



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Déardaoin, 28 Eanáir 2016*

*Thursday, 28 January 2016*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

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

The need for the Minister for Health to clarify the reason the drug Sativex, a treatment for people with multiple sclerosis who suffer from spasticity, is still not available in Ireland and has not been introduced under the HSE drugs payment scheme.

I have also received notice from Senator Fidelma Healy Eames of the following matter:

The need for the Minister for Transport, Tourism and Sport to outline the available structures and funding sources available to support a new emerging group, Oranmore-Maree Coastal Search, the purpose of which is to search for missing persons who have fallen into the water in Galway city.

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

The need for the Minister for Justice and Equality to reconsider the imposition of rates on child care facilities, recognising that such facilities are small businesses providing education and social services.

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

### **Commencement Matters**

#### **Drugs Payment Scheme**

**An Cathaoirleach:** I welcome the Minister of State, Deputy Damien English.

**Senator Colm Burke:** I, too, welcome the Minister of State.

Sativex is a new add-on treatment option indicated for multiple sclerosis, MS, patients with moderate to severe resistant spasticity symptoms, that is, muscle rigidity spasms. Sativex contains the active substances THC and CBD, extracted from herbal cannabis cloned plants at a 1:1 ratio. Sativex was issued a licence by the Health Products Regulatory Authority in Ireland on 18 July 2014, shortly after new regulations were signed to enable authorised cannabis based medicinal products to be legally prescribed by physicians. The Irish health technology assessment was evaluated by the National Centre for Pharmacoeconomics and the company which provides the product was surprised and disappointed at the subsequent decision not to recommend Sativex for reimbursement at the price submitted. There is plenty evidence to show this drug assists people with MS. Many people are looking to use it to assist them. As the Minister of State is aware, once a person has MS there is no going back. One thing we can do is try to make sure they enjoy a normal way of living by providing pharmaceuticals and medications that can assist them. Those who have MS and who would benefit from this drug are disappointed it is not included in the drugs refund scheme. It is in that context I raise the matter.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Damien English):** I thank the Senator for raising the issue. I am taking this Commencement matter on behalf of the Minister for Health, who regrets that he is unavailable to address the issue today. The Minister is aware that access to potentially beneficial drug treatments is an important issue for people with MS and that MS sufferers and their families face enormous day-to-day challenges in dealing with this progressive and debilitating condition.

Decisions on which medicines are licensed for use in Ireland, and which are reimbursed by the taxpayer, are made on objective, scientific and economic grounds by the HSE on the advice of the National Centre for Pharmacoeconomics, NCPE. The NCPE is a team of clinicians, pharmacists, pharmacologists and statisticians who evaluate the benefits and costs of medical technologies and provide advice to the HSE. The NCPE conducts health technology assessments of pharmaceutical products for the HSE and can make recommendations on reimbursement to assist the HSE in its decision-making process. The HSE has statutory responsibility for decisions on pricing and reimbursement of medicinal products under the community drug schemes in accordance with the provisions of the Health (Pricing and Supply of Medical Goods) Act 2013. It is appropriate that these should not be political or ministerial decisions and that a scientific and evidence-based approach is taken to determine the extent to which patients would benefit from treatment with expensive new drugs and whether this represents cost-effectiveness for the health service and the taxpayer.

Sativex is indicated for the relief of symptoms of spasticity for people with MS where other conservative treatments have failed to provide adequate benefits. In July 2014, the Health Products Regulatory Authority granted a marketing authorisation for the cannabis-based medicinal product Sativex to be marketed in Ireland. In early September 2014, the HSE received an application for inclusion of Sativex under the community drugs schemes high-tech arrangements. A health technology assessment on Sativex has been completed by the NCPE, which did not recommend reimbursement of Sativex at the submitted price. The report by the NCPE is an important input to assist the HSE in its decision-making process and informed further engagement between the HSE and the supplier relating to potential pricing arrangements for this product.

The matter remains under consideration by the HSE and therefore it would not be appropriate to comment further on the matter at present. The Minister appreciates that some may take the view that the taxpayer should reimburse every licensed medicine for whatever price a drug company demands, the interests of the health service as a whole require that we only reimburse

the most effective medicines and only at a fair price.

**Senator Colm Burke:** I thank the Minister of State for his response and I fully accept his comments, as pricing is an issue that must be dealt with carefully. I am one of the people who highlighted how the cost of drugs increased from €570 million in 2000 to €2 billion in 2008 or 2009. Nevertheless, this medication may assist people with multiple sclerosis. The Minister of State knows that a person must live with multiple sclerosis for the rest of his or her life; it is important, therefore, that we try to make his or her life as comfortable as possible. This drug helps in that regard.

The end of the Minister of State's response was vague. Is he indicating that if a further submission was made, it would be given serious consideration or did he say that a further submission has been made and considered?

**Deputy Damien English:** My understanding is the matter remains under consideration by the HSE and the report from the NCPE has helped in the decision-making process and helping to inform further engagement between the HSE and the supplier on the pricing of the product. It is down to price and effectiveness, as people recognise the benefits. My reading is that this is ongoing so the issue is up for discussion. I will get clarification from the HSE.

### **Search and Rescue Service Provision**

**Senator Fidelma Healy Eames:** Cuirim fáilte roimh an Aire Stáit. This matter concerns the need for the Minister for Transport, Tourism and Sport to outline the available structures and funding sources available to support a new and emerging group called the Oranmore-Maree coastal search unit, the purpose of which is to search for missing persons who may have fallen into the water in Galway city. Sadly, many people have lost their lives this way. Bodies sometimes emerge in the area where I live.

The rate can be unbelievable and, on average, eight to nine bodies are found every year along the coastal area of Oranmore, Maree and Renville. It is the scientific nature of tides that this is the area where the bodies tend to come up. The Minister of State will know from media reports that we have all been touched recently by the sad death of young Michael Bugler from Ennis, who after approximately 21 days was found in our local area. This event touched everybody and in our area we had, on average, 300 volunteers per day looking for the man. These included people from Galway and Ennis, where he was from, who came together to congregate in Calasactious College and Oranmore community centre. We were lucky to have that facility because this happened over the Christmas period. We would not always have that type of space but we did because it was Christmas. Sadly, another young man from my own local parish, Donal Greene, passed away tragically earlier last year. He was from our area but he died in Cavan. Our community moved to Cavan and we saw how the local community there came out.

What emerges from this is that although there is a strong volunteer spirit, we need to be better organised. The Garda and the Royal National Lifeboat Institution have let us know they are often searching for people on their own. A very clear wish has emerged that we need at least 60 trained volunteers who will be able to cope, for example, with finding a body. They should have the appropriate training and clothing. So many people come along with goodwill, and we could never stop them, but we need trained leaders in each of the search zones. We have worked out that there are 16 search zones from Galway city down to north Clare along the coast. We are

giving leadership and, locally, we can cover at least eight of those. We have met representatives of the Garda and RNLI and they are delighted with this offer of help but they have said they need greater support.

We are seeking very basic funding to get started, which will probably be up to €10,000. The training of 60 volunteers is estimated at approximately €100 each. Proper clothing is also required, along with high-visibility vests, boots and prototype information sheets to allow distribution of the right information to all search volunteers before they come into any daily search. It is unbelievable that we are talking about this. Prevention is the best cure and it is another element. It is a sad reality that many of our young people fall into the water, accidentally or otherwise, around Galway city and the Claddagh or docks area in particular.

This is the voice of the public reaching out to the Minister. I am deeply moved by the work of this group, of which I am a part. This may be our last sitting in Seanad Éireann in this session and it would be great to end it by getting the goodwill of the Minister. Will the Minister of State indicate where we can find funding and make a commitment to this?

**Deputy Damien English:** I am taking this matter on behalf of my colleague, the Minister, Deputy Paschal Donohoe, as he could not be here. He sends his apologies. I thank the Senator for raising this matter on the issue of missing persons, which is obviously of importance to us all and to the country but also, acutely, to those who have lost loved ones in this way. The Senator has correctly referred to the great work done by many groups involved with search and rescue. I am familiar with my own group, Meath river rescue, which is based in Navan and does great work offering support and hope to families trying to find a loved one. It is important that we support that as best we can both in a voluntary capacity and through our work in various Departments. It can be a difficult time for families and it is important that we do everything we can to help.

Maritime search and rescue is the responsibility of the Department of Transport, Tourism and Sport. Primary responsibility for this has been delegated to the Irish Coast Guard, which is a division within the Department. The Irish Coast Guard co-ordinates maritime search and rescue services at sea and leads and co-ordinates national participation in search and rescue and safety-related initiatives of the International Maritime Organisation. An Garda Síochána is responsible for missing persons and for land-based search and rescue. As Galway city and Oranmore are inland areas, the matters raised by the Senator are essentially matters for An Garda Síochána and the Department of Justice and Equality.

In the event that the Irish Coast Guard is requested to provide assistance in the adjacent coastal area, such as Galway Bay, the immediately available resources are Costello Bay Coast Guard unit, the Doolin and the Aran Island Coast Guard units and the Shannon-based Coast Guard helicopter. The area is also served by the RNLI, which has a lifeboat in Galway and would also respond to incidents as tasked by the Irish Coast Guard in such an event.

As I have indicated, missing persons matters come within the remit of the Garda. An Garda Síochána is also responsible for mountain search and rescue co-ordination in Ireland. The Defence Forces, in aid to the civil authority or power, may also engage in search and rescue activities on land, mountains, inland lakes or rivers.

My Department pays annual grants to designated mountain rescue teams and designated community operated rescue services which are known as Community Rescue Boats Ireland.

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The role of paying annual grants to the mountain rescue teams was assigned to the Irish Coast Guard from the Department of Justice and Equality some years back in the interests of certain administrative efficiencies. Community rescue boat teams have a formal relationship with the Irish Coast Guard, on foot of which they are designated as declared resources. The CRBIs are primarily self-funded groups that are equipped with rescue boats and associated facilities.

I regret to say the Department of Transport, Tourism and Sport has no basis or financial resources to provide funding to groups other than the mountain rescue and the CRBI. I believe the mechanisms we have in place, which encompass the Garda, the Irish Coast Guard and the Defence Forces, are in good shape to deal with the horror of missing person cases when they occur and, hopefully, they will bring them to a positive conclusion. That said, we are interested in hearing further about what the Senator thinks and there is no doubt that we will engage further on this important topic. I suggest, from my own involvement with Leader, that perhaps the Senator's group would be successful if it applied for Leader funding. The Senator should find out whether a Leader or partnership group operates in the Galway area and, if so, whether it will work with the Senator's team to finance some of this project. I know that such initiatives have been successful in the past.

**Senator Fidelma Healy Eames:** I am grateful for the Minister of State's reply. I neglected to say at the outset that when a person falls in the water there is a golden hour within which a person can be saved. Therefore, the more prepared we are and the more supports that are available to the Garda and others, the better. My motion is about saving lives. I wish to check what the Minister of State said in his reply. I heard him mention Leader funding and thank him for his prompt response. Is he saying mountain rescue teams and CRBI would qualify for funding? I do not know how my initiative would qualify under mountain rescue. By the way, Oranmore-Maree is a coastal region and is located right on the edge of water. I heard the way that the Minister of State outlined his measures. Under those measures, within his Department, are we likely to qualify for funding?

**Deputy Damien English:** I have outlined the resources that are available in the Department of Transport, Tourism and Sport and the main category is mountain rescue and CRBI. It may be worthwhile for the Senator's group to consult CRBI to see whether it would come within the remit of CRBI. As a Deputy operating in the Meath region, I can confirm that I have worked very closely with Leader and Meath Partnership to secure funding for the Meath River Rescue organisation, an inland service that does similar and important work as done by the group mentioned by the Senator. I did not promise or guarantee funding. I simply suggested another mechanism that the Senator could explore, one where she could see if there is an opportunity for development.

**Senator Fidelma Healy Eames:** I thank the Minister of State for his time.

### **Commercial Rates Impact**

**Senator Cáit Keane:** I welcome the Minister of State, Deputy Damien English. This morning he seems to be Minister of State for all trades.

I have tabled a motion on commercial rates on child care. It is not the first time that I have raised this matter and it was one of the first issues I raised when I became a Senator. The climate has changed since then because educational preschool services have been put to the fore-

front by this Government. I hope I will get a better response to my query this time. There has been a good response to the Seanad's motion to exempt community child care facilities from rates. Today, I am referring to the impact rates have on educational establishments.

Preschool education is an educational and social facility that is now available to all children in Ireland and the Minister for Children and Youth Affairs has announced the introduction of a second year of free preschool education. This is the first year that the Department of Education and Skills has become involved in the inspection of preschools as, heretofore, such work was done by the HSE and Tusla. That shows how much we value preschool education and it is now available to every child for two years. Preschool education has been deemed more important than all of the other stages of education because 80% of a child's intelligence develops between the ages of zero and three years. Why is preschool education looked on as a commercial entity and used as an opportunity to charge rates? If commercial rates for such places were fairly treated throughout the country it would be something but, unfortunately, rates differ from county to county. Let us discuss the type of space that attracts rates. Ms Teresa Heeney, from Early Childhood Ireland, has conducted a very good survey of its members on the subject of commercial rates. Early Childhood Ireland has a lot of members but not every provider of preschool education is a member. There was a very good response to the survey. It shows that 40% of participants stated that rates are applied to the amount of space inside but rates are also charged on outside space. As much as 37% of rates charged includes all space; 5% rate the classroom size only; and 7% rate other things also. Some counties impose rates on storage space, including cupboards. The survey shows that there is no standard approach to commercial rates.

The survey also shows the number of crèches, which now must all be registered with the HSE, versus the number of places that pay rates. Some counties are very good and County Carlow is the best as 62% of its HSE registered crèches pay rates. What is different about County Carlow? It has a very low base rate as the average charged is €1,900. In County Leitrim only 11% of its crèches are registered with the HSE. Obviously a lot of them may be community crèches or there may not be as many commercial crèches or whatever. We simply do not know. Let us take two parents who earn exactly the same salary and say one lives in County Leitrim while the other lives in County Carlow. In that case totally different rules and regulations apply to the rates that must be paid. County Longford is very good as 71% of its HSE registered crèches pay rates. I think that county has as many community crèches as other counties or at least it deserves to have as many community crèches which would not be rated.

I will outline the reasons I tabled my Commencement matter. First, preschool educational establishments should not be charged commercial rates. Second, on foot of the survey conducted by Early Childhood Ireland, I wish to point out that the way commercial rates are charged around the country is unfair. For example, only 15% of HSE registered crèches in Sligo pay rates. I am not saying that more of them should pay rates. Indeed, that 15% of enterprises should not pay rates at all.

The survey also shows that most of the rates are generated in the County Dublin area. A sum of €14 million has been collected in total. As much as €11 million of that sum has come from Dublin and the rest of the money comes from the rest of the country. Even though the rates of pay in Dublin are generally higher there is something radically wrong with the system and it must be corrected. It is impossible to ensure financial sustainability. Some schools have huge arrears which they cannot afford to pay. I acknowledge what has been done for community child care but I want the same done for crèches, which are educational establishments.

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**Deputy Damien English:** On behalf of the Minister for Justice and Equality, Deputy Frances Fitzgerald, I thank the Senator for raising this important issue. I should point out that the ministerial responsibility for the Valuation Office has been transferred to the Minister for Justice and Equality, with effect from 1 January 2016. I might also explain that the issue of local authority commercial rates comes within the remit of the Minister for Public Expenditure and Reform, who has responsibility for fiscal policy, and the Minister for the Environment, Community and Local Government, who has responsibility for the local government system.

The Valuation Office which now comes within the remit of the Minister for Justice and Equality is responsible for the implementation and interpretation of the Valuation Act 2001, as amended, under which commercial rates are levied by the local authorities. The Valuation Office prepares valuation lists of commercial properties, as required by the Valuation Act, and local authorities are obliged to collect rates on properties which are listed. The Commissioner of Valuation is independent in the exercise of his functions under the Valuation Act 2001 and the making of valuations for rating purposes is his sole prerogative. The statute does not accord the Minister any function in this regard.

The Valuation Act 2001, as amended by the Valuation (Amendment) Act 2015, provides that all buildings used or developed for any purpose are rateable unless expressly exempted under Schedule 4 of the Act. Such exempt buildings would principally include those used for public worship, education and healthcare provided on a not-for-profit basis and charitable purposes. In general, the Act maintains the long-standing position that all commercial properties, including all commercial child care facilities such as playschools, preschools, *crèches* and Montessori schools, are liable for rates.

*11 o'clock*

Inconsistency in the approach to the exemption from rates for child care and educational facilities and calls to exempt all such providers were among the issues raised at a number of stages during the passage of the Valuation (Amendment) Act 2015. As a result, the Government approved a Seanad Report Stage amendment to the Bill to insert into Schedule 4 to the Valuation Act 2001 an exemption from rates for properties occupied by parties that provided early childhood care and education on a not-for-profit basis. This is for community purposes, a matter to which the Senator referred. The amendment was proposed and passed on Report Stage in the Seanad on 20 November 2014. This extension of the child care and education exemption removed an anomaly by which facilities that provided child care and education on a charitable basis were exempt, while those that did so on a not-for-profit basis were not. Since the legislation was commenced on 8 June 2015, the Valuation Office has been updating the valuation list to give effect to this provision and the vast majority of such occupiers will qualify for this relief from 2016 onwards.

I thank the Senator for raising this important issue. The decision taken by the Government to extend the rates exemption to early childhood care and education provided on a not-for-profit basis was taken having considered the views of stakeholders in the sector and Members of this House. In addition to the exemption of those that provide child care and early education on a not-for-profit basis, the Valuation Office's interpretation of paragraph 10 of Schedule 4 to the Valuation Act 2001 means that those that provide only the early childhood care and education scheme are also exempt from rates.

**Senator Cáit Keane:** The Minister of State could have left out three pages of his reply

because I know exactly what it means: it is the system as it is, as everybody who works in the early childhood care and education sector knows. One of the Minister of State's final statements was: "Since the legislation was commenced on 8 June 2015, the Valuation Office has been updating the valuation list to give effect to this provision and the vast majority of such occupiers will qualify for this relief from 2016 onwards." Is he telling me that the vast majority of early childhood care and education premises, those which provide the two-year child care preschool programme, will qualify for relief? If that is what he is saying, that indicates a change, as it would include for-profit as well as not-for-profit bodies. The Government is providing for free preschool education as long as providers can supply the setting for two years. That is a preschool without a child care service. That is what the Government is providing and nothing else. Will early childhood care and education providers qualify for a rates exemption as education service providers?

**Deputy Damien English:** I will go through it again. In addition to the exemption of those that provide child care and early education on a not-for-profit basis, the Valuation Office's interpretation of paragraph 10 of Schedule 4 to the Valuation Act 2001 means that those that only provide the early childhood care and education scheme are also exempt from rates. The vast majority of occupiers will qualify for the updated relief from 2016 onwards.

*Sitting suspended at 11.05 a.m. and resumed at 11.35 a.m.*

### **Order of Business**

**An Cathaoirleach:** I call the Leader to announce the Order of Business. It will be one of the last.

**Senator Mark Daly:** The Cathaoirleach knows something that we do not.

**Senator Maurice Cummins:** Perhaps the Cathaoirleach knows something more than I do.

**Senator Mark Daly:** It appears so. Who did he have breakfast with this morning?

**Senator Maurice Cummins:** The Order of Business is No. 1, motion re National Cultural Institutions Act 1997 (Section 44) (Variation of Indemnity Amount) Order 2016, back from committee, to be taken without debate at the conclusion of the Order of Business; No. 2, motion re Health and Social Care Professionals Act 2005 (Section 95(3)) (Variation of title: Optician) Regulations 2016, back from committee, to be taken without debate at the conclusion of No. 1; No. 3, motion re Planning and Development (Amendment) Regulations 2016, back from committee, to be taken without debate at the conclusion of No. 2; No. 4, motion re Companies Act 2014 (Section 1313) Regulations 2016, back from committee, to be taken without debate at the conclusion of No. 3; No. 5 Credit Guarantee (Amendment) Bill 2015 - Committee Stage, to be taken at the conclusion of No. 4 and adjourned not later than 2 p.m., if not previously concluded; and No. 6, Energy Bill 2016 - Order for Second Stage and Second Stage, to be taken at the conclusion of No. 5, with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes.

**Senator Mark Daly:** I thank the Cathaoirleach for informing us that this is our last day here.

**An Cathaoirleach:** I did not say that.

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**Senator David Norris:** Can we get clarity from the Leader? Will we be meeting next Tuesday?

**Senator Maurice Cummins:** We certainly will be meeting next Tuesday and Wednesday.

**Senator Mark Daly:** Wednesday too. That is great to hear. I thank the Cathaoirleach for his clarification. I did not mean to put him on the spot.

**An Cathaoirleach:** I said that it would be one of the last.

**Senator Mark Daly:** We will have to check the minutes on that one.

**Senator David Norris:** I remind the Cathaoirleach that the Seanad is independent of the Dáil.

**Senator Mark Daly:** Let them do what they will and we will do what we will. Yesterday, we proposed a number of amendments to the Order of Business on Bills that were on the Order Paper, one of which was the EU Scrutiny and Transparency in Government Bill 2013. Unfortunately, the Members opposite did not see fit to make time for that Bill to be debated. We also put forward a Bill which had been proposed by the Law Reform Commission on corporate manslaughter in respect of entities and people in charge of entities taking responsibility for their inaction or actions in respect of consequences for people who rely on their services.

There were cases in the past regarding the Irish Blood Transfusion Service when people knew contaminated blood products were being given to women but there were no consequences for those who did not take action. That should have been accepted yesterday when it was on the Order Paper. I do not see it on the Order Paper today.

The Deputy Leader yesterday agreed to the proposal to take Second Stage of the National Anthem (Protection of Copyright and Related Rights) (Amendment) Bill 2016 today. What happened to that? The national anthem needs protection. It went out of copyright in 2012. The Minister for Finance said he would bring in legislation to protect it. I understand some attempts were made to start that but four years on, in the year of the 100th anniversary of the 1916 Rising there is a Bill, all on one page, 23 lines long, which we could have passed by this evening while the other House could do it on Tuesday, if it so wished. Will the Leader allow time for that? We will table an amendment to the Order of Business to take the Bill today. I remind Members opposite that we circulated this Bill two weeks ago for comment. We were open to ideas or thoughts on it but none came back and we published our Bill.

There is a motion on the Order Paper in respect of cystic fibrosis. It is important that a message goes out from this House to those who could rely on a drug that would transform their lives. All parties should support the motion.

**Senator Ivana Bacik:** I am grateful to the Leader for clarifying that the Seanad will sit next Tuesday and Wednesday, no matter what happens elsewhere. I also welcome the fact that we will have statements on the report of the Joint Committee of Inquiry into the Banking Crisis on Tuesday because that gives us the opportunity to read what is in the report. Having read preliminary reports of it and its key aspects, I commend all those who were on the committee for the immense work they put into producing the report. I commend to Senators an excellent article by our colleague, Senator Susan O’Keeffe, in *The Irish Times* today describing the work of the committee and, in very fair terms, some of its pitfalls and positive aspects and the lessons

it holds for the future. Many things are now clearer as a result of the report, in particular serious matters in terms of the behaviour of the Central Bank and the Financial Regulator, which, we are told, informed the Government in September 2008 that the six institutions covered by the guarantee were solvent. That is a critical finding. I look forward to the debate on Tuesday.

I welcome the publication yesterday of the first national maternity strategy, which many of those involved in maternity hospitals, the Institute of Obstetricians and Gynaecologists, midwives and others have welcomed. This strategy will move in a very welcome fashion towards a non-hospital setting for childbirth and a stronger role for midwives in childbirth, where there are no complications. Women and midwives have campaigned for that for many years.

I also welcome the publication yesterday of the new skills strategy which will lead to 50,000 new apprenticeships being created over five years. That is critical to the continued strength of the economy and its growth. It will give new opportunities for many young adults in particular.

I know everyone will wish to note that peace talks on Syria start today. These will involve all stakeholders and take place in Switzerland. Everyone will want to join in hoping that those talks will achieve some resolution of the appalling war that has been going on so long in Syria.

**Senator Feargal Quinn:** I propose an amendment to the Order of Business, that No. 14 be taken before No. 1 today. This is a Bill that is worthy of consideration and I would welcome the opportunity to have it introduced as soon as possible.

We should have the ability to do more than we are doing about the concern that terrorists may come to Ireland. The French introduced legislation particularly in regard to passports that people with dual nationality could be deprived of their French nationality if they have been involved in terrorist activities elsewhere. That has caused a fuss in France where the Minister for Justice had to resign yesterday because she did not approve of this. By turning a blind eye to the dangers ahead of us we could leave ourselves open. We should discuss the possibility that we have the right to take action against people who have come to Ireland and have dual nationality. We should be able to remove that nationality from them if they have been involved in terrorist activities. I would welcome the chance to debate that in the future.

**Senator Aideen Hayden:** I also welcome the publication of the report of the Joint Committee of Inquiry into the Banking Crisis and congratulate the Members of this House who participated in it and put in many hours to ensure the report was completed. I welcome the fact that the Leader has committed to holding a debate on this topic next Tuesday. While I know we have run out of road, it is a pity we are not having a wider debate on the banking sector in general because although the report places the blame fairly firmly at the feet of the banking sector, at a cost of €63 billion to the taxpayer, there are still several significant flaws in the banking system which need to be addressed to provide genuine justice for the people of Ireland. For example, the variable rate being charged to mortgage customers in this country far exceeds the European average. There is a clear effort on the part of the banks to make up on the balance sheets for their losses on tracker mortgages.

There is also a consistent attempt on behalf of the banks to ensure that customers of those banks are receiving a poorer service, particularly vulnerable customers who do not have access to the Internet. One of the main banks recently introduced a €700 limit on withdrawals in the high street branches. We also need to consider the mortgage rules which ensure that people who are paying very high rents will not be able to own their homes. There are several issues in the

banking system that we need to address. We have had debates on agriculture, tourism, fisheries, small business and technology but not on the banking sector and its role in the economy. If people cannot access a good, decent financial product their life chances are particularly limited. The same is true for small and medium-sized businesses, SMEs, which cannot access funding from Irish banks, and for the construction sector. There is a huge equity gap between what the banks will lend these businesses and what they need. Banks have a responsibility to ensure the recovery of this economy and they are not playing their part appropriately.

**Senator Paschal Mooney:** I second the amendment to the Order of Business proposed by Senator Mark Daly. I hope there will not be Government opposition to this Bill. This is a single page Bill on an issue which has exercised the Government since the expiry of the copyright on the national anthem in 2013. I would say it fell off the radar. I do not think there is any ideological objection to it. I appreciate the logistics involved but it would send a very strong message in this year, 2016, that we in this House were united in ensuring the integrity of “Amhrán na bhFiann” is maintained and is not sullied by misinterpretations or any attempt to downgrade it and that we were proud of our anthem and what it proposes and the strong identification people have with it. One need only go to a sporting occasion to know that. I do not want to labour the point but I would be very grateful for a positive response from the Leader.

Senator Ivana Bacik and others have talked about an all-party motion on cystic fibrosis. However, there are colleagues in my group who have been contacted directly by constituents and others who either suffer from cystic fibrosis themselves or have siblings who suffer from it and would like to see some action on this. In that context, we are proposing an amendment to the Order of Business that No. 79, non-Government motion No. 15, be taken today.

Like other Members of this House, in particular those from the north west and the west, I have railed about the lack of evidence of a commitment by IDA Ireland to explore job opportunities in the regions. Deputy Dara Calleary tabled a parliamentary question to the Minister for Jobs, Enterprise and Innovation inquiring, as he does every year, about the number of IDA Ireland visits across the country. The response makes very interesting reading. I am sure all Members of this House will want to look at what is happening in their counties. I know the Leader and I have talked about the seeming neglect of the south east as opposed to the seeming neglect of the north west. It is only right and proper that we raise these issues. However, I am pleased to say that reading the response to Deputy Calleary’s parliamentary question, I found that there were eight visits to Leitrim and approximately 12 to 15 visits to Sligo-Leitrim. I would like to think that there would be some follow up on this but at least, it is a start. I am trying to establish from IDA Ireland whether there has been any follow up or whether any of these companies will locate in our part of the world. I am sure the Leader will agree with me that it is important that IDA Ireland continues to expand visits by potential companies to the regions to ensure a spread of jobs.

**An Cathaoirleach:** Did the Senator say he wanted No. 79, non-Government motion No. 15, to be taken today?

**Senator Paschal Mooney:** I am seconding the amendment to the Order of Business proposed by Senator Mark Daly that Second Stage of the National Anthem (Protection of Copyright and Related Rights) (Amendment) Bill 2016 be taken today.

**An Cathaoirleach:** Is Senator is proposing an amendment to the Order of Business that No. 79, non-Government motion No. 15, be taken today?

**Senator Paschal Mooney:** Yes.

**Senator Michael Mullins:** I join Senator Ivana Bacik in welcoming the fact that peace talks on the Syrian conflict are starting today in Switzerland. I hope all parties to this appalling conflict engage in a meaningful way to bring an end to the appalling atrocities, loss of life and starvation among the ordinary citizens of Syria, which we see on a daily basis. It is time this conflict was brought to an end. I hope the regime and all other parties to the conflict will engage in a meaningful way.

As somebody who comes from a county that has been severely impacted on by the floods in the past few weeks, it is welcome that two Ministers yesterday announced some additional funding. The Minister for Transport, Tourism and Sport announced that €106 million in additional funding would be provided for local authorities for road repairs needed as a result of the flooding. As we all know, very severe damage was caused to the road network with subsidence of roads and damage to bridges and culverts. This resulted in appalling disruption to the lives of many people. I am glad that an immediate roads programme will be put in place to deal with this matter and that the Department of Transport, Tourism and Sport will take the lead in progressing this plan as a matter of urgency. I certainly hope a good share of that money will come to County Galway.

It is also welcome that the Minister for Agriculture, Food and the Marine announced that additional emergency flood relief measures are being put in place for farmers worst affected by the floods. These measures will provide financial assistance to cover the uninsured direct costs arising where livestock were lost in the floods. Assistance will also be provided to cover the rental costs incurred where livestock had to be moved off farms and into alternative premises due to the potential welfare issues. The effects of the floods were particularly acute on a small number of farms and damage was done to structures and fittings. In some of those cases, quite significant costs were incurred in repairing that damage and those farmers may be eligible for support. Those two measures will help improve the lives of the people in the areas that have been badly flooded. I hope that in the long term we will see significant investment in flood defence measures as a matter of urgency. I am thinking, in particular, of Ballinasloe. I look forward to seeing further investment there in the near future.

**Senator Sean D. Barrett:** I thank the Leader for scheduling the debate on the banking inquiry report for next week. I welcome the article by Senator Susan O’Keeffe and the comments by Senators Ivana Bacik and Aideen Hayden. Banking with a Government guarantee has to be tightly regulated. People all knew where the Department of Finance and Government Buildings were when they were looking for the €64 billion and it is the right of Parliament to ask questions about that. The portrayal of Parliament as a Punch and Judy show and the failure of the referendum to extend its investigative powers were a pity. The corollary of registering lobbying and the constant requests for more public spending is that Members of Parliament will ask questions about public spending. That is a key role. I have always worried about the implications of the Abbeylara decision in limiting the powers of inquiries. We will discuss that on the next occasion but it is important for Parliament and its powers. As Senator Aideen Hayden said, it is also important in terms of the banking system we want for this country. We certainly did not have an appropriate one. The percentage of lending by the major banks to industry and agriculture combined was in single figures, at less than 10%. What kind of economy would that result in? Was it not inexorably heading towards the bubble? I look forward to the debate.

I also second the amendment to the Order of Business proposed by Senator Feargal Quinn

that No. 14 be taken today.

**Senator Marie Moloney:** I wish to raise two issues ,but I will be brief so as not to take up too much time.

I have been contacted by nursing homes and Nursing Homes Ireland which told me that there is an undue delay in registering nurses with the Nursing and Midwifery Board of Ireland. More than 100 nurses are waiting over 100 days for registration. If this is not sorted out sooner rather than later, it will result in nursing home beds closing. This will have a knock-on effect on hospitals and emergency departments. I know that it is too late to ask the Minister for Health to come to the House, but I want to highlight the issue. I will contact the Minister directly to try to get this sorted out as quickly as possible. There are enough delays in emergency departments and hospitals without causing delays in nursing home beds and step-down facilities for patients who need care.

The second issue has been brought to my attention by a number of parents. It concerns the HPV vaccine, Gardasil. I campaigned long and hard for this vaccine to be given to 12 year old girls in first and second year in secondary schools but some parents have grave concerns about the side effects of this vaccine. I am not a medical person and I cannot say whether it has caused the symptoms quite a number of girls are experiencing.

*12 o'clock*

Some 250 young girls at the moment are suffering side effects from this vaccine. They have set up their own website called REGRET and anyone can visit it to see what it is about. No one seems to be taking responsibility or admitting that the vaccine is causing problems.

The people who contacted me were not looking for compensation. They want parents to know the side effects of this drug and that everyone should be made aware of them. I have a letter which was sent to another Member of this House who has given me permission to use it and it has been circulated. It is from Dr. Kevin Kelleher, assistant national director of public health with the HSE. Parents have taken grave exception to a paragraph in the letter. It states:

All the information provided to parents about vaccination is prepared from the available licensed documentation for each vaccine, the Summary of Products Characteristics, SPC, and the Patient Information Leaflet, PIL. [Parents really take exception to the following] The information is presented in clear simple language and approved by the National Adult Literacy Agency so that it can be understood by all adults as the average reading age in Ireland is 12 years of age.

To send this to anyone is condescending, patronising and an insult to parents.

**Senator Gerard P. Craughwell:** I agree with Senator Feargal Quinn on young people returning from war zones and the threat it poses to this country. We now live in a world that is a dangerous place and I agree that if someone returns from a war zone - I do not care which side they were fighting on - there should be no place and no room in this country for them. It is wrong in every sense of the word to leave ourselves open to this.

**Senator David Norris:** That is rubbish.

**Senator Gerard P. Craughwell:** That is how the Senator feels. I am delighted to advise the House that my rapporteur's report on class K PRSI tax was accepted yesterday by the Joint

Committee on Education and Social Protection. The House should be aware that this issue does not just apply to county councillors. It is a tax on public service. It is unconstitutional and I believe it goes against the European Convention on Human Rights. Comments were made in this House about solo runs. While my report was accepted yesterday by members of all parties and none - it was an Oireachtas joint committee submission and it will be an Oireachtas joint committee report - my only regret is that it was not a joint Seanad submission. I am very hurt that my colleagues would not join me in the submission. I am very grateful to the Association for Irish Local Government, AILG, for its input into the report. I hope the Seanad will now get behind the submission and drive it forward in the next Government.

**Senator David Norris:** Did the Senator ask for support?

**Senator Gerard P. Craughwell:** I did. I apologise, I only asked the party Whips.

**Senator Fidelma Healy Eames:** That is no good; what about the rest of the Senators?

**Senator Paul Coghlan:** I am slightly amused this morning with Senator Mark Daly's Private Members' Bill since he had ample time to move it in his own party's Private Members' time, but perhaps-----

**Senator Mark Daly:** I wish to clarify the matter. I said there might be time today for it.

**Senator Paul Coghlan:** The Senator need not clarify anything. Perhaps the party was not prepared to take it in its time and, if not, the Senator could have tabled a Commencement matter on it.

**Senator Mark Daly:** The Senator's own spokespersons on finance have been saying they would do it since 2012-----

*(Interruptions).*

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

**Senator Mark Daly:** Four years is ample time for Senator Paul Coghlan. He had it two weeks ago and I had no response from him.

**An Cathaoirleach:** Please, Senator.

**Senator Paul Coghlan:** That would not be possible.

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

*(Interruptions).*

**Senator Paul Coghlan:** I have. This is grandstanding at the eleventh hour on Senator Mark Daly's part.

**Senator Mark Daly:** It is the Senator who is grandstanding.

**Senator Paul Coghlan:** I am sure the Leader will, in his own good time, clarify the matter.

We are all grateful to have the banking inquiry report but the inquiry was hamstrung, as we said yesterday, by the legislation. The inquiry could not make findings of fact and could not make any recommendation against any individual. We all know who was to blame and the

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sovereign had to step in. We shall debate the matter and I look forward to hearing the Leader's comments on it.

**Senator David Norris:** I have been contacted by Ms Maeve Buckley, a young lady from Mercy Mounthawk secondary school in Tralee. She and her colleagues in transition year are concerned about the unending, ceaseless waves of negative information carried on our news services. They wanted to see something positive and they started looking for positive news items in their own area in order to give the stories publicity. This is an excellent idea and it shows the vitality of young people. They are now looking for a national positivity day. I am not keen on the word "positivity" because it has an American twang about it but I do understand the idea. These days there are good news stories - I know they are often spun from the other side of the House - such as financial, social and cultural stories covering our prowess in the film industry or in Hollywood or about our musicians. This is fantastic. Ireland is a wonderful country and we should take the lead from this young girl and her transition year colleagues in looking for the positive. As the song says, "Accentuate the positive, eliminate the negative".

**Senator Marie Moloney:** Unfortunately good news does not sell newspapers.

**Senator David Norris:** That is true.

I support the proposal made by Senator Feargal Quinn. I thought he was rather modest, along with my colleague Senator Barrett, and a little reticent in promoting the virtues of this Bill. It covers the very important subject of controlling drones. To a certain extent the genie has escaped from the bottle because there are so many of them. They are now a favourite toy at Christmas and one can get them for €100. I am concerned after hearing, on the wireless, a farmer from Tipperary saying his 25 year old son who also works on the farm had seen a drone flying over the farm at a level of some 500 ft. at 9.30 p.m. It was obviously being used to survey the farm for the purpose of burglary. The drones are able to get details on the layout, the entrances, the exits and the whole plan of a farm. This is very intrusive and it should be controlled.

I also completely deprecate the use of drones in military warfare. It is one of the appalling aspects of President Obama's Administration that the use of drones has gone up by a factor of ten. What has happened to *habeas corpus*? What has happened to the right to a defence? What has happened to the right to confront one's accuser? What has happened to the right to be innocent until proven guilty? Some collection of civil service squirts in America sit in a basement somewhere and decide on the death of somebody. Very often there is additional fire and innocent civilians are killed. There might be one person with connections to al-Qaeda and 20 or 30 other people-----

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

**Senator David Norris:** Yes, I am.

**Senator Cáit Keane:** I agree with Senator David Norris on the idea for a national positivity day. If the records are checked, I spoke on this about two years ago. It is not all bad news but it is depressing how the media sometimes just cover the bad news. There are some good news stories and human communication of positivity is good for everybody.

I did not have an opportunity yesterday to welcome the debate on councillors, councillors' rights and the way the situation has changed since the reform of local government. I welcome the Minister's assurances that he will take account of the new review group recommendations,

when they are made, in association with the AILG and LAMA. He will be looking at that situation and we can expect some positive changes.

I tabled a Commencement matter on the abolition of rates for child care facilities. I have been advocating this for a long time. We now have two years of free preschool for every child in Ireland. This is the first year the Department of Education and Skills has become involved in preschool inspections. As a result of the Valuation (Amendment) (No. 2) Act 2012, all the not-for-profit crèches do not now pay rates. The Minister of State stated: “In addition to the exemption of those that provide child care and early education on a not-for-profit basis, the Valuation Office’s interpretation of paragraph 10, Schedule 4 of the Valuation Act 2001 means that those that only provide the early childhood care and education scheme are also exempt from rates.”

**An Cathaoirleach:** Has this been said already today?

**Senator Cáit Keane:** I have it in writing from the Minister and the Department of Justice and Equality. I have mentioned it because Early Childhood Ireland carried out a survey and discovered the interpretation of the way rates are to be implemented on early childhood care premises is different in every county. I am asking that a note be sent to every local authority informing them the Valuation Office’s interpretation of paragraph 10 should be interpreted the same in every county, which is that those that only provide early childhood care and education schemes are exempt from rates.

**An Cathaoirleach:** The Senator is way over time.

**Senator Cáit Keane:** If I come back, I will be asking to have included in that exemption the square footage of rooms in other settings that provide full-time child care. That is not there yet.

**Senator Mary M. White:** I second the amendment proposed by Senator Paschal Mooney that the HSE make funding available for the Orkambi-kalydeco drug for cystic fibrosis which has improved the quality of life of many patients who have received it.

Carol Brill is a young woman with a devastating and rare genetic disease called Usher syndrome. This causes the simultaneous gradual deterioration of hearing and sight. Although there is a lot of research on Usher syndrome, there is no cure or treatment for it. Treatment focuses on helping the person to adapt to hearing and vision loss as much as possible. Going deaf and blind simultaneously is a pretty life changing experience. No longer can a person drive a car and he or she will struggle to hear a conversation in a noisy and dimly lit restaurant. Last year, at the age of 45 years, Carol was genetically diagnosed with Usher syndrome type 2a. This genetic diagnosis was only possible through the relationships Carol had forged with many of the international researchers working in the field. The truth of the matter is that, despite all her research, she is no clearer about whether she will be able to access basic health and social care services in Ireland. She honestly does not know how she will make her way in this world for the rest of her life. In a place that proclaims to cherish all citizens equally, she feels invisible. There are many people in the country who, like Carol, have rare conditions and are largely on their own in our society. There is no dedicated entry on the national physical and sensory disability database to record her needs and not a single case worker is putting her needs and the needs of other dual-sensory impaired people at the top of a list of current priorities.

**An Cathaoirleach:** This might be suitable as a Commencement matter.

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**Senator Mary M. White:** I will finish up by saying that when Carol spoke last year at the Joint Committee on Health and Children she said:

Those of us with deafblindness are not invisible. I ask committee members in earnest to positively consider our request to have deafblindness recognised as a unique disability. Please open the doors that will allow us to live and fully participate in this beautiful world alongside them.

Carol emotionally tells me that her reason for living and to keep going in society is the beauty and personality of the cherished gift that is her eight year old daughter.

**Senator Fidelma Healy Eames:** This may be our last session. We do not know.

**Senator Mark Daly:** The Cathaoirleach has already clarified it is our last session.

**Senator Fidelma Healy Eames:** Gabh mo leithscéal. Last Friday afternoon I was quite shocked at what I found in Galway city. The retail sector is on its knees there. The reason I am shocked is that many people, including the retailers, view Galway city as being paved with gold. However, when the rent, the rates and the revenue are put together, they are creased. I am talking in particular about small independent retailers. They contribute rent and rates and fill the streets with hustle and bustle, but, having spent half an hour to 40 minutes in most of the shops, I heard from the retailers that no more than two customers had entered each of these shops. My message to the Taoiseach and the Minister for Finance is to reduce VAT on retail or watch small independent retailers close by Christmas. They are not even taking a living wage. I spoke to the proprietor of one of the top 30 rated boutique shops in Ireland. The shop is called PIA. She said it is the VAT that is killing her. She buys stock and pays 23% VAT on it. She then has to slash the price of the stock to get rid of it but still has to pay 23% VAT on the original price. She cannot get a loan from a bank unless her VAT returns are completely up to date. This woman is at the leading edge of the fashion industry-----

**Senator Paul Coughlan:** There is VAT on sales.

**Senator Fidelma Healy Eames:** -----and her story was replicated by many other retailers. She is now starting a campaign to reduce VAT on retail and I support her. There is good precedent; VAT was reduced for the tourism industry. When we reduced the VAT from 13% to 9% for the tourism industry, we kicked off the industry again. Let us do it for the retail sector. These people are contributing. On a good week, she has approximately €200 to €250 to take home. This woman opened her heart to me and said she was ashamed to have to ask her parents sometimes to pay her mortgage. I am at my wits' end. These people are paying rent, rates and VAT, yet they do not have a living wage. We fight in this House for others to have a living wage. Let us give our independent small retailers, who keep our cities and towns alive and create employment, a living wage by reducing the VAT on retail. Galway needs it. The country needs it.

**Senator Jim Walsh:** One does not seem to be able to turn on any television or radio station without hearing a debate on whether taxes should be cut or public spending increased. It is extraordinary but I suppose symptomatic of the failure within the media that at no stage have I heard anyone being questioned about tackling unnecessary or wasteful public expenditure. I have argued it here before, and an ideal opportunity has been missed by the Government in the current economic crisis, but there is a need to have a fairly good cost-efficiency analysis across all public services. Anyone from a business background knows that wasteful expenditure builds up in the best of managed organisations. It can be anywhere from 10% to 20%. I have

spoken to people in the public service over many years. As a rule of thumb, I would say we could save €4 billion if we energetically and systematically tackled waste. It would be roughly 10%. Many public officials have told me I am wrong because I am underestimating it. They tell me it would be as high as 20%. A target should be set. Therein lies the solution to improving public services. I cannot understand why a Government elected on a platform of making serious public service reform has, in effect, done very little in this regard. I spoke to a union official approximately four or five years ago who was actively involved in and representative of many people working in the public service. I asked him for his assessment of management in the public service. He looked at me and said there was no management in the public service, that there were only grades.

There are flaws that have not been addressed and need to be in the interests of our fiscal position. The Comptroller and Auditor General does a decent job, but he is only skimming over the surface in terms of what has been wasted. If we were to drill down, a lot of money could be saved. Officials at all levels need to accept greater accountability and responsibility and we need to develop a meritocracy in the public service. We probably do not have time to have a debate on this matter, but I appeal to the incoming Government, regardless of who will find themselves in key positions in the Cabinet, to make dealing with it a priority. Only when we have an efficient and cost-effective public service will we be able to go to the people and say we need to increase taxes. I ask the Leader to take this on board and convey it to Ministers.

The Government needs to look at curtailing the size of apartments. We have seen on our television screens in “Rebellion”, the drama set in 1916, the tenements in which people lived. We should not be trying to reinvent that accommodation. There was no need to reduce the minimum size of apartments. All the Government is doing, in effect, is contributing to the profits of builders and disadvantaging those who purchase these apartments.

**An Cathaoirleach:** I wish to clarify in respect of Senator Mark Daly’s amendment to the Order of Business that it will not be possible to take Second Stage of the National Anthem (Protection of Copyright and Related Rights) (Amendment) Bill 2016 today as the Bill has not yet been printed. I understand the final proof was not received by the Bills Office in time to meet yesterday’s printing deadline. I must, therefore, disallow the amendment.

**Senator Paul Coughlan:** It was only grandstanding.

**Senator Maurice Cummins:** As the Cathaoirleach mentioned, the National Anthem (Protection of Copyright and Related Rights) (Amendment) Bill 2016 has not yet been printed, but the Minister for Finance, Deputy Michael Noonan, in an answer given a number of years ago in the other House, confirmed that copyright protection for the national anthem had run out in December 2012. The main purpose of ownership by the State of the copyright to the original version of the national anthem was to ensure it would be freely available for general use. The position has not changed on the expiry of copyright protection. On the protection of the integrity of the national anthem, the Minister’s Department will look at the possibility of introducing legislation, should it be required, to ensure the anthem will not be used in an inappropriate context or without due deference such as to render it an object of scorn or derision. I know that Senator Mark Daly is interested in this and I am sure he is anxious to bring the Bill before the House. I will put him in contact with the relevant officials in the Department and perhaps they might work together to have the matter rectified in early course.

Regarding No. 79, non-Government motion No. 15 on the availability of two cystic fibrosis

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drugs, I am surprised that two or three Members have raised this matter, as an all-party motion, signed by practically everyone in the House, was passed last week. Therefore, non-Government motion No. 15 should be removed from the Order Paper.

I wish to inform Senator Ivana Bacik that the debate on the report of the banking inquiry committee is to take place next Tuesday. This is to give Members ample opportunity to read the report which makes for a lot of heavy reading.

The Senator also welcomed the publication of the national maternity strategy and the national skills strategy which were announced yesterday. With Senator Michael Mullins, she wished those involved in the peace talks in Syria well in the hope they can reach a settlement in that war-torn area.

Senator Feargal Quinn asked that No. 14, Registration of Drones Bill 2106, be taken before No. 1. This issue was also commented on by Senator David Norris. I have no problem in accepting that No. 14 be taken before No. 1, the purpose of which is to have the Bill published.

Even though we will have the debate on the report of the banking inquiry committee next week, Senator Aideen Hayden called for a debate on the banking sector and outlined a number of areas we should discuss. One never knows, but I do not believe we will have an opportunity to do so in this session. However, I am sure it is something that the next Seanad will debate.

Senator Paschal Mooney welcomed the increased number of IDA Ireland visits to counties Leitrim and Sligo and hopes there will be success in the provision of jobs in these two counties. The regional action plans for jobs have been working well and we have seen the benefit in more jobs being created in the regions. I am sure all Members of the House will welcome the progress made.

Senator Michael Mullins welcomed the provision of an additional €106 million in funding for local authorities for roads hit by the recent flooding and the provision of emergency assistance for farmers.

I note Senator Sean D. Barrett's comments on the banking inquiry and the need for scrutiny of public spending at all times, an issue also raised by Senator Jim Walsh when he spoke about wasteful public expenditure. Considerable progress has been made in the reform of the public service when one considers the Haddington Road and Lansdowne Road agreements. To suggest, therefore, that little or nothing has been done is not fair. Of course, more could be done in the future, but if the Senator tells anybody working in the public service that there has been little or no reform, he will soon get his answer.

**Senator Jim Walsh:** I have spoken to them.

**Senator Maurice Cummins:** Senator Marie Moloney is right to highlight the delays in the registration of nurses. It is of paramount importance that if there is any delay in the system it be eliminated immediately and brought to the attention of the Minister. At a time when we are crying out for nurses in every sector, not only in nursing homes, such delays should be eliminated.

I note the Senator's concerns about the vaccine Gardasil, an issue highlighted by Senator Paschal Mooney and several other Senators. I believe it was the subject of a Commencement debate for which the Minister came into the House. Senators might refer to the Minister's reply to that debate.

I compliment Senator Gerard P. Craughwell on being rapporteur in producing the report of the Oireachtas joint committee to which he referred and which has been accepted by the committee.

With Senators Paul Coghlan and Daly in the House, the Kerry rivalry is alive and well. We will deal with the points made-----

**Senator Mary M. White:** And Senator Marie Moloney.

**Senator Maurice Cummins:** She is not as vociferous as her two male colleagues.

**Senator Marie Moloney:** I am the referee.

**Senator Maurice Cummins:** The transition year students to whom Senator David Norris referred probably have their finger on the pulse more than most of us regarding the negativity we see in the news on a daily basis. Organising a national positivity day would be a very good idea because, as the Senator mentioned, there are a number of good news stories that could and should be published on a daily basis.

I also note the Senator's comments on the use of drones for the wrong reasons. I am sure we will have a debate on that issue when Senator Feargal Quinn's Bill is being discussed.

Senator Cáit Keane asked when the report of the review group on local government would be published. I am not quite sure when we will have it, but the sooner, the better. I note the points she made about rates for child care facilities.

Senator Mary White referred to the case of a lady with Usher syndrome. Perhaps she might table that issue for discussion in the Commencement debate next week to receive a proper response.

Senator Fidelma Healy Eames suggested the retail sector was on its knees in Galway because of the VAT rate of 23%. She mentioned that the 13% rate for the tourism and catering sector had been a great success and had yielded great results. It is obviously a budgetary matter. While I am sure whatever Government is in place after the general election will deal with the difficult decisions required in balancing the budget, I am also sure a reduction in VAT will be a consideration for whoever will be Minister for Finance.

**Senator Fidelma Healy Eames:** It is one for the Taoiseach.

**Senator Maurice Cummins:** I have mentioned the issue raised by Senator Jim Walsh regarding the need to tackle waste in public expenditure, an issue he has raised on several occasions. I also note his comments on the reduction in the size of apartments, a matter which has been raised by several other Members in the past couple of weeks.

**Senator Paschal Mooney:** On a point of order, in the context of the Leader's remarks about the all-party motion on cystic fibrosis medications, Fianna Fáil, as a group, did not sign it. However, we are not opposed to it in principle and believe it is a good one.

**Senator Maurice Cummins:** It was passed.

**Senator Paschal Mooney:** The reason we are pressing our motion is that the head of the HSE stated as far back as December that he would not fund the two drugs involved. That is unacceptable. It is important, therefore, that we send a clear message that we are supportive of

the funding of these important medications.

**Senator Maurice Cummins:** It concerns the all-party motion.

**Senator Paschal Mooney:** I have no difficulty with it. We are not opposed to it, but we did not sign it. I have a copy of it. That is why we have a separate motion.

**Senator Maurice Cummins:** It was passed and signed by Fianna Fáil also.

**Senator Mark Daly:** It was not signed by us. We have a copy of it.

**An Cathaoirleach:** Did the Leader indicate that he was accepting the amendment to the Order of Business proposed by Senator Feargal Quinn, that No. 14 be taken before No. 1?

**Senator Maurice Cummins:** Yes, I am accepting it.

**An Cathaoirleach:** Senator Paschal Mooney proposed an amendment to the Order of Business: “That No. 79, non-Government motion No. 15, be taken today.” Is the amendment being pressed?

**Senator Paschal Mooney:** Yes.

Amendment put:

The Seanad divided: Tá, 8; Níl, 24.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Daly, Mark.	Brennan, Terry.
Mooney, Paschal.	Burke, Colm.
Norris, David.	Cahill, Máiría.
O’Brien, Darragh.	Coghlan, Eamonn.
Walsh, Jim.	Coghlan, Paul.
White, Mary M.	Comiskey, Michael.
Wilson, Diarmuid.	Craughwell, Gerard P.
	Cummins, Maurice.
	D’Arcy, Jim.
	Gilroy, John.
	Hayden, Aideen.
	Healy Eames, Fidelma.
	Henry, Imelda.
	Keane, Cáit.
	Kelly, John.
	Moloney, Marie.
	Moran, Mary.
	Mullins, Michael.
	O’Donnell, Marie-Louise.
	O’Keeffe, Susan.
	O’Neill, Pat.

	Quinn, Feargal.
	van Turnhout, Jillian.

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

Amendment declared lost.

Order of Business, as amended, agreed to.

### **Regulation of Drones Bill 2016: First Stage**

**Senator Feargal Quinn:** I move:

That leave be granted to introduce a Bill entitled an Act to regulate the use of drones having due regard for public safety, the privacy rights of individuals including rights of privacy attaching to the ownership of private property and for that purpose to provide for a system of registration and licensing which is dependent upon the power of the drone; to provide for a knowledge test to be taken by the owners of drones which exceed a certain size; to require drones to be insured; to set out general and specific principles on the safe operation of drones; to require that certain drones be affixed with a code which makes it identifiable; to provide for a drone reporting service; to require mandatory reporting of drone loss; to provide for the seizure of drones; to provide for the establishment of a working group to develop new policy relating to the commercial use of drones; and to make it an offence to contravene provisions of this Bill.

**Senator Sean D. Barrett:** I second Senator Feargal Quinn's motion.

Question put and agreed to.

**An Cathaoirleach:** When is it proposed to take Second Stage?

**Senator Feargal Quinn:** On Tuesday, 2 February.

**An Cathaoirleach:** Is that agreed? Agreed.

Second Stage ordered for Tuesday, 2 February 2016.

### **Business of Seanad**

**An Cathaoirleach:** I welcome our colleagues from the Northern Ireland Assembly to the Visitors Gallery.

### **National Cultural Institutions Act 1997 (Section 44) (Variation of Indemnity Amount) Order 2016: Motion**

**Senator Maurice Cummins:** I move:

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That Seanad Éireann approves the following Order in draft:

National Cultural Institutions Act 1997 (Section 44) (Variation of Indemnity Amount) Order 2016,

copies of which were laid in draft form before Seanad Éireann on 22nd January 2016.

Question put and agreed to.

**Health and Social Care Professionals Act 2005 (Section 95(3)) (Variation of title: Optician) Regulations 2016: Motion**

**Senator Maurice Cummins:** I move:

That Seanad Éireann approves the following Regulations in draft:

Health and Social Care Professionals Act 2005 (Section 95(3)) (Variation of title: Optician) Regulations 2016

copies of which were laid in draft form before Seanad Éireann on 18th January 2016.

Question put and agreed to.

**Planning and Development (Amendment) Regulations 2016: Motion**

**Senator Maurice Cummins:** I move:

That Seanad Éireann approves the following Regulations in draft:

Planning and Development (Amendment) Regulations 2016,

copies of which were laid in draft form before Seanad Éireann on 20th January 2016.

Question put and agreed to.

**Companies Act 2014 (Section 1313) Regulations 2016: Motion**

**Senator Maurice Cummins:** I move:

That Seanad Éireann approves the following Regulations in draft:

Companies Act 2014 (Section 1313) Regulations 2016,

copies of which were laid in draft form before Seanad Éireann on 19th January 2016.

Question put and agreed to.

**Credit Guarantee (Amendment) Bill 2015: Committee and Remaining Stages**

Sections 1 to 3, inclusive, agreed to.

#### SECTION 4

**Senator Mary M. White:** I move amendment No. 1:

In page 9, between lines 34 and 35, to insert the following:

“(5) The Minister will commission a report within 3 months of the act becoming operational outlining how the Credit Guarantee Scheme can help make it easier for businesses that owe money to banks exiting the Irish SME market to refinance those debts with domestic institutions.”.

The original intention of the credit guarantee scheme when introduced in 2012 has not been met. It was very clear early in the life of the scheme that it would not work. Through no fault of the Minister of State’s Department, we were left waiting for this legislation. In the meantime, a serious problem arose for businesses that were being forced to refinance their debts because their financial institution was exiting the market.

They were left to the mercy of the pillar banks or were being sold off to various vulture funds. While the Minister of State has extended the provisions of the scheme to allow for that, I am anxious that this particular cohort would be the focus of some attention by those institutions promoting the credit guarantee scheme. I would like to get a sense of the scheme helping those businesses and to see they are actually left to the responsibility of one of the pillar banks as opposed to one of these funds entering this space. Commissioning the report and inserting this provision into the Bill will allow us to assess the matter.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash):** I recall Senator MaryWhite’s party colleague, Deputy Dara Calleary, made an identical proposal on Committee and Report Stages in the Dáil. I am not accepting it because this specific area is not appropriate for such legislation. While we foresee a strong role for the Strategic Banking Corporation of Ireland, SBCI, particularly in the operation of counter-guarantees, the Strategic Banking Corporation of Ireland Act 2014 does not empower the corporation to provide for loans direct to small and medium-sized enterprises, SMEs. It does not have the physical capacity or structures to engage in this activity. Any change to this is a matter for the Minister for Finance.

The Department, banks, as well as other finance providers, and the SBCI will actively promote the revised system and ensure businesses are aware of the possibilities available under the new schemes. Tying in what Senator Brian Ó Domhnaill said on Second Stage, the review for the Government touched on the need for better awareness raising and publicity of the benefits of this legislation to be rolled out across the regions to ensure all businesses are aware of the capacity of the new schemes under this legislation. This will be factored into the promotional activities we intend to undertake in this regard. The Department has already spoken to SME representative bodies, including IBEC, the Irish Business and Employers Confederation, ISME, the Irish Small and Medium Enterprises Association, the Small Firms Association and Chambers Ireland, on the need for comprehensive promotion of the revised legislation and ensure their constituent bodies are aware of the schemes. The Department will engage in a comprehensive publicity campaign and will update the public on progress on a quarterly basis through its website. I am sure the figures will be discussed in this and the Lower Houses from time to time.

Amendment, by leave, withdrawn.

**Senator Mary M. White:** I move amendment No. 2:

In page 9, between lines 34 and 35, to insert the following:

“(5) (a) The Minister shall work with his colleague in the Department of Finance to facilitate a role for state promotional financial institutions such as the Strategic Banking Corporation of Ireland in the scheme in order to enhance the provision of credit to SMEs directly.

(b) The Minister shall be empowered to give counter-guarantees designed to enable state promotional financial institutions access to match guarantee facilities from EU funding sources such as Horizon 2020 funds earmarked for SMEs and the European fund for strategic investment.”.

Picking up on the Minister of State’s comments about the strategic banking corporation, the commitment he gave as a member of the Labour Party, as well as that given in the programme for Government - remember that - was that a State bank would be established which would be a separately functioning business bank to lend directly to enterprises. Instead, we got the SBCI which is a far fluffier version of what was proposed. The SBCI needs more teeth. It is beginning to have an impact, for which I give it credit. However, its role as an agent of the existing pillar banks is hampering its standing and its ability to do what we want. We need the commitment in the programme for Government to be honoured in the form of a separate, State-backed enterprise bank out there fighting on the streets and dealing directly with the customers.

**Deputy Gerald Nash:** This was also raised in the Dáil by Senator Mary White’s party colleague, Deputy Dara Calleary. On Committee Stage in the Dáil, I introduced a comprehensive new Part 3 containing provision for the SBCI to work with the Minister through this legislation to continue to enhance the provision of credit to SMEs. It also provides a role for the Minister to be able to give counter-guarantees intended to enable the SBCI to unlock funds from EU sources to share the risks across the banks, the SBCI, the Minister and the potential EU sources. Care was taken not to limit the possibility in the future of other promotional financial institutions also operating in this space without the need for recourse to primary legislation. This allows us flexibility to deal with this fast evolving area.

Funding from EU programmes includes COSME, competitiveness of enterprises and small and medium-sized enterprises, Horizon 2020 funding, as well as the European Fund for Strategic Investment administered by the European Investment Bank and the European Investment Fund, otherwise known as the Juncker plan. These will all be critically important for economic development in Ireland for the foreseeable future.

Amendment, by leave, withdrawn.

Section 4 agreed to.

Sections 5 to 20, inclusive, agreed to.

Title agreed to.

Bill reported without amendment.

**Acting Chairman (Senator Diarmuid Wilson):** When is it proposed to take Report and Final Stages?

**Senator Aideen Hayden:** Now.

Agreed to take Remaining Stages today.

Bill received for final consideration.

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

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash):** I thank Senators for their consideration of this Bill and constructive contributions, as well as those of my Dáil colleagues. As regards the original 2012 legislation, the Government faced an economic and employment crisis and the plight of SMEs was never far from its mind. SMEs account for most employment in this country and were starved of finance, a major challenge for the incoming Government. It responded on many levels, including the establishment of Microfinance Ireland, the SBCI and the Credit Guarantee Act 2012. These were coupled with enterprise-oriented budgets to deliver an economic recovery. We are now seeing the benefits of these actions. However, we did not leave it there with the 2012 Act. We kept the operation of its schemes under review. The review stated in school report parlance that we could do better. Accordingly, we responded with the propositions in this legislation to make the credit guarantee scheme work better. I am sure we will see the benefits of the changes in the years to come. The Action Plan for Jobs 2016 has a chapter on finance for growth. I hope improvements in our economic performance are mirrored in the switch in emphasis on the survival of our SMEs to their potential for significant growth in the period ahead. In this context, this reformed and expanded legislation will play a major role in SMEs as time goes on and help to deliver on our Action Plan for Jobs 2016 target for 200,000 net additional sustainable jobs by 2020 for the benefit of everyone. I thank Senators for their support for this important legislation.

*1 o'clock*

**Senator Mary M. White:** Fianna Fáil welcomes the Credit Guarantee (Amendment) Bill 2015, which vindicates its criticism that the credit guarantee scheme was not providing for sufficient lending to viable small and medium enterprises, SMEs, which under normal lending criteria are unable to obtain new or additional facilities from their banks. The scheme was supposed to facilitate this by providing banks with a Government-backed guarantee. The measures outlined in this Bill must result in improved lending under the scheme to SMEs. While I am confident that will happen, we will keep the pressure on to ensure it does.

**Senator Aideen Hayden:** I thank the Minister of State and his officials for bringing this important legislation before the Seanad. It is welcome that it has been supported by all sides of the House, which is indicative of the importance of SMEs and SME financing in this country. As stated by many speakers from all sides of the House, the SME sector in Ireland is critical to the economic recovery of this country, including in terms of employment.

Senator Mary White raised a number of important points in her amendments. There has been acknowledged disappointment that the scheme as introduced did not bring about the level of engagement expected. I am confident, as, I think, the Minister of State is, that the revisions being made to the scheme will improve the situation for SMEs in this country. Senator White

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also raised the issue of the importance of access to finance by SMEs, particularly those SMEs that owing to the recession are now heavily indebted and are finding it difficult to get finance from our banking sector, which sector, I might add, we ploughed €62 billion into in order to rescue it.

I welcome the announcement in December 2015 by the Central Bank of the introduction of new regulations that will make the system in relation to access to credit more transparent. The Governor has expressed confidence that following the introduction of the new regulations, where a business that, with its lender, has been restructured and is still having difficulty obtaining finance, that situation will be open to review. I do not believe any of us can stand over a scenario whereby viable SMEs are now being unduly prejudiced by the hard times they faced owing to the collapse of the economy.

This is important legislation. We are happy in this House to have seen it concluded in the lifetime of the Government.

Question put and agreed to.

### **Business of Seanad**

**Senator Maurice Cummins:** I propose an amendment to the Order of Business: “That Second Stage of the Energy Bill 2016 be taken at 2 p.m.” We had hoped the Bill could be taken immediately at the conclusion of No. 5, but the Minister is not available until 2 p.m.

**Acting Chairman (Senator Diarmuid Wilson):** Is that agreed? Agreed.

*Sitting suspended at 1.05 p.m. and resumed at 2 p.m.*

### **Energy Bill 2016: Order for Second Stage**

Bill entitled an Act to change the name of the Commission for Energy Regulation; to confer on the Commission powers to carry out investigations and impose administrative sanction; to give further effect to Directive No. 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC; to give further effect to Regulation (EC) 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and for that purpose to make provision in respect of certain revised arrangements in the State and Northern Ireland relating to the Single Electricity Market; to give further effect to Regulation (EU) No. 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency and for that purpose to amend the European Union (Wholesale Energy Market Integrity and Transparency) Regulations 2014 (S.I. No. 480 of 2014); for those and other purposes to amend the Registration of Title Act 1964, the Gas Act 1976, the Electricity Regulation Act 1999, the Gas (Interim) (Regulation) Act 2002, the Sustainable Energy Act 2002 and the National Oil Reserves Agency Act 2007; to amend the Continental Shelf Act 1968; to repeal the Intoxicating Liquor Act 1946; and to provide for related matters.

**Senator Cáit Keane:** I move: “That Second Stage be taken now.”

Question put and agreed to.

### **Energy Bill 2016: Second Stage**

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

**Minister for Communications, Energy and Natural Resources (Deputy Alex White):**

I am pleased to have the opportunity to present this Bill for consideration by Seanad Éireann. Before I proceed to outline the detail of it, section by section, I would like to spend a little time in explaining its significant elements, namely, providing the Commission for Energy Regulation, CER, with powers to impose administrative sanctions, the renaming of the CER and providing for a wider definition of the existing single electricity market, SEM.

The Bill has been designed to revise, consolidate, update and expand energy legislation in various areas, one of which concerns the enhancement of the enforcement powers of the Commission for Energy Regulation. The Bill also provides for the renaming of the CER to reflect its current range of responsibilities. In addition, it addresses a wider definition of the existing single electricity market, bringing it into full EU compliance, known as the integrated single electricity market or I-SEM project. Another element restates the REMIT provisions currently included in secondary legislation. This relates to market-abuse offences in the wholesale electricity and gas markets and is required by the EU regulation on wholesale energy market integrity and transparency, otherwise known as REMIT. The Bill also contains various amendments to the Electricity Regulation Act 1999, the Gas Act 1976, the National Oil Reserves Agency Act 2007, the Sustainable Energy Act 2002 and the Registration of Title Act 1964. In essence, therefore, this is a miscellaneous provisions Bill and the amendments proposed will result in more robust energy legislation.

I will describe the background to the powers to apply administrative sanctions which it is proposed to give to the CER. The role of the CER has expanded considerably since its establishment in 1999. For a regulator to be effective in the performance of its duties, it should have available to it sufficient powers to ensure its decisions, properly taken in accordance with the law and the objectives of EU and national energy legislation, are implemented. The Forfás 2013 report on sectoral regulation stated regulatory sanctions were an essential feature of a regulatory enforcement toolkit and central to achieving compliance. Sanctions have a deterrent effect and demonstrate that non-compliance will not be tolerated. Effective enforcement, underpinned by an adequate sanctions regime, ensures non-compliance results in consequences that will put the violator in a worse position than those who have complied with their regulatory obligations. Additionally, the International Energy Agency, in its most recent review of Ireland’s energy policy in 2012, stated Ireland should ensure the powers of the CER were enhanced, as necessary, in order to ensure market and competition rules were strictly adhered to and that the interests of consumers were protected.

The CER possesses a range of enforcement powers, including directions, determinations, fines in certain limited circumstances and licence revocation. However, it is missing an effective range of administrative sanctions beneath the ultimate measure of licence revocation. The Bill provides for enhanced powers of investigation by the CER and specifically for the imposition of administrative sanctions, including financial penalties, in respect of defined “improper conduct” by energy undertakings. The Bill sets out a defined and structured process, both for the investigation of improper conduct by energy undertakings and for the related imposition of

sanctions. The CER will be empowered to carry out an investigation, as it considers necessary, in order to identify improper conduct by an energy undertaking. Inspectors can be appointed to carry out such investigations. The Bill empowers the CER to impose either major or minor sanctions, at the appropriate stage in the process, if it is satisfied that improper conduct, as defined, has been identified. A “major sanction” is a financial penalty, while a “minor sanction” means the issue by the commission of an advice, a caution, a warning or a reprimand, or any combination of these. The High Court will be involved in the case of imposition of major sanctions.

I will address the proposed change of name for the commission. The role of the CER now also includes the economic regulation of water services. In view of its expanded portfolio, it is both appropriate and timely to change its name from the Commission for Energy Regulation to reflect its current role. It is proposed, therefore, that the electricity, gas and water regulator will be known as the Commission for Regulation of Utilities, CRU.

I turn to the integrated single electricity market or I-SEM project. The Bill provides for a wider definition of the existing single electricity market. This will facilitate the North-South regulators’ project, known as I-SEM. This is a project that brings the single electricity market into full EU compliance. Compliance with new EU cross-border trading electricity codes, to enable closer integration with European electricity markets, is the responsibility of the Governments of Ireland and Northern Ireland. The current rules governing the existing all-island wholesale electricity market, the single electricity market, are not compatible with these new EU trading codes. Therefore, both Governments have tasked the SEM committee with developing new market arrangements for the all-island wholesale electricity markets. As I said, the new market is called the integrated single electricity market, I-SEM. This project is well under way and expected to be completed by the end of 2017. The Bill, accordingly, contains a change to the current SEM definition in the legislation to encompass I-SEM.

I propose to outline the provisions of the Bill. For the convenience of the House, a detailed explanatory memorandum has been published and it provides a synopsis of the provisions of the Bill. The Bill consists of 27 sections. Section 1 in Part 1 contains standard provisions concerning the Short Title and commencement. Section 2 is also a standard provision which provides for a number of definitions for ease of reference.

Section 3 provides for the repeal of a small number of redundant legislative provisions. It includes the repeal of the Intoxicating Liquor Act 1946 which is an obsolete provision. The Minister for Transport, Tourism and Sport is the “relevant Minister” with regard to this Act; however, that Department has requested that this provision be progressed via this Bill. Section 3 also provides for the repeal of section 27 of the Electricity Regulation Act 1999 and section 13(5) of the Gas Act 2002. These provisions are deemed to be obsolete.

Section 4 in Part 2 provides for the renaming of the Commission for Energy Regulation. I have already explained how this is to reflect its expanded regulatory role.

Section 5 in Part 3 amends the Electricity Regulation Act 1999. These amendments will enhance the commission’s powers of investigation and allow for the imposition of administrative sanctions on energy undertakings for improper conduct. Consequently, a number of new sections are being inserted into the Electricity Regulation Act 1999. These new sections are as follows: a new section 55 is inserted into the 1999 Act, which provides for a range of definitions, including definition of improper conduct; a new section 56 provides for the appointment

of an inspector to carry out an investigation on behalf of the commission; and a new section 57 sets out that the commission can carry out an investigation of the performance of any of the functions conferred on it by the Electricity Regulation Act 1999, or any other Acts of the Oireachtas. The commission may call such an investigation, as it thinks fit to be carried out, to identify any improper conduct by any energy undertaking. It also provides for the terms and conditions in regard to the appointment of an inspector.

A new section 58 sets out the powers of an inspector. These powers provide for the following: to enter and search premises and vehicles; to carry out examinations or inquiries; and to acquire the production of documents. An inspector may, if necessary, be accompanied by a member of the Garda, and may seek a warrant from the District Court to enable him or her to enter a relevant premises or private dwelling. Any person who obstructs or impedes an inspector is guilty of an offence. An inspector may, if he or she thinks proper, conduct an oral hearing on his or her own initiative, or if requested to do so by the energy undertaking.

A new section 59 sets out the actions to be taken by an inspector on completion of an investigation, including the drafting of the report following the investigation. Where the inspector is satisfied that improper conduct has occurred or is occurring, he or she cannot make any recommendation as to the sanction to be imposed on the energy undertaking.

A new section 60 sets out the action to be taken by the commission upon its receipt of the inspector's final report into the improper conduct. The commission must review and evaluate the inspector's report. The level of sanction to be imposed is a matter for the commission and not the inspector. Having considered an investigation report, and if it is satisfied on reasonable grounds that improper conduct is occurring or has occurred, the commission may impose either a major or a minor sanction. The commission may request the inspector to carry out further investigation or to take no further action, as it considers appropriate. Before making a decision, the commission may conduct an oral hearing or invite the energy undertaking to make submissions on the investigation report.

Factors to be taken into account by the commission in deciding the sanction to be imposed are set out in section 65. Any financial penalty imposed by the commission is subject to confirmation by the High Court, which can confirm or reject it, or impose a different sanction.

Sections 61 to 65, inclusive, to be inserted into the Act of 1999 deal with court procedures in regard to sanctions imposed by the commission. A new section 61 provides that a decision by the commission to impose a major sanction will not take effect unless the decision is confirmed by the High Court. Section 62 provides that a specified body may appeal a decision of the commission to impose a major sanction to the High Court. The High Court may confirm or counsel the commission's decision, or replace it with such decision as it considers appropriate. Section 63 provides that if the specified body does not appeal the decision of the committee to impose a sanction within the period allowed for such appeal, the commission must apply to the High Court to have its decision confirmed. Section 64 provides for an appeal by the commission or the specified body to the Court of Appeal on a point of law. It provides that any financial penalties imposed by way of major sanction shall be paid into the Exchequer, or disposed of for its benefit, in such manner as the Minister for Public Expenditure and Reform may direct. It also provides that the commission may recover its costs, as a simple contract debt, in any court. Section 65 includes a list of matters that must be considered by either the commission or the Court prior to the confirmation of a major sanction. Section 66 provides that the commission's power to impose administrative sanctions is without prejudice to any other power that the commission

has under this or any other Act.

Section 6 inserts a new Schedule 4 into the Electricity Regulation Act 1999. This Schedule provides for the holding of oral hearings by both an inspector and the commission. Sections 7 and 8 of Part 4 provide for the amendment to the definition of the wholesale electricity arrangements in section 2 of the Act of 1999, as inserted by the single electricity market Act of 2007. These are the I-SEM elements that I have previously mentioned. They refer to the arrangements in this State and in Northern Ireland, as described in a memorandum of understanding signed by both Governments in December 2006, relating to the establishment and operation of a single competitive wholesale electricity market. This is referred to as the “gross mandatory pool”. An additional transitional provision is also included in the Bill to allow the regulators to continue to operate under the current market definition, while developing the new, EU-compliant market rules, in preparation for the new market going live in late 2017.

Section 9 provides for the restatement of section 4 of the 1999 Act regarding the service of notices by the CER. The restatement provides for the service of notices by electronic means or by fax. Section 10 provides for a minor amendment to the existing provisions in section 6 of the 1999 Act in respect of timelines for the prosecution of offences under that Act. In line with other legislation, it is proposed to extend to 24 months, being the time for which summary proceedings for an offence under this Act may be brought.

Section 11 adjusts stated penalty amounts in the Electricity Regulation Act of 1999. It replaces the reference to a monetary amount with a reference to a “class A fine”. This brings the legislation in line with the Fines Act of 2010. It also increases the existing penalty provisions for offences in relation to unregistered gas installers and electrical contractors.

Section 12 makes minor amendments to existing provisions in the 1999 Act regarding the terms and duration of the appointment of authorised officers by the commission. It also provides for replacement of the reference to a penalty provision of €1,500 and up to 12 months imprisonment for obstruction, wilful non-compliance, and supplying false information with a reference to a “class A fine”. This is in line with the Fines Act 2010.

Section 13 provides for the closure of the carbon levy account. The carbon revenue levy accounts, as audited by the Comptroller and Auditor General, were laid before the Oireachtas on 3 July 2015. The money in the account was dispersed by the CER on direction from the Minister, with the consent of the Department of Public Expenditure and Reform, in March 2014. Some €35 million went to the energy efficiency fund, and the balance was returned to the Exchequer. The Comptroller and Auditor General suggested that the existing text of the Act did not appear to provide for the formal closure of the account. The proposed textual amendment to section 40(m) of the 1999 Act addresses this and provides for formal closure of the account. Section 14 places a statutory obligation on the CER to produce an energy strategy statement in respect of its energy remit.

Part 5 provides for the restatement in primary legislation of remit penalties. The EU Regulation on Wholesale Energy Market Integrity and Transparency, known as REMIT, is aimed at preventing market abuse in wholesale energy markets across the European Union. This regulation was given further effect in Irish law by statutory instrument No. 480 of 2014. The current legislation provides for offences in regard to contraventions, with fines on conviction of €50,000 for an individual and €500,000 for a body corporate. This is the maximum limit that may be imposed under secondary legislation. However, it is desirable that the current level of

sanctions be replaced by a more robust and appropriate sanctions model that is on a par with penalties in neighbouring jurisdictions. The Bill now restates the penalty provisions in primary legislation. This allows for increased penalties of up to €250,000 for an individual and up to 10% of turnover for a body corporate. Section 15 provides for the restatement of penalty provisions. It provides for increased penalties of up to €250,000 for an individual and up to 10% of turnover for a body corporate, as I have indicated.

Part 6 amends the Sustainable Energy Act 2002. Section 16 provides that any reference in this Part to “the Act of 2002” is to be read as a reference to the Sustainable Energy Act 2002.

Section 17 provides for amendments to the Sustainable Energy Act 2002 in respect of Sustainable Energy Authority of Ireland, SEAI, board appointments. It removes the requirement that on 1 May each year the three longest serving members on the board of SEAI must retire. Instead, it provides that members may be appointed for a period not exceeding five years, subject to a maximum of ten years of service.

Section 18 makes a minor technical amendment to the same Act in relation to the annual report of the authority. The Bill places an obligation on the Sustainable Energy Authority of Ireland to submit its annual report to the Minister within six months of the end of the financial year.

Part 7 amends the National Oil Reserves Agency Act 2007. It seeks to provide for greater flexibility by NORA in the administration of the biofuels obligations scheme. Section 19 provides that any reference in this part of the Bill to the Act of 2007 is to be read as a reference to National Oil Reserves Agency Act 2007. Section 20 amends the 2007 Act by the insertion of a new subsection 43A in the 2007 Act to provide arrangements between the Revenue Commissioners and the Minister for Communications, Energy and Natural Resources regarding the exchange of oil data. These data transfer arrangements will enable the Department to cross-check data received by it and, thereby, ensure that all oil importing companies are correctly paying the NORA levy in accordance with the Act.

Section 21 provides for minor amendments to section 44A of the Act to provide for a definition of a the term “reporting period” in the NORA Act 2007. Section 22 amends section 44G of the NORA Act 2007. The amendment enables the National Oil Reserves Agency to make a determination as to the deadlines in respect of each biofuel obligation period that are to apply to biofuel obligation account holders for submitting the relevant information to the agency; the closing date for receipt of applications for biofuel obligation certificates for an obligation period; and the timing and dates within an obligation period for biofuel obligation account holders to apply for certificates. It is provided that NORA shall publish this determination on its website.

Section 23 amends section 44H of the NORA Act 2007 to remove the specified deadlines for NORA to issue notices. Section 44H(2) of the Act is to be deleted. Section 44H(3) of the Act is to be amended to provide that NORA shall make a determination specifying the date by which it will issue a statement on any revised deadlines and that this shall be published on its website. Section 24 amends the 2007 Act to increase the deadline under section 44I, from 35 to 75 days, to provide for increased flexibility by the National Oil Reserves Agency.

Part 8 covers sections 25 to 27, inclusive. This Part provides for miscellaneous amendments to existing legislation. Section 25 provides for an amendment to the text of section 72(4)(b) of

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the Registration of Title Act 1964 to clarify that existing telecommunications deeds of easement shall have the same legal effect that section 72 of that Act already confers on deeds of easement for gas pipelines. Section 26 provides for a technical amendment to correct a numbering error that occurs within section 6 of the Continental Shelf Act 1968. Section 6 was inserted into the 1968 Act by the Petroleum (Exploration and Extraction) Safety Act 2015. Section 27 provides for the correction of a typographical error in section 13(1) of the Gas (Interim) (Regulation) Act 2002.

I look forward to working constructively with Senators and to an informed and meaningful debate, as is always the case in this House. The input from Senators on all sides of the House will help to advance the measures provided for in the Bill. I ask the House to note that I intend to bring forward a number of amendments on Committee Stage. I hope to introduce amendments to make provision for the imposition of a legal obligation on oil and energy companies to supply data to the Sustainable Energy Authority of Ireland and to the Minister for Communications, Energy and Natural Resources. This is to address reporting obligations by virtue of Ireland's membership of the International Energy Agency and other international organisations. I also hope to introduce additional provisions on the definition of improper conduct in the Bill. I look forward to working closely with the commission on ensuring the speedy implementation of the Bill's provisions following enactment.

**Senator Mark Daly:** I thank the Minister for coming to the House. We broadly welcome the Bill. Even though the European Union brought this matter forward for regulation in 2011, we are now in the dying days of this Government. We were promised that there would be a revolution in the way we do business in this House. It is ironic the Minister is here today because he was here also when we recalled the House one summer to debate organ donation as an EU regulation had been put through by a Minister but had not gone through the Dáil, the Seanad or a committee. We deal with legislation from the European Union very badly; it is all very last minute. I have no problem regulating the energy sector but I have a problem with the manner in which we transpose EU directives into Irish law and doing so at this late stage is not the best way to do produce legislation.

I have a few questions for the Minister. The Minister for Public Expenditure and Reform said that regulatory impact assessments would be carried out when this type of legislation came forward. At one stage, after almost two years of Government, only four regulatory impact assessments had been carried out. I refer to all areas of legislation, not just the energy sector. Assessing the impact a regulation will have on a sector is part of the reform promised when it came to drafting legislation. Has the Minister for Public Expenditure and Reform or the Department of Communications, Energy and Natural Resources carried out a regulatory impact assessment on this legislation, which deals with the energy sector?

Part 4 refers to an all-island energy sector, which is welcome. I know the response the Minister will give to my next point. The Joint Committee on Foreign Affairs and Trade met to discuss COP21. Therefore, it is ironic that the European Union has not introduced some provisions to tackle climate change when regulating the energy sector. The Minister is concerned about climate change and I am sure he will agree with me that the impact the energy sector has on climate change should be regulated as part of the remit of this legislation and the new body. As the EU directive dates back to 2011, why was climate change not into account? We will go through the legislation in finer detail when we debate the amendments.

I refer to the changes to the board. Honest to God, nothing ever changes. The fact the three

longest serving members of the board do not have to retire and the period concerned has been increased from five and ten years is not appropriate. As the energy sector is a powerful lobby, one cannot have people remaining on a board for long periods. Following the publication of the banking report, we know that if the regulators, or the people in charge of oversight, are there too long, they get too cosy. I have an issue with board members having an over-extended stay. New people bring new ideas and vigilance, which is important for a board. I am sure the people already appointed to the board are great, but that is not the issue. No one should serve on a State board for so long because Ireland is such a small country and one must deal with the same people all of the time. Therefore, new people would bring a fresh approach and new vigilance to an important position.

**Senator Cáit Keane:** I welcome the Minister to discuss this important legislation. Ireland is good at implementing European regulations. Is the Senator saying we should not implement European regulations in the dying days of this Administration? I congratulate the Minister for Communications, Energy and Natural Resources for bringing forward this legislation.

**Senator Mark Daly:** The legislation should have been brought in earlier.

**Senator Cáit Keane:** There are only so many hours in the day. The Minister has worked on the matter.

**Senator Mark Daly:** Four years.

**Senator Cáit Keane:** On the issue of energy not being incorporated into COP21, of course, it was. If one reads the climate change legislation, one will see every sector is charged with bringing forward a report, including the Minister's Department. Every sector must outline its targets in terms of that legislation. If we are asking for duplication of energy regulation, it is provided for in climate change targets that the relevant energy Department has to bring forward proposals and recommendations on how it is going to reach the target. It is incorporated in the climate change Bill.

The purpose of this Bill is to introduce a number of changes to existing legislation, as well as incorporating new legislation. I am amused that it refers to the Intoxicating Liquor Act 1946, which provided for the issuing of licences for certain premises in certain bogs. I see in the explanatory memorandum that a licence was never granted for such a premises and that provision was never used. I suppose the last place one would need somebody to be intoxicated would be on a bog, as he or she might fall in.

**Senator Mark Daly:** It might help if one was drunk.

**Senator Cáit Keane:** There are other places included also. The provision is now gone and it was never used. Regardless of how thirsty people are on the bog, they will not be able to drink now.

Section 4 deals with the amendment to the Electricity Regulation Act 1999 and renaming of the Commission for Energy Regulation to the commission for the regulation of utilities, CRU. That is in the light of the fact that the commission is now responsible for the economic regulation of water services, as per the Water Services Act 2013. Water services may have been outside the scope of this regulation in the absence of the establishment of Irish Water. It is necessary for there to be proper implementation and economic oversight powers for the water sector also. It is very welcome that the regulatory authority will oversee the provisions of the

Water Services Act as well.

Sections 7 and 8 deal with the miscellaneous amendments to the single electricity market, as the Minister announced. This relates to definitions of the wholesale electricity arrangements in the Single Market in the European Union relating to consumers of electricity and gas. It will enable cross-EU border harmonisation of markets and rules for the benefits of the consumers, which is important. We are all about protecting the consumer. In creating a single all-Ireland market with the UK Government, it will be by the end of 2017 a seamless part of the European Union and comply with the EU third energy package legislation.

I welcome section 11 which amends sections of the Electricity Regulation Act 1999 relating to fines, bringing in references to “class A”. The fines will go from €15,000 to €50,000, which is a major increase. It has to be done as it will hurt pockets. In the energy sector in particular, if fines are too low, there might be a temptation to do wrong. The class A fines are outlined in the Fines Act 2010 and can be applied in the case of dangerous work by installers, including gas and electrical installers. As such dangerous work may cost lives, I congratulate the Minister for bringing forward this provision. It will bring a major benefit to the consumer and I urge every consumer, when he or she is employing somebody to do this type of work, to carry out the proper registration checks in order that installers comply with the regulations laid down. It is important as we all know that gas and electricity are some of the most dangerous components in a house.

Section 15 increases penalty provisions to up to €250,000 for individuals and up to 10% of turnover for a corporate body. That is also welcome and will bring Ireland in line with the rest of the EU. Sections 16 to 18, inclusive, relate to changing the terms of office of members of boards. If somebody is performing badly we want to be able to get rid of that person but if somebody is well we want to be able to retain him or her rather than have a revolving door, with every new person having to learn on the job. This provision will help in that respect. I welcome that the annual report of the Sustainable Energy Authority of Ireland, SEAI, will have to be produced within six months of the end of its financial year. I congratulate the SEAI on its work. We have all taken advantage of its good website, as well as everything else. It is great for the ordinary householder to be able to check in and see what the authority is doing. It is a very valuable website and authority.

Section 5 deals with new powers for the regulator and the enhancing of investigative powers. The Minister mentioned regulatory sanctions. It is welcome that the regulatory sanctions are incorporated into the Bill in section 56, imposing administrative sanctions for licensees who breach statutory regulations. Section 58 allows for the inspectorate to enter and search a premises and vehicles. It is a very serious and necessary power, although it cannot just go in willy-nilly. It may apply to the District Court to search private premises if the investigator believes evidence may have been moved off site. It is important to state that this must be done correctly, with the use of warrants from the District Court. Under section 59, the investigator must produce a report, with a draft report to be sent to the body that is being investigated. I welcome that provision because there is no point in an investigated body being told about it at the end of the day. It will have the opportunity to see the draft report and make a submission on it. It is only fair, as very often there are two sides to every story. It is a good provision.

Section 60 deals with the actions by the regulator and how to deal with the investigator’s report. If it is found, on reasonable ground, that there has been a breach in the regulation, the regulator may impose a minor or major sanction. It may also hold an oral hearing, where what

may not be written on paper can come out. Sections 19 to 24, inclusive, deal with amendments to the National Oil Reserves Agency Act 2007. The Minister referred to it as “NORA” and it is nice to see a woman’s name on an organisation at last. This will enable the sharing of information between the Revenue Commissioners and the Minister for Communications, Energy and Natural Resources. I welcome this as the Revenue Commissioners should have shared information with every body or agency in order that it can have an all-encompassing picture of everything that happens with all companies. This will ensure that oil importing companies will pay the correct NORA levy.

I wanted to finish with the biofuel obligation but as the Minister mentioned it, I will not go into it. I support the legislation and hope it will receive support throughout the House.

**Senator Kathryn Reilly:** I welcome the Minister and advise him that I may go off on a tangent. It is one of the final opportunities I will have to address him on issues pertaining to his portfolio. We are dealing with a miscellaneous Bill that includes provisions for the single electricity market; therefore, I will use the opportunity to briefly discuss the North-South interconnector. An argument made for this project should be evaluated in a single integrated hearing, with a new body perhaps being set up to encompass both the North and South. The foundation of the argument is that the North-South interconnector, although it is an all-Ireland project, is being analysed independently in the two different jurisdictions, using completely different processes and regulations. It has been argued that it should be analysed using a single integrated assessment process, even if that requires the setting up of a new body. I know that the European Union has designated this is a project of common interest; therefore, elements that concern the North are important to the South and *vice versa*. Currently, there is the potentially absurd possibility that the project could be approved in the South and refused in the North or *vice versa*. The question would then be what would happen.

From a practical perspective, there is a need for each submission, North and South, to use and rely on information from the other jurisdiction. Some examples have been provided for me. The 1 km route corridor for the South section covers a significant area in the North that is close to the Border. One of the photo montage sites for assessing the visual impact in the South is located in the North and some of the whooper swan nesting sites and flight path routes for the South’s submission are also recorded as being in the North. The EirGrid traffic management plan for the southern submission includes a significant area within the North. Some of the archaeological and heritage sites impacted by the southern submission are again recorded in the North, close to the Border. A landholding in the North traverses the Border into the South and a residence in the South is only 44.1 m from the line, which goes into the North. Some of the maps used down here state the following, “Note: This material is based upon Crown copyright and is reproduced with the permission from the Controller of Her Majesty’s Stationery Office”.

One cannot make an environmental impact assessment and not consider the impact it will have on the North. That is equally true in terms of assessments made in the North and which impact on the South. What is the Minister’s opinion on this and the feasibility of some all-island planning tribunal?

It would be remiss of me not to use this, one of my last opportunities to address the Minister, to further tease out once more the issue of the North-South interconnector. I know we have done this before, it has been discussed in the other House as well, and it is one of the big issues dominating the political agenda as we come into the general election. Last Thursday, 21 January, An Bord Pleanála announced that it will hold an oral hearing into the resubmitted

planning application by EirGrid for the North-South interconnector. As the Minister is aware, the original application had been withdrawn in 2010, seven weeks after the hearing had commenced. That particular application by EirGrid in 2010 sought approval for a 400,000-volt interconnector using around 410 pylon towers and overhead lines, stating that an underground option was not technically feasible. The resubmitted application in 2016 is seeking approval for that. An underground option is now feasible but is not considered desirable by EirGrid. The Minister is aware of the scale of the large public opposition to the North-South interconnector as it is proposed with the overground pylons. I am of the view that the project itself will be in jeopardy if an underground alternative is not forthcoming in the future. I recognise that the project is important in supplying electricity and would never be under any illusion that it is not but it is important to highlight the opposition that is there to the plan as proposed. Campaigns such as North East Pylon Pressure, NEPP, have raised concerns in respect of oral hearings. NEPP is requesting that anyone who has made a written submission should have an automatic right to participate at the oral hearing, irrespective of their submission request date. NEPP also has questions and concerns about the proceedings on the day. It is important that the Minister in his reply to the debate deals with the all-Ireland planning issue.

**Senator John Kelly:** I welcome the Minister. I am not the spokesperson on energy. This Bill was supposed to be taken by Senator John Whelan, who is not here, and Senator Denis Landy, who had to leave early. I have only just seen the contents of the Bill and, whereas I broadly welcome it, I have an issue with Part 6, section 17, which according to the explanatory memorandum, provides for the removal of the requirement that on 1 May each year, the three longest serving members of the board of the Sustainable Energy Authority of Ireland must retire. Therefore, instead of removing the members of the board after three years, they can now stay for five years and up to a maximum of ten years.

Since I was elected to this House I have been supporting the people of rural Ireland who are against the erection of wind farms too near to their homes. I introduced a Bill in 2012 with a provision for reasonable set-back distances. When Deputy Alan Kelly became Minister for the Environment, Community and Local Government, he broadly supported the contents of my Bill and has done everything in his power since then to bring about proper set-back distances, yet the Minister, Deputy Alex White's Department has blocked him every step of the way. That is the sad reality.

I have also fought against the unnecessary pylons that are proposed for certain parts of the country. As I have said in this House on numerous occasions, the Sustainable Energy Authority of Ireland, SEAI, is pro-wind energy. I have rarely heard the organisation talk about any other alternative green energy project. It is concerned with wind energy and in this respect, clear conflicts of interest within SEAI have been raised in this House. I do not want to get personal with the Minister, nor will I, but the people generally believe there is an agenda. Since the Minister is a barrister and has good skills to argue the toss on this issue, I have no doubt he will do so with me, but he will not convince the people of rural Ireland that there is not an ongoing agenda. This smacks totally of cronyism and I will not support the Bill in its entirety unless that section is removed.

**Senator Cáit Keane:** We are all for wind energy.

**Senator John Kelly:** I am not.

**Senator Cáit Keane:** I am from rural Ireland also.

**Senator Mark Daly:** There is too much wind here.

**Minister for Communications, Energy and Natural Resources (Deputy Alex White) (Deputy Alex White):** I thank Senators for their contributions and particularly for their constructive input into the debate. I welcome the general support that I have heard for the Bill. I look forward to early consideration of the Bill on Committee Stage.

I wish to correct what I believe is a genuine misapprehension on the part of Senator Mark Daly about the Bill. It is not about transposing an EU directive from 2011. What the Bill does is to give in some cases further effect to certain regulations, but it does not bring those regulations or any directive into Irish law because they are already in Irish law. We are, therefore, extending their application in some cases because of the requirements that have arisen in the years intervening. The situation is not at all that there was something that we could have done in 2011, 2012 or 2013 that we left to the last minute. I do not know where that misapprehension arose. I am not trying to say there have not been delays for good or other reasons in bringing forward legislation, whether by this or previous governments. I take Senator Mark Daly's general point about those matters and the importance of bringing forward legislation quickly and in a timely way but this is not an example of a situation where a government has delayed transposing an EU directive in the manner which he perhaps genuinely thought that it was.

Regarding the regulatory impact assessment, I can tell the Senator that one has been carried out regarding this legislation and was published on the website of my Department last year.

Senator Cáit Keane made some reference to the issue of climate change generally, our approach to it and what we need to do. Important legislation was passed, as the Senator referenced, at the end of 2015 relating to the policy and legislative approach to the adverse impact of climate change and the need for a low-carbon response across public policy, particularly in the area of energy, but in other areas also. The Minister for the Environment, Community and Local Government, Deputy Alan Kelly, brought through both Houses that very important legislation, which will drive at a high, legislative level all of our efforts.

The Government published a White Paper on energy, which I produced, at the end of last year also, and that will be a big driver for our policy response in the energy sector. We are doing a lot. We have put in place many instruments and measures in respect of the response to climate change. Whereas climate change is never far away from energy policy, I agree that it is lurking there all the time in terms of what we need to do and what responses we need to have in our energy policy. This is not climate change legislation. It contains specific provisions and the Senators will find elsewhere the more general policy response to climate change which I believe is taking place. We need to understand that climate change is taking place. I will return to the issue of wind energy but it is important we understand that if we do not take one approach then we need to take some other approach because climate change is a very real threat and a very real challenge for all of us.

I respectfully disagree with Senators Mark Daly and John Kelly on their point in respect of the SEAI. I thank Senator Cáit Keane for her references to the SEAI, the value of the organisation, the work that it does and the information that it disseminates through its website and otherwise. It is a very important and progressive agency that reaches out to the public and makes information available to individuals, communities and business. It is extremely important that it should do so. It is at the centre of our work of transforming the energy sector and I believe it has proved itself to be an enormously important body.

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There is a relatively small change in the Bill to remove the unique provision whereby the longest serving members have to retire each year. It is hard to see the value of such a provision. There is something arbitrary about a situation where every year, three members of the authority are being lost; therefore, no matter what one's perspective on energy policy or what the Government should be doing in that regard, it does not seem to make much sense to shuffle out three individuals every summer and replace them with three more.

I take Senator Mark Daly's point about the importance of turnover and new people coming into organisations, not just the SEAI, but all organisations, public bodies and State agencies. He is right. There are provisions in legislation to allow appointments to be made at different stages in the cycle. I am thinking of some other bodies within my remit, for example, RTE. In those cases, people are appointed for up to five years; therefore, it is open to a Minister, as I have done in some cases, not to appoint all the new people for five years but appoint some of them for three years, allowing the next Minister to have some new appointments after three years and then they or their replacements can be appointed for five years thereby staggering the appointments. That is probably good policy. However, the provisions of the Act are quite arbitrary. There needs to be continuity in these organisations. It is not fair and I completely reject Senator John Kelly's suggestion that the SEAI is in some way biased or there is cronyism at work or whatever phrase he used. There is no basis for it. The organisation has acted absolutely independently in accordance with its statutory remit. It is not fair to level that kind of unspecified criticism at the organisation or at any of its members.

We are bringing the SEAI appointment process into line with other State agencies. Sometime during the course of last year, the Government appointed a new chair and a considerable number of the members of the SEAI were replaced last year under the new PAS system. There were multiple applications under the PAS system and a list of suitably qualified persons, who had applied, was forwarded to me, as Minister. From that list, I forwarded proposals to the Government for nomination for appointment to the board of the SEAI. The PAS system is working well, and it worked very well in the appointments to the SEAI in recent months and taking that approach will serve us very well in the period ahead.

I maintain my view, respectfully, that we should make the change we propose. Of course, there is a maximum of ten years, which is certainly appropriate. Two terms of five years is realistically enough for any individual to serve on any public body or State agency and that is what we propose to apply.

Senator Kathryn Reilly asked about the North-South issue. The obvious obstacle to her proposal for some sort of North-South regulatory institution is that we have two separate jurisdictions. Although there is quite a lot in common and we share the island together, we still have two separate jurisdictions. It is not really possible along the lines the Senator is suggesting in some sense to merge the planning process or regime, North and South, into one unified planning code. I say respectfully that I do not think that would be possible. Having said that, there is a very strong case for the closest possible North-South co-operation, particularly in an area such as energy policy. We have it in terms of the all-island electricity single market. It is unique in Europe to have a cross-jurisdictional electricity market on the island of Ireland. It is a very valuable development economically and it is one we should nurture and maintain, which is what we are doing. The regulators, North and South, are working together on the rebooting into this new I-SEM that I mentioned in my earlier speech. It is aligning the all-island electricity market with EU requirements and looking at all the different technical coding systems and so on that are needed to ensure the all-island electricity market in Ireland is aligned with the legal

context that we have to deal with in terms of the European Union. That work is happening in close collaboration.

I will not comment in any substance on the North-South interconnector. That matter is before An Bord Pleanála and procedures for an oral hearing and so on are matters for the board. It deals with the planning application in accordance with the law and the regulations in place. It would not be for me to express any view on An Bord Pleanála's handling of that matter. It is in the planning application process and we look forward, ultimately, to a decision being made by the board. I reiterate in the strongest possible terms - in fairness to the Senator, she agrees although she has objections to some aspects - the critical importance of the North-South interconnector to the single electricity market and to the wider economic fortunes of the entire island. I am not exaggerating to express that view that the North-South interconnector is of such great importance to us all, North and South.

I believe I have addressed the principal issues Senators raised in their contributions. I again thank the Members for their contributions. This is technical legislation and perhaps not the most entertaining legislation Members have had to consider. I welcome their attention to it and their contributions. I look forward to engaging further on Committee Stage.

**Senator Mark Daly:** I have a short question on the regulatory impact assessment. Publishing last year a regulatory impact assessment of a Bill that we are discussing this year is putting the cart before the horse. Will the Minister ask his officials to send it on to the spokespersons?

Question put and agreed to.

**Acting Chairman (Senator Terry Brennan):** When is it proposed to take Committee Stage?

**Senator Cáit Keane:** On Tuesday. I hope we will be here.

Committee Stage ordered for Tuesday, 2 February 2016.

**Acting Chairman (Senator Terry Brennan):** When is it proposed to sit again?

**Senator Cáit Keane:** On Tuesday at 2.30 p.m.

**Senator Mark Daly:** With the help of God.

The Seanad adjourned at 3 p.m. until 2.30 p.m. on Tuesday, 2 February 2016.