting an environmentally friendly solution to this problem.

Ten years ago the Irish offshore drift net salmon fishing was ceased as a result of complaints from our European neighbours, which I find rather entertaining given the depredation they cause to Irish fish stocks. There was a period of cessation of approximately four years following which the total allowable catch system was introduced, which is based on the stock strengths of various rivers. One would imagine this would result in a considerable increase in fish stocks and a boost to the tourism industry in the context of angling but the reverse has happened in that catches have disimproved. There are a number of reasons given for this, the official one being that there has been an escalating level of sea losses, with smolt going out to the north eastern Atlantic feeding areas not returning in the numbers expected.

According to the fishery scientists, survival is down to around 5% from a level of 40%, which is fairly disastrous. There are five reasons advanced for this, including: climate-caused ocean temperature changes, which has resulted in the sand eel and krill moving further north, to which the fish have not yet adjusted; the mass harvesting of krill and sand eel to provide commercial sources for cat food, etc.; salmon being inadvertently caught by trawlers fishing for other species; damage to smolt as they exit the river systems caused by a myriad of sea lice lava coming off the sea cages of the fish farms in the west coast inlets; and attacks by flocks of cormorants, the results of which can be disastrous.

Are these really the reasons for the decrease in the survival rate? A major factor could be that we are not sending out sufficient numbers of strong smolt in the first instance. There are a series of social changes that have affected this, including, for example, the development since the 1950s of rural electrification, gas cylinders and Bord na Móna peat briquettes. In the past in rural areas people went out and gathered firewood from the banks of small rivers and streams, thereby leaving the riverbanks, which were considered public domain, clean. This meant that thousands of miles of small tributaries of the main rivers were open to sunlight and became highly productive nursery areas for trout and salmon. However, the vast majority of these small streams are now completely tunnelled over by Alder and other trees.

It is easy to identify the rivers that are ecologically deficient. They are the ones that have no ranunculus growing alongside. Ranunculus is a long green stringy weed which, if one pulls it up out of the river, will be teeming with life. Dr. Martin O'Grady, who carried out academic work in this area, reported in 1993 that this over shadowing of streams reduces their breeding potential by 70%. That is what he reported over 20 years ago. The situation has worsened since and has been exacerbated by ill-thought-out REP schemes and so on. This reputable academic survey concludes that tunnelling reduces breeding potential by 70%. The result of this is the phenomenon of main channel spawning whereby fish are being driven out of the small tributaries and forced to breed and spawn in the main channels. Spawning in the main channels leads to

over-competition, excess predation and smaller, weaker smolt being produced, which are easy targets for sea lice infestation. This may also explain why in many Irish rivers the vast bulk of the returning fish are now entering the rivers of origin later in the season.

I now come to the solution. There have been a number of pilot projects involving manual rehabilitation of degraded stretches of dendrite but only a certain amount could be done by hand. However, enough has been done to demonstrate a massive increase in productivity of the stretches concerned. Work on the Kilmanaghan River near Clonmel is a case in point. The reality is that such rivers probably each have 1,000 km of good nursery streams such that a 0.1% improvement will not impact hugely on the situation. The situation involving the farmers, in terms of their being under the umbrella of REPS and AEOS, and as such required to fence off rivers and streams, makes the problem worse. While this is being done with the best of intentions it is having a harmful effect.

We must also examine whether a few cattle watering gashes are silting up the spawning beds in the first instance. Fifty years ago there were many more such watering places before the advent of the black polythene waterpipe and concerns about TB. Is it not far more likely that the cause is the shading out of light upstream, such that there is no riverweed *ranunculus* to bind the silts in place? Another issue is that of the lampreys, which stir up the spawning areas and make them appropriate for the fish. We are now told that they cannot get over the weirs. Fifty years ago they got over far higher weirs.

What about Coillte, private forestry owners and Bord na Móna in all of this? In the old days, the big rivers, a large proportion of the sources of which are in the midlands bogs, were drained and worked but no provision was made for the excess water. The bogs acted as sponges and provided a far more productive environment for salmonid young. The solution is simple. Each of the bog areas should be filled with a limited number of v-notch weirs. This would also alleviate flooding, which is a topical issue these days. The introduction of the European beaver in Scotland and Wales has been very successful. It would have a significant impact here. Also, special areas of conservation should be under the control of one agency. Under the current arrangement nothing can be done because each Department has regulations which block the other and they apparently take pleasure in doing so. It is a game to them.

An Cathaoirleach: I must ask the Senator to conclude as he is way over time.

Senator David Norris: It is impossible to work on a riverbank from March to September and from September to March. A grand plan for opening out the dendrites is required. This does not mean 5 km or 10 km per major river. A good start would be to apply the law to Coillte, followed by a reseeded of the dendrites using Whitlock Vibert boxes. All of this could be done in conjunction with the Department of Education and Skills and become part of the junior certificate science curriculum. This involves capturing ripe fish in the autumn, stripping them and placing their fertilised ovum in specially designed boxes buried in the gravel. Those fish that return to spawn will seek out the very tributaries they were born in and the cycle will become self-perpetuating. Doing this will not affect hatcheries. It is an environmentally friendly system.

I thank the Cathaoirleach for his indulgence.

Deputy Damien English: I thank the Senator for raising this Commencement matter which I am taking on behalf of my colleague, Minister of State, Deputy Joe McHugh, who sends his

apologies for not being here, but he is currently touring the islands.

Senator David Norris: I am sure the Minister of State will advise him of the debate.

Deputy Damien English: I will ensure he receives a transcript of it.

The management of wild salmon in Ireland falls within the remit statutory remit of the Department of Communications, Energy and Natural Resources and its State agency, Inland Fisheries Ireland. Salmon is of great economic importance to Ireland as a commercially caught species but more particularly for recreational and tourism angling. The comprehensive national strategy for angling development is currently out to public consultation. It is intended that this strategy will provide for the development of fisheries and fish habitats for the betterment of recreational angling. Salmon stocks in Ireland and other countries are constantly under threat from numerous different sources both in rivers and in the ocean. Salmon spend half of their lives in fresh water and their growing phase at sea, only returning to the river where they were born to spawn after some 15 to 25 months at sea.

Salmon is listed in Annex 11 of the habitats directive and as such is afforded special protection not only in special areas of conservation, SACs, but also throughout Ireland. As a consequence a huge amount of scientific and management effort is invested by Inland Fisheries Ireland in protecting and conserving the species in Ireland. Ireland's management of wild salmon, carried out by IFI, is considered exemplary in Europe and fisheries managers from many European countries have visited IFI to study Ireland's management regime. Ireland manages its salmon stocks in each of the 143 salmon rivers on an individual basis as each of these rivers contains a genetically individual stock and annual assessment of stock is carried out on each individual river throughout the year.

This assessment process employs a suite of 29 fish counters on rivers nationwide where data on returning salmon are gathered daily and utilised in the management of the resource. In addition, all salmon fishermen and commercial draft-net and snap-net fishermen are obliged to take out salmon licences and must return completed logs of their catches, which are used in an analysis of salmon catch data annually. A large-scale programme of electro-fishing and other scientific assessments also is undertaken. These components contribute to the recognition of Ireland's robust salmon management and scientific assessment system as being world-class. However, despite all the work that is undertaken in the freshwater environment, the key challenge in respect of wild salmon is the failure of fish to survive in adequate numbers in the sea and thereafter return to home rivers. At present, the survival of smolts going to sea returning as grilse and salmon to their natal river to spawn is only 5%, having been as high as 25% only a few decades ago. I acknowledge the Senator raised some concerns regarding this shortage today but I am advised the principal challenges are tied in with much bigger questions, such as changes in ocean currents and temperatures affecting food distributions associated with climate change. There also is significant scientific evidence of major detrimental effects on the survival of wild salmon arising from the impact of sea lice emanating from marine salmon farming.

It is also important to note that after 2006, the mixed-stock commercial salmon fishery in the sea was closed following a decision of the Government. Harvesting of salmon commercially is now only permitted in the estuarine and freshwater portions of rivers that have an estimated surplus above the individual river's established conservation limit or in the case of estuaries, where all contributing rivers are meeting their individual conservation limits.

Scientific assessments of salmon stocks are carried out by the statutorily independent standing scientific committee on salmon, SSCS, comprising scientists from a range of bodies both North and South. The most recent advice of the aforementioned committee has concluded for 2016, that of Ireland's 143 salmon rivers, 55 rivers are estimated to be meeting biologically-based conservation limits, while 27 more rivers in all probability will be open for catch-and-release angling as assessments indicate either relatively high juvenile densities or the stocks are meeting more than 65% of their conservation limit. A comprehensive public consultation process on the management proposals for 2016 in respect of each river concluded yesterday. I am afraid I do not have the results to hand. The fish counters provide the most direct assessment of salmon stocks status in rivers. The number of counters installed and used in the SSCS stock assessments have increased from nine to 29 since 2009. There has been natural fluctuation in the mean salmon count since 2002, with the highest numbers recorded in 2007, coinciding with the closure of offshore drift-net fisheries, to which I already have referred. However, there has been a marked decline in subsequent salmon counts, with 2014 being the lowest in the time series. These counter data are considered as an index for other rivers nationally and are likely to reflect a general national trend. In the past five years, marine survival of salmon is among the lowest recorded since coded tagging of fish commenced in 1980 and probably since the 1970s, based on a longer time series of information available for the Burrishoole salmon census index site.

Changes in oceanic conditions leading to poor recruitment of salmon have been implicated by the North Atlantic Salmon Conservation Organisation, NASCO, following international investigations into the decline of salmon stocks. Recent stock forecasts from the International Council for the Exploration of the Sea, ICES, for stocks in the southern range of the north-east Atlantic, indicate this low stock situation is likely to persist. Given the current levels of poor survival, ICES recommends that priority should be given to conservation objectives rather than catch increases until there is a noticeable improvement in stock abundance. In this regard, the ongoing management policy of adopting the scientific advice to only allow exploitation on stocks above conservation limit is central to aid the recovery of salmon stocks nationally and with this policy in place, any improvement in marine survival would be reflected in greater numbers of rivers achieving conservation limit. This will contribute to meeting the ICES advice and the NASCO requirements of providing for the diversity and abundance of salmon stocks.

I understand the issues raised by the Senator relate specifically to views and observations formed as regards the current situation in the Munster Blackwater where, for the last two years in particular, returns of salmon have decreased. I am advised the suggestion that the current decrease in the wild salmon stocks is significantly as a consequence of overgrowth on river banks and the tunnelling effect on these rivers inhibiting the spawning and development of salmonids does not appear to be supported by the scientific evidence on the ground. I understand the Environmental Protection Agency undertakes an assessment of biological river quality of rivers nationally, including the Munster Blackwater, usually every three years. This assessment is based on the abundance and species composition of insects present at sites both at tributaries and along the main channel of all channels, including the Munster Blackwater. A Q-value of 4 indicates good ecological status, that is, unpolluted and in satisfactory condition. This is derived from a standard survey protocol, which examines the abundance and diversity of the insects and other organisms living in the riverbed. I am advised this constitutes the backbone of the food chain for the juvenile wild salmon and if a figure of 4 is achieved, it indicates, as I stated already, a good ecological status, unpolluted and in satisfactory condition and with a habitat perfectly suitable for wild juvenile salmon production. A total of 26 tributaries of the Munster Blackwater recorded a Q-value of 4 or higher in the most recent assessment of all the

sites.

Senator David Norris: Will the Minister of State repeat what he said? I could not hear it and I am missing the relevant page.

Deputy Damien English: While there is a list of them, rather than going through the entire list, I stated that 26 tributaries of the Munster Blackwater were recorded with a Q-value of 4 or higher in the most recent assessment of the sites. They are all detailed for the Senator in the response. As for the main channel of the Blackwater, all sites were described as satisfactory throughout, with high and good ecological quality.

The Blackwater is an extensive catchment and salmon spawning takes place both in the main channel and in the tributaries. While tunnelling can have an impact on the production of juvenile salmonids in certain circumstances, scientific evidence on the ground is it is unlikely this is having a significant effect on juvenile salmon recruitment in a large salmon river such as the Blackwater. It also is important to note that Inland Fisheries Ireland also undertakes electro-fishing of juvenile salmon in many rivers annually, particularly those that are under pressure in respect of salmon numbers such as, for example, within the Blackwater catchment, the River Bride.

Recent electro-fishing of the Bride revealed an electro-fishing average of 18.3 fry per five-minute fishing period, which is above the threshold of 17.0 that the SSCS determines to be the requisite level for a healthy fish stock to be attaining successfully the target conservation limit for salmon. For the coming year of 2016, the SSCS estimates the Munster Blackwater will have a surplus of 3,714 salmon above the spawning requirement conservation limit of 12,024.

I hope that information is useful to the Senator. It certainly has been an education for me on the issue of salmon fishing in Ireland across 143 rivers. The Senator also raised issues that were specific to the Department in which I have responsibility, the Department of Education and Skills. He will be conscious that the junior certificate reform will allow for local courses to be developed and there will be an opportunity for teachers to use their own imagination to work with students to develop short programmes that are significant to their own areas. Certainly, for those schools along the salmon rivers, there would be an opportunity to do that.

Senator David Norris: Perhaps the Minister of State might encourage it.

Deputy Damien English: I certainly will and I will investigate this personally as a contribution. I also will feed back the other issues raised by the Senator to the Minister of State, Deputy McHugh, and will ascertain whether I can feed them into the system also.

My final point is the Senator raised the issue of trees and I recall that when I was planting trees at my own house, my good friend, Mr. Bill Dallas, as well as two other guys from Coillte gave me advice on planting trees. However, I did not take their advice and planted quite a few of them because I thought they would grow quite quickly and might help to give a bit of cover and in a similar way, they have taken over. Consequently, I can understand what is happening on the rivers. One should always listen to good advice as one goes along.

Senator David Norris: I thank the Minister of State. I will make a couple of brief comments. First, as there is a page missing from the script as supplied, I missed out on a certain amount of information.

Deputy Damien English: I will get that for the Senator.

Senator David Norris: However, I will pick it up from the blacks. Second, I refer to the part of the response which states “While tunnelling can have an impact on the production of juvenile salmonids in certain circumstances, scientific evidence on the ground is it is unlikely this is having a significant effect on juvenile salmon”. This is completely contradicted by the learned academic paper produced by Dr. Martin O’Grady in 1993, which demonstrated there was an impact of 70%. There is a conflict of evidence in this regard and that is important. I ask the Minister of State to take back a suggestion to the Minister of State, Deputy Joe McHugh, that he or his officials or both might meet Mr. Nicholas Grubb to exchange opinions and to develop matters further because he is an example of somebody who has lived all his life in this area, who has recorded the changes and who has a scientific understanding and knowledge of the situation. This could be valuable in informing the Department of this particular problem. I ask that were Mr. Grubb to contact the Department, a meeting might be arranged in order that they could exchange views.

Deputy Damien English: I would be happy to suggest that. I am sure the Minister of State, Deputy Joe McHugh, would be happy to organise it because it certainly would make sense. It is about sharing information. I am conscious the Senator cited a document from 1993, whereas the research cited here probably is quite up to date. However, I am sure the two can be combined to make sure the best information is gained.

Senator David Norris: I thank the Minister of State.

An Cathaoirleach: Although the next matter selected is in the name of Senator Marc MacSharry, he does not appear to be in the Chamber.

Human Rights Issues

An Cathaoirleach: I welcome the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan.

Senator Katherine Zappone: Mr. Ibrahim Halawa, an Irish citizen, will celebrate his 20th birthday in three days and has spent more than 800 days in pre-trial detention in an Egyptian prison for allegedly taking part in an anti-government protest in Cairo. Not unlike many others concerned for his life, health and well-being, I sent him a birthday card through the Department of Foreign Affairs and Trade and hope the message will be passed to the Irish Embassy in Cairo in order that Ibrahim will know we have not forgotten him and that I keep him in my heart.

Protection of the right to liberty and from arbitrary detention is included in all human rights treaties. It is a rule of customary international law. Detention may be characterised as “arbitrary” on the basis that it continues for an unjustifiably long period or there is a delay in bringing the accused to trial. As the Minister is aware, there have been continual adjournments of Mr. Halawa’s trial over the past two and half years and the next date is scheduled for 15 December. That will be the tenth time he has been brought to trial. On the ninth time his trial was adjourned, it was due to a judicial ruling that all 494 defendants must be present for the trial to proceed and a couple were not present due to illness. The arbitrariness of his detention is one of the prime reasons I have requested the Minister to provide an update on Ibrahim Halawa’s legal case and to outline the Government’s actions since his last trial date of 4 October 2015, which

ended in adjournment until 15 December.

I am aware of and deeply respect the personal commitment of the Minister to support the release of Ibrahim and the immense work done by him and his officials in the Department of Foreign Affairs and Trade and the Irish Embassy staff in Cairo. As he knows, I had an extended meeting with the Minister's officials prior to Mr. Halawa's last trial date and I heard first-hand an outline of the Minister's actions, strategies and assessment of diplomatic advice taken from other jurisdictions with citizens in similar circumstances. I now request an update of actions since 4 October and I hope the Minister might also give us an indication of how we are supporting Ibrahim's access to his lawyers prior to 15 December.

My understanding from meetings with the international team is that the precise charges Mr. Halawa faces remain unclear and there is no evidence against Ibrahim set out in the charge sheet. Ibrahim has been living in appalling prison conditions, with a lack of medical treatment, and letters from him describe regular beatings, being stripped naked in front of inmates and guards and being hit with metal chains. There is insufficient access to daylight and exercise. Journalists report that a recent letter stated that he is merely "waiting in a queue for my turn on a death row" and his family claims that he has fainted on four occasions in recent weeks as his condition weakens.

Given the lack of evidence and clarity in the charges, along with the lack of access to lawyers, prolonged detention, cruel treatment and the precedence of mass trials in Egypt, a fair trial appears impossible. It is a time of great urgency, as I know the Minister understands. That is why I hope the Minister's reply will indicate what new actions he has taken or will take to step up the pressure for Mr. Halawa's release. I know the Minister is aware that this is no longer a time for aspiration but it is time to secure his freedom and bring him home.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I thank the Senator for raising this important issue. I assure her and the House that the objectives on the part of the Government in this case are twofold: first, to see the release of Mr. Ibrahim Halawa by the Egyptian authorities in order that he can return to his family and his studies in Dublin; and, second, to provide consular support for his health and welfare while he remains in detention.

Having regard to the fact that the trial is ongoing, the Government must be extremely careful to ensure that its actions, both public and private, are well judged and do not detract from our goal of securing positive progress for Ibrahim Halawa at the earliest possible opportunity. The further adjournment of the trial, as outlined by the Senator, was a disappointment and I have conveyed the Government's ongoing concern about the continued delays to both Egypt's Foreign Minister and the Egyptian ambassador to Ireland, both of whom I contact on a regular basis. Embassy officials are preparing to be at the next hearing of the trial, which is scheduled to take place next week on 15 December.

I assure the Senator that within the Department of Foreign Affairs and Trade, this consular case continues to receive a very high level of priority. I acknowledge the Senator's comments in that regard. In addition to the 48 consular visits conducted thus far, the case has also been raised at the highest level between the Taoiseach and President el-Sisi, most recently last month. I have also raised the issue on several occasions with my Egyptian counterpart, the Foreign Minister, Mr. Sameh Shoukry. I have raised the issue on a regular basis with the Egyptian ambassador to Ireland, Ms Soha Gendi, and with the European Union's High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the Commission,

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Ms Federica Mogherini. My colleague, the Minister for Justice and Equality, Deputy Frances Fitzgerald, also recently raised the case with the Minister, Mr. Shoukry, when they met at the migration summit in Valletta, Malta.

While Ibrahim Halawa remains imprisoned, our focus is on Ibrahim's welfare and I am naturally concerned about reports that he may have embarked on a hunger strike. Such a course of action could be damaging to his health and I cannot see how in any way this course of action could contribute to positive progress on the case. I know of the Senator's interest in this case over a long period and I urge her and anyone who has the best interests of this citizen at heart to do everything within their power to dissuade him from this course of action. They should encourage him to engage in all and every nutritional activity.

The Irish Government has formally supported the applications made to the court to secure Ibrahim's release on bail and under Decree 140, which grants a discretionary power of release to the Egyptian President. The bail application, as the Senator is aware, is exclusively a matter for the court's determination. In regard to decree 140, we have been repeatedly advised by the Egyptian authorities that this discretion will only be considered after the trial has concluded. We expect there will be progress in this regard next week, on 15 December. In the meantime, I assure the Senator that we will continue to avail of all appropriate opportunities to respectfully remind the authorities in Egypt of our concern for this citizen's health and welfare. Our wish and priority will be that he will be able to return to his family in Ireland at the earliest possible opportunity.

Senator Katherine Zappone: I thank the Minister and deeply respect the views he expressed. I appreciate and acknowledge the high priority the Minister and his staff have provided for Ibrahim and his family regarding his case. I acknowledge the objectives the Minister has identified and he has pursued those objectives.

In the Minister's response he outlined that he has pursued these various courses. I am not sure if he feels there is nothing more to do apart from continuing in the way he has identified. This case is so critical I felt it was important at this stage for me to raise publicly that, notwithstanding its status under Egyptian law, his continued detention without trial and his inability to meaningfully challenge that detention constitutes a serious violation of his rights under international law. He has been in detention for an unjustifiably long period of time. There must be other ways, whether that is a fresh application under decree 140 directly from the Government. The Minister and I are aware there is a debate regarding when is the appropriate time to do this when it has been done by other countries in terms of the release of prisoners. I also hope the Minister will support Ibrahim's legal team gaining access to him prior to his trial.

I appreciate the Minister's response but I hope that given the ongoing length of time and the arbitrariness of his detention, there must be other ways the Minister is exploring in order that ultimately Ibrahim can be released and come home.

Deputy Charles Flanagan: I wish to clarify a few points. On behalf of the Government, I wish to assure the Senator and this House that we fully support all applications that have been made to the court regarding bail and the Presidential decree 140. Ultimately we do not have a final say in the judgment. I am sure the Senator will agree this is a matter exclusively under the jurisdiction and remit of the courts in Egypt. However, we are not only in regular but constant contact. I accept that there are those who do not agree with the Government's approach. However, I appeal to anyone who has the best interests of our citizen at heart to ensure that their own

actions and public statements do not jeopardise his position and progress that has been made to date, irrespective of any views regarding the fairness or appropriateness of any arrest abroad. While we are entitled to expect that international standards are fully complied with, when an Irish citizen is charged with an offence under the law of a foreign country, it is foreign law that is applied. In this case it is Egyptian law which is applied. It is the relevant foreign authorities which decide on matters such as bail and release. Of course I wish to acknowledge what the Senator has said regarding the inordinate length of time for which our citizen has been detained without trial. I acknowledge the contribution of many NGOs which have expressed an interest in this case. However, ultimately the decision to release Ibrahim Halawa will be made by the Egyptian authorities.

My strategy in seeking his release is carefully considered. It is informed by decades of experience in difficult consular cases. It is underpinned by extensive and ongoing consultation with states which have had citizens in similar circumstances. I speak to my international colleagues on a regular basis to see and determine where best practice can be applied. Since October, which was raised by the Senator, I assure the Senator we have renewed our engagements and we continue to seek all and every opportunity to make our position clear. Therefore, the approach taken by the Government represents the best means of achieving the twin goals of protecting his welfare and, more important, securing his release at the earliest opportunity.

Senator Katherine Zappone: I hope the Minister is right.

Sitting suspended at 11.25 a.m. and resumed at 11.35 a.m.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, motion re the arrangements for the sittings of the House on Friday, 11 December and Tuesday, 15 December, to be taken without debate; No. 2, motion of referral to Joint Committee on the Environment, Culture and the Gaeltacht of the Planning and Development (Amendment) (No. 4) Regulations 2015, to be taken without debate at the conclusion of No. 1; No. 3, Finance Bill 2015 [*Certified Money Bill*] - Committee Stage, resumed, to be taken at 12.45 p.m. and conclude not later than 2.10 p.m.; No. 4, Electoral (Amendment) (No. 2) Bill 2015 - Second and Subsequent Stages, to be taken at 2.15 p.m. and brought to a conclusion, if not previously concluded, not later than 4 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Government, with the contributions on Second Stage of group spokespersons not to exceed six minutes and those of all other Senators not to exceed four minutes and the Minister to be called on to reply for five minutes not later than 3.55 p.m.; No. 5, Dublin Docklands Development Authority (Dissolution) Bill 2015 - all Stages, to be taken at the conclusion of No. 4, with the debate on Second Stage to be brought to a conclusion not later than 5.30 p.m., the contributions of group spokespersons not to exceed six minutes and those of all other Senators not to exceed four minutes and the Minister to be called on to reply for five minutes not later than 5.25 p.m., Committee and Remaining Stages to be taken immediately thereafter; and, No. 6, Assisted Decision-Making (Capacity) Bill 2013 - Committee Stage (resumed), to be taken at the conclusion of No. 5.

Senator Mark Daly: Was one of the items on the Order Paper that there would be no Opposition amendments taken?

Senator Maurice Cummins: The amendments will be taken if there are some tabled. We expect those Bills to finish earlier than the time indicated on the Order Paper.

Senator Mark Daly: The two-tier recovery is continuing, according to a report by a think tank which shows that 10% of people in this country have nearly 50% of the wealth; 20% have 75% yet the bottom 50% have only 5%. The Economic and Social Research Institute, ESRI, has shown that the Government's budgets have hit those at the bottom the hardest and protected those at the top, whereas our budgets got most out of those who had the most and protected those at the bottom who had the least to give. We see the result of that two-tier recovery in a report that one in five children goes to bed or school hungry every week. The Government's commentator in chief, who holds the title Minister for Health, commented yesterday on Deputy Mick Wallace's brief incarceration. The leader of the Labour Party was quoted last week in *The Irish Examiner* saying he should focus his comments on the Department of Health. There is plenty to comment on there. When asked to comment on the fact that one in five children goes to bed or school hungry each week, he was able to find a silver lining in that dark cloud by saying at least the consumption of fruit and vegetables is up and the consumption of sweets is down. That of course is only for the four out of five who can afford them not the one in five who goes to bed and school hungry each week. Will the Leader invite the Minister for Health to come to the House to discuss this report? I propose an amendment to the Order of Business to have a debate on the issue that one in five children goes to bed or school hungry every week. The Minister has been able to comment on many things, but as his real title is Minister for Health, he should focus on this.

In Famine times, when the Irish went to the United States, there were many who did not want them to go there and tried to block their entry because they were Catholics. The Irish were refugees from a Famine of biblical proportions and even those who have Christian values did not espouse the view that they should love their neighbour. They did not even live up to the ideals of the Statue of Liberty, "Give me your tired, your poor, your huddling masses yearning to breathe free". They come out with comments about members of different faiths, not Catholics but the Muslim faith with bigoted and racist comments. We would expect more from people running for high office.

Senator David Norris: Not from Donald Trump.

Senator Mark Daly: Donald Trump has been a bigot and a racist for most of his life. We would expect more from someone seeking the high office of President of the United States and leader of the free world than to judge someone by his or her religion and try to block members of the Muslim community entering the United States in the same way as people tried to stop Irish Catholics entering the United States over a century and a half ago.

Senator Ivana Bacik: Given that this week the climate change talks at the Conference of Parties, COP 21, will take place in Paris, colleagues will join me in hoping for a successful outcome from those talks. We are getting optimistic reports that new targets for global emissions reduction will be set there. It has been really good to see so much input from civil society. Many Irish activists went to Paris. There has been a great deal of dynamic activity by civil society groups around the talks. That is really welcome given all the security concerns. If time permits in the new year will the Leader arrange a debate on the outcome of the talks and the new targets?

I welcome the announcement by the Minister of Health, Deputy Leo Varadkar, about the

Public Health (Alcohol) Bill 2015. Many colleagues in this House have called for this Bill. When will it be brought before us? It will impose important restrictions on advertising of alcohol, minimum pricing and so on. It will probably receive cross-party support.

Can we have a debate on crime in the new year? Several significant reports have been published recently, in particular the Garda Síochána inspectorate report which was highly critical of so many aspects of Garda and policing practice. Today, one of the three members of the inspectorate spoke about the difficulty in bringing prosecutions in a timely fashion, given computer system delays and talking about better deployment of gardaí. The Oireachtas Joint Committee on Justice, Equality and Defence has held several debates on different aspects of Garda Inspectorate reports but I would like this House to debate this report.

I welcome the announcement by the Minister for Justice and Equality, Deputy Frances Fitzgerald, this week that the practice of imprisoning people for non-payment of fines would end in January with the commencement at last of the Fines (Payment and Recovery) Act 2014 and the putting in place by the Courts Service of the necessary systems to ensure that alternative mechanisms can be used. The Law Reform Commission report on search warrants has some very practical suggestions for greater efficiency in the criminal justice system.

Senator David Norris: I wish Senator Ivana Bacik a speedy recovery from the terrible cold from which she is obviously suffering.

Senator Maurice Cummins: I must have given it to her.

Senator David Norris: It has not inhibited her or rendered her contributions any less effective but one could hear it in her voice.

Senator Terry Leyden: Oh dear, how charming.

Senator David Norris: This is international human rights day and Deputies Mick Wallace and Clare Daly were arrested last night and carted to Limerick at considerable expense to the taxpayer. Deputy Mick Wallace was released within 90 minutes and the whole thing was an absolute farce. I listened to “The Late Debate” where a collection of self-righteous political hypocrites condemned them in the most inflammatory language. I praise them. I support them. I regret that I was not there to protest against the involvement of this country in the aggressive war being waged by the United States against various countries in the Middle East. They were admirable to do it. Ed Horgan, a former senior army officer who was at the jail last night, and his group, supplied me with information as a result of which I was able to demonstrate an unbroken cycle of rendition involving this country. We were clearly implicated in it. Government after Government has lied about this. War crimes are being committed by the United States of America in the Middle East by the massive saturation bombing of people in Iraq and the use of white phosphorus in Fallujah. These unspeakable things were going on. These Deputies were 100% right to protest. All decent people should sympathise with them. I am astonished at the decision of the judge in that case. There was no damage done. A ladder was used which I understand is now reposing in a local school.

An Cathaoirleach: We cannot discuss those judgments as the Senator well knows.

Senator David Norris: They were rotten. I also wish to point to the decision in Britain which was followed by an Irish court on the Greenham Common women. Those women disabled a plane because they felt they were saving lives. They were acting in a humanitarian way

and supporting the civil and human rights of people in the Middle East. We cannot be surprised at the kind of attacks that are being perpetrated, regrettably, against people in the West when we put them into the context of the dreadful interventions of the United States and Britain, particularly in this area. I salute Deputies Mick Wallace and Clare Daly and think they were right in their actions. I heard people saying last night on radio that they did the crime and should pay the fine. Why should they? This is an honourable and reasonable method of protest. It is a non-violent civil protest, for which I applaud them.

Senator Michael Comiskey: I welcome the news that the Minister for Agriculture, Food and the Marine has announced aid for dairy and pig farmers who have had a very difficult year. There was a collapse in milk prices and pig farmers had a similar problem. There will be a fund of over €27 million paid out to them before Christmas, of which €13 million comes from the European Union and €13 million from national funds. That is good news for about 18,000 farmers who will get €1,300 or €1,400 before Christmas. There is a smaller number of farmers involved in the dairy sector. The payments are vitally important. A number of farmers still have not got their basic payments, although most have. It is important that we call on the Minister to make sure that those farmers who are short-listed do receive their basic payment before Christmas.

Senator Terry Leyden: The problem of flooding is ongoing. It is very serious in Limerick and Athlone, where there are houses in danger. It has alleviated to some degree in Athleague. I compliment the Army, Civil Defence and volunteers who were very active in the village of Athleague. The people there helped and supported each other and assisted in preventing the flooding of businesses. Hopefully Athleague will reopen for business as quickly as possible.

On the celebration and commemoration of the 1916 Rising, I would like to ask the Leader and the Cathaoirleach what proposals the Oireachtas Commission has made to commemorate the 100th anniversary of the Rising. It took place on 24 April 1916 and the State celebrations will be on 28 March 2016. There are events taking place in Dublin Castle. I believe the Oireachtas should play a very active role in this regard but, as someone who has served here for a very long time, I have received no briefing whatsoever from anyone. Commission members have not told me what is proposed.

I suggest, if I may, that the siopa be immediately converted into a 1916 area for students attending the Oireachtas during the year. There could be an exhibition of photographs, memorabilia and other material there. Other structures within the buildings of the Oireachtas should commemorate this day. The very attractive commemorative badge that was given to Members of the Oireachtas should also be given to every citizen of the State. I have met people in the Defence Forces and An Garda Síochána who have not been sent this badge. In 2000, former Minister Séamus Brennan had memorial trees sent to every citizen in Ireland to mark the Millennium. It would be a small gesture for the Government to provide this badge for every citizen. It would be very nice for people to proudly wear it during 2016.

It is the most memorable and largest event we will celebrate in the next 100 years. We should be briefed and I hope the Leader will be able to get a briefing before the year is out. I would like to see a day when the Oireachtas would erect statues to the 1916 signatories on the Merrion Street side of Leinster House to display the bravery of those men and women.

An Cathaoirleach: The Senator can make those recommendations to the commission.

Senator Terry Leyden: We have Countess Markievicz commemorated here, as well as the monuments to Arthur Griffith, Michael Collins and others. There are others who are not commemorated within the grounds of the Oireachtas. It would be a very good suggestion. I would like to think the Seanad would have an input into what is happening in 2016.

Senator John Gilroy: I take a different view from my colleague, Senator David Norris about the antics of our esteemed Deputies in Limerick yesterday and last night. We are in no position as legislators to pick and choose which laws we uphold and which ones we prefer to ignore. Encroaching----

Senator David Norris: What about civil disobedience?

Senator John Gilroy: Encroaching within the restricted area of the airport certainly may put aircraft at risk. The security fence is there for a purpose. I do not think my colleagues in the other House do their cause very much good by grandstanding in this manner. We can argue the rights and wrongs of the use of Shannon Airport and the problems in the Middle East. Perhaps we should have a debate here in the new year on that issue. They have made their point, and by failing to pay the fine they have wasted Garda and Irish Prison Service resources. They, not the gardaí, are responsible for that. They should pay their fine and consider their point well made. I ask the Leader if we can have a debate on the trouble in the Middle East in the new year. It seems that the analysis put forward by some people about its causes are simplistic. I heard Deputy Clare Daly on radio this morning. What she was saying was that we have brought on ourselves any terrorism events we may expect here in the West, because the evil Americans are the cause of every woe in this country. That is, of course, a simplistic, naive and wrong analysis.

Senator Paschal Mooney: I second the amendment to the Order of Business proposed by my colleague, Senator Mark Daly. I was somewhat surprised that there has not been any comment so far on the publication of a 400-page report on changing policing in Ireland. The media have highlighted aspects of this report. One of the most respected security journalists, Jim Cusack, has referred to it as “the latest and possibly most important independent report on the history of An Garda Síochána” and says that it is a shocking indictment of Garda management. I understand that the Minister, Deputy Frances Fitzgerald has welcomed the report and that its author, Mr. Olsen, and the Commissioner, Ms Nóirín O’Sullivan, will attend
12 o’clock a special Cabinet meeting next week on justice reform. Will any opportunity arise for the House to debate the report? It affects both city and country. For example, it has branded the Garda force as creating a two-tier community policing system which benefits Dublin at the expense of rural communities. The figures bear this out. There are currently 540 gardaí assigned to community policing, some 328 of whom work in Dublin with 117 assigned to one division in Dublin alone. The technology employed by the gardaí is, according to the report, 30 years behind the times. It beggars belief that this is happening. A significant number of Garda stations do not even have e-mail availability. Others are still using paper-based systems as distinct from computers.

More worryingly, there is no cybercrime unit within the Garda. As a result, investigations into paedophilia and abuse of children through the Internet is four years behind the times. These are shocking statistics. Tribute is paid to rank and file gardaí who it seems are working under the most difficult of circumstances across the country. It is important for this report to be teased out. It is incumbent on the Minister and the Government to respond to this in a positive manner and tell us what they will do to improve the technology and efficient running of An Gar-

da Síochána. I am not surprised that morale among rank and file gardaí is at such a low ebb if they have to deal with this sort of thing on a daily basis. It is unacceptable in a modern society.

Senator Paul Coghlan: I welcome the Public Health (Alcohol) Bill which the Minister for Health, Deputy Leo Varadkar, has published because it treats alcohol misuse as a public health issue for the first time. It is laudable that its goal is to reduce the damage alcohol causes to individuals and society and to reduce average annual alcohol consumption. I welcome the measures contained in it to deal with minimum unit pricing, strict separation of alcohol products in outlets, compulsory health labelling, the requirement to display health warnings, the regulation of advertising and marketing, the ban on advertising near schools, playgrounds and public transport, the prohibition of price-based promotions and an enforcement regime including inspections. It is horrifying to realise that four out of ten people typically engage in binge drinking. All sides of the House find these measures laudable. I welcome them and look forward to their introduction.

Senator Feargal Quinn: Yesterday, the Leader said that instead of putting people in jail for not paying their fines, we should deduct the fine from their salary or social welfare payment. I remember this being proposed many years ago but I am not sure what happened to the proposal. Is it possible that we have not moved on it or is there a constitutional reason for not doing so? It appears there are people in jail because they have not paid their television licence, which does not make sense.

Senator Paschal Mooney talked about An Garda Síochána. Yesterday, there was a case in which two gardaí went to Limerick with a Member of the other House who was released an hour and a half later. I do not know whether the two gardaí came back again but it must have taken them some time. This is a situation in which we could deduct fines from salaries, social welfare payments or other income. It is worthy of discussion and decision. We had a debate on a Bill on fines in this House recently. Perhaps the Leader can tell us if anything is happening in this area. It was his suggestion yesterday that reminded me of it.

Senator Marie Moloney: Today is Human Rights Day. Women's Aid is using it to highlight all the women who have been murdered by their partners and children who have been killed as a result of domestic violence. One of the first motions I moved in this House was on domestic violence and we had a very good debate and cross-party support. The time has come again to have another debate on it. Senator Máiría Cahill has called for a debate on domestic violence and I second her call for that debate.

Yesterday, on the Order of Business, Senator Paschal Mooney raised an issue on the medical card office and its workings. He subsequently proposed an amendment to the Order of Business and while I could not support his proposed amendment - we all know Ministers cannot come to the House at the drop of a hat - I support what he said and I call for a reasonable debate on the medical card office. It is outrageous that anyone who has given documents to the PCRS office and wants them back has to make a freedom of information request. It is ridiculous. I am aware of a man who collated all his documents for the PCRS office. It took him four weeks to gather all the information. He needed bank statements. He had to write to England about a British pension he was receiving because proof of it going into his bank account was not sufficient and he had to get written confirmation from Newcastle upon Tyne. He then sent the documents to the PCRS office in an envelope, which it supplied. When he phoned the office, there was no record of his documents and nobody could tell him where they were gone. He was asked to send them again. It is absolutely ridiculous. Either we have the worst postal system in this country,

which is responsible for delivering to the PCRS office, or the PCRS office is not keeping an eye on all this information and is not collating it properly. I request a debate on the workings of the PCRS office as soon as the Leader can get a Minister here to do so.

Senator Jim Walsh: Today is 10 December which is the 57th anniversary of the signing of an important document at the United Nations in 1948 - the Universal Declaration of Human Rights. There probably has not been a time when we have seen such breaches of human rights across the globe. Every day we hear stories from the Middle East and the atrocities of Daesh against minorities, in particularly Christians who are killed. There are YouTube videos of the beheading of innocent people. We are aware of the situation of women, particularly young women, being taken and forced into sexual slavery by some of these terrorists. It is an appalling vista. Among those breaches is the abortion holocaust. It is very sad that the UN and organisations such as Amnesty and ICCL, which receive millions in foreign moneys, spend their energy promoting the breach of the most fundamental human right of all which is the right to life. I am specifically referring to the right to life of the unborn. I have asked before and I ask the Leader again to have a debate on this issue in this House. Yesterday, the BAI condemned the Ray D'Arcy show on RTE Radio 1, the national broadcaster. I heard the interview with Mr. Colm O'Gorman of Amnesty International. The cynicism and cold blooded intent of killing unborn babies was chilling. It is not good enough for a national broadcaster. I ask people who are involved in pro-life organisations-----

Senator David Norris: I understood it was inappropriate to denigrate named individuals who are not here to defend themselves.

Senator Jim Walsh: I say to those who are of a pro-life disposition that perhaps it is time for us to get together and refuse to pay our RTE licence fee. It would not be my intention that the pro-abortion and pro-killing of unborn babies policy-----

An Cathaoirleach: The Senator is over time.

Senator Jim Walsh: -----which is endemic in RTE would be allowed to continue-----

Senator Ivana Bacik: I want to confirm what Senator David Norris has said. This language is not appropriate.

Senator Jim Walsh: -----in particular as we are funding the overpaid salaries in RTE. There are people who earn up to €500,000 a year for jobs that do not require a great deal of qualifications. I ask for a debate in this House on the lack of impartiality and balance in our national broadcaster. Perhaps it is time to dismantle the national broadcaster. We do not need the range of-----

An Cathaoirleach: The Senator is over time.

Senator Jim Walsh: We do not need the range of radio and television stations that it is promoting at present at significant cost to the taxpayers who support it.

Senator Michael Mullins: I thank the Leader for organising the statement yesterday by Minister of State, Deputy Simon Harris, on the flooding around the country. Our thoughts remain with the homeowners and businesses that have been flooded in recent days and those who are on high alert as a result of rising rivers throughout the country. I hope there will be a break in the weather in the coming days.

It is, as a previous speaker has said, only right that we acknowledge the wonderful work being done by the local crisis management teams through the local authorities with the back up of the Army, Civil Defence and the fire services. They have been supported by emergency responders and volunteers in the local communities. Thanks to their efforts, many homes and businesses have been saved from the worst effects of flooding. For those who have been affected, I welcome the Minister's confirmation yesterday that the €5 million to be made available to small businesses and administered by the Red Cross would have the minimum of red tape. Householders are reminded that they can access the humanitarian aid through the Department of Social Protection. I thank the Department for agreeing to open a temporary office in Ballinasloe from this Friday onwards to facilitate the people in the area who have been impacted. When the floods recede there is much work to be done. I hope a renewed urgency will be given to the CFRAM programme. I was disappointed to learn this morning that a decision on Dukkellin drainage scheme, being progressed by Galway County Council and which was expected from An Bord Pleanála before Christmas will not be available until February. An Bord Pleanála needs to get into the real world and realise the urgency of this decision.

An issue that needs to be discussed is that of insurance for homes and businesses that have been flooded. Even in situations where flood defences have been put in place and they are working satisfactorily, insurance companies still refuse to insure those home owners. We need a full debate on the attitude of the insurance industry in the new year.

Senator Diarmuid Wilson: I support Senator Jim Walsh's call for a debate on abortion and the eighth amendment and the lack of balance by the national broadcaster. We should have a balanced debate on what is a very emotive issue. There are contrary views to that of mine and Senator Jim Walsh and many others on all sides of this House, but we should have that debate. There is, in my opinion, a certain amount of conditioning going on and it is conditioning in one way, so far as I can see. It is trying to cleanse the whole process of what abortion is about, that is, the ending of an unborn child's life. I call on the Leader to arrange for that debate.

I received a text from somebody who visited Collins Barracks, the National Museum of Ireland, yesterday. In the text the individual said he enjoyed the visit. At the end of the visit he bought portraits of six of the signatories of the Proclamation but it had run out of portraits of James Connolly. To illustrate the balanced approach of this individual, he also bought a portrait of Michael Collins and of James Larkin. However, when he attempted to purchase a portrait of Éamon de Valera he was told, "Oh, we don't do that". Why is the National Museum of Ireland not printing a portrait of one of the main figures of the 1916 Rising?

An Cathaoirleach: That is a matter for the National Museum of Ireland.

Senator Diarmuid Wilson: It is a matter for this House.

Senator David Norris: He was having a nervous breakdown in Bolands Mills.

Senator Diarmuid Wilson: I ask the Leader to inquire, through his good offices, why that is not happening or is this more of the Government's attempt to rewrite the history of the country?

Senator John Gilroy: The party of which the Senator is a member has rewritten the history of its party well enough.

Senator Diarmuid Wilson: The history of the Senator's former party. Before he jumped-----

(Interruptions).

Senator Diarmuid Wilson: It is a fact. Is the Senator denying it?

Senator John Gilroy: No, I am ashamed of it.

Senator Diarmuid Wilson: I thank the Senator.

Senator Cáit Keane: Like other Senators, I wish to comment on the arrest last night of Deputies Mick Wallace and Clare Daly and particularly their use of the defence of the Nuremberg Principles behind which they are hiding in terms of human rights. If they have proof that Shannon is being used-----

Senator David Norris: We have plenty of proof which I gave some years ago.

An Cathaoirleach: Senator Cáit Keane to continue, without interruption, please.

Senator Cáit Keane: I will quote from an article which states that a report of alleged unlawful activity concerning the use of Irish airports has been made to the Garda. The Garda investigated having ensured, where appropriate, files were sent to the Director of Public Prosecutions-----

Senator David Norris: They did not.

Senator Cáit Keane: The Senator does not want to hear this. The spokesperson said that in no case has a direction to prosecute been given. Are Deputies Clare Daly and Mick Wallace accusing the Director of Public Prosecutions of not doing the job he is charged to do? Specific assurances were sought and received from US authorities by many Taoisigh that Shannon Airport was not being used in this way. An agreement for overflight and landing of US military has been in place for over 50 years. We are talking now about better co-operation among all of the European countries. Are we saying we should have no co-operation and that there should not even be fuelling and landing? What I am saying is that there should be proper inspection and if anybody has any proof they should go to the Garda and have it investigated. I do think that playing to the gallery and not paying one's fines-----

Senator David Norris: I went to the gardaí and they refused to investigate.

Senator Cáit Keane: They should be deducted from their salaries. I propose that any Deputy, Senator or councillor who owes a fine should not stand for election without having paid that fine. We saw where Mick Murphy had to pay his property tax last month because he was selling his house. Everybody who owes any money to the Government should pay. It is a bad example to hide behind the Nuremberg Principles. I want a debate on the Nuremberg Principles and the way in which they are being abused. Deputy Mick Wallace has a history of not paying his taxes to the State.

An Cathaoirleach: I remind the Senator that Deputy Mick Wallace is a Member of the other House.

Senator Cáit Keane: I do not care what House he is a Member of; he is giving bad example.

An Cathaoirleach: It is a personal remark. Does the Senator have a question for the Leader?

Senator Cáit Keane: No. The Nuremberg Principles do not give anybody a right-----

An Cathaoirleach: We are not discussing Members of the other House. Does the Senator have a question for the Leader?

Senator Cáit Keane: I am discussing the Nuremberg Principles, behind which they are hiding, and the declaration of human rights. What I want to discuss is-----

An Cathaoirleach: The Senator is way over time.

Senator Cáit Keane: I am asking for a debate on this, like others, but I am also asking that their fines be deducted from their salaries. They should not stand for election, giving bad examples.

An Cathaoirleach: The Senator can make those points during the debate.

Senator Fidelma Healy Eames: It is a very serious issue that the Broadcasting Authority of Ireland has found that “The Ray D’Arcy Show” on RTE is biased in favour of abortion. This is a disgrace. RTE is te public broadcaster. We all pay a licence fee. This is not a private broadcaster. What is the sanction against this show?

Senator John Gilroy: They have been referred to here in the Seanad by the Senator.

Senator Fidelma Healy Eames: What balance will be brought to bear? I have no time for snide comments from any side of the House that is in favour of taking the life of an unborn child.

Senator Ivana Bacik: Again, can we use appropriate language in the Chamber?

Senator Fidelma Healy Eames: I ask the Senator not to bother standing up because, truly, we are so used to her popping up and down to defend the indefensible, to be in favour of the killing of the unborn child.

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

Senator Ivana Bacik: A Chathaoirligh, can we have a respectful debate?

Senator Fidelma Healy Eames: What else is abortion?

An Cathaoirleach: Does the Senator have a question for the Leader? Will she, please, resume her seat?

Senator Fidelma Healy Eames: What else is abortion? It is the killing or taking of the life of an unborn child.

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

Senator Fidelma Healy Eames: My question is this - I repeat it - what sanction will be put on this show to ensure fairness and balance?

The second point I wish to raise is whether it would be reasonable for the Government to consider when a person passes 85 years of age that he or she would automatically qualify for a medical card without making application. Yesterday I was contacted about a 94 year old lady who has had her medical card taken from her because her income exceeded the limit by €11.70.

The issue is about the drugs she needs but more so about the physiotherapy she was able to get and all the ancillary services.

An Cathaoirleach: It would be more appropriate to raise that issue as a Commencement matter.

Senator Fidelma Healy Eames: It is a serious issue. It is appalling. The woman had to go down the stairs on her bottom and crawl up the stairs and the physiotherapist was helping her to keep moving. The pharmacist is appalled that he had to charge her for her drugs. It is not about having a GP card, it is about having a medical card that will give her access to free drugs plus the support of services that will allow her to remain independent. She wants to stay in her own home. I would appreciate an answer to the issue.

Senator Martin Conway: I commend all Members for co-operating with the Leader in a fairly significant legislative period in recent weeks and also for the next week or so. This House has conducted itself very professionally and well in looking after legislation and doing the right thing by the citizens of this country.

I also commend An Garda Síochána, the Garda Commissioner and superintendents around the country for their initiatives to help alleviate much of the unfounded concerns of members of the public regarding the closure of rural Garda stations. In order to reassure people, superintendents and chief superintendents have set up clinics in local libraries and town halls for the same number of hours as rural Garda stations were open to demonstrate to those who are concerned that a service can be provided and that it will be monitored.

I further commend the chief superintendents around the country who have initiated and organised public meetings and public awareness sessions to again give people reassurance. An Garda Síochána has gone through a difficult period but the Commissioner and her senior management team are doing extraordinary work to rebuild the confidence and loyalty most citizens in this country have in the force. A survey carried out in recent months showed that 86% of people now have confidence in the force. That has risen from 67% in 2013. Much credit must be given to the first female Garda Commissioner, together with the support she is getting from our great female Minister for Justice and Equality, Deputy Frances Fitzgerald. Sometimes we can be very critical but when a job is being done properly, professionally and correctly and is getting results, we must acknowledge it.

Senator Rónán Mullen: I would be grateful for the assistance of the Leader in helping me to get clarification on a matter. This relates to the Health and Social Care Professionals Act 2005. The Minister for Health has undergone a consultation process with a view to making a final decision about the proposal to prescribe the title of physical therapist as a variant of the specified title of physiotherapist after an appropriate lead-in time. This proposal has been recommended by the State regulator, the Physiotherapists Registration Board and it is also supported by the Irish Society of Chartered Physiotherapists, a professional body for physiotherapists and physical therapists in this country, which has more than 3,000 members. There is support for the protection of both the titles of “physiotherapist” and “physical therapist” within the same body. Organisations such as the Irish Medical Organisation, the Royal College of Physicians of Ireland and various universities all support the proposed change.

This is about maximising public protection and eliminating a widespread public confusion that exists around the term “physical therapist”. The legislation in 2005 set out to protect the ti-

titles of 14 health professionals. The title “physiotherapist” will be protected but it is imperative that the second title of “physical therapist” would also gain protection because in the United Kingdom and internationally, the title of physical therapist is synonymous with physiotherapist and they are interchangeable but there are people in this country who have adopted the title of physical therapist having done short and part-time courses - good luck to them but it is causing considerable confusion because the public, sporting organisations or many other individuals and groups related to the health professions in the country are aware of the fact that the level of service provided by physiotherapists and physical therapists can be completely different. It would be great if we could get a decision from the Minister or clarification on what decision he has made.

Senator Fidelma Healy Eames should not have to run the gauntlet for making the very simple point that there should be accountability when a public service-funded broadcaster is showing bias on a life and death issue. Colleagues in the Labour Party and elsewhere get very exercised, for example, about the fact that religious ideas and values are communicated in State-funded schools, even though that happens with the will of those parents and even though other schools are also funded.

Senator John Gilroy: They have no choice.

Senator Rónán Mullen: Where is the consistency? If Members only object to bias when it upsets their own point of view, they are not real democrats. They go on like harpies every time somebody calls for simple fairness.

Senator Ivana Bacik: Let us use respectful language in debate.

Senator Rónán Mullen: May we ask-----

Senator David Norris: May I raise a point of order?

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

Senator David Norris: May I ask-----

An Cathaoirleach: I call Senator David Norris.

Senator Fidelma Healy Eames: On a point of order-----

Senator David Norris: Excuse me, Senator, I was on my feet first. Is it appropriate to use a word like “harpies”? Is that what Senator Rónán Mullen means by reasoned and respectful debate that he is always prating about?

An Cathaoirleach: The Senator should resume his seat.

Senator David Norris: How respectful is it to call people “harpies”?

An Cathaoirleach: That is not a point of order.

Senator Fidelma Healy Eames: On a point of order, a Chathaoirligh, do you ever notice a pattern that whenever the issue of life is raised Senator Ivana Bacik always pops up to stop the debate?

An Cathaoirleach: That is not a point of order.

Senator Fidelma Healy Eames: We want fairness in this House-----

An Cathaoirleach: The Senator should resume her seat.

Senator Fidelma Healy Eames: -----not bullying by the Labour Party or Senator Ivana Bacik.

An Cathaoirleach: The Senator should resume her seat. She is completely out of order.

Senator Ivana Bacik: I am not the one using inflammatory language.

Senator Fidelma Healy Eames: You are the bully.

Senator Ivana Bacik: I am not the one who is bullying.

Senator Fidelma Healy Eames: You are the bully.

Senator Jim Walsh: May I raise a point of order?

An Cathaoirleach: Senator Jim Walsh wants to raise a point of order.

Senator Jim Walsh: Will somebody, please, give Senator Ivana Bacik some treatment for haemorrhoids?

An Cathaoirleach: The Senator should resume his seat. That is not a point of order. Senator Rónán Mullen is way over time.

Senator David Norris: That is a pretty low comment from Senator Jim Walsh. You should rebuke him, a Cathaoirleach.

An Cathaoirleach: The Senator has spoken already.

Senator David Norris: You should rebuke Senator Jim Walsh for his comment about haemorrhoids.

An Cathaoirleach: Will the Senator resume his seat, please?

Senator David Norris: It does not sit well with the dignity of the House.

An Cathaoirleach: The Senator should resume his seat. Senator Rónán Mullen should also resume his seat.

Senator Rónán Mullen: May I conclude? I was interrupted.

An Cathaoirleach: The Senator should resume his seat. He is way over time.

Senator Rónán Mullen: I was interrupted. All I ask is for time for two concluding sentences since I was heckled by Senators Ivana Bacik, David Norris and others.

An Cathaoirleach: The Senator should resume his seat.

Senator Rónán Mullen: I try not to heckle other Members of the House. I do not misuse the making of a point of order in the the way Senator Ivana Bacik and others constantly do because they want to close down debate.

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An Cathaoirleach: The Senator is being disorderly. He should resume his seat.

Senator Rónán Mullen: I am only saying-----

Senator David Norris: The Senator does not want to close down the debate.

Senator Rónán Mullen: I did not call anybody in particular by that general name, but I call on Members to show basic manners. If their names have to be called out for bad behaviour, somebody has to do it sometime.

An Cathaoirleach: The Senator is completely out of order. He is not showing any respect for the Chair either.

Senator Catherine Noone: I support Senator Fidelma Healy Eames on one point, namely, what she said about medical cards. Something could be done for the elderly now that the country is in a better state economically, especially those aged over 90 years, if not over 85 years. I had a similar experience with a constituent who had difficult medical conditions to deal with and the medical card was refused over a very small sum. I understand there must be a cut-off point but once a person reaches that age, he or she has contributed to the State greatly and we should make life as easy as possible for him or her.

I welcome the Public Health (Alcohol) Bill that has been-----

(Interruptions).

Senator Catherine Noone: May we have some quiet in the House? I welcome moves undertaken by the Minister for Health, my constituency colleague, Deputy Leo Varadkar, to attempt to tackle the troubled Irish relationship with alcohol. He announced yesterday the long-awaited drinks legislation under which we will see a ban on alcohol advertising near schools, playgrounds and public transport. That can only be welcomed. Under the new law, we will see a minimum price of €7.60 on a bottle of wine. Alcohol in supermarkets has become like any other product such as milk or butter and one now throws a few bottles of wine into the trolley. We have become too relaxed in our consumption of alcohol and it is clearly not doing us any favours as a society. The Bill will also introduce a minimum price for a can of beer. We must be concerned about alcohol. It was one thing when people were drinking in pubs, and perhaps drinking to excess, but at least people were there, such as the publican and members of society, to keep an eye on them but if people are drinking a huge volume at home, in many cases they are putting themselves in huge danger. From that point of view, the Bill is greatly to be welcomed. A criticism of the Bill is that it will affect the more vulnerable people in society but it is a small price to pay for the overall reduction in the amount of binge drinking, in particular, among teenagers and young people. When will it be presented to the House? I hope it will be dealt with before the Government finishes its term.

Senator Máiría Cahill: A few weeks ago, I called for a debate on repeal of the eighth amendment. I am disturbed by some comments today. I respect the right of anybody to have an opinion on any issue and I have listened, but I find some of the distortions that have been raised about a particular programme on RTE absolutely horrific. The national broadcaster was not found to be biased in favour of abortion. It was found to be biased in a segment of one radio programme after a particularly distressing case where doctors were seeking advice on keeping a woman alive artificially because she was pregnant. Nobody could have failed to have been shocked by that case. I find phrases like “abortion holocaust” absolutely horrific and if Mem-

bers would like the respect of the House-----

Senator Jim Walsh: More than 1 billion babies aborted.

Senator Máiría Cahill: -----they should probably behave in an adult and mature fashion which commands the respect of the House. It is not conducive to debate when the Senator shouts across-----

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

Senator Máiría Cahill: I am, but it is not conducive to the debate when Members shout insults across the Chamber. If we are going to have this debate, we probably need to behave in a responsible fashion around it.

Senator Fidelma Healy Eames: Well done.

Senator Rónán Mullen: Well said in many ways.

Senator David Norris: There is an example of hypocrisy for you.

Senator Brian Ó Domhnaill: I agree with Senator Máiría Cahill. Reason needs to be brought to this debate. Unfortunately, the debate is only emanating out of a sexy campaign called Repeal the 8th. None of the underlying issues is being discussed, although disturbing cases are being raised, with which we all sympathise. They are alarming in the extreme but reason needs to be brought to the debate. I would welcome a reasoned and sympathetic debate in the House, which would consider all the issues. My colleague, Deputy Willie O’Dea, spoke on this issue last night in a level-headed manner. If the eighth amendment is repealed, the protections of the unborn will be removed from the Constitution. What constitutional protection, therefore, will we provide for the unborn? Does the State want to take all the protections for the unborn out of the Constitution?

Senator David Norris: Is that from RTE?

Senator Brian Ó Domhnaill: Human rights extend further than people who are walking around on the planet. Human rights extend to the unborn because we were all unborn at one time or another. Other issues and wider factors need to be brought to bear in this debate and I ask the Leader to facilitate such a reasoned debate over a reasonable timeframe with everyone being allowed to express an opinion and bring balance to the debate. To date, the debate has not been balanced and there has been too much emotion. That serves no one’s interest. I hope the Leader takes all views on board and facilitates such a debate.

Senator Rónán Mullen: That was the best contribution so far. Well said.

Senator Maurice Cummins: I had better start with the final contribution about abortion, the repeal of the eighth amendment and lack of balance in the abortion debate on the part of the national broadcaster. I am ashamed of the exchanges I have listened to from all sides. The exchanges have not been respectful of or fitting in this House. If, as legislators, we behave in such a manner, I am reluctant to have a debate on the issue. If legislators behave in such a manner, what can we expect of others on both sides of the divide in the debate? I will think seriously about having a debate on the issue, but I hope that when that issue is decided on, we will have much more respectful exchanges than we have had this morning. It is not conducive for the House to put up with such exchanges in the run-up to Christmas or at any time. I, therefore,

ask Members to be mindful of their remarks in the House. I am talking about Members on both sides, not on one side of the divide on the issue.

On the Order of Business, Senator Mark Daly made a number of wandering comments on various matters. We had better leave the American people to judge who they should vote for as President. It has nothing to do with us.

Senator Ivana Bacik referred to the resolution of the climate change talks and is hopeful they will be successful. We will have a debate on that matter in the future. We will, I hope, be able to do so in January.

Senators Ivana Bacik, Paul Coghlan and Catherine Noone referred the alcohol Bill. It will be brought before the House next Thursday.

On other legislation, Senator Paschal Mooney asked yesterday about the bankruptcy Bill. That Bill will also be brought before the House next Thursday. I am sure the Senator will be happy about this.

Senator Paschal Mooney: I thank the Leader.

Senator Maurice Cummins: Senators Ivana Bacik and Paschal Mooney referred to the Garda Inspectorate's report which should be debated in the House. The Minister for Justice and Equality intends to send it first to Mr. Ray Magee and other parties, including the Garda representative organisations, in order that they can review the issues raised in it. She also intends to refer it to the Cabinet sub-committee on justice reform. Technology is an absolute necessity for the Garda. The Government's capital plan includes provision for substantial additional investment of more than €205 million in new technology and systems for the force. The new allocation will deliver new systems which will ensure a more responsive deployment of gardaí in the community and improve Garda response times. These and other new technology solutions for use by the Garda will cut back on the time involved in paperwork in order that gardaí can spend more time engaged in front-line policing. I hope we will have a debate on the matter in the new year.

A number of Members sought a debate on crime. The burglary of dwellings Bill will be brought before the House next week. There will, therefore, be ample opportunity for Members to debate the issue.

Senators David Norris, John Gilroy and Cáit Keane expressed various views of Deputies in the other House in the context of Shannon Airport. We cannot condone the breaking of the law in any instance.

Senator Michael Comiskey welcomed the provision of aid for beef and pig farmers. The outstanding payments are few and far between and I am sure the Minister for Agriculture, Food and the Marine is working on the issue.

Senator Terry Leyden mentioned the 1916 Rising commemorations and the Houses of the Oireachtas Commission. I am not aware of the commission's programme in this regard, but I am sure the Fianna Fáil representative on the commission will highlight the issues raised by the Senator.

Senator Feargal Quinn referred to the Fines Act which was passed in 2014. I understand the Minister for Justice and Equality has announced that she will commence the Act in January. In

the future fines may be deducted from social welfare payments and salaries, which is the proper way to go. Community service orders will also be an option in dealing with those who do not pay their fines.

Senator Marie Moloney has pointed out that today is Human Rights Day and called for a debate on domestic violence. We will have that debate in the new year.

On the issue of medical cards, obviously we will have isolated cases where people have difficulties. We have witnessed the loss of documents on several occasions and such a loss is unacceptable. I cannot believe documents are being lost at the rate suggested and agree with the Senator in that regard. I understand representatives of the Primary Care Reimbursement Service, PCRS, were before the Joint Committee on Health and Children yesterday. I hope Members brought up these issues with them at that meeting.

Senator Michael Mullins mentioned flooding and applauded the efforts of volunteers and the emergency services. He also mentioned the delays on the part An Bord Pleanála in dealing with flooding, but there is very little we can do about that matter at present.

I have addressed the matter raised by Senator Diarmuid Wilson.

I must admit that I find it very strange that there are no portraits of Éamon de Valera for sale in the National Museum of Ireland. Perhaps they were all sold.

Senator Diarmuid Wilson: No.

Senator Mark Daly: There would be a demand if the museum had them.

Senator Maurice Cummins: Perhaps the portraits were so popular that they were all sold.

Senator John Gilroy: Did Senator Diarmuid Wilson get the last one?

Senator Diarmuid Wilson: By way of clarification, I could understand it if they were all sold because Éamon de Valera was one of the founding fathers of the State. However, the individual who sent me the text message said the museum did not sell them.

Senator Maurice Cummins: We are certainly not going to involve ourselves in the Civil War.

Senator Diarmuid Wilson: It is unacceptable that portraits are not sold.

Senator John Gilroy: It is not acceptable.

Senator Maurice Cummins: I agree with Senator Diarmuid Wilson.

Senator Martin Conway complimented An Garda Síochána on its efforts to inform people of its activities and provide reassurance by its presence.

Senator Catherine Noone mentioned a medical card issue, a matter which has also been raised by Senator Fidelma Healy Eames, that people over the age of 85 years should automatically receive a full medical card. I agree with the suggestion to a certain degree, but there may be multi-millionaires over the age of 85 years. Does one give them a medical card?

Senator Fidelma Healy Eames: There are-----

Senator Maurice Cummins: I know such a case would be an exception to the rule.

I have dealt with all of the other matters raised.

An Cathaoirleach: Senator Mark Daly has proposed an amendment to the Order of Business, “That a debate with the Minister for Health to address the unacceptable situation where one in five children goes to bed and school hungry be taken today.” Is the amendment being pressed?

Senator Mark Daly: Yes. I remind colleagues opposite of the issue of child hunger in order that they will not just blindly support the Government.

Senator Maurice Cummins: I hope the Senator has more Members here now than when he called a vote yesterday. He called for a debate on flooding but nobody turned up.

Senator Mark Daly: I was here, as were my colleagues.

Senator Maurice Cummins: The Senator might have been, but many of his colleagues were not.

Amendment put:

The Seanad divided: Tá, 12; Níl, 24.	
Tá	Níl
Craughwell, Gerard P.	Bacik, Ivana.
Cullinane, David.	Burke, Colm.
Daly, Mark.	Cahill, Máiría.
Healy Eames, Fidelma.	Coghlan, Eamonn.
Leyden, Terry.	Coghlan, Paul.
Mooney, Paschal.	Comiskey, Michael.
Mullen, Rónán.	Conway, Martin.
Ó Domhnaill, Brian.	Cummins, Maurice.
Ó Murchú, Labhrás.	Gilroy, John.
Quinn, Feargal.	Hayden, Aideen.
Walsh, Jim.	Henry, Imelda.
Wilson, Diarmuid.	Keane, Cáit.
	Kelly, John.
	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Naughton, Hildegard.
	Noone, Catherine.
	Norris, David.
	O’Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.

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

Amendment declared lost.

Question, “That the Order of Business be agreed to,” put and declared carried.

Sitting Arrangements: Motion

Senator Maurice Cummins: I move:

That, notwithstanding anything in the Standing Orders relative to Public Business:

(1) The Seanad shall meet at 10 a.m. on Friday, 11th December 2015 and the following arrangements shall apply:

- (a) Standing Orders 29 and 30 shall stand suspended;
- (b) there shall be no Order of Business;
- (c) the business to be taken shall be confined to the items set out in the Schedule to this paragraph and, accordingly, no other business shall be taken unless the Seanad shall otherwise order on motion made by the Leader of the House or such other Senator as he may authorise in that behalf.

Schedule

Finance Bill 2015 – Report and Final Stages

Subject to the conclusion on 10th December of Committee Stage, the proceedings on Report and Final Stages shall commence at 10 a.m. and shall be brought to a conclusion not later than 11.15 a.m. by one question which shall be put from the Chair and which shall, in relation to recommendations, include only those set down or accepted by the Government;

Criminal Justice (Burglary of Dwellings) Bill 2015 – Second Stage

Subject to the passage by the Dáil of the Criminal Justice (Burglary of Dwellings) Bill 2015, the contributions of group spokespersons in the debate on Second Stage which shall commence at the conclusion of Report and Final Stages of the Finance Bill 2015 and conclude within two hours shall not exceed eight minutes, the contribution of all other Senators shall not exceed five minutes and the Minister shall be called on to reply to the debate after not more than 115 minutes;

Prisons Bill 2015 – Committee and Remaining Stages

The proceedings on Committee and Remaining Stages shall commence at the conclusion of Second Stage of the Criminal Justice (Burglary of Dwellings) Bill 2015 and shall be brought to a conclusion within 45 minutes by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Government;

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Courts Bill 2015 – Committee and Remaining Stages

The proceedings on Committee and Remaining Stages shall be taken at the conclusion of the debate on Committee and Remaining Stages of the Prisons Bill 2015 and shall be brought to a conclusion within 45 minutes by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Government;

Criminal Justice (Sexual Offences) Bill 2015 – Committee Stage

The proceedings on Committee Stage shall be taken at the conclusion of the debate on Committee and Remaining Stages of the Courts Bill 2015 and shall be adjourned not later than 5.30 p.m., if not previously concluded.

(2) the Seanad shall meet at 11.30 a.m. on Tuesday, 15th December 2015 and the Order of Business shall be proposed at 12.30 p.m.

Question put and agreed to.

Planning and Development (Amendment) (No. 4) Regulations 2015: Referral to Joint Committee

Senator Maurice Cummins: I move:

That the proposal that Seanad Éireann approves the following Regulations in draft:

Planning and Development (Amendment) (No. 4) Regulations 2015,

copies of which were laid in draft form before Seanad Éireann on 9th December 2015 be referred to the Joint Committee on Environment, Culture and the Gaeltacht, in accordance with Standing Order 70A(3)(j), which, not later than 17th December 2015, shall send a message to the Seanad in the manner prescribed in Standing Order 73, and Standing Order 75(2) shall accordingly apply.

Question put and agreed to.

Finance Bill 2015 [Certified Money Bill]: Committee Stage (Resumed)

NEW SECTIONS

Senator David Cullinane: I move recommendation No. 8:

In page 96, between lines 4 and 5, to insert the following:

“69. The Minister shall, within nine months from the passing of this Act, prepare and lay before Dáil Éireann a report on the possibility of establishing a sovereign wealth fund financed by non-cyclical Corporation Tax payments and taxes returned following rulings by the ECJ.”.

This amendment is all the more relevant given the spike in corporation tax returns we have

seen this year, some of which is still unexplained or somewhat unexplained. The Minister has said he believes the spike in the returns is sustainable. We will see if that is the case.

We are trying to provoke a discussion on this issue as it has been suggested to me and many others that setting up this type of fund might be the safest way to lock in any windfalls or temporary bonuses from the State which we might enjoy because of the fluid situation in global taxation. We also know that multinationals are rational actors which will arrange their business in a way which benefits them most. That is fair enough. Despite what some might think, sentiment is not a major player in their tax affairs. We know that as rules change, they will change. They will try to stay one step ahead of all of us and of states. There is also a strong opinion, which looks increasingly credible, that the BEPS process is benefiting Ireland. That is ironic given our head in the sand attitude to corporation tax.

Sinn Féin and Deputy Pearse Doherty have been raising this issue of whether corporations were even paying an effective corporation tax or pay enough corporation tax. As a result of the European inquiries into Apple and much controversy and discussion about whether multinationals were paying their fair share of corporation tax, it would seem to some that there is some link to what has happened this year in terms of the spike in corporation tax.

The idea in the amendment is to examine the benefits of setting up a wealth fund which would be funded by these receipts, as well as any repayment due to the State if, for example, the judgment in the Apple case was to lead to a windfall payment.

This idea has some merit in that it attempts to make sure any windfall or temporary benefit which the State might enjoy would not be squandered. The fiscal compact and various other EU rules mean that if the State takes in extra income of that scale, it will not impact massively on the fiscal space because of the debt-to-GDP ratio rules and so on. However, there is merit in the approach suggested and at least examining the possibility of it happening, as proposed in the amendment.

Minister for Finance (Deputy Michael Noonan): I thank the Senator for his comments. I advise him that there are no active cases in the European court that would result in any additional tax being paid to the Irish Exchequer. The issue at the heart of the recommendation is the application and use of non-cyclical tax receipts. Ireland is bound by EU fiscal rules and from 2016 our compliance will be assessed under the preventive arm of the Stability and Growth Pact. The expenditure benchmark will, therefore, provide the anchor for fiscal policy in the medium term. In practical terms, this means that from 2016 onwards, there will be a fixed amount of expenditure or fiscal space available in the annual budget. This fiscal space will be derived by reference to the potential growth rate of the economy which is independent of tax performance. This means that future Government expenditure will be decoupled from cyclical or windfall tax revenues so as to ensure increases in public expenditure will be sustainably financed and safeguarded from dependence on cyclical revenues.

In terms of extra tax payments which have been received by the Exchequer, the public finances are improving, with a broad and growing tax base providing stable funding for vital public services. The reformed budgetary framework and fiscal rules are designed to protect the public finances and ensure the mistakes of the past will not be repeated. Underpinning recent budgetary policy, for example, has been projected 15% growth in taxes and PRSI between 2014 and 2016, while in the corresponding period expenditure is forecast to grow by just 4%. This favourable differential has facilitated the Government's successful focus on deficit reduction.

Regarding our strong corporation tax performance in 2015 and the forecasts for 2016, a reversion to more normal levels of growth in corporation tax receipts is prudently assumed for next year. Under the new fiscal regime, non-cyclical receipts cannot be utilised for public expenditure purposes, although they can be applied to reduce the national debt which remains the biggest internal risk to the economy.

Taking account of cash and liquid assets, including those held by the NTMA and the Ireland Strategic Investment Fund, our net debt position will be 80% of GDP by the end of the year. This debt level, while sustainable, is too high. Debt reduction is a critical goal as building our fiscal capacity or ability to borrow is the best way to mitigate the risks from unforeseen events.

To address the suggestion of the establishment of a sovereign wealth fund, I remind the Senator that the State already has the Ireland Strategic Investment Fund, ISIF, which is available for investment in commercial projects that also yield an economic return to the State. The fund has assumed the resources of the National Pensions Reserve Fund, NPRF, and will invest them in accordance with its mandate of promoting economic activity and employment within the State. We are already beginning to see that the ISIF is having a positive impact on the economy. Its first economic impact report from July advised that by the end of 2014, 79 Irish companies and projects with a combined annual turnover of €472 million were benefiting from ISIF investment. Furthermore, approximately 8,362 jobs were supported directly and indirectly by ISIF investments. At 30 September 2015, the ISIF had some €7.472 billion available for investment and will continue to leverage its resources by seeking co-investors. It can be expected to more than double the funds available to support economic activity and employment in the State. It is my view that the fund has enough resources to fulfil its mandate at the current time.

On the basis that we have the ISIF and given my explanation of EU fiscal rules, it is clear that there is not a sufficient case for seeking a report along the lines suggested by the Senator. Therefore, I am not accepting his recommendation.

To return to the issue of additional corporation tax receipts which came in strongly this year, the Revenue Commissioners advise that they were due to increased economic activity. Economic activity has increased substantially this year. The Central Statistics Office figures published this morning indicate that the economy was growing at 7% for the first nine months of the year. Obviously, an economy growing at a rate of 7% is generating a lot of tax. In nominal terms, the economy is growing at a rate of almost 11%. That is what drives the size of GDP and, to an extent, the buoyancy of tax receipts. The other point to make is that the take from corporation tax is exaggerated. Of all the taxes we have collected in the first 11 months of the year, corporation tax, even at an enhanced level, represents only 15% of the total tax take. It is by no means the tax on which we are depending to fund expenditure programmes or tax reductions. That said, it is very important and I am glad that there is an extra take coming in.

As well as the explanation from the Revenue Commissioners that there is increased economic activity, quantitative easing has brought down the value of the euro. A lot of orders in FDI companies are denominated in US dollars; there is, therefore, a value advantage from quantitative easing which has helped Ireland more than other countries. If the companies concerned are making more money, they pay more tax.

The statistics published this morning are very interesting. They show an enormous level of investment in research and development. When I started amending the corporation tax regime, I got rid of the so-called “double Irish” which was a residential rather than a tax law. I was

hoping some of the FDI companies operating here would bring their intellectual property onshore and there is evidence from this morning's statistics, with the huge increase in investment in research and development, that a lot of it is being brought onshore. If it does come onshore, of course, it will be liable to Irish tax. We attempted to close a loophole that was causing us reputational damage and one of the consequences seems to be an additional tax take as foreign companies, instead of having intellectual property on a Caribbean island, are headquartering in Ireland and basing their intellectual property here too. Apart from the tax take, it also puts deeper roots under FDI companies because once serious research and development are conducted in Ireland, the base is more stable than previously.

We are looking at a good picture and I do not think we are going to be hit by some unexpected issue which will cause corporation taxes to fall away. The Revenue Commissioners have advised that they can include all of the extra taxes in the base for next year, with the exception of around €300 million, which relates to repayments due to some companies. They are not suggesting to me there is any reason to be doubtful about the flow of corporation tax next year. Of course, the increased flow above that forecast has continued for the past three months of the year, which means that the figure included in the 2016 Estimates on budget day has been exceeded already by the returns from corporation tax, but we are not going to change the figure. This means that in the national accounts for 2016 we are actually showing a reduction in the yield from corporation tax on the figure for 2015. I did not do this deliberately. This was the way the numbers ran because we never know in October how the year will end up. It means that there is a tax buffer built in for the next Government. If the same amount of tax comes in from the corporate side next year, there will be approximately €525 million not assigned. If there is any falling away, there will be a buffer which makes it easier to make ends meet. We are in a good position. The figures for this morning show 7% growth for the first nine months of this year. That will probably come back a little bit for technical reasons. In the last quarter of last year, there was very strong growth and because the base from which we will compare the last quarter of this year is so strong, we may come back to 6.5% or 6.6% for the year. The budget figure was 6.2% and I am confident of not only reaching but exceeding that. Many things are going well and we can only hope they continue.

Senator David Cullinane: I do not doubt the importance of foreign direct investment or that much of the investment in recent years has been bedded down with research and development, which is very important and will make it more sustainable. I do not doubt anything the Minister has said about the figures he has presented, even in respect of growth, although many experts would say that our growth levels in respect of gross domestic product, GDP, or gross national product, GNP, are always a bit skewed because of the very high levels of foreign direct investment. While the Minister says the Revenue Commissioners say it is sustainable and the spike has come because of the growth in the economy, the Irish Fiscal Advisory Council is not exactly saying that. Different views are being expressed.

While I support foreign direct investment and what it means for the economy, we are entitled to ask questions about its sustainability because of what happened in the past, when we built the public finances around unsustainable tax receipts from construction or consumption or whatever it was. People do not want to make the same mistakes again. I am not suggesting that is what the Government is doing but questions can be asked about it. I accept we have an investment fund set up by the Government but the recommendation is concerned with the potential of unexpected receipts, where they come from, whether they are one-off or long term or more sustainable. The perception, whether true or not, is that multinational companies deter-

mine how much tax they pay. There are many ways they can classify their corporation tax and so on. People will ask what is the real agenda, is it really down to growth or are there other issues at play here. The Minister spoke about the changes he made in the double Irish. I welcome them too. Is it possible to make any link between all of those issues and the spotlight put on this State in respect of corporation tax payments and the spike this year? It is a reasonable question.

If the Minister is not willing to consider establishing a sovereign wealth fund, is he saying that if the corporation tax was to increase further, there would be a possibility that some of that money could be used in the investment fund? The difficulty is that we will work off the same figures as the Minister, in terms of the fiscal space over the next five years. If there is a big jump next year in corporation tax, it will not alter the fiscal space very much. That will determine how this State spends its money. It is important, given that the economy is recovering and that so much investment was taken out of it in recent years, to reinvest in it. The investment fund was set up for that purpose but the money has to come from somewhere. If the Minister will not consider establishing a sovereign wealth fund because he already has an investment fund, is it possible that some of the corporation tax yield will be put into that investment fund?

Deputy Michael Noonan: The debate the Senator has initiated is very important and I am not criticising him in any way for asking the questions. That is what we should do in the Dáil and the Seanad. That is why I am giving him as much information as I can, well beyond my briefing notes. Approximately €7 billion will be collected in corporation tax this year. That is approximately €3 billion more than estimated. Of that €3 billion, we spent approximately €1 billion additional at the end of 2015 in Supplementary Estimates, a big chunk of it for health. We also did county roads and replaced 30 or 40 Dublin Bus buses because the fleet was a bit clapped out. There was stuff for the Garda and so on. It was well within our capacity to pay for it and it was well within the expenditure benchmark. That left another €2 billion. We cut the deficit with that. Our obligation under the European rules was to get the deficit under 3% at the end of this year. On budget day, I said we would go down to 2.1%. We used some of the corporation tax that had come in at that stage to get down to 2.1%. We used other taxes also. Now with the strong flow continuing to the end of the year, it looks as if the deficit will come in at 1.6% or 1.7%. That has consequences for next year.

Rather than putting money in some kind of investment fund, the priority is first of all to balance the budget and then get money to reduce the debt. That can be done directly or indirectly. As soon as we have a balanced budget and are running the country on what we collect in taxes, if additional funds come in, it opens up the possibility of investment and improving services. There is no doubt that after seven years of recession, there is economic and social depletion of infrastructural assets. The next phase of growth will have to be driven by investment. The private sector is investing very heavily and that is shown in this morning's figures but the State has a role, as well to invest in economic and social infrastructure.

Assume we balance the budget by 2018, in 2020 and 2021, we will have a lot of leeway and additional income, which we can use. My priority would be to improve the services but also to invest because if we do that we will keep the growth phase going. I do not disagree with the Senator. Putting in the fund might be an option in three years time. If there is a lot of excess tax at that stage, it might be a good idea to go back to the kind of pension reserve fund that the former Minister, Mr. McCreevy, brought in. It is too soon to do it now because if we are borrowing money on average at 3.5% or 4%, we would not get that return from an investment fund. If we take it off our borrowings, we will get the money in. That is the way I figure it out but everything has to be adjusted as new information comes in and as the annual cycle of budgets

comes along.

Recommendation put and declared lost.

Senator David Cullinane: I move recommendation No. 9:

In page 96, between lines 4 and 5, to insert the following:

“69. The Minister shall, within nine months from the passing of this Act, prepare and lay before Dáil Éireann a report on options available for the introduction of a comprehensive asset tax otherwise known as a wealth tax, the report shall include options for the collation of data necessary for the assessment of such a tax, definitions of categories of wealth to be included in such a tax, proposals for the assessment and collection of the proposed tax and estimates of potential revenue raised at various rates of taxation.”.

I am sure the Minister has debated this issue several times in the Dáil with Deputy Pearse Doherty and many members of Sinn Féin. Every year when we present the Minister with his pre-Christmas present of our alternative budget, we include the hope he might consider a wealth tax at some point.

Deputy Michael Noonan: Sinn Féin skipped one year. It got nervous and pulled back. There was no wealth tax proposal two years ago.

Senator David Cullinane: We have had it in every year. Sometimes the civil servants might not give the Minister full information. We have proposed a wealth tax every year for the past five years. However, because the Government and the Department are unable to calculate how much would be raised from a wealth tax, we took the prudent step of saying we could not speculate about how much money would be raised. We could not say with any credibility that X amount would be raised which could be used for day to day spending. We said this because the Government was unable to cost the measure. The Minister and the media rightly state that when one brings forward budget proposals, they should be costed. For that reason, this was a separate measure in our proposed budget and any money raised would be ring-fenced for job creation measures and investment of the type mentioned by the Minister.

The recommendation proposes:

The Minister shall, within nine months from the passing of this Act, prepare and lay before Dáil Éireann a report on options available for the introduction of a comprehensive asset tax otherwise known as a wealth tax, the report shall include options for the collation of data necessary for the assessment of such a tax, definitions of categories of wealth to be included in such a tax, proposals for the assessment and collection of the proposed tax and estimates of potential revenue raised at various rates of taxation.

The Minister has spoken in this House on several occasions about broadening the tax base and introduced new taxes, including the local property tax and water charges. He may not see these as taxes, but some people certainly do, in particular the local property tax. In general, therefore, the Government does not seem to have a difficulty with introducing new taxes, but there is a reluctance to even consider the possibility of introducing a wealth tax. There is a reluctance to consider what it would look like or how money would be raised from it. The Minister has indicated several times how much he believes such a tax would generate and I am aware he has views on its sustainability. Numerous reports have been produced in this context.

I produced a report yesterday for the Joint Committee on Jobs, Enterprise and Innovation on low pay and the living wage and I am aware of and familiar with the data underpinning that report. I am sure the Minister is also aware of the data produced by EUROSTAT, the OECD and the CSO, as well as the figures from all of the reputable data gathering agencies in the State, elsewhere in Europe and globally. The data show that market and income inequality is very high in the State. When we include social transfers, the position is better, but income inequality is certainly a problem. The top 20% of income earners own 73% of the State's wealth, while the bottom 20% own 0.2%. This is shocking by any standard and demonstrates the real divide in the country. The figures also show that the combined wealth of the top 5% is almost double that of middle income earners in their entirety. Revenue data show that the top 1% of income earners had an average annual income of €373,300, whereas the bottom 90% earned approximately €27,000 annually. I am not speaking in ideological terms of left or right politics or rich versus poor, but these issues are now being examined globally. They were on the agenda for the World Economic Forum which looked at the concentration of wealth in the hands of a small number of people. We are not immune to this.

As a matter of fairness and sustainability, we need to look at the possibility of introducing a wealth tax. For the life of me, I cannot understand why the Government is so opposed to the principle of a wealth tax. Despite a political party including the possible introduction of a wealth tax in its manifesto and alternative budget every year, the Government, its agencies and the Department oppose such a tax to the extent that they have not even seen fit to cost the proposal. After five years in government and after all the nonsense Fine Gael has thrown at Sinn Féin for proposing the introduction of a wealth tax, I find it incredible that the Minister and the Department have not had the manners to cost the measure. We are entitled to the information and the State should be obliged to provide it for the political system in order that we can work out the proposals and policies we propose should be put in place. I hope the Minister recognises that we include it in our alternative budget every year which we try to have costed. We can disagree on these issues, but we cannot do so on a wealth tax if the Minister will not provide the information. No political party could undertake the work on its own and it would not be credible. It needs to be done by the Department. As the recommendation is clear on what we are calling for, I will repeat it. It reads:

The Minister shall, within nine months from the passing of this Act, prepare and lay before Dáil Éireann a report on options available for the introduction of a comprehensive asset tax otherwise known as a wealth tax, the report shall include options for the collation of data necessary for the assessment of such a tax, definitions of categories of wealth to be included in such a tax, proposals for the assessment and collection of the proposed tax and estimates of potential revenue raised at various rates of taxation.

Is that too much to ask for? The Minister tells us each year that one of the reasons we cannot have such a tax relates to the assessment and collation of data. Let us, therefore, try to find them. If we had definitions of categories of wealth to be included, we could make the arguments for their inclusion.

On the proposals for the collection of such a tax, the Government has no difficulty with the methods for the collection of fines, water charges and local property tax, but it seems to have a difficulty with the possible introduction of a wealth tax. Why is not possible for the Department to even produce a report that would put the options on the table in order that we could have a reasonable and constructive debate on the issue? This recommendation is important. It is wrong that the Government has not done this up to now and that it has not been able to cost

our proposal. We have work on it, but our work has just been dismissed as Sinn Féin's proposal. What we are trying to achieve is to ensure we at least would have the data, methods and a model that had been examined by the Department. That seems to be a reasonable request on the part of Sinn Féin.

Deputy Michael Noonan: I thank the Senator for his contribution, but I do not propose to accept the recommendation. The Government has no plans to introduce a wealth tax, although all taxes and potential taxation options are, of course, constantly reviewed. Wealth can be taxed in a variety of ways, some of which are already in place in Ireland. Capital gains tax, CGT, and capital acquisitions tax, CAT, for example, are taxes on wealth that are levied on an individual or a company on the disposal of an asset in the case of CGT or the acquisition of an asset through gift or inheritance in the case of CAT. Deposit interest retention tax, DIRT, is charged at a rate of 41%, with limited exemptions, on interest earned on deposit accounts. The local property tax which was introduced in 2013 is a tax based on the market value of residential properties and an asset tax along the lines for which the Senator is arguing.

Senator David Cullinane: No, that is not what we are arguing for.

Deputy Michael Noonan: Sinn Féin wants to abolish it. Even if the tax was on a house worth €10 million, Sinn Féin wants to have it abolished. Its position is illogical.

The domicile levy introduced in budget 2010 also constitutes a wealth tax. It is aimed at high wealth individuals with a substantial connection to Ireland, regardless of whether they are tax resident, to ensure they make a tax contribution to the country in a year of at least €200,000.

In order to estimate the potential revenue from a wealth tax, it would, first, be necessary to identify the wealth held by individuals. I am informed by the Revenue Commissioners that they have no statistical basis for compiling estimates of the revenue to be raised from a potential wealth tax. Although an individual's assets and liabilities are declared to Revenue in a number of specific circumstances, for example, after a death, this information is not a complete measure of financial assets in the State, nor is it recorded in a manner that would allow an analysis of the implications of an overarching wealth based tax.

Comprehensive data for household wealth in Ireland, including assets and liabilities, were published for the first time earlier this year by the CSO. The data have been collected across the entire eurozone according to a standardised methodology. The data indicate that the level of wealth inequality in Ireland in 2013, as measured by the Gini co-efficient, was lower than the eurozone average. The results also show that wealth is less concentrated at the top of the distribution in Ireland than the eurozone average. Central Bank analysis of the data also indicated that while wealth and inequality has increased since 2011, it is actually lower than in 2006, the earliest period from which data are available. Part of the research programme agreed between my Department and the ESRI covering macroeconomic and taxation issues, includes a research project involving detailed analysis of wealth distribution and taxation. It is intended that this research, based on the household finance and consumption survey, published this year by the CSO, will commence shortly.

A number of issues highlighted in the recommendation, including estimating the potential tax base and yieldable tax in Ireland also feature as part of the research work planned for the project. The data gathered by the CSO as part of the household finance and consumption survey were not collected for the purpose of calculating the potential yield from a wealth tax but

for the purpose of collecting general information on the financial situation and behaviour of households. My Department will monitor and consider any additional information and data that come to light and will continue to examine potential taxation sources. However, as I said, I do not propose to accept the recommendation.

I can assure the Senator that it is not a matter of good or bad manners that we cannot calculate the yield from his proposals for a wealth tax; the data are not available in Revenue and the Senator's proposals are unclear. Part of the proposal is to abolish the local property tax. The greatest amount of wealth held by normal families in this country is in the family home yet the Senator refuses to tax it at all and wants to abolish the local property tax completely. The Senator's first statement is to move back from his principle of taxing assets. He does not say he will abolish the wealth tax on houses valued up to €1 million, he wants to abolish it *simpliciter*. The Senator has no problem in exempting the houses in certain well known leafy suburbs of south Dublin which are again selling at €5 million and €6 million from the property tax. I do not understand the ideological purity that drives the Senator into that position.

The second proposal from the Senator exempts all agricultural land. I am not sure if he will or will not exempt stock so it is difficult to assess what could be collected from the agriculture sector. The Senator's proposal may tax the cows for all I know, but he certainly does not seem to have a specific inclusion. The Senator's proposal would exempt the farmhouse and the land but he has not exempted the farmyard. Being a Waterford man he probably comes from dairy country like myself and of course the wealth of many farms is in that half acre of the farm.

Senator David Cullinane: I also recognise manure when I see it.

Deputy Michael Noonan: The wealth is in the farmyard, it includes such things as the milking parlour, the machinery and tractors.

Senator David Cullinane: I know where they are.

Deputy Michael Noonan: Will the Senator inform the House whether he is taxing it? His proposal as published would imply that he is not exempting it; is he, therefore, taxing it?

There is also a proposal to tax money on all deposits in excess of €1 million. I do not know many people who have €1 million on deposit, but even those who have it now will be gone at the press of an electronic button the day the proposal is up for Second Stage in the Dáil. It is very hard to estimate the yield when one knows the money will not be there. It would be like Mother Hubbard getting to the cupboard to find it bare; there will be no yield.

The Senator does not make it clear if he would tax the financial services centre. There is a huge industry, in Dublin in particular, in the management of billions, if not trillions, of euro in money and liquid assets. Does the Senator want to put a wealth tax on that industry without being quite sure of what he is at? Does he think he would have the legislation through the Dáil before those companies would move to London or Luxembourg?

It is not a question of good or bad manners. There is a strong record of the Department of Finance bending over backwards to facilitate the costing of proposals, but it is impossible for the Department of Finance to cost these proposals because of the lack of revenue data and the lack of clarity in them. The Senator should go ahead and we can have the debate in the election.

Senator David Cullinane: I suppose what the House has just got from the Minister is a

classic straw man argument and I am surprised at it, or perhaps I should not be surprised. Yes we did, and do, support the scrapping of the local property tax which we see as a family home tax. For the Minister to suggest that a property tax is a full wealth tax is to stretch-----

Deputy Michael Noonan: It is an asset.

Senator David Cullinane: I will get to that. For the Minister to suggest a property tax, or a tax on a person's home, is the only way to tax wealth really shows the ideological divide.

Deputy Michael Noonan: I did not say that.

Senator David Cullinane: The Minister inferred it when he criticised the proposal.

Senator John Gilroy: I gave four examples of wealth tax.

Senator David Cullinane: If the Senator wants to come in he can express a wish to speak and I am sure the Chairman will allow him to do so.

When the abolition of the local property tax was proposed we called for the reinstatement of the second home tax to ensure that properties being used for commercial purposes would be subject to a property tax. The Minister also misrepresented Sinn Féin's position on a wealth tax which is that family homes, or any home, over €1 million would be subject to a wealth tax. The Minister could at least read what is proposed. He is taking Sinn Féin's proposal and reducing it to whether we would tax cows or farm sheds.

Deputy Michael Noonan: Those are the questions that people are going to ask.

Senator David Cullinane: That is the level of response this House gets from the Minister on this issue. I am flattered that should the Department examine the possibility of a wealth tax it would only do so on the basis of work done by Deputy Pearse Doherty, a document I am sure the Minister has read, and which Deputy Pearse Doherty has brought forward to the Dáil. I remind the Minister that I am not asking him to accept this proposal based on what Sinn Féin is proposing and, if he leaves Sinn Féin's proposals outside the door, I will read to the Minister what is proposed. Like any Bill or legislative measure brought forward by Government or the Opposition there may be flaws, questions, concerns or issues but they get examined. We are calling for a report on the options so all of the concerns about cows, farm sheds and all of that nonsense raised by the Minister would and could be looked at.

The proposal seeks a report on options available for the introduction of a comprehensive asset tax and that it shall include options for the collation of data. The Minister has said it is impossible to collect the data from the information we have provided but he should get the data from his own information, from how he and his Department would categorise wealth, not using Sinn Féin's categorisation. The report would also include definitions of categories of wealth to be included in such legislation. This would cite all the definitions which the Minister had said would be problematic. We could then examine the definitions to see if they were to be included. The proposed collection method could also be examined. All of these topics would then become a matter for debate.

The Minister has simply acted the maggot with Sinn Féin's proposals and has not taken the substance of the recommendation or done the work required. I believe the people are entitled to have this analysis done if they call for it and are earnestly trying to get information. There is a duty on the Department to provide the information. The Minister should not look at this recom-

mentation solely in the context of what Sinn Féin is putting forward. There are other organisations and people, including TASC, the Nevin Economic Research Institute and the trade unions who have also called for a wealth tax and they may have different opinions and classifications and different ways of doing it.

We are looking for a report on the options. The Minister cannot say it is not possible. It is not possible because he does not have the political will to do it. It has not been done because the will is not there to do it. Yes, we will have that debate in the election, but it should not come down to elections. It is wrong that the Minister has just brought this back to the election, that it will only be decided at election time and that we do not even have the ability to have options on the table. I will not press the recommendation as I will look to resubmit it on Report Stage. It is worthy of more consideration from the Minister and perhaps he might reflect, come back to the House on Report Stage and we will have the debate again.

Deputy Michael Noonan: I already said in my answer that the Department of Finance has an arrangement with the ESRI to do a full survey of what would be described as wealth. For the first time, the Department is taking steps to have the kind of base the Senator is talking about. We are not doing it for the purposes of introducing a wealth tax. It is useful information to know the distribution of income and wealth across households. It is the kind of data that modern economies have. We are moving into that space. The work is about to commence and the ESRI has already been commissioned to do it.

On the other issues, as I said before, in the absence of a database and in the absence of clarity on Sinn Féin's own proposals, it is not a question of bad manners; if we could cost it, we would do so.

Acting Chairman (Senator Pat O'Neill): Is the recommendation being withdrawn?

Senator David Cullinane: Yes, on the basis that I will resubmit it on Report Stage.

Recommendation, by leave, withdrawn.

Acting Chairman (Senator Pat O'Neill): Recommendations Nos. 10 and 11 are related and may be discussed together.

Senator David Cullinane: I move recommendation No. 10:

In page 96, between lines 4 and 5, to insert the following:

“**69.** The Minister shall, within one month of the passing of this Act, prepare and lay before Dáil Éireann a report on options for the abolition of the Local Property Tax.”.

These recommendations logically follow and I am sure the Minister will be very pleased with them as well. Amendment No. 10 states: “The Minister shall, within one month of the passing of this Act, prepare and lay before Dáil Éireann a report on options for the abolition of the Local Property Tax.”. Amendment No. 11 states: “The Minister shall, within one month of the passing of this Act, prepare and lay before Dáil Éireann a report on options on extending the exemptions from the Local Property Tax to residents in buildings unsafe because of fire safety regulations or other structural issues”.

We have discussed a property tax Bill in the past and have just discussed a related tax. One national newspaper has stated that the local property tax is now on life support and that

the next Government will have to make a quick decision on whether to retrieve it or kill it off. This amendment has the effect of preparing a report on options for how any future government minded to scrap the property tax might do so.

One of the dangers identified by the Thornhill report in respect of the property tax was that the later re-evaluations are left and the harder it is to do them the bigger the jump will be. Dr. Don Thornhill said that unless the tax was put on a fair basis it will either wither away or face legal challenges. The Minister of State, Deputy Simon Harris, said that issues relating to the implementation of other recommendations in the Thornhill report will be a matter for the consideration of the incoming Government.

Will the Minister outline the view of the Government? How does he envisage the property tax progressing post 2019, if indeed his party is returned to government after the next election? What is his view of the continuation of the tax? Notwithstanding the other debates we have had on the tax, I emphasise the unfairness of it in that it is not linked to ability to pay. A wealth tax such as we were proposing would be income linked as well. Somebody could own a property worth between €400,000 and €500,000 but might not have any steady income. There are many unfair elements to the property tax brought in by the current Government. The recommendations speak for themselves and I look forward to the Minister's response.

Deputy Michael Noonan: The local property tax, LPT, is designed to provide a more sustainable system of funding for local government and place the provision of local services on a sounder financial footing. It will lead to greater transparency and accountability at a local level and it is certain that the stronger democratic relationship and clearer lines of accountability created can only have a beneficial impact on service provision from the perspective of the service user. The level of income forecast to be collected by the LPT in 2015 is in the region of €440 million. Under the terms of the Stability and Growth Pact, Ireland may not introduce discretionary revenue reductions unless they are matched by other revenue increases or expenditure reductions. This means that the Government must consider carefully any tax change as any reduction will have to be offset elsewhere.

The Finance (Local Property Tax) Act 2012, as amended, provides that any property that is in use as, or that is suitable for use as, a dwelling house is liable to the local property tax. Therefore, the condition of a property is not relevant where the property is actually occupied as a dwelling house. Where a property is not occupied and is in such bad condition that it is not suitable for occupation as a dwelling house, it is not liable to the LPT. I am advised by the Revenue Commissioners that it is not possible to provide a prescriptive set of criteria that a property must meet to be treated as not suitable for occupation as a dwelling house.

As the LPT is a self-assessment tax it is up to a property owner to assess whether a property is liable, and to assess the chargeable value of the property where it is liable. In cases where the property owner assesses a property as non-liable due to its being unsuitable for use as a dwelling or assesses a property at a reduced value because of fire safety or other structural issues, Revenue will consider the facts and circumstances of the particular case. The LPT operates on a self-assessment basis and it is a matter for the property owner, in the first instance, to calculate the tax due based on his or her assessment of the market value of the property. When making an assessment, issues such as serious defects relating to building and fire safety regulations would be one of the factors that a property owner should take into account in valuing the property.

In the circumstances, I do not propose to accept these recommendations. The passage the

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Senator quoted from a newspaper is strange. The collection rate on the property tax is 97%. It is very hard to say that a tax collected at 97% of assessed value is on life support. It seems to be one of the stronger taxes.

Senator David Cullinane: I will withdraw the recommendation with the view to resubmitting it on Report Stage.

Recommendation, by leave, withdrawn.

Senator David Cullinane: I move recommendation No. 11:

In page 96, between lines 4 and 5, to insert the following:

“69. The Minister shall, within one month of the passing of this Act, prepare and lay before Dáil Éireann a report on options on extending the exemptions from the Local Property Tax to residents in buildings unsafe because of fire safety regulations or other structural issues.”.

I will withdraw the recommendation with the view to resubmitting it on Report Stage.

Recommendation, by leave, withdrawn.

Recommendation No. 12 not moved.

Sections 69 to 85, inclusive, agreed to.

Acting Chairman (Senator Pat O’Neill): Recommendation No. 13 in the name of Senator David Cullinane is out of order.

Recommendation No. 13 not moved.

Sections 86 to 90, inclusive, agreed to.

Schedule agreed to.

Title agreed to.

Bill reported without recommendation.

Acting Chairman (Senator Pat O’Neill): When is it proposed to take Report Stage?

Senator Maurice Cummins: Tomorrow.

Report Stage ordered for Friday, 11 December 2015.

Sitting suspended at 1.55 p.m. and resumed at 2.20 p.m.

Electoral (Amendment) (No. 2) Bill 2015: Second Stage

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

Acting Chairman (Senator Terry Leyden): I welcome the Minister of State, Deputy Ann Phelan. I also wish to welcome Shenghe Lu, chairman of the Baocheng Education Group, and

his colleague, Zhen Yao, from the Dublin Institute of Technology who are with us in the Visitors Gallery. We are delighted to have them with us from Dalian in China. I thank them for coming to Ireland. I am delighted with the work with DIT through Dr. Brian Murphy.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Ann Phelan): I am glad to have the opportunity to outline for the Members the provisions in the ninth Bill in the electoral area brought forward by the Government. This short Bill contains four measures. Each is separate and distinct.

The Electoral (Amendment) (No. 2) Bill 2015 provides, as the name suggests, for amendments to existing electoral law. The need for these amendments has become apparent in the operation of the relevant provisions in electoral law. The Bill provides for the continuation of the existing arrangements for candidate entitlement to free postage at Seanad university member elections, when the household distribution provision for Dáil elections is commenced. It provides for the Association of Irish Local Government to be included in the register of nominating bodies for Seanad panel member elections.

The Bill also provides that persons who become Irish citizens after the qualifying date for the register of electors may apply for entry in the supplement to the register of electors so as to have their new citizenship status recognised. Entry in the supplement would entitle them to vote at all elections and referendums arising before the next relevant register is prepared. It provides for a revised form of ballot paper to be used at Dáil elections.

Before elaborating on the provisions in the Bill, I take the opportunity to mention that I will bring forward amendments to the Bill on Committee Stage. One provides for the inclusion of the Local Authority Members Association in the register of nominating bodies for Seanad panel member elections in the same way as the Bill already provides for the Association of Irish Local Government. The other amendment provides for an enhancement of the powers of the Standards in Public Office Commission in relation to implementation of the Electoral Act 1997 which provides for regulation of political donations and election expenses.

I will now deal with the four provisions in the Bill passed by the Dáil last month. The first provision in the Bill relates to the entitlement to free postage of candidates at elections in the Seanad university constituencies. The Electoral Acts provide that candidates at presidential and Dáil elections, and elections in the Seanad university constituencies, are entitled to send an item of election communication to each person on the register of electors, free of postage charge. The postage costs are met by the State. Under these provisions, and where more than one person is registered at the same address, multiple copies of the same item of post are sent to that address. This is unnecessarily costly and wasteful.

In line with the Government's commitment to achieve efficiencies and to reduce Government spending, the necessary provision to allow for a household distribution of these election communications at European elections was commenced in 2014. This generated savings in the cost to the State of running the 2014 European elections, estimated at €2.5 million.

It is now the Minister's intention to commence section 78(a) of the Electoral Act 1997 to provide for household distribution at Dáil elections. This has the potential to save an estimated €3.6 million euro at a general election, based on the same number of candidates availing of the facility as did in 2011, and on similar postage costs.

The commencement of section 78(a) of the Electoral Act 1997 will amend section 57 of

the Electoral Act 1992, which is also applied to Seanad elections by section 25 of the Seanad Electoral (University Members) Act 1937. However, a household distribution would not be workable for elections in the Seanad university constituencies as registration in those constituencies is on an individual basis. The Bill therefore inserts a provision in the Seanad Electoral (University Members) Act 1937 to provide that candidates at elections in the Seanad university constituencies may send, free of postage charge, one election communication to each registered elector in the constituency. This effectively provides for the continuation of the existing arrangements for elections in the Seanad university constituencies and it mirrors the existing provision for Dáil elections in section 57 of the Electoral Act 1992. The necessary provisions are made in section 1.

The second provision in the Bill relates to nominating bodies for Seanad panel member elections. The Seanad Electoral (Panel Members) Act 1947 Act provides for the establishment and maintenance of a register of bodies entitled to nominate persons to panels of candidates for the election of 43 Members of the Seanad, as provided for in the Constitution. This register is renewed annually in accordance with the provisions in the Act. The Act provides for the bodies representing local government to be registered each year automatically, that is, without application. The bodies named in the Act are the Irish County Councils General Council, which was most recently known as the Association of County and City Councils, and the Association of Municipal Authorities of Ireland.

In 2014, following the reforms in local government, the two bodies representing local government, the Association of County and City Councils and the Association of Municipal Authorities of Ireland, merged to become the Association of Irish Local Government. That association is not named in the 1947 Act, and there is no provision in that Act for a successor body to the previous bodies to be included in the register of nominating bodies. The current register of nominating bodies came into force on 21 March 2015 and, even though there has been no policy change as such, the body representing local government in Ireland is not included in the register of nominating bodies for Seanad panel member elections. This is an inadvertent consequence of the changes in local government that took place in 2014 and one that is being addressed in this Bill.

The Bill provides, in section 2, for the amendment of the Seanad Electoral (Panel Member) Act 1947 to provide that the Association of Irish Local Government shall be registered, without application, in respect of the administrative panel in the register of nominating bodies for Seanad panel member elections.

Pending the next annual revision of the register, in March 2016, the Bill also provides, in section 2(c), for the Association of Irish Local Government to be registered in the register of nominating bodies which came into effect on 21 March 2015. It provides for the publication of a notice in this regard, in *Iris Oifigiúil*, by the Seanad returning officer.

Section 2 also makes consequential amendments to sections 27 and 58 of the 1947 Act. The effect of all of the amendments is to replace the references in the 1947 Act to the Irish County Councils General Council and the Association of Municipal Authorities of Ireland with a reference to the Association of Irish Local Government. As I mentioned, I will be introducing an amendment on Committee Stage to provide that these nominating provisions will also apply for the Local Authority Members Association.

The third provision in the Bill is about application for entry in the supplement to the register

of electors by people who become Irish citizens. The three requirements for voter registration are age, residence in a constituency and citizenship. One's citizenship dictates what elections one can vote in.

Since 1992 arrangements have been in place for persons not on the register of electors to be entered in a supplement to the register so that they can vote at an election or referendum taking place before the next register comes into force. Initially people would have had to have met the necessary requirements on the qualifying date for the register in any year. This is 1 September. The supplement provisions were modified in 1997 and again in 2001 to provide that persons reaching 18 years of age, or changing address, or moving constituency, after the qualifying date, could apply for entry in the register. However, no modification was ever made to provide for a person, whose citizenship changed after the qualifying date, to apply to be entered in the supplement to the register of electors. The Minister is proposing that this anomaly be addressed now. The Bill provides that a person who becomes an Irish citizen after the qualifying date for the register of electors can apply for entry in the supplement. This means that people who become Irish citizens will not have to wait for a full turnaround of the register of electors to be registered to vote at all elections and referendums. They will be entitled to apply for entry in the supplement to the register and to have their new citizenship status recognised and so be entitled to vote at an election or referendum taking place before the next relevant register of electors comes into force.

The new provisions are set out in section 3 of the Bill which substitutes section 15(1A) of the Electoral Act 1992. The new section 15(1A) repeats the provisions in the existing section and includes the new provision that a person may apply for entry in the supplement to the register of electors if he or she was not a citizen of Ireland on the qualifying date of 1 September each year for a register of electors and subsequently became a citizen of Ireland. Such applications could be from persons who were never registered to vote or from persons already registered to vote, for example, as local government or European electors, who wish to change their registration details and so be entitled to vote at all elections and referendums.

The fourth provision in the Bill introduces a revised format for the ballot paper for Dáil elections. The Minister committed to a review of the ballot paper in the Dáil last April when concerns were raised with him about voters misplacing their marks on the ballot paper. Currently, political party emblems are placed along the left-hand side of the ballot paper. In the case of non-party candidates, the space for the emblem is required to be left blank. It is reported that some voters express their voting preferences by placing their marks in these boxes in the left-hand column. While it is understood that such marks may not necessarily render a ballot paper invalid, the Minister is of the view that any potential confusion should be eliminated, where possible.

Following on from the review of the format of the referendum ballot paper earlier this year, officials in the Department consulted with the National Adult Literacy Association and the National Council for the Blind in the review of the Dáil election ballot paper. It is proposed to move the space for including the emblem of a political party from the left-hand side of the ballot paper to a new location to the left of the photograph. There will, therefore, be no boxes along the left-hand side of the ballot paper. This should help voters avoid misplacing voting preferences as there will be only one box that can be marked for each candidate after voters have read across, from left to right, all of the information on each candidate. The new format should also be more user-friendly for voters with visual and literacy difficulties. In addition, italics and parentheses will be removed from the front of the ballot paper and the wording on the back of

the ballot paper and the counterfoil will be in both Irish and English. The new format has been generally well received. I look forward to it being used at the next general election.

This is an amending Bill containing four separate and distinct measures. Each of the measures in the Bill is important in itself. I will address the amendments further on Committee Stage. The Bill seeks to resolve issues that have arisen in the course of the operation of the electoral codes. I commend it to the House.

Senator Brian Ó Domhnaill: I welcome the Minister of State. As outlined by her, the Bill is narrow legislation. As such, it does not, unfortunately, provide the political reform promised prior to the last general election. There are many facets of Irish political life that need to be reformed. The Bill provides for only a small element of that reform and is a missed opportunity, particularly in light of the economic recession we have come through, the EU-IMF programme, the recommendations made in that regard and the need for political reform not only in this House but across the political institutions of this State. While Fianna Fáil does not propose to oppose this legislation, it is, as I said, narrow in the extreme and we will be bringing forth a number of amendments to it on Committee Stage.

This legislation does not modernise the system of politics in Ireland, even from the point of view of the area under scrutiny therein. I welcome that this Bill provides for a new nominating body for the Seanad Administrative Panel, the panel my colleague, Senator Diarmuid Wilson, represents. This means there will be an increase in the number of nominating bodies in respect of that particular panel from 14 to 15. In regard to the data in regard to the cost of doing politics not only for Dáil elections but for Seanad elections, the cost of sending out material in the context of the last Seanad election under the free post system was €1.565 million, which is a high cost. We need always to be mindful of the need for efficiencies. Very often in the public sector value for money in terms of efficiency means cutting costs rather than doing things better or doing more for less. The practice is to always seek cuts to teacher and nurse numbers and cuts to public sector pay rather than focus on performance and effectiveness in that regard.

This legislation illustrates that there are ways of doing things better. I am sure that my colleagues from the university sector will know a great deal more about that. According to the data, the electorate on the NUI panel increased from 8,000 in 1938 to 102,000 in 2002 but this figure has fallen back since then. According to the information available to me in 2011, there were 97,000 individuals registered in the Trinity College electorate. I understand the cost of the free post system in the context of the last general election was approximately €11 million. In regard to the review of the electoral commission by the Joint Committee on the Environment, Culture and the Gaeltacht, my colleague, Deputy Sean Fleming, who is a member of that committee has made a number of suggestions on how costs in this area could be reduced while retaining the effectiveness of the system. He proposed that rather than posting electoral literature on each candidate to each household, a booklet containing information on all of the candidates in an election be produced and delivered to each household. Much of the electoral literature delivered to households, irrespective of how important it is, is delivered along with regular post. The Department should perhaps undertake research on whether people find such literature useful given the volume of it. As I said, delivery of one booklet with the details of every candidate, irrespective of whether it is a general election or another election, would be much more effective and would save the taxpayer money. This would cut the bill for all elections. However, there has been no consideration of this proposal. What is provided for in this legislation is narrow. This legislation is incremental in terms of policy revision and it is not radical, which is what we need in this area.

The cost for delivery of election literature in respect of the last general election was €11.6 million; in respect of the last Presidential election, it was €11.2 million; and in respect of the last local and European elections, it was €11.5 million. I do not have the cost for delivery of election literature in respect of the referendum in 2013. There is a cost attached to democracy but we need to find better ways of interacting with people. The Internet provides us with a new medium through which we can engage with people, particularly in the context of the university panel. Senator John Crown spoke about the inaccuracy of the database for the university sector, upkeep of which is managed by the universities. There is perhaps a need to update that system to allow that electorate to upload their email addresses and so on. We need to think outside the box instead of providing for only little changes which provide no value for money for the taxpayer. This is poor legislation in that it does not reflect the thinking of the electoral commission. There is a great deal more I could say, but I will wait until Committee Stage to expand further on those points.

Senator Cáit Keane: I welcome the Minister of State. Senator Brian Ó Domhnaill wants everything to be done in one fell swoop. While much needs to be done, it must be done by degrees. I welcome the changes being brought about by this Bill in regard to the nomination bodies for Seanad panel member elections. I also welcome the entitlements in regard to postage for Seanad university member elections. The Bill also proposes to amend the Electoral Act 1992 in respect of the supplement to the register of electors for people not resident in Ireland at the time.

I welcome the extension to the university seats of the postage supports afforded to candidates and the provision of one postal communication to every elector. The Minister of State outlined the savings that will be made at Dáil elections for distribution to households. Nothing turns people off more than having a multitude of the same thing coming in their door, six and seven times in some households. The savings of €3.6 million in this regard are to be welcomed and I am sure they will be put to good use. This already is applied to the Seanad elections and while one cannot do it by household, as the Minister of State noted, I refer to the existing arrangements regarding the Seanad election under section 25 and the continuation of those arrangements for the university constituencies. They are necessary because it is a wide electorate located both in this country and in other countries.

Section 2 amends the Seanad Electoral (Panel Members) Act 1947 to include the Association of Irish Local Government, AILG, on the register of nominating bodies. The AILG is the amalgamated body comprising the Association of Municipal Authorities of Ireland, AMAI, and the Association of County and City Councils, ACCC, which represented town councils. Section 2 reinstates the right this body originally had to nominating rights on the administrative panel. I argue that because there was an amalgamation, the Minister of State perhaps should have considered giving them two nominations, namely, one for the ACCC as was, and one for the AMAI. Nevertheless, the AILG has one nomination in this regard. I will turn later to the Committee Stage amendments. As Members are aware, the AILG is a highly professional body that represents councillors and is a networking, policy development and training resource for elected members. It provides regular training and has interaction with all stakeholders, including Senators as elected representatives. I commend all former officers of the AMAI and the ACCC, some of whom have morphed into the AILG, including those who no longer are there. I commend the current president of the AILG, Councillor Colm Brophy, as well as Councillor Mags Murray, chairperson of the Local Authority Members Association, LAMA, and all the volunteer and committed staff in those organisations who are there to keep Members of the Legislature on their toes and to ensure Members try to do what they ask most times. It is to be

hoped the Minister of State will listen. In addition, Liam Kenny and Tommy Moylan provide the backup and support for the AILG and I also wish to mention all the volunteers of LAMA.

The Minister of State mentioned she intends to table amendments and I note that nine Government amendments to this Bill have been tabled, six of which deal with an issue that is close to my heart, that is, in having LAMA included for the first time as a nominating body. Therefore, there will be two nominations, which is a restoration of the previous position, whereby there were two people with the facility for nominating. I thank the Minister of State for this proposed amendment. She has listened to the submissions made by me and many others. I also commend Senator Maurice Cummins on his role in this regard. I am delighted about this-----

Senator David Norris: What about Fianna Fáil?

Senator Diarmuid Wilson: We do not exist.

Acting Chairman (Senator Hildegard Naughton): Senator Cáit Keane to continue, without interruption, please.

Senator Cáit Keane: -----because when I sat on the officer board of LAMA, I traipsed in here to meet a couple of Ministers on its behalf, although this was not done at the time. LAMA now will have the power to use its nominating right or not. The power will be in the hands of the councillors of LAMA, they can use it or not as they wish, but at least it now will be a designated body. As the Minister of State noted, the AILG and LAMA are registered bodies and will not be obliged to register, apply in writing or anything like that. It is there and is official, which I welcome.

Amendment No. 7 refers to section 4(4) of the Electoral Act 1997, which states, “The Public Offices Commission ... may require any person to furnish any information, document or thing in the possession or procurement of the person which the Commission may require for the purposes of its duties under this Act.”. In respect of the Public Offices Commission, now the Standards in Public Office Commission, does the Minister of State believe it has all necessary powers or does it need more powers or more staff to carry out all the investigative duties with which it is bound? Rather than being a reactive body, if the commission finds some wrongdoing or has questions it must ask, does it have the power, staff and wherewithal to investigate? Rather than reacting to television programmes, will it be proactive in respect of sourcing?

The addition in this Bill of section 4(4A) to the Electoral Act 1997 prescribes a summary conviction of a class D fine. While I welcome its inclusion, I believe this issue merits more than a class D fine and the Minister of State might consider this later. The addition of section 4(4B) rules that information furnished by a person to the Standards in Public Office Commission is not admissible as evidence against the person in court. I would ask why it is not because the commission is a State body. I hope this will not make evidence non-admissible and sought in its own individual right. While I acknowledge data protection plays a part in this, one would not wish to tie the hands of future investigations by writing something like this into a Bill, whereby it is stated it cannot be used in evidence. However, if the evidence is sourced otherwise, that is, other than through the commission, it should not preclude that same evidence from being used.

The Minister of State spoke about the revised format of the Dáil ballot paper, which I welcome because if one is watching ballot papers being counted, one sees what can happen. It also is frustrating for counters who might even miss one on the left-hand side. I do not wish to finish on a negative note. This Bill contains some positive measures and I again thank the Minister

of State for listening to Members in respect of the inclusion of LAMA as a nominating body. As I stated, it now has the power, if the councillors wish to use it. I also hope the Minister of State will bring good news to Members on the many other representations, which may not be on her desk but are on the desk of the Minister, Deputy Alan Kelly. As the Minister of State is so good at coming into the Seanad with good news for Members, she might root out those representations from me and other Senators on other issues the AILG and LAMA have raised with Members regarding councillors' recognition for the arduous job they do while willingly giving of their time in community work.

Senator David Norris: I also welcome the Minister of State, in particular in the light of her recent difficulties. I spoke about the disgraceful behaviour of RTE and continue to maintain it was rather like somebody setting a match to a house to show it was a fire risk. It was a dreadful provocation of criminal behaviour, the Minister of State was unjustly caught up in it and I sympathise with her.

The Bill is much ado about nothing. It is a glorious missed opportunity. In reality, what is being addressed is the amalgamation of two bodies, the general council of county councils and the municipal authorities group. As they merged, they lost their capacity to be nominating bodies and so on. That is being reinstated and another one is being included, which is fine. Everybody in this House has great respect for the county councils and the members thereof, always heaps praise on them and so on. This is because the councillors are Members' electorate and so that is natural. However, in her contribution the Minister of State stated the register is renewed annually. The word "renewed" is an interesting choice in that it is renewed as a sort of stamp of approval and is done by rote. It should be reviewed, not renewed. I do not believe these panels have been reviewed properly since 1947. They are not in tune with the 21st century and this was an opportunity, because it could be done by legislation, to review the whole lot, not just the ones where the county councils are incommoded. This was an opportunity to review the entire panel system and structure in respect of nominating bodies in order to have something that reflects the realities of life in 21st century Ireland. One then could go one step further and enfranchise the ordinary membership of these organisations to enable them to have the capacity to vote. One then would get a revitalised Seanad. There is some argument for continuing the political system to include some people who have been in the Dáil, have been Cabinet Ministers and so on. I started off as one who condemned this practice as a safety net or nursing home for failed politicians and so on but I now believe, as a result of my experience over the years in Seanad Éireann, that to have people with the experience of working in the Cabinet or in the Dáil can be quite useful. They have an insight that is valuable and consequently, I believe there should be a minority of seats which can cater for people who have failed at a general election for the Dáil.

I reiterate the main purpose is to satisfy the councils in order that they will still be nominating bodies. That is the reason, motivation and purpose of the Bill and the rest of it is window-dressing. For example, there is a great fanfare that candidates for the university seats will be allowed to send one item of postage to each of their electors. I have been doing that for the past 30 years and there is absolutely nothing whatever that is new about this provision. Moreover, they are not following the revised provisions for Dáil Éireann. Consequently, why not simply leave the position as it is and make new arrangements for Dáil Éireann? There is no need to touch the university seats at all. It is interesting that they did not seek to apply the 1979 amendment. That would have been an interesting debate and I would have had particular views on the issue, but they decided not to do so.

There is trickery and illusion. The next issue is the Dáil and the new proposals for postage which will give savings of some millions of euro. I suppose that is to be welcomed. There is not an awful lot to say about this Bill. It is pretty bloody straightforward and I disagree with my colleague on this side who said it was a pity we did not have more time and that there was far more that could be said. I think there is very little to be said.

I wish to raise the issue of blind people because the Minister of State said she has consulted with organisations for the blind. She said:

Following on from the review of the format of the referendum ballot paper earlier this year officials in the Department also consulted with the National Adult Literacy Association and with the National Council for the Blind in the review of the Dáil election ballot paper. It is proposed to move the space for including the emblem of a political party from the left-hand side of the ballot paper to a new location to the left of the photograph. There will, therefore, be no boxes along the left-hand side of the ballot paper.

Will the Minister of State explain what use that is to a blind person? What use is it? I do not see one. Perhaps there is some kind of arcane use, but I cannot see one unless it is embossed or something in Braille. That would be an idea. Why not have a certain limited number of Braille ballot papers for the blind? That would be of some use. To use a punning quotation, moving the picture here and there will not make a blind bit of difference to the blind. At least, I do not see how it will. It is just shifting things around. That is all I have to say. It is a glorious missed opportunity for some degree of real measured Seanad reform. This is not it. It is just a “fix it up” job with a bit of sellotape and a pair of scissors. That is all that is involved in this; therefore, it is nothing to get excited about. There is plenty of time to talk about it because there is nothing in it to talk about.

Senator John Kelly: I welcome the Minister of State. It is welcome that the Association of Irish Local Government is now a nominating body and I compliment Senator Denis Landy who made strong representations to bring this about and campaigned vigorously for it.

Senator David Norris: Hear, hear for the Labour Party. What about Fianna Fáil?

Senator Diarmuid Wilson: We will deal with that in pme minute.

Senator John Kelly: Senator Brian Ó Domhnaill referred to this as narrow legislation-----

Senator David Norris: And Sinn Féin.

Senator John Kelly: Senator David Norris said it was a missed opportunity and I tend to agree with both of them. In respect of the way municipal districts were established, if I go two miles down the road in my local electoral area, I am in another electoral area or municipal district. They were meant to bring about more powers for county councillors. I have spoken to many councillors around the country and there is no change. They have no extra powers. When one looks at my county of Roscommon where the town of Athlone and villages like Athleague are flooded, what powers do the councillors have to do anything about this? They can do nothing about it.

Yesterday in the Seanad, I raised the case of a company called Global Flood Solutions that is based on Athlone. It sells its flood solutions product all over the world, yet the Government will not do business with it to solve the problems in the country. It is crazy. I know the HSE spent

a lot of money on that product last year and it stored the product in a building in Roscommon town that was flooded. It is a huge issue in which councillors need to have some say, which is not the case.

The Athlone municipal district was established with Monksland as a part of it. Monksland has the biggest rate base for Roscommon County Council. As soon as the district was established, they spoke about putting Monksland into Westmeath thereby taking away the entire rate base. It is now with the boundary commission. I do not know if a decision will be made by the Government. I certainly hope not because the people of Roscommon will not stand idly by and allow Monksland to be taken away and given to County Westmeath. There are also implications for the GAA. There are three clubs in that area that would be split if this came to pass; therefore, I encourage the Minister of State to make sure nothing like this happens regardless of what is reported by the boundary commission.

We saw the “RTE Investigates” programme on Monday night. That is not reflective of the majority of county councillors around the country. Most of them are hard-working and decent people who would not take a penny for any effort they make on behalf of companies. It was a bit surreal that they posed as wind farm developers because for the past number of years, I have thought about how wind farm developers can come in and out of counties, manage to get planning permission, resist every road block put in place by the people and manage to get their way. It was interesting how the county councillor in County Donegal tried to more or less say that this is a tricky issue and that he would have to pretend that he was on the side of the people but that behind the scenes, he would be with the developers because there was money in it. I was always of that opinion. I do not think RTE decided to pose as wind farm developers out of the sky. I think they know an awful lot more.

Senator David Cullinane: I welcome the Minister of State. I support the Bill which contains a lot of practical and sensible proposals which are worthy of support. Obviously, there is a lot more than can be done and we can have debates on all those issues, but I am happy to support the measures in the Bill that I believe will be of benefit to citizens. I support the proposals in this Bill to facilitate the independent voting rights of people with sight loss or who are illiterate.

Clearly, a lot of work has gone into preparing the legislation and those who drafted it consulted closely with people with sight loss, for which I commend them. All of us as public representatives host public meetings. I hosted seven or eight public meetings in the past few years and on possibly four occasions, I had sign language interpreters for deaf people. It is very important to provide services for people who need support. One can claim for hosting the meeting, erecting posters and advertising through vouched expenses but it is not possible to claim for services for deaf people. Perhaps the Minister of State might be able to take up this point with the one-stop-shop or whoever is responsible for those issues. If, as part of our duties, we are hosting events, we should make them as accessible as possible.

The technical aspects of the proposal are complex but presumably they are similar to those operating in other jurisdictions with such systems. While the object of the Bill is to facilitate independent voting, it is good that it preserves the right for visually impaired voters to be assisted by a companion. This is essential as many people, particularly the elderly, including those with visual impairment, would have limited experience with computers and technology. I assume that the provision of computers will constitute the main technical assistance relating to these elections alongside the existing right of visually impaired and illiterate people to have a companion with them to assist them in filling in their ballot paper.

The proposals to allow greater time for people to be registered and then turn up at a polling centre are also sensible and valuable and are to be commended. There are a raft of other changes to existing electoral legislation that are required. The establishment of an electoral commission is still being dealt with by the Oireachtas Joint Committee on the Environment, Culture and the Gaeltacht. I think it was discussed this week. It was noticeable that there is general cross-party consensus on the need for such a body. If it cannot be done during the lifetime of the Government, I hope-----

Senator Cáit Keane: On a point of order, the Senator is speaking to the Electoral (Amendment) (No. 2) Bill which deals with sight loss.

Acting Chairman (Senator Hildegarde Naughton): That is not a point of order.

Senator Diarmuid Wilson: It is included. It is relevant.

Senator Cáit Keane: It is not the Senator's fault because "No. 2" was left out in the first circular we got.

Acting Chairman (Senator Hildegarde Naughton): That is not a point of order. Senator David Cullinane should continue.

Senator Brian Ó Domhnaill: It is relevant.

Senator David Cullinane: I am raising issues that have been raised by other Senators. I commend the Minister of State for bringing forward this and the other Bill. Many changes have been made by the Government on gender quotas and many positive changes have been introduced. However, an awful lot more can be done. I am sure that many of these issues will form part of our upcoming election campaign in which issues of political reform will surface. I commend the Minister of State and the Government on this legislation.

Senator Maurice Cummins: Several years ago, I introduced a Private Members' Bill in this House proposing that LAMA, the Local Authority Members Association, would have nominating rights to the Seanad. The previous Government voted against that Private Members' Bill. While I welcome the Bill, I welcome the amendments proposed by the Government more. Those proposals give rights to the Local Authority Members Association as a nominating body to Seanad Éireann and also to the AILG, the Association of Irish Local Government, which is an amalgamation of the municipal authorities and the Association of City and County Councils. It is a very straightforward Bill. Senator David Norris's comments on the question of university voting should be noted.

It has not been a good week for councillors or the body politic as a result of the RTE programme which we all witnessed. It is important to state that the vast majority of local authority members from all parties, and none, are good, decent, hard-working people who represent their communities as best they possibly can with little remuneration. They have larger areas to deal with and more meetings to attend. I have just come from a meeting with independent councillors who have sent a submission on the workload of councillors, the work they do and the difficulties encountered. I have asked that a copy of that be circulated to all Senators so we can examine it. The Minister of State, Deputy Paudie Coffey, has a copy of it and officials will also look at it. I do not wish to detain the House any further. I welcome the Bill and thank the Minister of State for agreeing to include the Local Authority Members Association as a nominating body for the Seanad. I hope these two organisations will use their nominations wisely.

Senator Diarmuid Wilson: I welcome this very short technical Bill which makes little change to the Seanad Electoral (Panel members) Act 1947. I welcome the small changes it makes. In particular, as the Opposition leader, I welcome the inclusion of the Local Authority Members Association. I remember well the legislation Senator Maurice Cummins mentioned. While I supported it, the Senator will appreciate that when one is in government, one sometimes has to do things one does not want to. I certainly did not want to oppose the Senator's Bill at the time. I welcome the fact that the Minister of State is introducing, on behalf of the Government, an amendment to this Bill to include LAMA as a nominating body. I pay tribute to Councillors Mags Murray, Sean McGowan, Michael Anglim, Bobby O'Connell and Hugh McElvaney who campaigned very hard on this issue, to me personally. I pay tribute to them here this evening. I was a member of the then General Council of County Councillors, which had a nomination to the administrative panel, the panel on which I was nominated. I welcome that the IALG is now entitled to a nomination. There are two further nominations to the panel that I will be contesting in the forthcoming election. We are democrats and we put ourselves out there for election and hopefully we will get elected. I wish whoever is lucky enough to get either of those nominations the very best of luck in the forthcoming election. I welcome the changes to the ballot paper, particularly for those people who suffer with sight difficulties, are illiterate or have difficulties with reading. I welcome those changes.

As Senator Brian Ó Domhnaill has stated, the university electoral system already allows candidates free postage. Perhaps the Minister of State will clarify why that is included in this Bill. I am confused about why, if it already exists, it is necessary to put it into this Bill.

I pay tribute to all colleagues who lobbied on behalf of the various council representative bodies for these particular nominations. We are all aware that councillors work extremely hard throughout the length and breadth of their electoral areas. We see it first hand on television and have witnessed some councillors involved in their communities that are unfortunately flooded. They are there representing their communities and doing their best to alleviate or help to alleviate the difficulties they are now facing. On a daily basis, on myriad issues, they are there at the front line of their communities representing the people who have put faith in and elected them.

On the RTE programme that was broadcast on Tuesday night, I know two of the three councillors featured in that personally and I have found those two councillors to be hard-working, decent and honourable people. I will hold any judgment on those two councillors who I know very well until such time as a proper investigation is carried out. I have concerns about the way some of that broadcast was edited and presented to the public. I will not jump on any bandwagon to bash anybody until I am satisfied of the bona fides of that. It could take some time for that to become clear. I will not rush to judgment. I take people as I see them and those two individuals, one from Sligo and one from Monaghan, whom I know personally, are decent people and elected by their communities for many, many years. I hope they will continue to be so into the future. The all-party fight will continue to improve the pay and conditions of the councillors of this country. I thank the Leader for his assistance in this House and with the different Government agencies.

Senator Gerard P. Craughwell: I support the Bill. I am pleased the Government has decided to introduce an amendment to include the Local Authority Members Association, LAMA, as a nominating body. Senator Diarmuid Wilson, in particular, will be very happy with that.

The need for reform of the Seanad is well known by all now, and the Leader has twice brought the group that prepared the report for the Taoiseach on reform into the Seanad for

debate. In time I know that will move forward and that the Leader himself has committed to moving that forward, so I know that will happen. We should be proud of this Bill, together with the Bill introduced by Senator Diarmuid Wilson last week, to make as democratic a job as we can of Seanad elections, given the constraints we currently work under.

I speak with pride of the two organisations that are included. There are county councillors all over this country who work day and night. As Senator Diarmuid Wilson has just pointed out, they are out on the highways and byways at the moment with flooded fields and property, packing sandbags outside houses in Limerick, Athlone, the village of Craughwell and Bandon in County Cork. Nobody wants to take a camera to them and see what they are doing. Nobody wants to interview them and ask them what they were doing at 3 a.m. when they were out trying to save property and people.

I have serious concerns. I wish to inform the House that I have written to the RTE Authority today to lodge a formal complaint about the programme on Monday night. I do not for one moment defend any form of corruption, but it is my understanding a number of councillors who were approached by the programme, which was ten months in the making, were unwilling to participate in any way once they heard money was being put on the table. RTE did not publish that fact, which is seriously remiss of the programme because it creates a biased view of local councillors in this country, the people about whom Senators Diarmuid Wilson, Maurice Cummins and various others have spoken who are working hard to make their communities better places. That is despicable.

I have also written to the Garda Commissioner and asked her to carry out what I would regard as a proper investigation without any form of inducement or what some call entrapment. If people are guilty of some form of corruption in this country then they have no place in public life. The Taoiseach said this himself. The leaders of all the parties have said it. The Leader of this House said it on Tuesday morning, that there was no place for people if they were involved in any form of corruption. I believe everybody in the body politic feels the same way.

This is a good piece of work. I thank the Minister of State, Deputy Ann Phelan, for bringing the Bill to the House. I fully support the Bill. I know that might go down a little bit poorly with the lads on the other side who normally expect me to be against these things but I fully support the Bill. It is a great day's work. I look forward to the nominations from LAMA and the Association of Irish Local Government, AILG. As I will not go to either looking for a nomination, I can do it without any fear or favour.

Senator Diarmuid Wilson: That is a relief.

Senator Gerard P. Craughwell: I thank the Minister of State very much.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Ann Phelan): I thank all the Senators for their positive remarks and their support for the Bill. We do not claim the Bill is the be-all and end-all to electoral ills but, nonetheless, the measures contained in it are very important.

Senator Brian Ó Domhnaill mentioned wider political reform. The Government has a fine record on political reform. In the area of political funding, we effectively banned corporate donations and significantly reduced the limits of donations that can be accepted. We have introduced a provision to incentivise the participation of women. Political party accounts are to be submitted to the Standards in Public Office Commission, SIPO, for 2015 and they will be

published in 2016. Constituency boundaries for all elections have been revised to improve the balance of representation.

On the matter of the electoral commission, in January 2015 the Minister, Deputy Alan Kelly, published a consultation paper on the establishment of an electoral commission and invited the Oireachtas Joint Committee on the Environment, Culture and the Gaeltacht to undertake a public consultation process on the paper and report back to him. The committee completed its consultation at the end of July 2015 and I understand has finalised its report which will be launched shortly. The report will inform the development of the electoral commission Bill. When launching the consultation paper last January, the Minister made it clear that the task of establishing an electoral commission involves a significant job of work and will take a number of years to complete. Consideration of the outcome of the consultation process and development of legislation is a necessary first step.

In response to Senator Brian Ó Domhnaill's suggestion for a candidate freepost, it is open to all candidates to combine their efforts and issue one combined letter to voters. A change in the law is not necessary for that to take place.

Changes will be made to ballot papers to assist visually impaired voters. I thank the good Senator Norris for his kind words. I am sure the Senator will welcome the removal of the italics and parentheses.

Senator Diarmuid Wilson also sought clarification. The university postage amendment is a technical one, moving the provision from one Act to another. I explained the reason for that when I spoke on the Bill earlier and he can refer to the detail in the speech. I will speak on the matter raised by Senator Cáit Keane when we deal with the amendments.

Question put and agreed to.

Electoral (Amendment) (No. 2) Bill 2015: Committee and Remaining Stages

Section 1 agreed to.

SECTION 2

Acting Chairman (Senator Hildegard Naughton): Amendments Nos. 1 to 6, inclusive, form a composite proposal and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 1:

In page 4, between lines 20 and 21, to insert the following:

“(b) in section 2, by inserting after the definition of “the list of candidates” the following:

“ ‘Local Authority Members’ Association’ means the association of the members of local authorities (within the meaning of section 2 of the Local Government Act 2001) known as the Local Authority Members’ Association;” ”.

Minister of State at the Department of the Environment, Community and Local Gov-

ernment (Deputy Ann Phelan): I signalled the amendments on Second Stage. They provide for the inclusion of the Local Authority Members Association in the register of nominating bodies for Seanad panel member elections in the same way as the Bill provides for the Association of Irish Local Government to be included. The amendments will give equal recognition to the two local government representative bodies for the purposes of making nominations to the administrative panel for Seanad elections. The overall effect of the amended section 2 will be to replace the references to the Irish County Councils General Council and the Association of Municipal Authorities of Ireland in sections 8, 27 and 58A of the Seanad Electoral (University Members) Act 1937 with reference to the Association of Irish Local Government and the Local Authority Members Association. No increase in the number of nominations to the administrative panel will arise from the changes. No changes are being made to the electorate for Seanad panel member elections.

Senator Brian Ó Domhnaill: I agree with the amendment. I congratulate my colleague, Senator Diarmuid Wilson, on introducing legislation in this area last week, on which I hope the Government will act, to extend the franchise for Seanad by-elections.

I agree with other Senators that it is important that local authority members, through the Local Authority Members Association, are recognised as a nominating body, as is the Association of Irish Local Government. Local councillors play a pivotal role. The changes in the legislation introduced in the 2014 Act by the then Minister, Mr. Hogan, increased the differential between the electorate and the councillors in the sense that Ireland became less democratic because there were fewer councillors at the point of contact with citizens through the removal of the town councils. That resulted in approximately one councillor representing approximately 4,800 people, whereas prior to that it was approximately one councillor per 3,000 people. We moved from being a country that was fairly democratic in comparison with other European countries on the league table in terms of local authority members per head of population to one which is on the outer limit in that regard. When that happened, there was an obligation for the Department of the Environment, Community and Local Government to recognise it by giving additional resources to those councillors to fulfil their duties in a professional manner. These resources should not just be monetary resources but additional forms of support also. It was mentioned by a number of Senators that in the past week, in particular, with the flooding we have seen, councillors have been at the coalface, delivering democracy at the local level. In order for this to be done efficiently and properly, and to provide the electorate-----

Senator Maurice Cummins: The Senator is not addressing any of the amendments before us. It is a Second Stage speech.

Acting Chairman (Senator Hildegard Naughton): It is a Second Stage speech. Will Senator Brian Ó Domhnaill, please, stick to the amendments?

Senator Brian Ó Domhnaill: I am absolutely addressing the amendments. I am sure the Leader would agree that the Local Authority Members Association, LAMA, represents all those councillors. It is important that they are given that recognition. Not only are we seeking to recognise them in the nominating body, but we are also seeking to recognise them in the work they do under the 2014 legislation, in which the then Minister, former Deputy Phil Hogan, promised to review the issue. There is a new Minister, but I ask the Minister of State, Deputy Ann Phelan, to recognise the issue.

We fully support the amendments but we should go further and recognise the role of coun-

cillors and not just the nominating bodies. We can do that by amending the provisions for councillors. These are not just financial as there are other provisions required as well. I know LAMA and some of the other bodies have been raising such matters with the Minister, Deputy Alan Kelly, and others. Those demands should be recognised as by doing so, the citizen would be given a better level of representation, which is what democracy is all about.

France has done that and there is one politician per 115 people in that country. We have one councillor per 4,850 people; therefore, there is a big difference. The citizens deserve representation that they expect, and this can only come about by resourcing those who provide the representation. It happens here, as Senators and Deputies are well resourced financially and in terms of support but councillors do not receive the same level of remuneration or support for secretarial work, etc. The issue should be considered and in a democracy, no government should be afraid to do it, regardless of a public backlash. That is not the question, as the public deserves such representation. Elements of society may start a backlash but the public deserves this level of representation. We should never be afraid to revisit areas like this. In raising the issues today, I hope the Minister of State will relay the comments to the Minister.

Senator Cáit Keane: I will speak to the amendments. The Minister of State may have to return another day to address the issues raised by the previous speaker. There is an agreement in the Seanad, facilitated by the Leader, that we would all work together to advance the rights of councillors. As the Senator stated, their workload has expanded and they now represent over 4,000 people each rather than 1,000 people. It is a major workload involving secretarial work, expenses and mileage allowances. The Leader has facilitated an agreement that we will work towards that. Perhaps the Minister of State or the Minister will return in the near future to discuss all the very important issues that we want to raise. That will not be today, as this is Committee Stage; therefore, we will stick to the amendments.

Amendment agreed to.

Government amendment No. 2:

In page 4, line 22, after “Government” to insert “and the Local Authority Members’ Association”.

Amendment agreed to.

Government amendment No. 3:

In page 4, line 33, after “Government” to insert “and the Local Authority Members’ Association”.

Amendment agreed to.

Government amendment No. 4:

In page 4, line 40, to delete “Government is registered” and substitute “Government and the Local Authority Members’ Association are registered”.

Amendment agreed to.

Government amendment No. 5:

In page 5, to delete lines 4 to 7 and substitute the following:

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““(3) In the case of the Association of Irish Local Government and the Local Authority Members’ Association, the persons to be proposed for nomination to the administrative panel by those bodies respectively shall be chosen by the members of the body voting on the system of proportional representation by means of the single transferable vote.””.

Amendment agreed to.

Government amendment No. 6:

In page 5, to delete lines 11 to 14 and substitute the following:

““(3) In the case of the Association of Irish Local Government and the Local Authority Members’ Association, the person nominated under this section shall be chosen by the members of the body voting on the system of proportional representation by means of the single transferable vote.””.

Amendment agreed to.

Section 2, as amended, agreed to.

Sections 3 and 4 agreed to.

NEW SECTIONS

Acting Chairman (Senator Hildegard Naughton): Amendment No. 9 is consequential on amendment No. 7 and the amendments may be discussed together.

Government amendment No. 7:

In page 7, between lines 7 and 8, to insert the following:

“Review by Standards in Public Office Commission - direction

5. Section 4 of the Electoral Act 1997 is amended by inserting after subsection (4) the following:

“(4A) Where a person fails to comply with a requirement made of him or her under subsection (4) within such time as the Standards in Public Office Commission considers reasonable, it may direct the person to furnish it with such information, document or thing specified in the direction within such period of time mentioned in the direction and, if the person fails to comply with the direction within that period, the person commits an offence and is liable on summary conviction to a class D fine.

(4B) Any information furnished by a person (other than information that the person knows is false or misleading) to the Standards in Public Office Commission pursuant to a direction under subsection (4A) is not admissible as evidence in proceedings brought against the person for an offence.

(4C) It shall be a defence for a person charged with an offence under subsection (4A) to show that the information, document or thing the subject of the direction was not in his or her possession or control and that it was not reasonably practicable for him or her to comply with the direction.””.

Deputy Ann Phelan: I signalled this amendment on Second Stage and it provides for the amendment of section 4 of the Electoral Act 1997. The Act provides for the disclosure of donations by Members of the Oireachtas, MEPs, political parties and accounting units, election candidates and third parties. It also provides for the regulation of expenditure at Dáil, European and presidential elections by candidates, political parties and other persons who incur election expenses.

The provisions in the Act are implemented by the Standards in Public Office Commission. Section 4(4) of the Electoral Act 1997 provides that the Standards in Public Office Commission may make such inquiries as it considers appropriate and it may require any person to furnish any information, document or thing in the possession or procurement of the person that the commission may require for the purposes of its duties under this Act.

In reporting on the implementation of these provisions in the Electoral Act 1997, for which they have responsibility, the Standards in Public Office Commission has recommended that failure to co-operate with inquiries made by the commission under section 4(4) of the Act should constitute an offence. The commission is of the view that this will strengthen its hand in implementing the provisions of 1997.

Amendment agreed to.

Senator Brian Ó Domhnaill: I move amendment No. 8:

In page 7, between lines 7 and 8, to insert the following:

“Amendment of Electoral Act 1992, Referendum Act 1994 and Presidential Elections Act 1993

5. (1) Section 85 of Part 15 of the Electoral Act 1992 is hereby repealed.

(2) Section 42 of the Presidential Elections Act 1993 is hereby amended by the substitution of “section 86” for “sections 85 and 86”.

(3) Section 30 of the Referendum Act 1994 is hereby amended by the substitution of “section 86” for “sections 85 and 86”.

(4) (a) The Minister may make regulations for the general purpose of this section and may, by regulation, provide for any matter referred to in this Act as prescribed or to be prescribed.

(b) Every regulation under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under the regulation.

(c) Regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.”.

This amendment relates in particular to voting on the offshore islands. It is about bring-

ing all voting on all days into line, particularly for general elections, although it is important to bring local elections into this also. I come from a county with a number of offshore islands, such as Arranmore, Tory and Inishbofin. There are smaller islands such as Gola also. Until now, in the case of general elections the legislation permits the returning officer to hold the election on an offshore island up to five days before the general election date specified by the Minister. That leaves the electorate on the islands at a disadvantage when they go to vote. If any issue was to emerge, or if a candidate shone or Government policy were introduced in the days ahead of the election - even the day before or two days before it - the islanders would have cast their vote under different circumstances to the general population. That is wrong.

We live in a technological age, with enhanced transport and communications. Before the Internet, it may not have been such a pressing issue but it is today because of technology and globalisation. We should be in a position to allow all elections for the same office to be held on the same day, irrespective of whether people live on an island or the mainland. For example, in the last general election in 2011, there were four constituencies with offshore islands. These were Donegal South-West - now a Donegal constituency - Mayo, Galway West and Cork South-West. The general election was held on 25 February 2011 and voting in Donegal South-West took place on 23 February, two days before the voting on the mainland. Those votes were cast on the islands of Arranmore, Gola, Inishbofin, Inishfree and Tory, with 760 people voting. In Mayo votes were cast on 23 February, two days before the election, with 194 people on the three offshore islands of Clare, Inishbiggle and Inishturk. In Galway West, votes were cast the day before the election, with 1,155 people voting. In Cork South-West, 466 people voted on the same day as the general election. That means 2,575 people voted on offshore islands in the 2011 general election. A provision could be incorporated into this legislation to allow, at the next general election, people who live on islands to vote on the same day as a general election is held.

I have spoken to people who live on the Donegal islands of Tory, Arranmore, Inishfree and Gola and on Inishbofin, County Galway. Some of them argue that they do not vote because they have to vote early. They believe they are voting with one eye closed so to speak because they do not get the whole picture. In order to bring democracy into the 21st century islanders should be afforded an opportunity to vote on the day a general election is held.

The Department's response has been that weather and environmental factors come into force, that ballot boxes may not be returned to the count centre on time, etc. I do not buy such excuses because we have transportation infrastructure that allows ferry services to the islands to operate and there is a helicopter service. There are other ways to bring ballot boxes to the islands. For example, many of the islands are served by excellent search and rescue operations which could bring ballot boxes to the mainland. We must look at the issue.

Deputy Éamon Ó Cuív has raised this matter in the other House during the debate on Report Stage of this legislation the week before last. I agree wholeheartedly with everything he said. Island citizens deserve electoral equality and should be given an opportunity to vote on the day of an election the same as everyone else. Such a provision would not generate an additional cost to the Exchequer. I want equality so I want island populations and voters to be given the same rights when it comes to information. Elections are all about voting. The electorate has a right to vote under informed circumstances. Island inhabitants are being disenfranchised in terms of the information that may emerge up to five days before a general election, local election, presidential election or a referenda. Fianna Fáil had an opportunity to correct the situation but did not do so. Previous Ministers for the environment had an opportunity to improve the

situation but did not do so. It is now time to make the change given the age that we live in terms of communications and transport infrastructure. The provision was not accepted in the Dáil. I am not sure what reasons the Department and Minister have for not incorporating this provision. We should incorporate such voting and this legislation allows for same.

All Stages of the Bill will be taken today. Perhaps acceptance of the provision is beyond the Minister of State's brief as the matter revolves around the Minister, but she may be able to use her good offices. Perhaps she will decide to review the matter and not proceed with all Stages of this legislation today. She could come forward with alternative proposals that could be incorporated into another piece of legislation. A general election is only weeks or months away so unless this matter is dealt with today there will not be another opportunity to do so before the general election is called. This debate is our last opportunity to deal with this matter and amend the situation in time for the general election in 2016. It would be a lovely gesture if the Fine Gael and Labour Party Government, going into 2016 which is 100 years on, were to allow all of the citizens of the State to vote on the same day. The Government should say to the island people of County Donegal and other counties "Yes, we give you the opportunity to vote on the same day". It would be a great gesture and I am sure that the Minister of State agrees with me.

Deputy Ann Phelan: Nice try, Senator.

Senator Brian Ó Domhnaill: What?

Deputy Ann Phelan: We have debated this particular issue at great length. I know Deputy Eamon Ó Cuív has a great interest in this issue. I have instructed the Department's officials to communicate with returning officers on the islands to see if a case could be made for same-day voting and the matter has received great consideration. Having listened to returning officers, we decided to err on the side of caution and have left the decision in the hands of the returning officers. I appreciate the interest shown in this matter. We did give it a lot of consideration. In the interests of the comments made by Fianna Fáil Senators on the voting arrangements for island communities at elections and referendum, and polling takes place on 20 islands off our west and south coast, the decision on when to take the poll on an island is a matter for the local returning officer.

Section 85 of the Electoral Act 1992, the Act that this amendment proposes be repealed, provides for returning officers to have the flexibility to take the poll on an island on an earlier date. A returning officer can do this if he or she is of the opinion that, due to weather conditions or transport difficulties, it would be impractical to take the poll on an island on the polling day appointed by the Minister. Returning officers can do so if they are of the opinion that if the poll was taken on that day it would be impractical to deliver the island's ballot boxes in time for the start of the count at 9 a.m. the next morning.

It is not desirable that the counting for any constituency should be delayed because all of the ballot boxes are not at the count centre. The provisions in the Electoral Acts are there to cater for this scenario. The amendment was tabled in the Dáil and debated both on Committee and Report Stages in the House. When I spoke to it I did not deny that cancellations of island ferry services are few and far between. The fact is that they do happen and we need to provide for such situations. I draw the Senator's attention to the fact that the ferries to the islands were cancelled last Friday and Saturday. With the weather conditions that we have experienced over the past number of days we need to err on the side of caution and leave the decision with the local returning officer.

The returning officer in the constituency is best placed to decide on whether the poll should be taken on an island on an earlier date. It would not, therefore, make sense to repeal section 85 of the Electoral Act 1992 and I will not accept the amendment. What I would say to the good Senator, which may allow a little encouragement, is that the election is not very far away. If he comes back as the Minister with responsibility for the environment, he can make the repeal.

Senator Diarmuid Wilson: The Minister of State's comment shows she does not have much confidence in the Minister.

Senator Brian Ó Domhnaill: I want to react to what the Minister of State said. I welcome where she is coming from and appreciate that she has come in here with a response. I also appreciate where the returning officers are coming from. Unfortunately, returning officers are given leeway in legislation to allow them five days to ask for a change of polling day. The returning officer acts on behalf of the State. Therefore, it is the citizen that has been disenfranchised and not the returning officer. The argument has been advanced that a change would delay the counting of votes but so be it. The votes could be counted 48 hours later. We could also have a day in between for all of the candidates and the teams involved to recuperate. We should have all of the votes counted on the same day which is the following day. We should look at the issue from a constitutional point of view. I would love to hear whether the Department has received constitutional advice from the Office of the Attorney General in terms of disenfranchising citizens who live on an island simply because of the view of returning officers. I think that is the wrong way to go. Is there a legal impediment to making a change? Are island people being disenfranchised with this provision? I would argue island communities are being disenfranchised.

Senator Maurice Cummins: Island communities are not being disenfranchised.

Senator Brian Ó Domhnaill: I argue that they are for the following reason. What if the general election is held on a Friday? The last election was held on Friday, 25 February. The electorate could have voted on the previous Monday. What if major issues relating to a political party arise on the Tuesday, Wednesday or Thursday? The good or bad news could influence the outcome of that election. On that Monday people were disenfranchised because they did not have that information when they cast their votes. Their votes are as important as those of people living on the mainland. Votes are the same, irrespective of where one lives. This undermines the constitutional rights of people living on islands. I argue that the view of the returning officer, important as it may be, does not carry the same weight as the constitutional rights of the people living on the islands. We are not going to create any impediment to the passing of this legislation but was the view, legal or otherwise, of the Attorney General's office requested or sought in regard to this amendment?

An Cathaoirleach: Does the Minister of State have anything further to add?

Deputy Ann Phelan: There are only two points I would like to make about this. Postal voters also vote early. The returning officers communicated with the islanders this week and the islanders said that they were happy with the situation. Other than that, I have nothing further to add.

Senator Brian Ó Domhnaill: I cannot accept the Minister of State's last comment. In saying that, I am not having a go at her. She should ask some of my colleagues in the other House, who represent constituencies where island voters live, about this. There is no basis to indicate,

nor is it a scientific fact, that island voters prefer to vote early. That is not the case. Research has not been conducted by the Department of the Environment, Community and Local Government to get every islander's view on this. If a poll had been conducted, I might accept that view but I do not accept it on the basis of a returning officer having said that he or she spoke to a few people on the island and that there was no issue with this. That is not what happens when an election is called.

The island population telephones the local radio station, whether it be Raidió na Gaeltachta, Galway Bay FM, Highland Radio in Donegal, to complain that voting will be early. People complain to us, as public representatives, that voting is being held early and bodies on the islands, whether co-operatives, committees or otherwise, raise the issue also. Returning officers saying there is no issue is not based on fact or anything else.

The postal voting issue is set down in legislation to allow people to vote who cannot attend at a polling station. There is a big difference between a postal vote and people, who could vote on polling day, voting early. This is not a question of people who cannot vote on polling day but of people not being allowed to do so. There is a massive difference. There are constitutional issues. By proceeding in this way, the State is leaving itself open to a constitutional challenge in this area some time in the future which will result in additional costs for the State. This could be easily remedied. I do not believe it is a Fine Gael and Labour Party Government issue that is precluding this. There may be factors around working conditions and issues within the Department of the Environment, Community and Local Government that are precluding this. It just takes a bit political leadership to say "No" on this one and that we will allow these people to vote on the same day as everyone else.

Why can we not hold the count back for a day? There is nothing to stop that happening. Failure to provide for this in the legislation represents a lost opportunity.

Amendment put and declared lost.

Section 5 agreed to.

Schedule agreed to.

TITLE

Government amendment No. 9:

In page 3, line 6, to delete "and the Electoral Act 1992." and substitute ", the Electoral Act 1992 and section 4 of the Electoral Act 1997."

Amendment agreed to.

Title, as amended, agreed to.

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

Dublin Docklands Development Authority (Dissolution) Bill 2015: Second Stage

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

Minister of State at the Department of the Environment, Community and Local Government (Deputy Ann Phelan): It is my pleasure to introduce Second Stage of the Dublin Docklands Development Authority (Dissolution) Bill 2015 to the Seanad, which provides for the dissolution of the Dublin Docklands Development Authority and the transfer of its functions to Dublin City Council which will guide the future development of the area in partnership and collaboration with local stakeholders. The Bill also provides for the establishment of an oversight and consultative forum to ensure that the views of interested parties in the docklands area will be recognised and considered in any future development of the area.

Until the 1960s, the docklands area had been a vibrant port for Dublin during the preceding two centuries and serviced the import and export functions of the capital and, more widely, the country. As a thriving port, it engendered the usual port related industries such as boat building, chandlery, rope making and other ancillary trades. It also contributed to the establishment of other industries such as grain-milling and storage, coal and fuel distribution, metal foundries and warehousing, among many more. This gave rise to inner city employment and the establishment of an indigenous community. Regrettably, in those times, the standard of housing and accommodation for the residents of docklands reflected the generally poor conditions which prevailed among the working classes in the city. Notwithstanding this, the area had a rich cultural tradition which contributed to the unique character of Dublin, reflected in music, literature and other art forms from those times.

The decline in docklands generally in the 1960s can be attributed mainly to two factors. Freight containerisation led to the lessening of the need for manpower at quayside and the need for deep-water facilities to service the increasing tonnage of the new vessels. Also, the demand for improved living standards led to the provision of better housing in the new suburbs on the outskirts of the city. Through this population shift, the inner city population in the 20th century shrank by more than 50% and most of the indigenous industries also relocated, mainly for reasons of access to the outskirts also. The Dublin docklands area went into decline and by the 1980s, many parts of it had become rather run down and abandoned.

The Custom House Docks Development Authority was set up in 1986 in order to stimulate development on the north side of the docklands area. Utilising a range of financial incentives, over the course of its ten year existence, it facilitated considerable office and residential development in the Custom House Quay area, most notably the establishment of the International Financial Services Centre, IFSC, which now comprises 111,500 sq. m and employs close to 5,000 people.

In order to widen the scope of the development of the entire docklands area, the Dublin Docklands Development Authority was established under the Dublin Docklands Development Authority Act 1997. Covering a much larger area extending to both sides of the River Liffey, it was responsible for the sustainable social, economic and physical regeneration of the docklands, in addition to the continued development of the financial sector of the economy and was required to prepare a master plan for achieving these objectives. Central to this strategy was the use of fast-track planning under section 25 of the Act which allowed for a shortening of the timeframes for development approval, aligned with the masterplan and local planning schemes. This allowed for the integrated and sustainable development of a once neglected area of the city, with appropriate levels of community input and, as a consequence, substantial community gain.

The input of various elements of the residential and business communities, as well as State entities with an interest in docklands, was facilitated through the docklands council which con-

sidered the development of docklands and the inter-relationships that existed between them. Comprising community representatives, local elected officials, and representatives from business, education, and other bodies, the voices of all were heard. Further evidence of the commitment to local communities can be seen in the establishment of a docklands community housing trust which was set up to administer social housing provision for the indigenous docklands population and has 72 housing units which it allocates within its remit. I am pleased to confirm that the housing trust will continue this worthwhile endeavour under the new arrangements, with support from the housing division of Dublin City Council.

Additionally, a docklands community trust was established and was allocated funds on an incremental basis to invest in initiatives, supports and schemes to the benefit of the community. Currently that fund stands at €1.3 million and over the years the trust has used its income investments to finance community initiatives, most notably in the area of higher education grants. I am pleased to say that the trust will continue to play this vital support role, through the new docklands oversight and consultative forum, which will come into being under this dissolution Bill.

The DDDA has contributed greatly to the redevelopment of the docklands environment over the years. Since its inception in 1997, what was once a derelict part of the city has been transformed into a vibrant neighbourhood and progressive economic area, housing some of the most prestigious international and domestic companies. Of the original 89 hectares encompassed by the IFSC, North Lotts and Grand Canal Dock areas, 67 hectares have been redeveloped, with the 22 hectares remaining now subject to the successor to the fast-track planning mechanism of the Dublin Docklands Development Authority Act, the recently approved strategic development zone, SDZ, which came into force in May 2014. Most of the indigenous port-related industries have been replaced and the area is now a hive of activity, mainly international finance, thanks to the establishment and evolution of the IFSC, and of major international IT companies.

There has been a significant social regeneration of the area and the vibrant local community is central to its continuing development. Under the projections for its development, the population is expected to swell by almost 6,000 in the coming years. Through the involvement of representatives on the docklands oversight and community forum as well as of local public representatives on Dublin City Council, their interests will continue to be recognised and nurtured. The area has also become a hub for the entertainment sector with a number of spectacular venues playing host to domestic and international talent. In general, it can be said that what was once a rundown area of Dublin has been transformed into a modern and remodelled living environment.

The economic crash which hit the economy in 2008 was chiefly generated by an overheated building and property sector. Just as a rising tide lifts all boats, so too does an ebbing tide see them all lower again, and the Dublin Docklands Development Authority was no exception. The misfortune which befell the sector also saw it suffer significant losses, on projects which had seemed like “blue ribbon” investments back in the heady days of the development boom. Following consideration of a special report on the Dublin Docklands Development Authority prepared by the Comptroller and Auditor General and the authority’s own 2011 annual report and financial statements, the Government made the hard but correct decision that the authority should be wound up, and that the future responsibility and co-ordination of activity in the area should revert to Dublin City Council.

Elements of the Comptroller and Auditor General’s special report made for grim reading,

particularly those relating to the authority's assessment and decision-making processes surrounding its decision in 2006 to become involved in the purchase of the former Irish Glass Bottle site, an episode which has cost the authority €52 million, not to mention the associated reputational damage. The reality emerging in 2012 was that the authority's financial position was inevitably going to remain very challenging given the economic downturn and the stressed state of the property market, from which the Dublin Docklands Development Authority has historically derived its main revenues. Taking all of these factors into account, the inescapable conclusion was that a stand-alone Dublin Docklands Development Authority was no longer viable, financially or otherwise. The Government decided on 29 May 2012 that the authority should be wound up.

In taking this decision the Government was acutely aware of the need to maintain and build on the good work of the authority. The Government remains fully committed to the continued regeneration of the Dublin docklands. A number of key objectives were central to the process of finalising appropriate arrangements for ensuring a continued, concerted focus on the docklands regeneration initiatives, these were: maintaining and enhancing the docklands brand and international marketability as an attractive and prime location for investment and high-value development; providing for an appropriate set of "fast-track" planning procedures; continuing to involve the local community and the business sector in the regeneration project; and facilitating job creation. The Government decided that Dublin City Council is best placed to continue the visionary docklands project and its future development will, therefore, be part of the integrated forward planning of Dublin city as a whole within the remit of Dublin City Council.

I turn to the Bill before this House and its key provisions. As the wind-up process of the Dublin Docklands Development Authority took effect, it became clear that significant primary legislation would be needed to resolve many of the outstanding issues and ensure the continued development of the docklands area. The Bill is divided into 5 Parts. Part 1 deals with standard legislative provisions including citation, commencement, definitions, regulations and expenses of the Minister. Part 2 deals the dissolution of the authority. Part 3 deals the matters that will apply following the dissolution of the Dublin Docklands Development Authority and the transfer of its functions to Dublin City Council. Part 4 deals with the planning and development matters. Part 5 deals with the establishment of the docklands oversight and consultative forum. The Bill went through a very thorough pre-legislative scrutiny process by the Oireachtas Joint Committee on Environment, Culture and the Gaeltacht. This was a very useful process and I have endeavoured to incorporate many of its recommendations into the Bill.

Within Part 1 of the Bill, section 1 contains the usual provisions of a general nature dealing with such matters as Short Title, collective citation and commencement. Section 2 provides the definitions used throughout the Act and deals with matters such as defining the Dublin docklands area, the masterplan, the dockland planning schemes and public authority among others. Sections 3 and 4 contain standard legislative provisions in relation to such matters as regulations and expenses of the Minister.

Part 2 of the Bill, sections 5 and 6, provides for the dissolution of the authority on a day to be appointed by the Minister and provides that the Authority shall stand dissolved on the appointed dissolution day.

Part 3 of the Bill, sections 7 to 15, inclusive, provides for the seamless transition of functions and transfer of certain liabilities and assets to Dublin City Council. It is important that the development and oversight of the docklands area continues uninterrupted and that the momen-

tum that has come back into the economy in recent years is harnessed to deliver impetus to the area. In recent years, with a recovering economy and strong demand for city centre premises, interest in the docklands area has reignited and there are tangible signs of a rebound.

When the decision was made to dissolve this authority in 2012, it was important to do so in a structured manner. The Dublin Docklands Development Authority executive board devised a transition plan for an orderly wind-up of the company, allowing it to reduce its staffing level from 55 at its peak to one in recent years. All of the permanent staff either retired or were redeployed to other public bodies, and their contingent pension liabilities have been calculated and are proposed to be transferred to Dublin City Council under section 14. Latest estimates from the authority put the pension liability at around €7 million to €8 million.

Managing this transition was overseen initially by consultant administrators and latterly by the newly-formed docklands unit of Dublin City Council. This transfer of functions to Dublin City Council is provided for under section 7.

As with all entities, there are always some outstanding issues of a legal and financial nature that need to be addressed, resolved or provided for as they may arise in the future and while stringent efforts have been made to resolve these prior to dissolution, if unresolved then provision has been made in the Bill for them to transfer to Dublin City Council under sections 9 and 10. Specifically, section 8 transfers all property and land from the authority to the council on dissolution day. Of primary concern for the Government was that this process should not require any substantial Exchequer intervention and an orderly asset disposal strategy would ensure that optimum value was realised on the authority's assets on hands.

Part 4, sections 16 to 36, inclusive, of the legislation deals with outstanding and future planning matters. The planning schemes under the docklands master plan are being discontinued, as is the master plan itself, as set out under section 16. Section 17 further provides that the authority will no longer accept applications under the planning schemes.

One of the main priorities for Government, having decided to wind up the authority, was to ensure that there was continued access to an appropriate and an effective fast-track planning system. To fulfil this objective, the Government decided in 2012 that a strategic development zone would be established for the docklands area. The docklands SDZ planning scheme was approved by An Bord Pleanála in May last year and is now fully operational and allows for the rapid processing of applications which conform to the overall planning scheme now in place in the area.

Sections 18 to 27, inclusive, propose the putting in place of a robust system to deal with residual planning issues. For example, under section 20 planning certificates which had been granted under section 25 of the Dublin Docklands Development Authority Act 1997 will now cease to be valid if the developments covered by them have not been substantially commenced at dissolution day. Section 25 certificates which are deemed to be substantially commenced but are currently incomplete when the enacted Bill provisions are commenced will be granted an appropriate period of two years in which to finish out the development. In what would be deemed exceptional circumstances, provision is also made under section 23 to extend the appropriate period of two years by a further period, not exceeding three years, to allow for completion of the development covered by the section 25 certificate. This extension would be granted on the basis that there were considerations beyond the control of the applicant and

which prevent completion within the appropriate period. My officials have established that the outstanding uncompleted section 25 certificates are few in number and minor in scale and I do not envisage there being a great demand for extensions to the appropriate period of up to three years.

It is encouraging to note that new applications for development projects in the docklands are being made under the new SDZ provisions which I outlined. To further ease the transition to the new planning schemes, we have made provision in section 28 to allow applications under section 34 of the Planning and Development Act 2000 covering the elements of developments not completed under section 25 certificates while retaining those parts that are validly completed, subject to their satisfying the application criteria.

One of the key drivers of the regeneration of this part of the city was to arrest the decline in economic activity and to reverse the depopulation of docklands which had resulted from factors, which I outlined. A vibrant community is the beating heart of any neighbourhood and the remaining population in these environs are both proud and supportive of their area. The 1997 Act established a docklands council which included representatives of local communities, public representatives for the vicinity and the economic and business community as well as delegates from public bodies with a remit relevant to the docklands area. A collaborative approach to identifying and addressing problems and issues affecting the community allowed for the docklands council to give valuable feedback to the DDDA regarding the ongoing development of the area as well as having a key role in shaping the five-yearly master plans.

It is equally important that the entities which exist in the docklands area continue to assist in shaping the future direction of the development of this part of the city. To this end, Part 5 provides for a docklands oversight and consultative forum in sections 37 to 49, inclusive, which will continue the valuable collaborative input that its predecessor, the docklands council, has made. Section 34 provides for the membership of the forum, which will be similarly structured to the council and will have 21 members and an independently appointed chair. It is proposed that community representatives will have five members with four locally elected representatives, five members from the docklands business community, five members from public authorities with a remit in docklands, one member representing the educational sector and an officer of the council. Its role will be pivotal in advising Dublin City Council and others on the best strategies to preserve the rich heritage of the area, the most appropriate policies to pursue in economic regeneration and the most valuable input in shaping the docklands as a vibrant and sustainable living space. This vision will be brought into being by legislatively underpinning the functions of the docklands consultative forum. Section 38 provides for the functions of the forum, which is to consider and advise the council and its strategic policy committees in regard to the formulation, development, monitoring and review of the council's policies as they apply to the docklands area and specifically in relation to: enterprise and employment; education; housing; planning; environment; and community. The consultative forum has a wide-ranging but important brief and I expect the city council to work closely and co-operatively with the forum to enhance the conditions and environment of the residents in the docklands area. The proposed future regeneration of the area could see its resident population swell by more than 5,800 which will present both challenges and opportunities for all its inhabitants in time.

One of the main drivers for the welfare of a community is employment and fair incomes. The SDZ envisages that the development of the remaining docklands areas will give a much needed boost to job creation in the area. In the construction phase and the provision of ancillary services, it is anticipated that local people will gain from the opportunities that will inevitably

arise. The use of local employment clauses, although not part of the Bill, will be encouraged and advanced by Dublin City Council. The projections for long-term employment suggest that when completed, the docklands area will sustain an increase of 23,000 jobs. One of the aspects of docklands which has not been adequately harnessed in the past is its immense historical, cultural and artistic heritage. The maritime, industrial and cultural traditions of docklands afford us an opportunity to preserve this heritage and share it with visitors and locals alike. In recent months, my Department has facilitated harnessing heritage audit to explore ways to preserve this resource and to harness its tourism and commercial potential. What was once a derelict and forgotten part of the city may in time become one of its premier attractions.

My colleagues and I in government foresee a bright future for the docklands area and hope that in time, the process which we have put in train with this Bill will bear handsome rewards for us all. The regeneration of the area will lead to a more appealing cityscape, a more pleasant living space and increased prosperity for all. Within the context of the Dublin city development plan, it will play a pivotal role in the improving economic situation for the capital and the country as a whole. I commend the Bill to the House.

Senator Cáit Keane: This Bill deals with the Dublin Docklands Development Authority which will come within the remit of Dublin City Council. In the past, the Dublin Docklands Development Authority did good work. It was set up originally to secure the social and economic regeneration of the docklands area on a sustainable basis and to secure improvements in the physical environment. We only have to walk around the area to see the good work the authority has done. It has been very successful in fulfilling its remit. It was a self-financing body until it was struck down. Resources generated through its property development activity have been reinvested in the physical, social and economic renewal of the area. However, as the economic downturn came and the property market came under stress, the authority, in common with many others, came under significant strain. The Minister called the episode involving the glass bottle site a fiasco. There is no other word but fiasco to describe the purchase of the Irish Glass Bottle site by the DDDA. The way it was handled left a lot to be desired.

It has now been decided that the further development of the area would be better addressed in the wider context of the development of the city as a whole. Therefore, the Government has decided to wind up the authority and transfer its functions to Dublin City Council which will guide the future development of the area. The Bill also provides for the establishment of a consultative forum on a statutory basis to ensure that the views of all interested parties are recognised in the future. The Minister of State outlined the make up of the consultative forum, which will have 21 members. There will be four local authority members, five members from public authorities and I believe the Minister of State said there would be two community members, which is important. Input from the local community is essential, especially given that there will be more than 6,000 new residential units in the area in the coming years. The SDZ fast-tracking system has been in place for the past 12 months which will see more development coming on stream soon.

On the issue of the transfer of assets and liabilities, the Minister of State has said she does not foresee any need for Exchequer intervention. However, when an entity is given responsibility, it must have the wherewithal to do what it wants with it. The aim is that the development of the area will be self-financing. Section 9 transfers the assets and liabilities to the local authority. Any future claims against the former DDDA will now transfer to the council. Has there been any evaluation of outstanding claims or what might be coming down the track? I am concerned to ensure Dublin City Council will not find itself in a situation where it has to use its own funds

to deal with any such claims. I presume that any claims against the DDDA that have not been settled on the date of dissolution will also transfer to Dublin City Council. I welcome the transfer of the property assets of the DDDA to the local authority. The original planning scheme for the area has been shelved but the SDZ status has been retained and the council is best placed to develop the area.

The final accounts and report of the DDDA will be laid before the Houses of the Oireachtas. The council is charged with preparing the final accounts within 12 months of the dissolution and submitting them to the Comptroller and Auditor General and to these Houses. Is it just the docklands section of Dublin City Council that will prepare those accounts or is it the responsibility of the entire council? Every member of Dublin City Council should have an input into that process.

The Minister of State made reference to the cultural richness of the docklands and the importance of maintaining and actively promoting that aspect and I am sure that will be one of the priorities of Dublin City Council. One thinks of Molly Malone, cockles and mussels, the fishing industry and industry generally in the context of the docklands and these should be celebrated by way of museums and other attractions. Local enterprise is also important in the docklands area, as the Minister of State pointed out.

Senator Diarmuid Wilson: I welcome the Minister of State. Fianna Fáil supports the dissolution of the DDDA. The DDDA was initially established in 1997 with an important remit, to be the lead driver of regeneration in the Dublin docklands area. The decision to abolish the authority was announced by the former Minister for the Environment, Community and Local Government, former Deputy Phil Hogan, in May 2012 after the Comptroller and Auditor General found serious shortcomings in the conduct of its planning and development functions, specifically the authority's purchase of the Irish Glass Bottle site in 2006. The dissolution of the DDDA, including the transfer of assets, liabilities, rights and contracts to Dublin City Council has been ongoing since 2012, with most of that process now completed. This Bill recognises the formal dissolution of the authority.

The decision to designate the 66 hectare docklands area as a special planning zone has been a success overall. The area has become part of the central business district in Dublin city and an engine of growth for the greater Dublin area. While the docklands area has huge potential for commercial and residential development, due to policy failures by this Government and others residential units are not being built at the rate that is required to meet the massive demand for housing in the core city centre area. The special planning powers for the docklands need to be backed up by real action by the Government to revitalise construction in the area. Fianna Fáil welcomes the fact that fast-track planning powers have been retained for the docklands which will allow Dublin City Council to grant development permission that cannot be appealed to An Bord Pleanála. The docklands, having been designated a strategic zone, has enormous potential. Up to 2,600 new homes and up to 350,000 sq. m of commercial space could be built. It is essential that the area is developed further as an engine of growth in the city.

While we welcome the dissolution of the DDDA, its role in resolving fire safety issues at the Longboat Quay complex must be subsumed by Dublin City Council. We believe that until an agreement can be reached between the residents and DDDA and costs recouped from the receivership process, Dublin City Council should meet the upfront expenses required to keep the residents in their homes, including the costs of remedial works estimated to be in the region of €4 million.

Fianna Fáil will support the Bill.

Senator Aideen Hayden: I support the Bill. In the context of any discussion on the DDDA, it is important to draw attention to the history of the docklands and its importance in the context of the evolution of the city. When the DDDA was established, the inner city of Dublin was practically a war zone. In 1983, Mr. Frank McDonald, the environment correspondent for *The Irish Times* organised the Dublin Crisis Conference to examine and discuss the landscape of inner city Dublin.

We can all talk about what went wrong with the DDDA but we must acknowledge that its establishment was hugely innovative at the time. The establishment of the authority brought enormous benefits to a very blighted part of the city centre. As the Minister of State pointed out, the docklands was a core part of Ireland's industrial landscape. Up until the 1960s, the docklands was a hugely significant part of the Irish economy. Dublin Port was thriving and was a focal point for Irish industry. However, the area suffered enormously during the 1950s and during the expansion of the economy in the 1960s, Dublin Port almost became redundant. The profile of the entire inner city during that period changed dramatically from one of high employment to high unemployment and the city's core began to be neglected. Unfortunately, it became very neglected. I agree with the Minister that the area has a rich cultural tradition that is unique in character and is reflected in music, literature and other art forms from those periods. Sometimes we are inclined to forget the role that the Dublin docklands played in the economic history of the country.

I agree that what happened to the DDDA was unfortunate. There were serious shortcomings and we have much to learn about special purpose vehicles and how they should be established, managed and overseen. However, I do not believe that the management of Dublin City Council, at the time that the Dublin Docklands Development Authority was established, was capable of dealing with the challenge that the docklands presented. It is unfortunate that the DDDA came to the conclusion we saw. Bad decisions were made and there was a lack of oversight. We must examine closely what went wrong, because there is an issue around the capacity of local government to deal with specific issues when they present particular challenges. For example, the Ballymun regeneration project was established to deal with a specific challenge in the Ballymun area. In fact, that project was, and still is, one of the largest, if not the largest, regeneration projects in Europe. There is a similar regeneration project in Limerick. I would not like the experience with the DDDA to convey the message that we should not develop specific vehicles to tackle specific challenges. It is important to acknowledge that we must have specific answers at specific times that are not necessarily forthcoming from the structures we have.

I am pleased that commitments are being made to the local communities. One of the positive things that emerged from the establishment of the DDDA was that commitment to community and to community representation, education, employment and the engagement of business with the local community. That must be preserved.

I am also happy, from a cultural perspective, that Dublin City Council will take over the liabilities and management of the *Jeanie Johnston*. It is great that this cultural heritage will not be lost in the transfer back to the council from the DDDA.

This legislation is necessary and timely. There is an interim board in place and we do not wish to reach a point where another interim board will have to be appointed if this legislation is not passed. However, it is important to maintain a serious commitment to the continuing

development of the docklands. As has been said, a significant amount of land remains to be developed. The Minister said it amounts to 22 hectares. It is an important area of the city to be developed.

I believe we should revisit this matter after a 12-month period, perhaps, to examine how Dublin City Council is managing the transfer to it of the responsibilities of the DDDA. I would like to hear the views of the community, for example, on how it sees that transfer and how it has impacted on their lives. What happened with the Irish Glass Bottle site and the liabilities that were acquired by the DDDA demonstrate not that we should not have such special purpose vehicles but that we should manage them correctly. There should be proper governance procedures in place for these vehicles. Looking to the future, there is a role for special purpose vehicles and I hope this experience will not tarnish the need to have special measures to address special issues.

Senator David Cullinane: Sinn Féin supports the Dublin Docklands Development Authority (Dissolution) Bill, which is intended to transfer the functions and liabilities of the Dublin Docklands Development Authority to Dublin City Council. My party colleague and the representative for Dublin Central, Deputy Mary Lou McDonald, has raised her concerns in some detail about the activities of the DDDA and the need to put in place mechanisms to ensure that what happened previously will not happen again. What is needed in the first instance is to ensure there is both social and economic regeneration. For almost 30 years, since the Urban Renewal Act 1986, there has been regeneration in the docklands, but it has not improved the situation, livelihoods or quality of life of people in the Sheriff Street and North Wall areas. There are major problems in those areas, including anti-social behaviour, drug abuse, unemployment and a lack of educational attainment.

The Bill attempts to put in place an alternative structure for planning and development. We must try to get it right this time. This is the last-chance saloon for the docklands area. We have no wish to end up with what is probably the most affluent part of the country cheek by jowl with one of the most deprived and neglected. For this reason, I hope the Minister will look more carefully at the mechanisms being put in place.

The Minister is proposing a consultative council to take on board the wishes and advice of the local community, councillors, businesses and educational establishments. My concern is that this is effectively a replica of the existing council. It is called a consultative forum and it is no more than a forum. It is likely to end up as a talking shop without anybody paying attention to its recommendations, as happened previously. I know people who served on the council for the docklands for many years. They found it frustrating at times to make recommendations on how to ensure that social regeneration went hand in glove with the economic regeneration, but that did not happen. Social regeneration was always put on the long finger. All of the delivery was to take place in the future. Unfortunately, by the time the Celtic tiger economy came to an end, the delivery had not taken place and there was no systematic social regeneration.

I propose that the Minister take on board a suggestion to provide a new statutory oversight and implementation structure that would monitor and drive social and economic regeneration. This structure should be separate from Dublin City Council and NAMA but would liaise with them. It should have the function of ensuring that targets are met and the body should have teeth to ensure that the project is driven and that no part of it is neglected, as happened in the past. The body should ensure all the commitments relate to local employment, apprenticeships and training and local housing.

Local housing has already been undermined by the planning applications. I cannot see where the social housing is going to materialise at the level intended. It appears to have been replaced by 950 units of student accommodation on the dock. That is not social housing and it should not be deemed as such. We must have the body I suggested. Moreover, I believe there must be an overall co-ordinator to ensure this happens. A new structure is required. It is fine to have a broadly democratic structure representing certain stakeholder interests such as the consultative forum, but a consultative forum will not be in a position to ensure that we implement what is intended. The legislation fails in that regard. Many people will not care how the structure is formulated as long as it has teeth and can deliver the goods for the people in the area, as well as for the business people and developers. It should not just represent the more wealthy residents, which would be a concern. We must ensure this happens.

The critical element is to have an implementation strategy, but there is no such strategy under the current mechanism. I have tabled some amendments which I will discuss on Committee Stage. We support the Bill, but we have some reservations which we will deal with on Committee Stage.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Ann Phelan): I do not propose to say a great deal because in my opening remarks I gave a comprehensive outline of the background of the DDDA and its misfortunes. I also pointed out the good things that can and will come out of this.

To clarify, there will be five community representatives on the oversight and consultative forum. Regarding the submission of accounts by the council, it is my understanding that this will be done by the full council. The Bill provides for dissolution by order of the Minister, allowing him or her to choose the date that is most appropriate given the ongoing issues in the docklands. I am confident this Bill represents a conclusion to one phase of the docklands development project and opens a door to the completion of that project, leading in time to the transformation of the docklands area into the dynamic hub we have seen emerging during this Administration's period in office. I thank Senators for their contributions.

Question put and agreed to.

Dublin Docklands Development Authority (Dissolution) Bill 2015: Committee and Remaining Stages

Sections 1 to 7, inclusive, agreed to.

SECTION 8

Senator David Cullinane: I move amendment No. 1:

In page 8, between lines 25 and 26, to insert the following:

“(4) Notwithstanding the generality of the foregoing, following the dissolution of the Authority and after all its liabilities have been met and subject to there being a surplus remaining the Council shall establish a central fund to be used for social gain for the benefit of the local community to be administered in conjunction with the Docklands Community Trust.””.

The purpose of this amendment is to ensure the communities in which the docklands authority was based will benefit exclusively from any surplus that comes to Dublin City Council from the dissolution of the authority. As we know, when money comes to local authorities following these types of sales, it goes back into general funding. We are proposing in this amendment that the moneys be ring-fenced for the benefit of residents in the docklands area. I accept that the communities benefited to some degree from the docklands development and that the various projects contributed to the success of business located under the authority. It is right that any surplus arising from the dissolution of the authority be targeted at those communities rather than going into the council's fund. This will ensure the money is used to fund community projects, including community-based initiatives that are creating employment.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Ann Phelan): I do not propose to accept the amendment. The Dublin Docklands Development Authority has contributed during the years to a community fund administered by the docklands community trust in conjunction with the docklands community council. That fund has accumulated assets of some €1.3 million and uses the interest earned to enhance the lives of docklands residents primarily through the provision of grants for local school leavers to pursue third level education courses.

In seeking to dissolve the authority and transfer responsibilities to Dublin City Council, the Government was anxious that no additional financial burden should be placed on the taxpayer. By means of a prudent transition plan devised by the authority and the city council's docklands unit, an orderly wind-down of the authority is ongoing. This wind-down has sought to generate sufficient funds from the sale of the authority's residual assets to discharge all its liabilities at dissolution. Given the ongoing nature of some aspects of the authority's business, the final financial picture will not become apparent until all liabilities are finalised and discharged when the dissolution comes into effect.

A commitment was given that the authority would make a substantial contribution to the community on its dissolution. This commitment remains in place and the level of contribution will be decided in the light of the financial circumstances of the authority on dissolution. I assure Senators it will be substantial and will enable the docklands community trust and Dublin City Council's docklands unit to continue to support local community and educational initiatives.

Amendment put and declared lost.

Section 8 agreed to.

Sections 9 to 16, inclusive, agreed to.

SECTION 17

Acting Chairman (Senator Paschal Mooney): Amendment No. 2 in the name of Senator David Cullinane and others has been ruled out of order because it involves a potential charge on the Exchequer.

Amendment No. 2 not moved.

Question proposed: "That section 17 stand part of the Bill."

Senator David Cullinane: When large-scale development was taking place in the dock-

lands area, undertakings were given that 20% of related jobs would go to local people. The area in question straddles a part of the city where there are very high levels of unemployment. It was a very good clause but I am not sure how successful it was and whether it reached the 20% target. I am sure it had some positive impact on the area.

My amendment No. 2 has been ruled out of order but perhaps the Government will, at some point in the future, consider putting in place local labour partnerships, as we have proposed, which would involve trade unions, people involved in community development and local community representatives setting and monitoring targets in regard to the creation of jobs in the area. The amendment proposes that the target remain at 20% but it could be a matter for the partnerships to set a specific quota.

Senator Aideen Hayden: The amendment has been ruled out of order, but I support the sentiments expressed by Senator Cullinane. One of the challenges we face in Dublin's inner city is the considerable extent of gentrification and the fact that original populations have not shared in the benefits of the wealth that is created through regeneration. It is important to ensure that when regeneration takes place, local people are very much partners in it and not the victims of gentrification.

Deputy Ann Phelan: In the area of employment provision for docklands residents, either during the construction phase of developments or thereafter, it is not possible under current national or EU legislation to discriminate positively in favour of local residents. There are many objectives within the North Lotts and Grand Canal Dock strategic development zone planning scheme that address this issue. For example, objective ER11 of the SDZ scheme for 2014 requires Dublin City Council to liaise with agencies and organisations to maximise employment and training opportunities for docklands residents. That process has already commenced, with the council's docklands unit working with developers and local employment services to maximise new employment opportunities both at construction and in liaison with new employers in the area. The rate of employment through local employment services will be monitored and reported to the docklands community council and its successor within Dublin City Council, the docklands oversight and consultative forum.

In addition, objective ER10 requires Dublin City Council to facilitate and harness the employment-generating opportunities of the support services sector and local enterprise services, working with a range of key skilled, semi-skilled, unskilled and volunteer workers of all ages as part of the overall economic regeneration for the wider docklands area. Furthermore, objective ER12 requires the city council to facilitate agencies and organisations, in particular those engaged in employment and training initiatives in the docklands, to work together in a co-ordinated manner in order to maximise employment, volunteer and training opportunities for residents of all ages in the docklands area. Objective CD10 requires Dublin City Council to promote a docklands local employment steering group with relevant stakeholders to facilitate an employment strategy to promote enhanced local employment access with a specific regard for younger and older people. Objective CD12 requires the city council to provide commercial facilities, such as local supermarkets, restaurants, cafés and leisure facilities, that provide opportunities for local employment and locations for the community to interact, meet and socialise so as to assist community development.

Acting Chairman (Senator Paschal Mooney): I am sorry to interrupt the Minister of State, but my understanding is, and please correct me if I am wrong, that she is speaking to an amendment that is out of order when, in fact, the contribution was on the section.

Deputy Ann Phelan: Yes.

Acting Chairman (Senator Paschal Mooney): I thank the Minister of State for her understanding.

Question put and agreed to.

Sections 18 to 22, inclusive, agreed to.

SECTION 23

Senator David Cullinane: I move amendment No. 3:

In page 14, in line 9 after “time;”, to insert the following:

“and

(iv) the developer can demonstrate previous compliance with fire safety regulations and can satisfy the Council that any outstanding issues in respect of fire safety or other planning regulations will be rectified;”.

This amendment is important as it seeks to ensure fire safety considerations are taken into account in any development.

Deputy Ann Phelan: I do not propose to accept amendment No. 3. Clear and enforceable fire safety requirements are already set out appropriately in primary legislation, including in the Building Control Acts, the Fire Services Acts, the Planning and Development Acts and the Multi-Unit Developments Act. Restatement of statutory obligations that apply generally under existing law in new legislation prepared for a specific and limited purpose, such as the dissolution of the DDDA, is unnecessary and serves no additional purpose. In fact, depending on drafting and interpretation issues, restatement may also inadvertently weaken the application and enforceability of existing requirements.

Furthermore, there are perhaps unforeseen and unintended, but potentially critical, consequences arising from the provision of planning related fire safety requirements, such as road access for fire brigades and proximity to water mains and hydrants. As a consequence, non-planning related, but more likely fire safety breaches such as construction not being in accordance with the fire safety certificate, defective fire compartmentalisation in buildings, fire stopping around building services, inadequate fire detection systems in building units and inadequate emergency access and evacuation provision in building units, would, unfortunately, be excluded. For these reasons I am opposing amendment No. 3.

Amendment put and declared lost.

Section 23 agreed to.

Sections 24 to 49, inclusive, agreed to.

Schedule agreed to.

Title agreed to.

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

Assisted Decision-Making (Capacity) Bill 2013: Committee Stage (Resumed)

SECTION 67

Debate resumed on amendment No. 195:

In page 74, line 34, after “directive” to insert the following:

“other than a request for the provision or continuance of artificially delivered nutrition and hydration”.

- (Senator Rónán Mullen).

Minister of State at the Department of Health (Deputy Kathleen Lynch): It is well established in Irish case law that a person with capacity has the right to refuse all forms of treatment. The ward of court case found artificial nutrition and hydration are considered to be medical treatment as opposed to basic care, and, therefore, a person is entitled to refuse such treatment.

The provisions of the Bill allow a person to make treatment requests in their advance health care directive, which would, of course, include a request for artificial nutrition and hydration if they so wish. However, a person’s autonomy is not absolute and he or she cannot demand that specific treatments or interventions be provided in all circumstances regardless of their effectiveness. The right to request treatment is a power to consent rather than a power to compel.

As outlined in the HSE’s national consent policy, a health care professional is not obliged to provide a treatment that is not clinically indicated. This is also in keeping with the Medical Council’s 2009 guidelines, which state that a clinician is not obliged to provide a treatment that he or she considers to be futile or disproportionately burdensome, even where such treatment may prolong the patient’s life. However, a treatment request in an advance health care directive is reflective of that person’s will and preferences. Therefore, the provisions state that treatment requests outlined in an advance health care directive will be taken into consideration during the decision-making process, but will not be legally binding. In situations where a request for treatment in a person’s advance health care directive is not upheld, the reasons for not complying must be recorded in that person’s health care record. This reasoning must also be explained to that person’s designated health care representative if he or she has nominated one.

Given that a request for any form of treatment cannot be legally binding, I cannot accept Senator Rónán Mullen’s proposed amendment.

Amendment put and declared lost.

Government amendment No. 196:

In page 75, line 22, to delete “in accordance with *subsection (6)*” and substitute “referred to in *subsection (6)(a)*”.

Amendment agreed to.

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Government amendment No. 197:

In page 75, line 29, to delete “*subsection (6)*” and substitute “*subsection (6)(b)*”.

Amendment agreed to.

Government amendment No. 198:

In page 75, line 38, to delete “(or the person signing on his or her behalf)” and substitute “or the person signing on his or her behalf”.

Amendment agreed to.

Government amendment No. 199:

In page 76, line 34, to delete “step-child”.

Amendment agreed to.

Government amendment No. 200:

In page 76, line 39, to delete “of the relevant person”.

Amendment agreed to.

Section 67, as amended, agreed to.

Amendments Nos. 201 to 203, inclusive, not moved.

Question, “That section 68 stand part of the Bill,” put and declared carried.

SECTION 69

Government amendment No. 204:

In page 78, line 29, to delete “specific”.

Amendment agreed to.

Government amendment No. 205:

In page 78, line 31, to delete “the refusal” and substitute “the advance healthcare directive”.

Amendment agreed to.

Government amendment No. 206:

In page 78, line 33, to delete “specific”.

Amendment agreed to.

Government amendment No. 207:

In page 78, line 34, after “directive” to insert “and”.

Amendment agreed to.

Government amendment No. 208:

In page 78, line 35, to delete “the refusal” and substitute “the advance healthcare directive”.

Amendment agreed to.

Government amendment No. 209:

In page 78, line 39, to delete “an advance healthcare directive” and substitute “a refusal of treatment set out in an advance healthcare directive”.

Amendment agreed to.

Government amendment No. 210:

In page 78, line 41, to delete “if”.

Amendment agreed to.

Amendment No. 211 not moved.

Section 69, as amended, agreed to.

SECTION 70

Government amendment No. 212:

In page 79, lines 19 and 20, to delete all words from and including “shall” in line 19 down to and including line 20 and substitute “shall not be eligible to be a designated healthcare representative if—”.

Amendment agreed to.

Government amendment No. 213:

In page 79, to delete lines 27 to 32 and substitute the following:

“(d) the individual is—

(i) the owner or the registered provider of a designated centre or mental health facility in which the directive-maker resides, or

(ii) a person residing with, or an employee or agent of, such owner or registered provider,

unless the individual is a spouse, civil partner, cohabitant, parent, child or sibling of the directive-maker, or”.

Amendment agreed to.

Government amendment No. 214:

In page 79, lines 38 and 39, to delete all words from and including “subsequent” in line 38 down to and including line 39 and substitute “subsequent to the designation of an indi-

vidual as a designated healthcare representative—”.

Amendment agreed to.

Government amendment No. 215:

In page 80, to delete lines 5 to 10 and substitute the following:

“(c) the individual becomes—

(i) the owner or the registered provider of a designated centre or mental health facility in which the directive-maker resides, or

(ii) a person residing with, or an employee or agent of, such owner or registered provider,

unless the individual is a spouse, civil partner, cohabitant, parent, child or sibling of the directive-maker.”.

Amendment agreed to.

Government amendment No. 216:

In page 80, to delete line 11.

Amendment agreed to.

Government amendment No. 217:

In page 80, line 16, to delete “directive-maker,” and substitute “directive-maker, or”.

Amendment agreed to.

Government amendment No. 218:

In page 80, between lines 16 and 17, to insert the following:

“(e) the individual is unable, for whatever reason, to exercise the relevant powers,”.

Amendment agreed to.

Government amendment No. 219:

In page 80, to delete lines 17 to 19 and substitute the following:

“that individual shall not, from the date on which he or she falls within any of *paragraphs (a) to (e)*, be permitted to exercise relevant powers.”.

Amendment agreed to.

Government amendment No. 220:

In page 80, to delete lines 22 to 24 and substitute the following:

“(5) Unless otherwise provided in the advance healthcare directive, a designated healthcare representative shall not, with effect from the date on which an event specified

in any of *paragraphs (a) to (c)* occurs or, in the case of an event specified in *paragraph (d)*, at the expiry of the period referred to in that paragraph, be permitted to exercise relevant powers where the representative is the spouse of the directive-maker and—”.

Amendment agreed to.

Government amendment No. 221:

In page 80, to delete lines 36 to 38 and substitute the following:

“(6) Unless otherwise provided in the advance healthcare directive, a designated healthcare representative shall not, with effect from the date on which an event specified in *paragraphs (a) or (b)* occurs or, in the case of an event specified in *paragraph (c)*, at the expiry of the period referred to in that paragraph, be permitted to exercise relevant powers where the representative is the civil partner of the directivemaker and—”.

Amendment agreed to.

Government amendment No. 222:

In page 80, to delete line 39 and substitute the following:

“(a) the civil partnership is annulled or dissolved (other than where the dissolution occurs by virtue of the parties to that civil partnership marrying each other) either—

(i) under the law of the State, or

(ii) under the law of another state and is, by means of that annulment or dissolution not or no longer a subsisting valid civil partnership under the law of the State.”.

Amendment agreed to.

Government amendment No. 223:

In page 81, to delete lines 3 to 6 and substitute the following:

“(7) Subject to section 2(2) and unless otherwise provided in the advance healthcare directive, a designated healthcare representative shall not, with effect from the expiry of the period referred to in this subsection, be permitted to exercise relevant powers where the representative is the cohabitant of the directive-maker and the cohabitants separate and cease to cohabit for a continuous period of 12 months.”.

Amendment agreed to.

Government amendment No. 224:

In page 81, to delete lines 7 to 9.

Amendment agreed to.

Section 70, as amended, agreed to.

SECTION 71

Government amendment No. 225:

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In page 82, lines 7 and 8, to delete “invalidating the advance healthcare directive to the extent that it relates to” and substitute “prohibiting”.

Amendment agreed to.

Government amendment No. 226:

In page 82, line 8, after “representative” to insert “from”.

Amendment agreed to.

Government amendment No. 227:

In page 82, lines 19 and 20, to delete “(whether by reason of lack of capacity or otherwise) or declines to act,” and substitute “, for whatever reason, to exercise the relevant powers,”.

Amendment agreed to.

Government amendment No. 228:

In page 82, line 21, to delete “qualified” and substitute “eligible”.

Amendment agreed to.

Section 71, as amended, agreed to.

Section 72 agreed to.

SECTION 73

Government amendment No. 229:

In page 83, line 10, to delete “shall be guilty of” and substitute “commits”.

Amendment agreed to.

Government amendment No. 230:

In page 83, line 18, to delete “so shall be guilty of” and substitute “commits”.

Amendment agreed to.

Government amendment No. 231:

In page 83, lines 25 to 27, to delete all words from and including “a” where it secondly occurs in line 25 down to and including “disabilities,” in line 27 and substitute “a designated centre or mental health facility”.

Amendment agreed to.

Section 73, as amended, agreed to.

Section 74 agreed to.

SECTION 75

Government amendment No. 232:

In page 86, line 25, to delete “under *section 58*”.

Amendment agreed to.

Government amendment No. 233:

In page 86, to delete line 27 and substitute the following:

“(b) any decision-making order or decision-making representation order in respect of the directive-maker.”

Amendment agreed to.

Government amendment No. 234:

In page 86, to delete lines 29 to 38, and in page 87, to delete lines 1 to 5.

Amendment agreed to.

Section 75, as amended, agreed to.

Section 76 agreed to.

SECTION 77

Question proposed: “That section 77 stand part of the Bill.”

Deputy Kathleen Lynch: We will have an amendment to section 77 on Report Stage as we will be moving the decision support services from the Courts Service to the Mental Health Commission. People were thinking it was a little inappropriate to have them in the Courts Service.

Question put and agreed to.

SECTION 78

Acting Chairman (Senator Paschal Mooney): Amendments Nos. 235 to 238, inclusive, are related and may be discussed together.

Senator Marie-Louise O’Donnell: I move amendment No. 235:

In page 88, between lines 18 and 19, to insert the following:

“(d) to provide information on the creation of an enduring power of attorney or the making of an advance healthcare directive to enable a person who has capacity to express his or her wishes to be given effect when he or she lacks decision-making capacity;”

We were under the impression that we would be considering the Bill at 5.30 p.m., which might be the reason some of the other Senators are not here.

This amendment concerns the functions of the director of the decision support services

under section 78. I have read about the functions and believe they are excellent. I would, however, like the Minister of State to consider adding to the legislation a function “to provide information on the creation of an enduring power of attorney or the making of an advance health care directive to enable a person who has capacity to express his or her wishes to be given effect when he or she lacks decision-making capacity”. I would like this to be part of the remit of the decision support services, if possible.

The recommendation of the Council of Europe is that the State should promote self-determination for capable adults in the event of their future incapacity by means of continuing powers of attorney and advance health care directives. I acknowledge that the director is to be an informer, a manager, a supervisor, a guide and a changer, but the legislation could be a little more definite in that he or she could also be an educator. Bearing in mind the Council of Europe’s recommendation on the promotion of human rights, I referred when discussing my first amendment, amendment No. 26, to the entitlement to lead one’s life in an autonomous manner, which encompasses the taking of independent decisions. The recommendation sets out that member states should provide legislation to allow older persons to regulate their affairs in the event that they will be unable to express their instructions at a later stage.

I know there is nobody here but I have the ear of the Minister of State. The Acting Chairman is on the telephone.

Acting Chairman (Senator Paschal Mooney): I am sorry. I was just trying to advise Senators of the change in time which the Senator herself mentioned. She is addressing the Minister of State.

Senator Marie-Louise O’Donnell: I was about to tell the House about the demographic profile.

Senator Trevor Ó Clochartaigh: I am listening.

Senator Marie-Louise O’Donnell: Irish society must plan for population 80 and, in particular, have regard to the growing number of people whose capacities will decline as they age. It is necessary, therefore, for the State to facilitate people to plan individually for such an eventuality. The figures included in the national dementia strategy for 2004 suggest that in 2011 there were 47,800 people with dementia. It is believed 152,000 will have dementia in 2046. I am talking about the director being an educator in informing people about their capacity to express their wishes when they are well. This is not stated, although I acknowledge there is reference to the provision of information for relevant persons on the available options, but that is a different matter.

I advocate a national strategy associated with the Think Ahead programme that would involve all relevant organisations, State bodies and workers. It should be part of our lives. I would, therefore, like the Minister of State to consider the amendment.

While the director might find it internal to his or her job, it is not written down and it is important. It is all very well for people to make decisions while they are able, but it is different when they are not able. This amendment is to encourage people to make the decisions that link precisely into the Bill when they are able in order that their rights will be carried out when they are not able. The amendment has been tabled because the Bill could be more specific.

Deputy Kathleen Lynch: The Think Ahead programme is excellent and I assume and

imagine that any person who takes up the job as director in this instance will draw on what already has been done as he or she would be foolish not to do. Amendment No. 235 tabled by Senator Marie-Louise O'Donnell proposes an additional function for the director of the decision support service to provide information on the creation of an enduring power of attorney or advanced health care directives. These functions already are encompassed in the functions set out for the director. This is the reason that at the outset of the debate yesterday, the amendments were so comprehensive. I acknowledge it frustrated some Members but the amendments were comprehensive. Under section 78(1)(a), the director will be required to promote public awareness of all matters relating to the needs of persons who may require assistance in exercising their capacity. This function encompasses the requirement to provide information to the public on enduring powers of attorney and on advanced health care directives. Similarly, section 78(1)(c) requires the director to give information to relevant persons in respect of their options under the Act. This will include information on creating an enduring power of attorney or an advanced health care directive. As the function already is encompassed in the Bill, I ask the Senator not to press the amendment. While the Senator's points are well made, they are well covered in the Bill.

Amendment No. 236 proposes a new function for the director of the decision support service in providing information to organisations. The existing functions require the director to provide information and guidance for organisations when dealing with persons with capacity difficulties. The new amendment proposes that the decision support service also will have a role in informing and guiding organisations, including State organisations, when dealing with the range of interveners specified under this Bill. It will be obliged to provide information and guidance on dealing with attorneys, decision-making representatives, etc. The intention is that as a result of this information and guidance, organisations will know exactly when to provide information to interveners. This will help to ensure organisations only interact with interveners where those interveners are authorised either to seek information or to make decisions. I believe this point was well fleshed out in respect of the type of information, who should have it, what happens with it afterwards and for what it can be used.

Amendment No. 237 allows the decision support service to charge fees for its services. It is appropriate that the decision support service could have this possibility and is in line with international practice. Some functions it will undertake will be time-consuming and some organisations with which it will interact will be very wealthy as banks, for instance, are potential clients. Where a vulnerable person or a family has limited means, the possibility will be available for the fees to be waived. In amendment No. 238, Senator Marie-Louise O'Donnell proposes the director would have a role in enabling investigations of an attorney operating under provisions of the 1996 Act. I admire the Senator's foresight, as one amendment agreed to yesterday-----

Senator Marie-Louise O'Donnell: I was about to thank the Minister of State for it.

Deputy Kathleen Lynch: I admire the Senator's foresight. The aforementioned amendment will allow both complaints to be made and investigations against attorneys registered under the 1996 Act. I thank the Senator for raising the issue. Another vitally important issue that was included in one of the amendments yesterday was the provision that the director can have an investigation even where no complaint was made. As the Senator and I are aware, it sometimes is the most vulnerable who do not have anyone to complain on their behalf or who cannot complain themselves. I believe the Bill covers the issues raised by the Senator and I am glad it does. I thank the Senator for having such foresight.

Senator Marie-Louise O'Donnell: I am pleased that my proposed amendment in section 78 has been accepted, for which I thank the Minister of State. It is extremely important the supervisory and investigative functions of a director of the decision support service include the exercise of those functions in respect of attorneys under the 1996 Act. I had meant to thank the Minister of State for it. I also am pleased to note section 68 provides that a complaint may be made to the director in respect of an attorney under the 1996 Act who was acting outside the scope of his or her powers, not performing his or her obligations or for other reasons as stated in section 68. These are all important safeguarding provisions, as required under Article 12.4 of the UN Convention on the Rights of Persons with Disabilities. I thank the Minister of State and as to the remit, I understand a job is a job and is informative and educative. I would like to have sight of the education aspect. I am sure it will not just be the Think Ahead programme but there will be many other aspects.

Deputy Kathleen Lynch: Yes, that is just one programme.

Senator Marie-Louise O'Donnell: I just mentioned that programme in so far as it is a guide for when people lack capacity. However, I understand, in respect of all the amendments, that it will be part of it and I thank the Minister of State for accepting my other amendment and for taking it on board in the spirit of the Bill.

Deputy Kathleen Lynch: I thank the Senator.

Amendment, by leave, withdrawn.

Government amendment No. 236:

In page 88, between lines 29 and 30, to insert the following:

“(h) to provide information and guidance to organisations and bodies in the State in relation to their interaction with decision-making assistants, co-decision-makers, decision-making representatives, attorneys and designated healthcare representatives,”.

Amendment agreed to.

Government amendment No. 237:

In page 89, between lines 1 and 2, to insert the following:

“(3) The Director, with the consent of the Minister, may, and if directed by the Minister to do so and in accordance with the terms of the direction, shall, prescribe by regulations the fees to be paid to him or her and when they fall due in respect of—

- (a) the performance of functions,
- (b) the provision of services, and
- (c) the provision of information and guidance,

by him or her under the Act.

(4) Without prejudice to the generality of *subsection (3)*, the Director's power under that subsection to prescribe fees includes the power to provide for exemptions from the payment of fees, in different circumstances or classes of circumstances or in different

cases or classes of cases.”.

Amendment agreed to.

Section 78, as amended, agreed to.

Amendment No. 238 not moved.

Section 79 agreed to.

Sections 80 and 81 agreed to.

SECTION 82

Acting Chairman (Senator Paschal Mooney): Amendment No. 239 is in the name of Senator David Norris.

Senator Jillian van Turnhout: May I raise the issue? I know that one cannot move the-----

Acting Chairman (Senator Paschal Mooney): The Senator may raise it in the debate on the section.

Amendment No. 239 not moved.

Government amendment No. 240:

In page 91, to delete lines 28 to 39 and substitute the following:

“(6) Subject to *subsections (7) and (8)*, for the purposes of enabling the Director to perform his or her functions, he or she may direct a special visitor or general visitor to—

(a) at any reasonable time, examine and take copies of any health, personal welfare or financial record held in relation to a relevant person by any person, body or organisation, and

(b) interview a relevant person in private or otherwise than in public.”.

Amendment agreed to.

Government amendment No. 241:

In page 92, between lines 3 and 4, to insert the following:

“(8) Prior to taking an action pursuant to *paragraph (a) of subsection (6)*, the special visitor or general visitor, as the case may be, shall seek the consent of the relevant person to the taking of such action, unless the Director dispenses with this requirement where—

(a) there has been a declaration under *section 34(1)(b)* in respect of the person, or

(b) an enduring power of attorney has been registered in respect of the person.

(9) A special visitor or general visitor shall not—

(a) attempt to obtain information that is not reasonably required for the purposes referred to in *subsection (6)*, or

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(b) use such information for a purpose that is not in accordance with this section.

(10) A special visitor or general visitor shall take reasonable steps to ensure that any information obtained pursuant to this section is—

(a) kept secure from unauthorised access, use or disclosure, and

(b) safely disposed of when he or she believes it is no longer required.

(11) The Director shall, on an annual basis, carry out checks to ascertain if special visitors and general visitors are complying with *subsections (9) and (10)*.”.

Amendment agreed to.

Question proposed: “That section 82, as amended, stand part of the Bill.”

Senator Jillian van Turnhout: I wish to raise the issue that is the subject of amendment No. 239 to allow Senator David Norris, if he wishes, to raise it on Report Stage. It is about a “person who, although not a registered medical practitioner, is, in the opinion of the Director, a person who has particular knowledge, expertise and experience of financial matters, as respects the capacity of persons”. Obviously, it is up to Senator David Norris as to whether he wishes to proceed.

Acting Chairman (Senator Paschal Mooney): I thank Senator Jillian van Turnhout for her help. Does the Minister of State wish to respond or to defer?

Deputy Kathleen Lynch: I will respond on Report Stage if the Senator tables the amendment then.

Question put and agreed to.

SECTION 83

Government amendment No. 242:

In page 92, to delete lines 12 to 24 and substitute the following:

“(3) Subject to *subsections (4) and (5)*, for the purposes of assisting a relevant person in relation to an application under *Part 5*, a court friend may—

(a) at any reasonable time, examine and take copies of any health, personal welfare or financial record held in respect of the relevant person by any person, body or organisation, and

(b) interview the relevant person in private or otherwise than in public.”.

Amendment agreed to.

Government amendment No. 243:

In page 92, between lines 26 and 27, to insert the following:

“(5) Prior to taking an action pursuant to *paragraph (a) of subsection (3)*, the court friend shall seek the consent of the relevant person to the taking of such action, unless

the Director dispenses with this requirement where—

- (a) there has been a declaration under *section 34(1)(b)* in respect of the person, or
- (b) an enduring power of attorney has been registered in respect of the person.

(6) A court friend shall not—

(a) attempt to obtain information that is not reasonably required for the purposes referred to in *subsection (3)*, or

(b) use such information for a purpose other than provided for in that subsection.

(7) A court friend shall take reasonable steps to ensure that any information obtained pursuant to this section is—

(a) kept secure from unauthorised access, use or disclosure, and

(b) safely disposed of when he or she believes it is no longer required.

(8) The Director shall, on an annual basis, carry out checks to ascertain if court friends are complying with *subsections (6) and (7)*.”.

Amendment agreed to.

Section 83, as amended, agreed to.

Sections 84 to 120, inclusive, agreed to.

SECTION 121

Amendment No. 244 not moved.

Question proposed: “That section 121 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: Senators have noted there may be issues around the financial powers of oversight and management by the court that the House might need to refer to on Report Stage.

Deputy Kathleen Lynch: Would the Senator repeat that, please?

Senator Trevor Ó Clochartaigh: There may be issues around amendment No. 244 which have not been put forward and which Senators might raise on Report Stage. I want to allude to them in order that they can be looked at on Report Stage.

Question put and agreed to.

Sections 122 to 128, inclusive, agreed to.

Amendment No. 245 not moved.

Section 129 agreed to.

Schedules 1 and 2 deleted.

Schedule 3 agreed to.

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Title agreed to.

Bill reported with amendments.

Acting Chairman (Senator Paschal Mooney): When is it proposed to take Report Stage?

Senator Martin Conway: Next Tuesday.

Report Stage ordered for Tuesday, 15 December 2015.

Acting Chairman (Senator Paschal Mooney): In accordance with the decision of the House, the Seanad shall meet at 10 a.m. on Friday, 11 December 2015.

The Seanad adjourned at 5.15 p.m. until 10 a.m. on Friday, 11 December 2015.